



中国五矿化工进出口商会  
China Chamber of Commerce of Metals,  
Minerals & Chemicals Importers & Exporters

# 中国对外矿业投资行业社会责任指引

## Guidelines for Social Responsibility in Outbound Mining Investments

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## 前言

随着经济的快速发展和人口的不断增长，对矿产资源的需求与日俱增，全球性的矿产资源投资与开发竞争日益激烈。中国实施“走出去”战略，在服务中国经济快速发展对矿产资源需求的同时，积极参与全球矿产资源的优化配置，追求合作共赢。

矿产资源属于资本密集型产业，矿产资源类企业的可持续开发不但需要稳定的法律、政治、社会和经济环境，更需要赢得公众的长期信任。对于中国对外矿业投资企业而言，同样需要关注并实践一系列企业社会责任议题，如：提高运营效率，道德和公平运营，必要的劳工条件，安全的工作环境，减少环境足迹，避免采购“冲突矿产”，以及正确处理社区关系等。

中国五矿化工进出口商会国际矿业合作委员会作为专业促进中国企业对外矿业投资健康发展的行业组织，在中德政府签署的“中德贸易可持续发展与企业行为规范项目（Sino-German CSR Project）”及“新兴市场跨国企业可持续发展网络（Emerging Market Multinationals Network for Sustainability）”框架下，编制《中国对外矿业投资行业社会责任指引》（以下简称《指引》），以期规范中国对外矿业投资与运营行为，引导企业制定明确的企业社会责任和可持续发展战略，建立企业社会责任和可持续发展管理体系。

《指引》主要参照国际标准化组织《ISO 26000 社会责任国际标准指南》原则和核心主题，并加入了其它有关矿业的条款和说明；《指引》借鉴《联合国全球契约十项原则》等全球性倡议；参考国务院国有资产监督管理委员会（SASAC）发布的《关于中央企业履行社会责任的指导意见》、中国相关的法律法规及社会责任文件；同时也参考了国际矿业与金属理事会（ICMM）可持续发展框架、责任珠宝委员会实践准则，以及 Bettercoal 守则等具体的行业可持续性标准（标准参考见附件一）。《指引》在编制过程中，参考国际社会与环境认可和标签联盟（ISEAL）标准制定流程（《指引》编制过程见附件二），充分听取了政府主管部门、国际非政府组织、中国矿业企业、相关行业代表及相关领域专家等各利益相关方的意见和建议（见附件三）。

《指引》内容共分为三章。第一章概述《指引》的适用范围及指导原则。七条指导原则代表了对外矿业投资中社会责任的重要性，以及制定本《指引》的意义。

第二章是《指引》的主要章节，详细地概括了对外矿业投资的社会责任要求。这些社会责任要求划分为三级，并通过添加脚注的形式详加说明。第一级是《指引》的八大社会责任议题。第二级是每个社会责任议题下的若干主条款，这些主条款代表对外矿业投资社会责任的基本要求，这些基本要求旨在明确企业需要遵守的方面和范围，并在以后作为企业绩效评估的基准。第三级为主条款下的子条款。子条款作为主条款的细化和重点内容，包含落实主条款的方法、措施和路径。《指引》脚注部分为某些具体议题的解释说明，以及所参考的国际标准。

《指引》第三章包括如何实施《指引》，以及中国五矿化工进出口商会国际矿业合作委员会将如何协助和监督《指引》的实施。



# 第一章 《指引》适用范围和指导原则

## 适用范围

本《指引》所倡导的“中国对外矿业投资社会责任”是指：企业主动将法律、道德、社会和环境因素融入到对外矿业投资的决策和运营中，以道德和透明的行为，充分考虑利益相关方的权利和利益，有效管理矿产资源勘探、开采、加工、投资合作及相关活动给社会和环境带来的影响，实现矿产资源开发与环境、社会的发展相互协调。

《指引》适用于所有中国企业在境外实施的矿产资源勘探、开采、加工和投资合作，以及其它经济活动，如与矿业相关的基础设施建设等。

上述的矿产资源勘探、开采、加工和投资合作等经济活动专指任何由法人实体通过取得许可证租赁、经营特许或其它类似的法律合同在采掘行业所开展的经济活动，且这些经济活动由中国企业全部或部分受惠。

《指引》力争进一步细化，以指导对外矿业投资企业明确优先的社会责任议题，并根据《指引》的原则和要求建立社会责任管理体系，公开社会责任信息，持续提升经济活动在经济、社会和环境方面的综合绩效。

