

# The Road to Ruin?

## Electric vehicles and workers' rights abuses at Congo's industrial cobalt mines

### CORRESPONDENCE BETWEEN RAID/CAJJ AND SMELTERS/REFINERS

#### Table of Contents

<b>Gem Co.....</b>	<b>1</b>
Letters from RAID and CAJJ.....	1
Response from Gem Co.....	11
<b>Huayou Cobalt (No response) .....</b>	<b>12</b>
Letters from RAID and CAJJ.....	12
Follow-up emails from RAID and CAJJ .....	22
<b>Jinchuan Group (No response).....</b>	<b>25</b>
Letter from RAID and CAJJ .....	25
Follow-up emails from RAID and CAJJ .....	30
<b>Umicore.....</b>	<b>32</b>
Letter from RAID and CAJJ .....	32
Response from Umicore .....	37



13 September 2021

**Xu Kai Hua**

Chairman

GEM Co.

20F Block A, Marina Bay Center, South of Xinghua Rd.

Baoan District, Shenzhen

China

**Cc: GEM International Green Supply Chain Management and Commerce Department**

Floor 20, Building A, Rongchao Binhai Tower, South of Xinghua Road

Baoan District, Shenzhen

China

*Via email*

Dear Mr Kai Hua,

**Re: Working Conditions in DRC Cobalt Mines**

We are two civil society organizations writing in relation to our current research into abusive working conditions at several large industrial copper and cobalt mines in the Democratic Republic of Congo (DRC). We believe that some of the cobalt sourced from these mines may have entered your smelting and refining processes. We have a number of questions about your supply chain that we hope you might be able to answer.

RAID is a UK-based non-governmental organisation that exposes corporate abuses and human rights violations, standing with those harmed to hold companies to account. We have been partnering with civil society actors in Congo for more than 23 years. The Centre d'Aide Juridico-Judiciaire (CAJJ) is a Congolese charity based in Kolwezi, which provides legal assistance to workers and others whose human rights have been abused.

At the end of 2020, our organisations conducted a detailed field mission and interviewed more than one hundred current and former mine employees at five of the largest industrial cobalt mines. The companies operating these mines are Kamoto Copper Company (owned by Glencore), Tenke Fungurume Mining (owned by China Molybdenum Co.), Metalkol (owned by Eurasian Resources Group), Sicominex (a joint venture between Gécamines, SIMCO and a consortium of Chinese companies) and Somidez (a joint venture between Gécamines and China Nonferrous Metals Co). Together these five companies produce a substantial amount of cobalt originating from the DRC. Alongside workers at these mines, we also interviewed members of civil society, union representatives, lawyers, local authorities and medical staff, amongst others.

Our research raises important concerns about respect for workers' rights at these mines, and demonstrates that cobalt mined under problematic conditions is likely to be entering the global supply chain.

Our findings across the five industrial copper and cobalt mines where we conducted research indicate the following:

1. The extensive use of labour agencies to supply the mines with workers. Numerous people we interviewed said they believe the mines have chosen to outsource a significant portion of labour to sub-contracting companies to reduce costs and to minimize the employment of Congolese workers on permanent contracts that ensure stronger legal rights and benefits.
2. Scores of workers hired through labour agencies to perform work at the industrial mines told us their working conditions were exploitative and abusive. They said:
  - a. They are hired mostly on temporary contracts, resulting in job insecurity and financial instability, and face significant barriers in forming or accessing unions;
  - b. They work extremely long hours, sometimes up to 14 hours a day, and receive low salaries that do not provide them with a living wage;
  - c. They receive inadequate Personal Protective Equipment (PPE);
  - d. They are not provided with adequate, free healthcare, but only a bare subsidy, which does not cover their needs or those of their families; and
  - e. They are not provided with adequate clean drinking water while on the job, despite doing heavy manual work often in hot and humid temperatures.
3. Some workers described serious violent assaults, physical and verbal abuse against them, and highly dangerous working conditions, particularly in (though not limited to) Chinese-operated mines.
4. Congolese workers said they were discriminated against in the course of their employment (racial slurs, low pay and low-skilled positions, segregated kitchen and toilet facilities, etc.) and provided with minimal or no opportunities for promotion in contrast to foreign workers.
5. At some of the mines, medical staff and workers reported that mining companies conceal and/or ignore life-threatening and chronic illnesses caused by working conditions, including possible silicosis and asbestosis.
6. Some of the mining companies appear to have engaged labour agencies/sub-contractors that have limited or no relevant prior experience and are linked to local political elites, according to people we interviewed.

While not all of the above were found at each mine, the overall picture that appears to be emerging is deeply troubling. In 2020, about 58% of the global supply of cobalt was produced by the five mines featured in our research. As a result, there is a high likelihood that cobalt mined in conditions that are abusive to Congolese workers is entering the global cobalt supply chain. We have written to all of the mines listed above raising our concerns and requesting further information about the working conditions.

International standards on business and human rights establish a responsibility for cobalt smelters and refiners to respect human rights. The *UN Guiding Principles on Business and Human Rights* (UNGPs), the *OECD Guidelines for Multinational Enterprises*, the *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas* and the *Chinese Due Diligence Guidelines for Responsible Mineral Supply Chains* recommend that companies have in place adequate due diligence systems to identify, prevent and mitigate human and labour rights abuses in their supply chains. The *OECD Due Diligence Guidance for Responsible Business Conduct* further elaborates practical guidance on how upstream companies may meet these objectives.<sup>1</sup>

We are currently reviewing all publicly available information relating to your supply chain and sourcing practices, including documents in which you refer to some of the international standards mentioned above. Among others, we have reviewed your *Supplier Code of Conduct*, your *Suppliers Standards for Responsible Procurement*, your *Due Diligence Policy for a Responsible Global Supply Chain*, your *Labor Policy*, as well as credible media sources.

Below, you will find questions constituting areas where we seek clarification on the content of your policies, your human rights due diligence processes – in particular in relation to risks of labour rights abuses –, and your business practices with your cobalt suppliers.

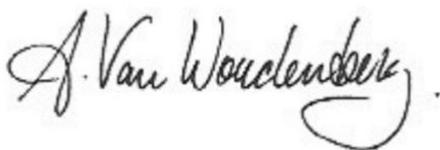
We plan to publish a public report on our research and your answers are important to ensure we have a thorough understanding of the way you approach your cobalt supply chain and report accurately on it. In the interest of balanced and fair reporting, we strive to reflect all relevant information in our research and publications. Your response will be taken into account in our forthcoming publication.

Please send any information to RAID. If you require any further clarifications or if you have questions, please do not hesitate to contact us. We would welcome an opportunity to discuss these concerns with you.

We would be grateful to receive your response by 24 September 2021.

Thank you and we look forward to hearing from you.

Yours sincerely,



Anneke Van Woudenberg  
Executive Director  
Rights and Accountability in Development (RAID)



Josué Kasha  
Monitoring and Evaluation Manager  
Centre d'Aide Juridico-Judiciaire (CAJJ)

<sup>1</sup> OECD, *OECD Due Diligence Guidance for Responsible Business Conduct* (2018), 76-81.

## Questions from RAID and CAJJ to GEM Co.

To: GEM Co.  
Date: 13 September 2021  
Subject: Working Conditions in DRC Cobalt Mines

---

### Supply chain mapping

1. How many of the mining companies you source cobalt from operate in the copper/cobalt belt of the DRC? Could you please provide a detailed list of these companies?
2. In order to ensure the transparency of your supply chain, have you taken any steps to make information about your cobalt suppliers publicly available? If so, could you please indicate in which documents this information can be found?

### Supply chain due diligence

3. What specific criteria do you use to conduct human rights risk assessments of your cobalt suppliers at both tendering and renewal stages? Please, also include information about specific procedures and criteria in place to identify whether your suppliers conduct adequate human rights due diligence.
4. Are labour rights and human rights concerns (e.g. mandatory benefits, illegal renewal of fixed-term contracts, non-discrimination, etc.) included in your due diligence requirements for your cobalt suppliers? Could you please provide further information, including written procedures, which detail your supplier due diligence requirements?
5. How many on-the-ground assessments have you conducted at your cobalt suppliers' mine sites in the past 5 years? Please detail at which mine sites these assessments took place.
6. What programs do you have currently in place to build the capacity of your suppliers and to improve their adherence to your due diligence expectations?

### Risk mitigation

7. Through your on-the-ground assessments and due diligence processes, have you identified serious labour rights violations by your cobalt suppliers? Please provide specific details including the companies implicated and the types of labour and human rights abuses identified.
8. In instances where you identified labour and human rights harms at mine level, what specific steps have you taken to mitigate and/or remediate these harms? In these processes, have you collaborated with your cobalt suppliers or other smelters/refiners?

Please, provide additional details, including written procedures, about measures and initiatives taken.

9. Have you ever taken corrective action or terminated/suspended a business relationship with cobalt suppliers due to their inability or unwillingness to meet your due diligence requirements? On what specific grounds were these actions decided? Please, break this down by company if it is appropriate.
10. Do you share the results of your risk assessments with the manufacturers that purchase refined cobalt from your company? Please detail the communication channels in place at Gem Co. to share this information with companies down your supply chain.
11. Have any of the companies down your supply chain (e.g. battery component manufacturers, battery manufacturers, electric vehicles manufacturers, etc.) required that your due diligence practices be assessed through independent third party audit? Please provide specific details, including the companies that have required auditing of your due diligence practices.
12. What was the outcome of these audits?

### **Production**

13. Could you please indicate your approximate consumption of unprocessed cobalt for 2019 and 2020? What is your projected consumption for 2021 and 2022?



2021年9月13日

许开华

董事长、总经理

格林美股份有限公司

中国深圳市宝安区新中心区海秀路荣超滨海大厦 A 栋 20 层

Cc: 格林美国际绿色供应链管理与商务部

中国深圳市宝安区新中心区海秀路荣超滨海大厦 A 栋 20 层

**通过电邮**

尊敬的许先生：

**回复关于：刚果（金）钴矿区的工作条件**

我们来自于两个民间社会组织，致函贵司是有关我们近期对刚果（金）(DRC) 几个大型工业铜钴矿恶劣的工作条件的研究。我们认为，部分来自这些矿区的钴可能已进入贵司的冶炼及精炼环节。我们有一些关于贵司供应链的问题，希望能得到您的解答。

RAID 是一家位于英国的非政府组织。我们揭露公司滥用职权以及侵犯人权的行为，协助受害方向公司问责。我们与刚果（金）的民间社会参与者合作已逾 23 年。The Centre d'Aide Juridico-Judiciaire (CAJJ) 是一家位于科卢韦齐的刚果慈善机构，为人权受到侵犯的劳动者以及其他人员提供法律援助。

2020 年底，我们进行了详细的实地考察，采访了五个最大的工业钴矿的一百多名在职和离职员工。经营这些矿区的公司包括 Kamoto 铜业公司（嘉能可所有）、Tenke Fungurume 矿业（洛阳栾川钼业集团股份有限公司所有）、Metalkol（欧亚资源集团所有）、Sicomines（由 Gécamines、SIMCO 以及中方企业集团共同组成的合资企业）和 Somidez（Gécamines 与中国有色矿业集团有限公司的合资企业）。这五家公司生产了大批量的钴，而这些钴源自刚果（金）的钴矿。除了这些矿区的劳动者，我们还采访了民间团体成员、工会代表、律师、地方当局以及医务人员等。

我们的研究发现，矿区对劳动者权利的态度令人担忧。并且，劳动者在有工作条件下开采的钴可能正流入全球供应链。

我们对五个工业铜钴矿的研究结果表明：

1. 矿区大量使用劳务中介为其提供劳动者。接受我们采访的许多人认为，矿区选择将很大一部分劳动力外包给分包公司以此降低成本，并最大限度地减少刚果籍劳动者签订长期合同的可能性，而正是这些长期合同能确保劳动者获得更多的合法权益。
2. 数十名通过劳务中介在工业矿区工作的劳动者告诉我们，他们的工作条件具有剥削性和虐待性。他们说：
  - a. 他们大多通过签订临时合同受雇，因而没有工作上和经济上的保障，在组建或加入工会方面也面临重大障碍；
  - b. 他们工作时间极长，有时一天长达 14 小时，并且工资很低，不足以维持生活支出；
  - c. 他们的个人防护装备 (PPE) 不足；
  - d. 他们没有得到足够的免费医疗保障，而只有一份简单的补贴，不足以满足他们或他们家人的需要；并且
  - e. 尽管他们经常在炎热潮湿的环境下从事繁重的体力劳动，但他们在工作时却得不到足够的清洁饮用水。
3. 一些劳动者描述了他们曾受到的严重的暴力攻击、身体和言语虐待以及高度危险的工作条件，特别是在（但不限于）中国经营的矿区。
4. 刚果籍劳动者称他们在就业过程中遭受歧视（种族歧视性质的辱骂、低廉的薪水和低技能的职位、种族隔离的厨房和厕所设施等），与外国劳动者相比，他们获得的晋升机会很少甚至没有。
5. 一些矿区的医务人员以及劳动者报告说，矿区的工作条件有可能引发危及生命的慢性疾病，包括有可能发生的矽肺病和石棉肺病，而矿业公司却隐瞒和/或忽视这一情况。
6. 据我们采访的人士称，一些矿业公司聘请的似乎是先前经验有限甚至没有相关经验且与当地政治精英有关联的劳务中介/分包商。

虽然我们并非在每个矿区都发现了所有上述情况，但呈现出来的整体趋势令人极度不安。2020 年，全球约 58% 的钴供应来自我们的研究中所涉及的五个矿区。因此，刚果籍劳动者在具有虐待性的条件下开采的钴很有可能正流入全球钴供应链。我们已经给上面列出的所有矿区致信，提出了我们的担忧，并要求他们就劳动者的工作条件提供更多信息。

商业和人权方面的国际标准规定了钴冶炼厂及精炼厂有责任尊重人权。《联合国商业与人权指导原则》(UNGPs)、《经合组织对跨国公司的指导方针》、《经合组织关于来自受冲突影响和高风险区域的矿石的负责任供应链尽职调查指南》以及《中国负责任矿产供应链尽责管理指南》都建议公司建立适当的尽职调查系统，以识别、预防以及减轻其供应链中

侵犯人权和劳工权利的行为及其影响。《经合组织负责任商业行为尽职调查指南》进一步提供了有关上游公司如何实现这些目标的实用指南。<sup>1</sup>

我们目前正在审阅与贵司供应链及采购行为相关的所有公开信息，贵司在其中一些文件中也有提及上述列出的一些国际标准。其中，我们阅览了贵司的《供应商行为准则》、《关于负责任采购的供应商标准》、《格林美负责任全球供应链的尽责管理政策》、《劳工政策》以及可靠的媒体资源。

我们希望与您就贵司的政策内容、人权尽职调查流程（尤其是与侵犯劳工权利风险相关的）以及贵司与钴供应商的业务往来等方面澄清一些问题。您能在信件下方看到这些问题。

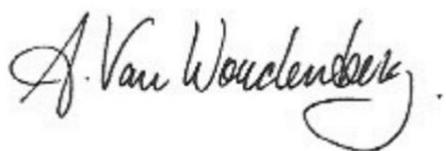
我们计划根据我们的研究结果发布一份公开报告，您的回答对于确保我们全面了解贵司处理钴供应链的方式并准确作出报告至关重要。基于公平及平衡报告原则，我们努力在我们的研究以及出版物中反映出所有相关信息。我们在出版文章时也会考虑到贵司所作出的回复。

请您通过 将信息发送给 RAID。如果您需要任何进一步的说明或有任何疑问，请随时与我们联系。我们期待能有机会与您就我们所提出的疑虑进行讨论。

如果能在 2021 年 9 月 24 日之前收到您的回复，我们将不胜感激。

感谢您，我们期待收到您的来信。

此致，



Anneke Van Woudenberg  
Executive Director (执行主任)  
Rights and Accountability in Development (RAID)  
(发展中的权力与义务)



The stamp is circular with the text: "CENTRE D'AIDE JURIDICO JUDICIAIRE", "BP 1, AV. KASAVUBU", "VILLE DE KOLWEZI", "PROVINCE DE LILALABA", "R.D. CONGO", and "DROITS DE L'HOMME". A handwritten signature in blue ink is written over the stamp.

Josué Kasha  
Monitoring and Evaluation Manager  
(监测与评估主任)  
Centre d'Aide Juridico-Judiciaire (CAJJ)  
(法律及司法援助中心)

<sup>1</sup> 经济合作与发展组织, 经合组织负责任商业行为尽职调查指南 (2018, 76-81)。

## RAID 以及 CAJJ 向格林美股份有限公司提出的问题

收件人：格林美股份有限公司

日期：2021 年 9 月 13 日

标题：刚果（金）钴矿区的工作条件

---

### 供应链追溯

1. 贵司向其采购钴的矿业公司中有多少家在刚果（金）的铜/钴矿带开展业务？贵司可否提供这些公司的详细名单？
2. 为了保证供应链的透明，贵司是否采取了相关措施来公开您的钴供应商信息？如果有，您能否说明在哪些文件中可以找到这些信息？

### 供应链尽职调查

3. 在招标和续约阶段，贵司采用哪些具体标准来对钴供应商进行风险评估？贵司有哪些具体流程与标准用来审核供应商是否进行了充分的人权尽职调查？请您提供关于这些流程与标准的相关信息。
4. 贵司对钴供应商的尽职调查是否包括对劳工权利以及人权问题的调查（例如不提供法定福利、非法续签定期合同、歧视等问题）？您能否提供更多相关信息来详细说明贵司对供应商的尽职调查要求，包括涉及的书面流程？
5. 在过去 5 年中，贵司对您的钴供应商进行了多少次矿场的实地评估？请详细说明这些评估是在哪些矿场进行的。
6. 贵司目前用哪些项目来培养供应商的能力以促使其更好的达到贵司的尽职调查期望？