《指引》未穷尽社会责任方面所有可能的要求，与其他标准、体系或倡议互补适用。

## 指导原则

实施企业承诺：

### 第一条 遵守法律法规

遵守法律法规是企业社会责任的基本要求。企业应确保其投资和运营行为遵守中国及所在国所有适用的法律法规，符合行业最低标准，并努力超越法律法规的要求。

### 第二条 坚持道德运营

企业应实施、维护道德商业实践和企业治理的合理体系；消除一切形式的腐败；坚持公平运营原则；评估所有运营活动对可持续发展的影响，确保所有运营活动服务于经济、环境和社会发展。

### 第三条 尊重人权，保障员工权益

企业应尊重人权，遵守国际劳工组织基本公约和运营所在地关于劳工实践的法律法规和标准。



#### **第四条 尊重自然、保护环境**

企业应开展全面的环境评估、废物和排放减量化、确保矿山关闭和复垦、节约和循环利用资源、实施环境风险管理、促进生态多样性保护、寻求环境绩效的持续提升，将采矿周期中环境影响和生态足迹降到最低水平。

#### **第五条 尊重利益相关方**

企业应致力于促进矿业运营所在地的社会、经济和制度发展，同时在矿产开发整个生命周期中，充分尊重和考虑受到实质性影响的利益相关方权利及利益，包括：员工、供应商和当地社区<sup>1</sup>等。

#### **第六条 优化负责的矿业价值链**

所有对外矿业投资企业应以促进整个行业的可持续发展为目标，持续提升可持续性绩效，发挥在行业中的积极影响，共同建设和优化负责的矿业发展价值链。

#### **第七条 提高透明度**

企业应根据利益相关方的需求和要求，汇报其社会责任方面产生重大影响的事件，公布道德、社会和环境绩效信息。企业应引入道德、环境和社会的议题全面审视其经营政策、风险和结果。

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<sup>1</sup> 社区是指任何直接或间接受矿业活动所影响的，在地域、行政、民族特性上有共同利益或意识的社会群体。

## 第二章 对外矿业投资社会责任议题

### 第一条 组织治理

本《指引》提出的组织治理，指企业为实现其社会责任目标而制定和实施的组织管理系统。有效的组织治理，应将《指引》中的指导原则和要求融入决策并实施，从而保障企业持续改善经营、提高对社会的履责能力。

- 一、 充分分析经济、社会和环境受影响的地区，有针对性的制定社会责任目标、策略和规划，并在企业内外开展沟通，形成共识。
- 二、 将《指引》及其它相关的国际企业社会责任标准的原则、要求，以及相应的目标、政策和计划融入高层决策体系和企业的组织体系，设立或指定社会责任决策与协调的机构或机制，并在企业内分配《指引》实施的任务。

结合企业治理结构和经营实际，指定或设置社会责任管理的决策机构和协调机构。决策机构负责制定并监督执行企业社会责任目标、政策、规划和重大行动。协调机构负责开展与社会责任相关的内部沟通，推进社会责任战略与日常运营相结合，确保规划和实施的一致性。

- 三、 制定经济、社会和环境指标，开展全面的监测和评估体系，并设立持续改进的目标。

建立和改善监测和评估机制，将主要社会责任绩效指标与员工绩效评估相挂钩。定期评估企业运营所产生的经济、社会和环境指标，实施相应的改善方案。

- 四、 制定社会责任能力建设方案，实施社会责任制度，提升全员责任意识，传播企业的社会责任目标、政策和计划。
  - （1） 制定具体的能力建设方案，以实施本指引，管理社会责任议题，检测和评估社会责任绩效，发布重要信息。
  - （2） 根据本指引的要求，明确所有社会责任议题及影响领域，评估能力建设需求，并将其融入能力建设方案之中。
  - （3） 通过开展能力建设，使利益相关方有能力处理环境和社会议题。
- 五、 明确利益相关方，积极征求、尊重非政府组织和本地社区等利益相关方的期望和反馈意见，并对其作出回应。



利益相关方是指任何可能影响组织决策与矿业运营或可能受到组织决策与矿业运营的影响的各利益个体或群体。企业应建立利益相关方参与机制，保障利益相关方的知情权、监督权和参与权。

六、 增强透明度，依据企业社会责任报告标准<sup>2</sup>的要求，定期、及时向利益相关方公布决策和运营中对社会和环境产生影响的重要信息，例如发布企业社会责任报告。

- (1) 建立、健全企业社会责任信息的披露机制，及时向利益相关方披露社会责任信息和绩效。
- (2) 遵循信息披露的整体原则，即：不仅披露强制性信息，还须披露其它与利益相关方有关的企业内外部信息。
- (3) 鼓励寻求标准化认证，审核披露信息的真实性及准确性。