### 降低风险

7. 贵司在实地评估及尽职调查过程中是否发现您的钴供应商中存在严重侵犯劳工权利的行为？请详细说明涉及的具体公司以及已明确的侵犯劳工权利及人权的行为类型。
8. 贵司在发现矿区发生劳工权以及人权的侵害后，采取了哪些具体步骤来减轻和/或补救这些侵害的影响？在这些过程中，贵司是否与您的钴供应商或其他冶炼厂/精炼厂合作？请提供详细信息包括书面流程，来说明贵司所采取的具体措施与举措。

9. 贵司是否曾因钴供应商无法或不愿达到您的尽职调查要求而采取纠正措施或终止/暂停与他们的业务关系？贵司采取这些行动的具体依据是什么？如有可能，请按公司对其进行细分。
10. 贵司是否与向您购买精炼钴的制造商分享贵司的风险评估结果？请详细说明格林美股份有限公司现有的与供应链下游公司共享此类信息的沟通渠道。
11. 贵司供应链下游的公司（例如电池组件制造商、电池制造商、电动车制造商等）是否要求贵司通过独立的第三方审计来评估您的尽职调查实践？请提供具体细节，包括提出对贵司的尽职调查实践进行审计的公司。
12. 这些审计的结果如何？

## 生产

13. 请说明贵司 2019 年和 2020 年钴原料的消耗量大约是多少？预计 2021 年 2022 年的消耗量是多少？

Re:Re: 刚果钴矿的恶劣工作条件 / Abusive working conditions at cobalt mines in DRC

绿色供应链申诉

Fri 29/10/2021 16:31

To: Anneke Van Woudenberg

Dear all,

Sorry for the late reply.

First of all, transparency is a fundamental business philosophy of our company. You can obtain the supply chain information of our company through public information from us.

As for your feedback, we need to clarify as follows:

1. We are communicating these issues with our suppliers. We are urging the supplier to clarify these issues. If necessary, we will encourage suppliers to improve these issues gradually.
2. Both we and our supplier have established a Due Diligence management system in accordance with the OECD Guidelines. We are all have passed RMI'S RMAP audit. You can confirm this information from the RMI website: [Conformant Cobalt Refiners \(responsiblemineralsinitiative.org\)](https://responsiblemineralsinitiative.org).
3. In view of the Due Diligence management of the global cobalt supply chain, the human rights issues of Artisanal and Small-scale Mining (ASM) are far worse than those of Large-scale Mining (LSM), and we suggest that NGOs should pay more attention to the Human Rights situation of ASM.
4. We and our customers are committed to the development of low-cobalt and cobalt-free battery materials to minimize the usage of the amount of cobalt.
5. We are a traditional resource recycling enterprise. With the large-scale decommissioning of ternary lithium batteries from the market, Our company will further increase the usage of recycled cobalt.

Finally, thank you for your efforts in responsible procurement of cobalt.

If you have any other requirements, please let us know.

Thanks & Best Regards

Frank Yi

International Green Supply Chain Management Office



13 September 2021

**Social Responsibility Office**

Huayou Cobalt  
No.18 Wuzhendong Road  
Tongxiang City  
Zhejiang Province  
China

***Via email***

Madam, Sir

**Re: Working Conditions in DRC Cobalt Mines**

We are two civil society organizations writing in relation to our current research into abusive working conditions at several large industrial copper and cobalt mines in the Democratic Republic of Congo (DRC). We believe that some of the cobalt sourced from these mines may have entered your smelting and refining processes. We have a number of questions about your supply chain that we hope you might be able to answer.

RAID is a UK-based non-governmental organisation that exposes corporate abuses and human rights violations, standing with those harmed to hold companies to account. We have been partnering with civil society actors in Congo for more than 23 years. The Centre d'Aide Juridico-Judiciaire (CAJJ) is a Congolese charity based in Kolwezi, which provides legal assistance to workers and others whose human rights have been abused.

At the end of 2020, our organisations conducted a detailed field mission and interviewed more than one hundred current and former mine employees at five of the largest industrial cobalt mines. The companies operating these mines are Kamoto Copper Company (owned by Glencore), Tenke Fungurume Mining (owned by China Molybdenum Co.), Metalkol (owned by Eurasian Resources Group), Sicominex (a joint venture between Gécamines, SIMCO and a consortium of Chinese companies) and Somidez (a joint venture between Gécamines and China Nonferrous Metals Co). Together these five companies produce a substantial amount of cobalt originating from the DRC. Alongside workers at these mines, we also interviewed members of civil society, union representatives, lawyers, local authorities and medical staff, amongst others.

Our research raises important concerns about respect for workers' rights at these mines, and demonstrates that cobalt mined under problematic conditions is likely to be entering the global supply chain.

Our findings across the five industrial copper and cobalt mines where we conducted research indicate the following:

1. The extensive use of labour agencies to supply the mines with workers. Numerous people we interviewed said they believe the mines have chosen to outsource a significant portion of labour to sub-contracting companies to reduce costs and to minimize the employment of Congolese workers on permanent contracts that ensure stronger legal rights and benefits.
2. Scores of workers hired through labour agencies to perform work at the industrial mines told us their working conditions were exploitative and abusive. They said:
  - a. They are hired mostly on temporary contracts, resulting in job insecurity and financial instability, and face significant barriers in forming or accessing unions;
  - b. They work extremely long hours, sometimes up to 14 hours a day, and receive low salaries that do not provide them with a living wage;
  - c. They receive inadequate Personal Protective Equipment (PPE);
  - d. They are not provided with adequate, free healthcare, but only a bare subsidy, which does not cover their needs or those of their families; and
  - e. They are not provided with adequate clean drinking water while on the job, despite doing heavy manual work often in hot and humid temperatures.
3. Some workers described serious violent assaults, physical and verbal abuse against them, and highly dangerous working conditions, particularly in (though not limited to) Chinese-operated mines.
4. Congolese workers said they were discriminated against in the course of their employment (racial slurs, low pay and low-skilled positions, segregated kitchen and toilet facilities, etc.) and provided with minimal or no opportunities for promotion in contrast to foreign workers.
5. At some of the mines, medical staff and workers reported that mining companies conceal and/or ignore life-threatening and chronic illnesses caused by working conditions, including possible silicosis and asbestosis.
6. Some of the mining companies appear to have engaged labour agencies/sub-contractors that have limited or no relevant prior experience and are linked to local political elites, according to people we interviewed.

While not all of the above were found at each mine, the overall picture that appears to be emerging is deeply troubling. In 2020, about 58% of the global supply of cobalt was produced by the five mines featured in our research. As a result, there is a high likelihood that cobalt mined in conditions that are abusive to Congolese workers is entering the global cobalt supply chain. We have written to all of the mines listed above raising our concerns and requesting further information about the working conditions.

International standards on business and human rights establish a responsibility for cobalt smelters and refiners to respect human rights. The *UN Guiding Principles on Business and Human Rights* (UNGPs), the *OECD Guidelines for Multinational Enterprises*, the *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and*

*High-Risk Areas* and the *Chinese Due Diligence Guidelines for Responsible Mineral Supply Chains* recommend that companies have in place adequate due diligence systems to identify, prevent and mitigate human and labour rights abuses in their supply chains. The *OECD Due Diligence Guidance for Responsible Business Conduct* further elaborates practical guidance on how upstream companies may meet these objectives.<sup>1</sup>

We are currently reviewing all publicly available information relating to your supply chain and sourcing practices, including documents in which you refer to some of the international standards mentioned above. Among others, we have reviewed your 'Responsible Supply Chain' webpage and associated links, your *Supplier Standard for Responsible Cobalt Sourcing*, your *Supplier Code of Conduct*, your *Policy for a Responsible Global Supply Chain of Cobalt from High-Risk Areas*, your *2020 CSR Report*, as well as credible media sources. We have also taken good note of your 2017 correspondence with Amnesty International.

Below, you will find questions constituting areas where we seek clarification on the content of your policies, your human rights due diligence processes – in particular in relation to risks of labour rights abuses –, and your business practices with your cobalt suppliers.

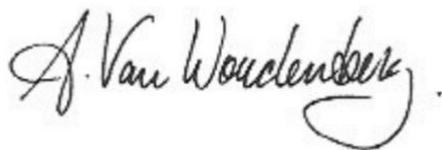
We plan to publish a public report on our research and your answers are important to ensure we have a thorough understanding of the way you approach your cobalt supply chain and report accurately on it. In the interest of balanced and fair reporting, we strive to reflect all relevant information in our research and publications. Your response will be taken into account in our forthcoming publication.

Please send any information to RAID. If you require any further clarifications or if you have questions, please do not hesitate to contact us. We would welcome an opportunity to discuss these concerns with you.

We would be grateful to receive your response by 24 September 2021.

Thank you and we look forward to hearing from you.

Yours sincerely,



Anneke Van Woudenberg  
Executive Director  
Rights and Accountability in Development (RAID)



Josué Kashal  
Monitoring and Evaluation Manager  
Centre d'Aide Juridico-Judiciaire (CAJJ)

---

<sup>1</sup> OECD, *OECD Due Diligence Guidance for Responsible Business Conduct* (2018), 76-81.

## Questions from RAID and CAJJ to HUAYOU COBALT

To: Huayou Cobalt  
Date: 13 September 2021  
Subject: Working Conditions in DRC Cobalt Mines

---

### Supply chain mapping

1. How many of the mining companies you source cobalt from operate in the copper/cobalt belt of the DRC? Could you please provide a detailed list of these companies?
2. In order to ensure the transparency of your supply chain, have you taken any steps to make information about your cobalt suppliers publicly available? If so, could you please indicate in which documents this information can be found?

### Supply chain due diligence

3. What specific criteria do you use to conduct human rights risk assessments of your cobalt suppliers at both tendering and renewal stages? Please, also include information about specific procedures and criteria in place to identify whether your suppliers conduct adequate human rights due diligence.
4. Are labour rights and human rights concerns (e.g. mandatory benefits, illegal renewal of fixed-term contracts, non-discrimination, etc.) included in your due diligence requirements for your cobalt suppliers? Could you please provide further information, including written procedures, which detail your supplier due diligence requirements?
5. How many on-the-ground assessments have you conducted at your cobalt suppliers' mine sites in the past 5 years? Please detail at which mine sites these assessments took place.
6. What programs do you have currently in place to build the capacity of your suppliers and to improve their adherence to your due diligence expectations?

### Risk mitigation

7. Through your on-the-ground assessments and due diligence processes, have you identified serious labour rights violations by your cobalt suppliers? Please provide specific details including the companies implicated and the types of labour and human rights abuses identified.
8. In instances where you identified labour and human rights harms at mine level, what specific steps have you taken to mitigate and/or remediate these harms? In these processes, have you collaborated with your cobalt suppliers or other smelters/refiners?

Please, provide additional details, including written procedures, about measures and initiatives taken.

9. Have you ever taken corrective action or terminated/suspended a business relationship with cobalt suppliers due to their inability or unwillingness to meet your due diligence requirements? On what specific grounds were these actions decided? Please, break this down by company if it is appropriate.
10. Do you share the results of your risk assessments with the manufacturers that purchase refined cobalt from your company? Please detail the communication channels in place at Huayou Cobalt to share this information with companies down your supply chain.
11. Have any of the companies down your supply chain (e.g. battery component manufacturers, battery manufacturers, electric vehicles manufacturers, etc.) required that your due diligence practices be assessed through independent third party audit? Please provide specific details, including the companies that have required auditing of your due diligence practices.
12. What was the outcome of these audits?

### **Production**

13. Could you please indicate your approximate consumption of unprocessed cobalt for 2019 and 2020? What is your projected consumption for 2021 and 2022?



2021 年 9 月 13 日

## 社会责任办公室

浙江华友钴业股份有限公司  
中国浙江省桐乡经济开发区梧振东路 18 号

### 通过电邮

尊敬的女士/先生：

### 回复关于：刚果（金）钴矿区的工作条件

我们来自于两个民间社会组织，致函贵司是有关我们近期对刚果（金）(DRC) 几个大型工业铜钴矿恶劣的工作条件的研究。我们认为，部分来自这些矿区的钴可能已进入贵司的冶炼及精炼环节。我们有一些关于贵司供应链的问题，希望能得到您的解答。

RAID 是一家位于英国的非政府组织。我们揭露公司滥用职权以及侵犯人权的行为，协助受害方向公司问责。我们与刚果（金）的民间社会参与者合作已逾 23 年。The Centre d'Aide Juridico-Judiciaire (CAJJ) 是一家位于科卢韦齐的刚果慈善机构，为人权受到侵犯的劳动者以及其他人员提供法律援助。

2020 年底，我们进行了详细的实地考察，采访了五个最大的工业钴矿的一百多名在职和离职员工。经营这些矿区的公司包括 Kamoto 铜业公司（嘉能可所有）、Tenke Fungurume 矿业（洛阳栾川钼业集团股份有限公司所有）、Metalkol（欧亚资源集团所有）、Sicomines（由 Gécamines、SIMCO 以及中方企业集团共同组成的合资企业）和 Somidez（Gécamines 与中国有色矿业集团有限公司的合资企业）。这五家公司生产了大批量的钴，而这些钴源自刚果（金）的钴矿。除了这些矿区的劳动者，我们还采访了民间团体成员、工会代表、律师、地方当局以及医务人员等。

我们的研究发现，矿区对劳动者权利的态度令人担忧。并且，劳动者在有问题的工作条件下开采的钴可能正流入全球供应链。

我们对五个工业铜钴矿的研究结果表明：

1. 矿区大量使用劳务中介为其提供劳动者。接受我们采访的许多人认为，矿区选择将很大一部分劳动力外包给分包公司以此降低成本，并最大限度地减少刚果籍劳动者签订长期合同的可能性，而正是这些长期合同能确保劳动者获得更多的合法权益。

2. 数十名通过劳务中介在工业矿区工作的劳动者告诉我们，他们的工作条件具有剥削性和虐待性。他们说：
  - a. 他们大多通过签订临时合同受雇，因而没有工作上和经济上的保障，在组建或加入工会方面也面临重大障碍；
  - b. 他们工作时间极长，有时一天长达 14 小时，并且工资很低，不足以维持生活支出；
  - c. 他们的个人防护装备 (PPE) 不足；
  - d. 他们没有得到足够的免费医疗保障，而只有一份简单的补贴，不足以满足他们或他们家人的需要；并且
  - e. 尽管他们经常在炎热潮湿的环境下从事繁重的体力劳动，但他们在工作时却得不到足够的清洁饮用水。
3. 一些劳动者描述了他们曾受到的严重的暴力攻击、身体和言语虐待以及高度危险的工作条件，特别是在（但不限于）中国经营的矿区。
4. 刚果籍劳动者称他们在就业过程中遭受歧视（种族歧视性质的辱骂、低廉的薪水和低技能的职位、种族隔离的厨房和厕所设施等），与外国劳动者相比，他们获得的晋升机会很少甚至没有。
5. 一些矿区的医务人员以及劳动者报告说，矿区的工作条件有可能引发危及生命的慢性疾病，包括有可能发生的矽肺病和石棉肺病，而矿业公司却隐瞒和/或忽视这一情况。
6. 据我们采访的人士称，一些矿业公司聘请的似乎是先前经验有限甚至没有相关经验且与当地政治精英有关联的劳务中介/分包商。

虽然我们并非在每个矿区都发现了所有上述情况，但呈现出来的整体趋势令人极度不安。2020 年，全球约 58% 的钴供应来自我们的研究中所涉及的五个矿区。因此，刚果籍劳动者在具有虐待性的条件下开采的钴很有可能正流入全球钴供应链。我们已经给上面列出的所有矿区致信，提出了我们的担忧，并要求他们就劳动者的工作条件提供更多信息。

商业和人权方面的国际标准规定了钴冶炼厂及精炼厂有责任尊重人权。《联合国商业与人权指导原则》(UNGPs)、《经合组织对跨国公司的指导方针》、《经合组织关于来自受冲突影响和高风险区域的矿石的负责任供应链尽职调查指南》以及《中国负责任矿产供应链尽责管理指南》都建议公司建立适当的尽职调查系统，以识别、预防以及减轻其供应链中侵犯人权和劳工权利的行为及其影响。《经合组织负责任商业行为尽职调查指南》进一步提供了有关上游公司如何实现这些目标的实用指南。<sup>1</sup>

---

<sup>1</sup> 经济合作与发展组织，经合组织负责任商业行为尽职调查指南（2018），76-81。

我们目前正在审阅与贵司供应链及采购行为相关的所有公开信息，贵司在其中一些文件中也有提及上述列出的一些国际标准。其中，我们浏览了贵司的“负责任供应链”网页及相关链接、贵司的《负责任钴采购的供应商标准》、《供应商行为准则》、《来自高风险区域的钴的负责任全球供应链政策》、《2020 年企业社会责任报告》以及可靠的媒体资源。我们也特别留意到贵司 2017 年与国际特赦组织的通信。

我们希望与您就贵司的政策内容、人权尽职调查流程（尤其是与侵犯劳工权利风险相关的）以及贵司与钴供应商的业务往来等方面澄清一些问题。您能在信件下方看到这些问题。

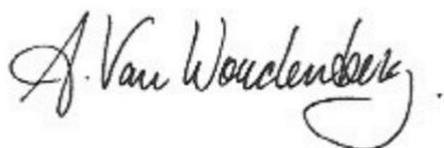
我们计划根据我们的研究结果发布一份公开报告，您的回答对于确保我们全面了解贵司处理钴供应链的方式并准确作出报告至关重要。基于公平及平衡报告原则，我们努力在我们的研究以及出版物中反映出所有相关信息。我们在出版文章时也会考虑到贵司所作出的回复。