## 第二条 公平运营实践

公平运营实践指企业应在与其他各方交往过程中坚持良好的道德行为要求，负责任地参与公共事务、公平竞争，成为负责任的社会参与者。

一、 制定、实施企业有关道德商业行为的声明或政策。

- (1) 遵守反腐败相关的国际标准和公约。
- (2) 不得为获得或延续业务以及其他不正当利益，直接或间接许诺、提供、索要贿赂以及任何其他不正当好处。

二、 制定合规和诚信管理体系，并确保在企业中实施，包括独立审计系统、内部监控系统、尽责调查、风险评估、员工风险培训、检举机制、惩罚措施等。

制定适当的体系，减少企业贿赂风险，职能包括：明确并监督高风险部门，培训管理层及相关人员，对向第三方收受或馈赠的礼物进行登记，调查任何有受贿嫌疑的事件，杜绝任何非正当收益等。

三、 预防、控制供应链中的贿赂和其他形式的腐败。

- (1) 禁止业务活动和交易中的任何贿赂行为，包括代理方和其他第三方的贿赂行为，馈赠、收受礼物须符合标准及审批程序。
- (2) 尽最大努力促进与所有业务伙伴间负责任的商业实践。
- (3) 采取有效措施，如明确供应商、客户身份和实际所有权等，预防涉入洗钱和支持恐怖主义；监督异常或可疑交易活动；对高于适用法律法规中金额上限的现金交易进行记录<sup>3</sup>。

<sup>2</sup> 较好的实践是根据可持续发展报告的报告模板，以及报告指南，如全球报告倡议组织（GRI）矿业与金属业补充条款、或最相关的中国报告指南，如中国社会科学院编制的《企业社会责任编制指南 3.0》，来发布企业社会责任报告。

<sup>3</sup> 如无适用法律，企业应根据国际上有关金额上限的标准制定上限。欧盟要求企业记录金额超过 15000 欧元的现金交易。

#### 四、 保护知识产权。

- (1) 确保各方的知识产权都得到保护。在商业合作的过程中，各方均不得侵犯任何第三方的知识产权。
- (2) 当得到或获取使用知识产权的许可，或处理技术转让时，应本着致力于所在国长久发展的理念设立条款和条件。

#### 五、 公开向所在国政府部门支付的项目

在全球透明度标准适用的国家<sup>4</sup>，公开向经营所在国政府部门支付的项目（如许可费、税款、特许使用费、签约定金等），包括实物支付和基础设施工程。

### 第三条 价值链管理

企业应将道德、社会和环境标准融入采掘业上游和下游的价值链中。企业应利用自身影响激发供应链满足社会对负责任的产品和服务的需求，优化矿产价值链。

#### 一、 要求一级供应商遵守《指引》中相关原则和要求，并利用一级供应商所处的供应链进一步推广实施《指引》。

发布行为守则，并鼓励供应商签署，使之承诺遵守相关要求和规定。

#### 二、 设立责任采购目标，并制定相关政策。

制定采购政策并予以公示，针对部分领域内的采购决策，设定不局限于价格和质量的要求，如机器和货车的噪音等级、可再生能源的混合比例等。

#### 三、 设定清晰的本地化采购目标，根据实际情况，制定从驻在国、所在地社区及海外的采购计划。

支持当地经济发展。如果当地产品和服务质量、价格合理，应优先选择。

#### 四、 参与矿产资源开发上游活动（如：加工、贸易或从手工采矿商或合作社采购）的企业应开展尽职调查和内部管控体系，评估其供应链中所存在的风险。

<sup>4</sup> 企业披露向外国政府机构缴纳的款项已经成为采矿项目的国际标准。目前，有 44 个资源丰富的国家实施了采掘业透明度行动计划（EITI），要求政府公开他们从采矿企业得到的收据，并要求企业公开其向政府部门缴纳的款项。这些数据对账后会发布在采掘业透明度行动计划的年度报告中，目的是为了防止腐败并让公众知晓资源的税收情况。企业可以参看采掘业透明度行动的模板（在第 4.1b 款），以便决定哪些费用需要公布。此外，在美国或欧盟证券交易所上市的采矿企业，除了依照采掘业透明度行动计划规定之外，还需要分别按照美国多德-弗兰克法案和欧盟会计与透明度指令的要求，公开向所有运营国的任何一个外国政府机构缴纳的与采矿项目有关的款项。类似的规定同样适用于香港证券交易所，作为企业上市的先决条件。国际金融公司和其他债权人也要求矿业企业披露他们给政府缴纳的款项。对矿业行业而言，提高收益的透明度在全球已成为必须。



- (1) 与矿产区的手工采矿商或小型矿商共同协作，建立生产关系。
- (2) 从手工采矿商和小型矿产商采购的企业应定期评估强迫劳动、童工、不安全工作条件、不受控危险化学品使用和其他重大影响<sup>5</sup>的风险。

## 第四条 人权

承认和尊重人权，对于法治以及社会公正、稳定与和谐十分重要。企业担负着尊重人权的责任，应在其影响范围内尊重人权。企业需要采取积极措施，避免自身被动接受或主动参与侵犯人权行为。