请您通过 将信息发送给 RAID。如果您需要任何进一步的说明或有任何疑问，请随时与我们联系。我们期待能有机会与您就我们所提出的疑虑进行讨论。

如果能在 2021 年 9 月 24 日之前收到您的回复，我们将不胜感激。

感谢您，我们期待收到您的来信。

此致，



Anneke Van Woudenberg  
Executive Director (执行主任)  
Rights and Accountability in Development (RAID)  
(发展中的权力与义务)



Josué Kashaal  
Monitoring and Evaluation Manager  
(监测与评估主任)  
Centre d'Aide Juridico-Judiciaire (CAJJ)  
(法律及司法援助中心)

## RAID 以及 CAJJ 对华友钴业提出的问题

收件人：华友钴业

日期：2021 年 9 月 13 日

标题：刚果（金）钴矿区的工作条件

---

### 供应链追溯

1. 贵司向其采购钴的矿业公司中有多少家在刚果（金）的铜/钴矿带开展业务？贵司可否提供这些公司的详细名单？
2. 为了保证供应链的透明，贵司是否采取了相关措施来公开您的钴供应商信息？如果有，您能否说明在哪些文件中可以找到这些信息？

### 供应链尽职调查

3. 在招标和续约阶段，贵司采用哪些具体标准来对钴供应商进行风险评估？贵司有哪些具体流程与标准用来审核供应商是否进行了充分的人权尽职调查？请您提供关于这些流程与标准的相关信息。
4. 贵司对钴供应商的尽职调查是否包括对劳工权利以及人权问题的调查（例如不提供法定福利、非法续签定期合同、歧视等问题）？您能否提供更多相关信息来详细说明贵司对供应商的尽职调查要求，包括涉及的书面流程？
5. 在过去 5 年中，贵司对您的钴供应商进行了多少次矿场的实地评估？请详细说明这些评估是在哪些矿场进行的。
6. 贵司目前用哪些项目来培养供应商的能力以促使其更好的达到贵司的尽职调查期望？

### 降低风险

7. 贵司在实地评估及尽职调查过程中是否发现您的钴供应商中存在严重侵犯劳工权利的行为？请详细说明涉及的具体公司以及已明确的侵犯劳工权利及人权的的行为类型。
8. 贵司在发现矿区发生劳工权以及人权的侵害后，采取了哪些具体步骤来减轻和/或补救这些侵害的影响？在这些过程中，贵司是否与您的钴供应商或其他冶炼厂/精炼厂合作？请提供详细信息包括书面流程，来说明贵司所采取的具体措施与举措。

9. 贵司是否曾因钴供应商无法或不愿达到您的尽职调查要求而采取纠正措施或终止/暂停与他们的业务关系？贵司采取这些行动的具体依据是什么？如有可能，请按公司对其进行细分。
10. 贵司是否与向您购买精炼钴的制造商分享贵司的风险评估结果？请详细说明华友钴业现有的与供应链下游公司共享此类信息的沟通渠道。
11. 贵司供应链下游的公司（例如电池组件制造商、电池制造商、电动车制造商等）是否要求贵司通过独立的第三方审计来评估您的尽职调查实践？请提供具体细节，包括提出对贵司的尽职调查实践进行审计的公司。
12. 这些审计的结果如何？

## 生产

13. 请说明贵司 2019 年和 2020 年钴原料的消耗量大约是多少？预计 2021 年 2022 年的消耗量是多少？

Re: **刚果钴矿的恶劣工作条件 / Abusive working conditions at cobalt mines in DRC**

Anneke Van Woudenberg

Wed 29/09/2021 15:26

To: CSR@huayou.com <CSR@huayou.com>

亲爱的先生/女士, [English below]

我正在跟进我们9月13日的电子邮件。

我们已经收到了其他炼油厂的回应，但华友对刚果民主共和国工业钴矿工人权利侵犯的回应仍然悬而未决。如果你能让我们知道你是否会回应，我们将不胜感激。我们的出版日期即将到来，我们非常希望在我们的研究结果中包含贵公司的回应。

我期待着你的消息。  
致以最良好的祝愿，  
安内克

Dear Sir/Madame,

I am following up on our email of 13 September.

We have received responses from other refiners, but Huayou's response to workers' rights abuses at industrial cobalt mines in DR Congo remains outstanding. We would be grateful if you could let us know if you will be responding. Our publication date is fast approaching and we would very much like to include your company's response in our research findings.

I look forward to hearing from you.

With my best regards,

Anneke

---

**Anneke Van Woudenberg**

Executive Director

**Rights and Accountability in Development (RAID)**

[www.raid-uk.org](http://www.raid-uk.org) | Twitter: [@raidukorg](https://twitter.com/raidukorg)

**Re: 刚果钴矿的恶劣工作条件 / Abusive working conditions at cobalt mines in DRC**

Anneke Van Woudenberg

Thu 07/10/2021 14:59

To: CSR@huayou.com <CSR@huayou.com>; etc.

亲爱的先生/女士, [English below]

我们再次与您联系，以便在我们对刚果民主共和国一些钴矿中侵犯工人权利的研究发表之前，华友钴从那里获得钴。我们尚未收到对我们于2021年9月13日发送的信息请求的回复。我们最后收到回复的日期是2021年10月11日。此后，我们将在我们的出版物中表明，我们联系了华友钴业征求意见，但没有提供任何意见。

我期待着你的消息，并希望贵公司对所提出的问题作出回应。为便于参考，谨再次附上你2021年9月13日的信。

致以最美好的祝愿，

Dear Sir/Madame,

We are once again reaching out to Huayou Cobalt ahead of publication of our research on workers' rights violations at some of the cobalt mines in DR Congo from which your company sources its cobalt. We have not yet received a response to our request for information sent on 13 September 2021. Our last date to receive any response is 11 October 2021. Thereafter we will indicate in our publication that we reached out to Huayou Cobalt for comment, but none was provided.

I look forward to hearing from you and hope your company will send a response to the concerns raised. For ease of reference, I again attach our letter of 13 September 2021.

Best regards,

---

**Anneke Van Woudenberg**

Executive Director

**Rights and Accountability in Development (RAID)**

[www.raid-uk.org](http://www.raid-uk.org) | Twitter: [@raidukorg](https://twitter.com/raidukorg)

## FW: 刚果钴矿的恶劣工作条件 / Abusive working conditions at cobalt mines in DRC

Anneke Van Woudenberg

Fri 08/10/2021 15:25

To: Bryce Lee

 2 attachments (484 KB)

RAID-CAJJ to Huayou Cobalt [Cn].pdf; RAID-CAJJ to Huayou Cobalt.pdf;

Dear Mr. Lee,

Please the correspondence below sent to Huayou Cobalt on 13 September regarding workers' rights violations at some of the LSM cobalt mines in DR Congo from which your company sources its cobalt. We have not yet received a response to our request for information. Our last date to receive any response is 11 October 2021, which is fast approaching.

We have looked through Huayou's public reporting on supply chains and we understand that you are engaged in seeking to conduct due diligence. We hope you are able to respond to some of the concerns and questions that we raise.

I look forward to hearing from you and hope your company will send a response to the concerns raised. For ease of reference, I again attach our letter of 13 September 2021.

With my best regards,

---

**Anneke Van Woudenberg**

Executive Director

**Rights and Accountability in Development (RAID)**

[www.raid-uk.org](http://www.raid-uk.org) | Twitter: [@raidukorg](https://twitter.com/raidukorg)



9 September 2021

**Jinxing Wang**

Chief Risk Officer  
Jinchuan Group International Resources Co. Ltd  
Unit 3101, 31st Floor  
United Centre  
95 Queensway, Admiralty  
Hong Kong

***Via email***

Dear Mr Wang,

**Re: Working Conditions in DRC Cobalt Mines**

We are two civil society organizations writing in relation to our current research into abusive working conditions at several large industrial copper and cobalt mines in the Democratic Republic of Congo (DRC). We believe that some of the cobalt sourced from these mines may have entered your smelting and refining processes. We have a number of questions about your supply chain that we hope you might be able to answer.

RAID is a UK-based non-governmental organisation that exposes corporate abuses and human rights violations, standing with those harmed to hold companies to account. We have been partnering with civil society actors in Congo for more than 23 years. The Centre d'Aide Juridico-Judiciaire (CAJJ) is a Congolese charity based in Kolwezi, which provides legal assistance to workers and others whose human rights have been abused.

At the end of 2020, our organisations conducted a detailed field mission and interviewed more than one hundred current and former mine employees at five of the largest industrial cobalt mines. The companies operating these mines are Kamoto Copper Company (owned by Glencore), Tenke Fungurume Mining (owned by China Molybdenum Co.), Metalkol (owned by Eurasian Resources Group), Sicominex (a joint venture between Gécamines, SIMCO and a consortium of Chinese companies) and Somidez (a joint venture between Gécamines and China Nonferrous Metals Co). Together these five companies produce a substantial amount of cobalt originating from the DRC. Alongside workers at these mines, we also interviewed members of civil society, union representatives, lawyers, local authorities and medical staff, amongst others.

Our research raises important concerns about respect for workers' rights at these mines, and demonstrates that cobalt mined under problematic conditions is likely to be entering the global supply chain.

Our findings across the five industrial copper and cobalt mines where we conducted research indicate the following:

1. The extensive use of labour agencies to supply the mines with workers. Numerous people we interviewed said they believe the mines have chosen to outsource a significant portion of labour to sub-contracting companies to reduce costs and to minimize the employment of Congolese workers on permanent contracts that ensure stronger legal rights and benefits.
2. Scores of workers hired through labour agencies to perform work at the industrial mines told us their working conditions were exploitative and abusive. They said:
  - a. They are hired mostly on temporary contracts, resulting in job insecurity and financial instability, and face significant barriers in forming or accessing unions;
  - b. They work extremely long hours, sometimes up to 14 hours a day, and receive low salaries that do not provide them with a living wage;
  - c. They receive inadequate Personal Protective Equipment (PPE);
  - d. They are not provided with adequate, free healthcare, but only a bare subsidy, which does not cover their needs or those of their families; and
  - e. They are not provided with adequate clean drinking water while on the job, despite doing heavy manual work often in hot and humid temperatures.
3. Some workers described serious violent assaults, physical and verbal abuse against them, and highly dangerous working conditions, particularly in (though not limited to) Chinese-operated mines.
4. Congolese workers said they were discriminated against in the course of their employment (racial slurs, low pay and low-skilled positions, segregated kitchen and toilet facilities, etc.) and provided with minimal or no opportunities for promotion in contrast to foreign workers.
5. At some of the mines, medical staff and workers reported that mining companies conceal and/or ignore life-threatening and chronic illnesses caused by working conditions, including possible silicosis and asbestosis.
6. Some of the mining companies appear to have engaged labour agencies/sub-contractors that have limited or no relevant prior experience and are linked to local political elites, according to people we interviewed.

While not all of the above were found at each mine, the overall picture that appears to be emerging is deeply troubling. In 2020, about 58% of the global supply of cobalt was produced by the five mines featured in our research. As a result, there is a high likelihood that cobalt mined in conditions that are abusive to Congolese workers is entering the global cobalt supply chain. We have written to all of the mines listed above raising our concerns and requesting further information about the working conditions.

International standards on business and human rights establish a responsibility for cobalt smelters and refiners to respect human rights. The *UN Guiding Principles on Business and Human Rights* (UNGPs), the *OECD Guidelines for Multinational Enterprises*, the *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and*

*High-Risk Areas* and the *Chinese Due Diligence Guidelines for Responsible Mineral Supply Chains* recommend that companies have in place adequate due diligence systems to identify, prevent and mitigate human and labour rights abuses in their supply chains. The *OECD Due Diligence Guidance for Responsible Business Conduct* further elaborates practical guidance on how upstream companies may meet these objectives.<sup>1</sup>

We are currently reviewing all publicly available information relating to your supply chain and sourcing practices. Among others, we have reviewed your ‘Sustainability’ webpage and your 2020 *Annual Report*, as well as credible media sources.

Below, you will find questions constituting areas where we seek clarification on the content of your policies, your human rights due diligence processes – in particular in relation to risks of labour rights abuses –, and your business practices with your cobalt suppliers.

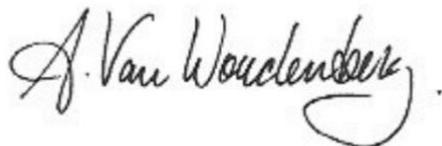
We plan to publish a public report on our research and your answers are important to ensure we have a thorough understanding of the way you approach your cobalt supply chain and report accurately on it. In the interest of balanced and fair reporting, we strive to reflect all relevant information in our research and publications. Your response will be taken into account in our forthcoming publication.

Please send any information to RAID. If you require any further clarifications or if you have questions, please do not hesitate to contact us. We would welcome an opportunity to discuss these concerns with you.

We would be grateful to receive your response by 21 September 2021.

Thank you and we look forward to hearing from you.

Yours sincerely,



Anneke Van Woudenberg  
Executive Director  
Rights and Accountability in Development (RAID)



Josué Kasha  
Monitoring and Evaluation Manager  
Centre d'Aide Juridico-Judiciaire (CAJJ)

---

<sup>1</sup> OECD, *OECD Due Diligence Guidance for Responsible Business Conduct* (2018), 76-81.

## Questions from RAID and CAJJ to JINCHUAN INTERNATIONAL

To: Jinchuan Group International Resources Co. Ltd

Date: 9 September 2021

Subject: Working Conditions in DRC Cobalt Mines

---

### Supply chain mapping

1. How many of the mining companies you source cobalt from operate in the copper/cobalt belt of the DRC? Could you please provide a detailed list of these companies?
2. In order to ensure the transparency of your supply chain, have you taken any steps to make information about your cobalt suppliers publicly available? If so, could you please indicate in which documents this information can be found?

### Supply chain due diligence

3. What specific criteria do you use to conduct human rights risk assessments of your cobalt suppliers at both tendering and renewal stages? Please, also include information about specific procedures and criteria in place to identify whether your suppliers conduct adequate human rights due diligence.
4. Are labour rights and human rights concerns (e.g. mandatory benefits, illegal renewal of fixed-term contracts, non-discrimination, etc.) included in your due diligence requirements for your cobalt suppliers? Could you please provide further information, including written procedures, which detail your supplier due diligence requirements?
5. How many on-the-ground assessments have you conducted at your cobalt suppliers' mine sites in the past 5 years? Please detail at which mine sites these assessments took place.
6. What programs do you have currently in place to build the capacity of your suppliers and to improve their adherence to your due diligence expectations?

### Risk mitigation

7. Through your on-the-ground assessments and due diligence processes, have you identified serious labour rights violations by your cobalt suppliers? Please provide specific details including the companies implicated and the types of labour and human rights abuses identified.
8. In instances where you identified labour and human rights harms at mine level, what specific steps have you taken to mitigate and/or remediate these harms? In these processes, have you collaborated with your cobalt suppliers or other smelters/refiners? Please, provide additional details, including written procedures, about measures and initiatives taken.

9. Have you ever taken corrective action or terminated/suspended a business relationship with cobalt suppliers due to their inability or unwillingness to meet your due diligence requirements? On what specific grounds were these actions decided? Please, break this down by company if it is appropriate.
10. Do you share the results of your risk assessments with the manufacturers that purchase refined cobalt from your company? Please detail the communication channels in place at Jinchuan International to share this information with companies down your supply chain.
11. Have any of the companies down your supply chain (e.g. battery component manufacturers, battery manufacturers, electric vehicles manufacturers, etc.) required that your due diligence practices be assessed through independent third party audit? Please provide specific details, including the companies that have required auditing of your due diligence practices.
12. What was the outcome of these audits?

### **Production**

13. Could you please indicate your approximate consumption of unprocessed cobalt for 2019 and 2020? What is your projected consumption for 2021 and 2022?

## Re: Abusive working conditions at DRC industrial cobalt mines

Anneke Van Woudenberg

Wed 29/09/2021 15:40

To: info@jinchuan-intl.com <info@jinchuan-intl.com>; etc.

亲爱的先生/女士, [English below]

我正在跟进我们9月9日的电子邮件。

我们已经收到了其他炼油厂的回应，但金灿对刚果民主共和国工业钴矿工人权利侵犯行为的回应仍然悬而未决。我们相信您的供应链可能包括来自这些矿山的钴。如果你能让我们知道你是否会回应，我们将不胜感激。我们的出版日期即将到来，我们非常希望在我们的研究结果中包含贵公司的回应。

我期待着你的消息。  
致以最美好的祝愿，  
安内克

I am following up on our email of 9 September.

We have received responses from other refiners, but Jinchuan's response to workers' rights abuses at industrial cobalt mines in DR Congo remains outstanding. We believe your supply chain may include cobalt from these mines. We would be grateful if you could let us know if you will be responding. Our publication date is fast approaching and we would very much like to include your company's response in our research findings.

I look forward to hearing from you.  
With my best regards,

---

**Anneke Van Woudenberg**

Executive Director

**Rights and Accountability in Development (RAID)**

[www.raid-uk.org](http://www.raid-uk.org) | Twitter: [@raidukorg](https://twitter.com/raidukorg)

## Re: Abusive working conditions at DRC industrial cobalt mines

Anneke Van Woudenberg

Tue 19/10/2021 13:48

To: info@jinchuan-intl.com <info@jinchuan-intl.com>; etc.

Dear Sir/Madame,

We still await a reply to our correspondence of 13 September. Please could you let us know if your company will be replying to the questions and concerns we raised regarding abusive working condition in DRC mines that we believe are linked to your company's cobalt supply chain? If yes, we will need to receive your reply by end of the day tomorrow.

We are nearing publication and at this point we will publish in our report that we reached out to Jinchuan for a response but that none was received.

We hope to hear back from you.

All the best,

亲爱的先生/女士，

我们仍在等待对9月13日信函的答复。请您让我们知道您的公司是否会回答我们提出的关于与您公司钴供应链相关的DRC矿山滥用工作条件的问题和担忧？如果是，我们需要在明天结束前收到你的答复。

我们即将出版，在这一点上，我们将在我们的报告中公布，我们与贵公司联系，要求答复，但没有收到。

我们希望收到你的回音。

祝你万事如意，

Anneke Van Woudenberg

---

**Anneke Van Woudenberg**

Executive Director

**Rights and Accountability in Development (RAID)**

[www.raid-uk.org](http://www.raid-uk.org) | Twitter: [@raidukorg](https://twitter.com/raidukorg)



9 September 2021

**Wouter Ghyoot**

Group Director Sustainable Value Chain  
Watertorenstraat 33  
2250 Olen  
Belgium

**Ignace de Ruijter**

Senior Vice-President Cobalt & Specialty Materials  
Watertorenstraat 33  
2250 Olen  
Belgium

***Via email***

Dear Mr Ghyoot and Mr de Ruijter,

**Re: Working Conditions in DRC Cobalt Mines**

We are two civil society organizations writing in relation to our current research into abusive working conditions at several large industrial copper and cobalt mines in the Democratic Republic of Congo (DRC). We believe that some of the cobalt sourced from these mines may have entered your smelting and refining processes. We have a number of questions about your supply chain that we hope you might be able to answer.

RAID is a UK-based non-governmental organisation that exposes corporate abuses and human rights violations, standing with those harmed to hold companies to account. We have been partnering with civil society actors in Congo for more than 23 years. The Centre d'Aide Juridico-Judiciaire (CAJJ) is a Congolese charity based in Kolwezi, which provides legal assistance to workers and others whose human rights have been abused.

At the end of 2020, our organisations conducted a detailed field mission and interviewed more than one hundred current and former mine employees at five of the largest industrial cobalt mines. The companies operating these mines are Kamoto Copper Company (owned by Glencore), Tenke Fungurume Mining (owned by China Molybdenum Co.), Metalkol (owned by Eurasian Resources Group), Sicominex (a joint venture between Gécamines, SIMCO and a consortium of Chinese companies) and Somidez (a joint venture between Gécamines and China Nonferrous Metals Co). Together these five companies produce a substantial amount of cobalt originating from the DRC. Alongside workers at these mines, we also interviewed members of civil society, union representatives, lawyers, local authorities and medical staff, amongst others.

Our research raises important concerns about respect for workers' rights at these mines and demonstrates that cobalt mined under problematic conditions is likely to be entering the global supply chain.

Our findings across the five industrial copper and cobalt mines where we conducted research indicate the following:

1. The extensive use of labour agencies to supply the mines with workers. Numerous people we interviewed said they believe the mines have chosen to outsource a significant portion of labour to sub-contracting companies to reduce costs and to minimize the employment of Congolese workers on permanent contracts that ensure stronger legal rights and benefits.
2. Scores of workers hired through labour agencies to perform work at the industrial mines told us their working conditions were exploitative and abusive. They said:
  - a. They are hired mostly on temporary contracts, resulting in job insecurity and financial instability, and face significant barriers in forming or accessing unions;
  - b. They work extremely long hours, sometimes up to 14 hours a day, and receive low salaries that do not provide them with a living wage;
  - c. They receive inadequate Personal Protective Equipment (PPE);
  - d. They are not provided with adequate, free healthcare, but only a bare subsidy, which does not cover their needs or those of their families; and
  - e. They are not provided with adequate clean drinking water while on the job, despite doing heavy manual work often in hot and humid temperatures.
3. Some workers described serious violent assaults, physical and verbal abuse against them, and highly dangerous working conditions, particularly in (though not limited to) Chinese-operated mines.
4. Congolese workers said they were discriminated against in the course of their employment (racial slurs, low pay and low-skilled positions, segregated kitchen and toilet facilities, etc.) and provided with minimal or no opportunities for promotion in contrast to foreign workers.
5. At some of the mines, medical staff and workers reported that mining companies conceal and/or ignore life-threatening and chronic illnesses caused by working conditions, including possible silicosis and asbestosis.
6. Some of the mining companies appear to have engaged labour agencies/sub-contractors that have limited or no relevant prior experience and are linked to local political elites, according to people we interviewed.

While not all of the above were found at each mine, the overall picture that appears to be emerging is deeply troubling. In 2020, about 58% of the global supply of cobalt was produced by the five mines featured in our research. As a result, there is a high likelihood that cobalt mined in conditions that are abusive to Congolese workers is entering the global cobalt supply chain. We have written to all of the mines listed above raising our concerns and requesting further information about the working conditions.

International standards on business and human rights establish a responsibility for cobalt smelters and refiners to respect human rights. The *UN Guiding Principles on Business and Human Rights* (UNGPs), the *OECD Guidelines for Multinational Enterprises* and the *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas* recommend that companies have in place adequate due diligence systems to identify, prevent and mitigate human and labour rights abuses in their supply chains. The *OECD Due Diligence Guidance for Responsible Business Conduct* further elaborates practical guidance on how upstream companies may meet these objectives.<sup>1</sup>

We are currently reviewing all publicly available information relating to your supply chain and sourcing practices, including documents in which you refer to some of the international standards mentioned above. Among others, we have reviewed your ‘Sustainability’ webpage and associated links, your *Code of Conduct*, your *Sustainable Procurement Charter*, your *Sustainable Procurement Framework for Cobalt*, your *Due Diligence Compliance Report Cobalt Procurement 2020*, as well as credible media sources.

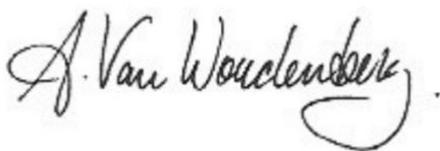
Below, you will find questions constituting areas where we seek clarification on the content of your policies, your human rights due diligence processes – in particular in relation to risks of labour rights abuses –, and your business practices with your cobalt suppliers.

We plan to publish a public report on our research and your answers are important to ensure we have a thorough understanding of the way you approach your cobalt supply chain and report accurately on it. In the interest of balanced and fair reporting, we strive to reflect all relevant information in our research and publications. Your response will be taken into account in our forthcoming publication.

Please send any information to RAID. If you require any further clarifications or if you have questions, please do not hesitate to contact us. We would welcome an opportunity to discuss these concerns with you. We would be grateful to receive your response by 21 September 2021.

Thank you and we look forward to hearing from you.

Yours sincerely,



Anneke Van Woudenberg  
Executive Director  
Rights and Accountability in Development (RAID)



Josué Kashal  
Monitoring and Evaluation Manager  
Centre d'Aide Juridico-Judiciaire (CAJJ)

<sup>1</sup> OECD, *OECD Due Diligence Guidance for Responsible Business Conduct* (2018), 76-81.

## Questions from RAID and CAJJ to UMICORE

To: Umicore  
Date: 9 September 2021  
Subject: Working Conditions in DRC Cobalt Mines

---

### Supply chain mapping

1. How many of the mining companies you source cobalt from operate in the copper/cobalt belt of the DRC? Could you please provide a detailed list of these companies?
2. In order to ensure the transparency of your supply chain, have you taken any steps to make information about your cobalt suppliers publicly available? If so, could you please indicate in which documents this information can be found?

### Supply chain due diligence

3. What specific criteria do you use to conduct human rights risk assessments of your cobalt suppliers at both tendering and renewal stages? Please, also include information about specific procedures and criteria in place to identify whether your suppliers conduct adequate human rights due diligence.
4. Are labour rights and human rights concerns (e.g. mandatory benefits, illegal renewal of fixed-term contracts, non-discrimination, etc.) included in your due diligence requirements for your cobalt suppliers? Could you please provide further information, including written procedures, which detail your supplier due diligence requirements?
5. How many on-the-ground assessments have you conducted at your cobalt suppliers' mine sites in the past 5 years? Please detail at which mine sites these assessments took place.
6. What programs do you have currently in place to build the capacity of your suppliers and to improve their adherence to your due diligence expectations?

### Risk mitigation

7. Through your on-the-ground assessments and due diligence processes, have you identified serious labour rights violations by your cobalt suppliers? Please provide specific details including the companies implicated and the types of labour and human rights abuses identified.
8. In instances where you identified labour and human rights harms at mine level, what specific steps have you taken to mitigate and/or remediate these harms? In these processes, have you collaborated with your cobalt suppliers or other smelters/refiners?

Please, provide additional details, including written procedures, about measures and initiatives taken.

9. Have you ever taken corrective action or terminated/suspended a business relationship with cobalt suppliers due to their inability or unwillingness to meet your due diligence requirements? On what specific grounds were these actions decided? Please, break this down by company if it is appropriate.
10. Do you share the results of your risk assessments with the manufacturers that purchase refined cobalt from your company? Please detail the communication channels in place at Umicore to share this information with companies down your supply chain.
11. Have any of the companies down your supply chain (e.g. battery component manufacturers, battery manufacturers, electric vehicles manufacturers, etc.) required that your due diligence practices be assessed through independent third party audit? Please provide specific details, including the companies that have required auditing of your due diligence practices.
12. What was the outcome of these audits?

### **Production**

13. Could you please indicate your approximate consumption of unprocessed cobalt for 2019 and 2020? What is your projected consumption for 2021 and 2022?

## RE: Abusive working conditions at DRC industrial cobalt mines

Ghyoot, Wouter

Fri 24/09/2021 15:05

To: Anneke Van Woudenberg

Dear Ms. Van Woudenberg,

Please find attached our response to your questions and we would like to thank you again for your flexibility concerning the deadline and interest in Umicore's position in the complex cobalt supply chain.

You will find that instead of answering your questions one by one, we have approached them in a broader manner and to the best of what we can disclose. Let me explain that for commercial, competitive, and confidential agreement reasons, we do not publicly share supplier or customer information. However, we do disclose all suppliers during our yearly audit of our sustainability framework with PwC and you can find the results of the external validation of Umicore's ethical procurement approach in our latest compliance report.

We are most interested in receiving your report and in exchanging with you to understand your findings and feedback. This would allow for follow-ups and due diligence on our side as we continuously strive to further improve the responsible and ethical sourcing of our cobalt.

Best regards,  
Wouter Ghyoot

**Wouter Ghyoot**

Group Director Sustainable Value Chain

## Umicore response to RAID – Sept. 24<sup>th</sup> 2021 –

For further reference and detailed information, please consult the following documents:

[Umicore and sustainable cobalt](#)

[Sustainable Procurement Framework for Cobalt](#)

[Due Diligence Compliance Report Cobalt Procurement 2020](#)

### 1. Global context

#### Description of global cobalt landscape and sourcing issues

- Cobalt is an essential element in the booming electrification of our society. This metal is required to stabilize rechargeable lithium-ion batteries in applications like electronics that enhance our connectivity and in automotive as part of the transition to clean mobility and the achievement of the Paris Agreement's goals. As such, demand for cobalt is expected to further increase.
- More than 65% of the global annual Cobalt supply is produced in the DRC (Democratic Republic of Congo), and approximately 15-20% of the Congolese cobalt is produced by artisanal small-scale mining (ASM).
- Artisanal miners mine by hand using the most basic tools to dig out rocks from tunnels underground or scavenge for rocks containing cobalt in the discarded by-products of industrial mines.
- ASM is linked to high risks of child labor, human rights abuses, poor safety conditions and health risks from exposure to, for example, cobalt dust and particles. ASM often happens through illegal intrusions or within communities which are often located on concession sites of up to 20 km<sup>2</sup> of large-scale industrial mines (LSM).
- Cobalt production in the DRC cannot be separated from its wider context of geopolitical challenges, such as ethnic conflict, corruption, and poverty. To ensure sustainable and ethical supply of this key metal, thorough due diligence is crucial but challenging.

#### How Umicore is situated in this global context

- Umicore is fully aware of the risks linked to the sourcing of cobalt. In 2004 already, Umicore decided to exclude entirely from its supply chain cobalt obtained from Artisanal and Small-scale Mining (ASM).
- Umicore became the first company in the world to create a dedicated framework to prevent unethical practices in its supply chain specifically related to cobalt and the first to have its due diligence process validated, every year, by a third party. We remain committed to continual improvement. More details are described below.

- In 2020, around 75% of the cobalt raw materials entering our supply chain originated from large-scale mining (LSM) activities in the DRC. The remaining quantities are sourced in other countries or come from our recycling feed. In 2020, about 4.8% of total supplied quantity of cobalt came from recycling.
- For other metals in Umicore’s supply chain and their sustainable and ethical sourcing, we apply the principles outlined in our [Sustainable Procurement Charter](#).

## 2. Umicore and ethical supplies

### Elements we can control – our proactive and pioneering steps in dealing with cobalt issues

Umicore aims to ensure that no unethically mined cobalt enters its process. Our [Sustainable Procurement Framework for Cobalt](#) helps ensure the traceability of its materials supply chain and the due diligence we recurrently perform on our suppliers is aligned with the [OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas](#).

### Our recurring ethical assessments and due diligence

Our due diligence process consists of four steps and regularly recurs for every existing and new supplier and entails market insights and on-site visits throughout. They are detailed in the Framework. In summary:

1. Supply chain traceability
  - Our supply chain traceability system builds on a thorough transaction and logistical system that allows Umicore to track the origin of all its cobalt raw materials to the level of the mine. For this, we use a lot-receipts or a labelling process to ensure that all transactional and logistical documents are obtained and registered as custody documents.
  - We perform regular quality checks on the cobalt received. For instance, “chemical fingerprinting” allows us to look for and identify specific impurity patterns that help establish the exact origin of the ores and provide us with additional assurances.
2. Supplier research
  - We perform both on-site and off-site research. This entails in-depth and continuous screening of company policies, statements, and other available information as well as consulting external sources, including NGO and media reports on the supplier. In addition, locally present Umicore representatives and Umicore sustainability experts carry out announced and unannounced visits to supplier sites. They also engage with local NGO’s, labor organizations and potential suppliers.

### 3. Risk assessment

- The risk assessment process for each supplier consists of several steps. They include the identification of possible red flags, such as any form of child labor or inhuman treatment, and orange flags, such as the absence of procedures ensuring a healthy and safe working environment. Such flags will result in specific screenings and actions towards the supplier. In case of evidence of a red flag, Umicore will end the supplier relation altogether.
- As indicated, Umicore performs regular plant visits (with higher frequency based on the risk score of the country) and uses self-assessment questionnaires next to the background screening.
- In addition, as part of our continuous improvement, we are now also rolling out a process of third-party audits for Environment, Health, Safety & Social (EHS&S) standards for key suppliers.
- Based on all the collected information, Umicore maps the risk for each supplier, and decides on further due diligence steps. This includes exchanging and engaging with the supplier as well as relevant stakeholders and carrying out third-party audits or specific on-site visits.

### 4. Risk Mitigation

- Any mitigation actions are summarized in the Annex of our [yearly compliance report](#). Umicore may decide to re-integrate those suppliers that were previously excluded from its supply chain in case evidence shows they have taken remedial actions.

### **Elements that are harder to control but that we mitigate as best as we can**

There are elements inherent to the local context in the DRC that are more difficult to control, such as the illegal intrusions and ASM practices on large LSM concession sites and the vast number of workers and subcontractors for LSM sites.

Our thorough and recurring due diligence processes and third-party assessment of suppliers makes us confident that there is no unethically sourced cobalt in Umicore's supply chains.

In addition, Umicore closely collaborates with international stakeholders to create and incorporate elevated standards for the industry and to provide assurance about the sustainability of raw materials while protecting business dynamics.

- For example, Umicore has co-created and is actively involved in the [Global Battery Alliance](#) and its [Battery Passport](#). It is committed to ongoing work to develop a standard that formalizes responsible sourcing through ASM. A platform like [Re|Source](#) uses blockchain technology to track and trace raw materials. This will help enable such extensive collaboration in the cobalt value chain and deliver "mine-to-market" visibility and accountability.

- Umicore is also pleased to see that the European Commission, in its proposal for a revised [Battery Regulation](#), embraces the principles of the Battery Passport and traceability.

Specifically, regarding child labor, on top of our commitment to exclude all ASM and child labor from its supply chain, Umicore has initiated and backs a number of initiatives to support local communities and their children.

- For example, Umicore was the first contributor to UNICEF's (United Nations Children's Fund) [Fund for the Prevention of Child Labour in Mining Communities](#).
- In 2011, Umicore started a school construction project in Lubumbashi in collaboration with a local NGO. The school hosts daily more than 900 primary and secondary school children and from the start has offered education to thousands of children in the neighborhood of Lubumbashi. Since 2011, Umicore invested nearly \$1 million in the school.
- [A smaller initiative is our support to an NGO called EIGHT](#), to set up a system of unconditional cash transfers for a local Congolese community and keep children from working in the mines.

### **3. Continuous work in progress**

- Due diligence has been receiving increased attention in recent years, thanks to company and industry initiatives, NGO reports and new or upcoming regulations such as the EU (European Union) Battery Regulation and EU Due Diligence Regulation.
- Such initiatives and legislation help to set and raise new standards for the entire supply chain and is leading to a growing and wider realization that sustainability is an essential part of business.
- Different standards and schemes have been developed or are being implemented for refiners and mines concerning human rights risks (OECD Annex II). We also see standards covering Environmental, Health, Safety and Social emerge.
- Based on these developments, Umicore is currently reviewing its Framework including certification, to ensure that we remain an industry leader that guarantees ethical supplies.
- Only by acting together, can we change the status quo and achieve a genuinely sustainable cobalt value chain that respects its workers and the environment. (ENDS)