一、 采矿和生产作业过程中，须遵循 << 联合国企业与人权指导原则 >>，至少包括：

- (1) 制定符合尊重人权责任的政策原则。
- (2) 制定人权尽职调查程序，识别、预防、减轻、解决人权影响。
- (3) 制定条款或与当地社区合作，通过正当程序对受到负面人权影响者进行有效的弥补。

二、 避免与侵犯人权者“同谋”。

- (1) 不得从他人侵犯人权的行为中获利；不得纵容他方侵犯人权行为，与业务伙伴就公司人权政策进行有效沟通。
- (2) 确保负责保护开采和生产作业的公、私安保人员符合安全与人权自愿原则。

三、 尽量减少矿区的非自愿移民，对无法避免的须进行公正补偿。

- (1) 在项目开发阶段，如土地征用有可能产生潜在的物理或经济影响，应制定民生恢复计划。
- (2) 尽力避免任何可能因采矿和生产导致的作业区附近定居受限的情况发生。

四、 尊重和保护当地社区（包括原住民在内）的文化和遗产，尽量降低文化影响，采矿和生产活动不得损害当地居民的传统文化<sup>6</sup>。

- (1) 与可能受到影响的社区，如原住民，进行商洽，确保采矿项目尊重其权利、利益、愿望、文化和以自然资源为基础的民生。

<sup>5</sup> 不受控危险化学品通常指汞和氰化物，常用于手工和小型的金矿开采。据美国环境保护署估计，全球金矿开采的 20% 来自手工和小型开采作业，造成了环境中最大的元素汞排放（约 400 公吨/年）。为有效解决此污染问题，国际上已出台部分解决方案，如美国环境保护署制定的“金铺汞捕获系统（MCS）”。黄金工匠协会则制定了无汞黄金处理体系并建立了培训中心。企业应考虑通过类似的工具和技术支持手工和小型矿产开采活动。

<sup>6</sup> 采矿与矿产加工需要土地用于安置作业基础设施、住房、道路、机场、管道、贮存设备和其他项目设施。国际上较好的做法是当开采项目位于原住民拥有或使用的土地上时，尊重原住民各项权利、权益、土地和水资源等相关物资。国际矿业与金属理事会（ICMM）公布的《原住民与开采项目良好实践指导》有一定参考价值。

- (2) 项目设计应尽量避免负面影响，对于不可避免的，进行管理和补偿，以最小化影响；确保原住民可通过开采项目获得可持续的利益和机遇。

## 五、 保护当地社区（包括原住民在内）的自主、事先和知情同意权<sup>7</sup>。

- (1) 对在原住民拥有、使用的土地上新规划（或设计变更）的项目，如果可能会对原住民产生重大负面影响（包括原住民的重新安置和对重要文化遗产的损害），应努力征得本地社区同意。
- (2) 当开采作业对原住民的祖先领土产生重大影响、造成原住社区非自愿重新安置，和 / 或破坏本土文化和精神印记时，即使得到了政府承认，仍应首先遵循自主、事先和知情同意原则。

## 六、 进行以风险为基础的供应链尽职调查，以避免接触可能已资助或助长冲突的矿物原料<sup>8</sup>。

- (1) 开展评估，确定采矿项目所采购的矿产或矿产交易路线是否位于冲突影响地区和 / 或高风险地区。
- (2) 调整现行尽职调查措施，使其充分考虑冲突影响地区和高风险地区的特定需要。该措施须由第三方审核，并对外公开。
- (3) 在冲突影响地区和 / 或高风险地区作业时，采取措施对业务关系、交易、资金流、资源进行监督，避免“冲突矿产”贸易。

# 第五条 劳工实践

创造就业并向员工支付工资和其他劳动报酬，是企业重要的经济和社会责任。负责任的劳工实践对于社会公正、稳定与和谐必不可少。企业的劳工实践包括尊重员工自由选择工作的权利，以及享有公正、合理的工作条件的权利。

## 一、 不使用童工、不强迫或强制劳工，保护年轻员工的权利。

- (1) 不使用童工，用工最低年龄参照驻在国的法律规定，如驻在国无相关的法律规定，用工最低年龄应定为 16 岁。

7 国际上较好的做法是在开采作业前与当地社区和原住民进行商洽并征得其同意。例如，国际劳工组织公约第 169 条“关于独立国家的原住民”要求在原住民土地上进行勘探或开采作业前须与原住民商洽，原住民可从此类作业中获利，并获得所受损失的公正补偿。另一个突出概念是自主、事先和知情同意（FPIC），源自于《联合国原住民权利宣言》。

8 “冲突矿产”这一术语指“3TG”矿产（即：锡矿、钨矿、钼矿及金矿），主要形容来自非洲大湖地区的可能已资助或助长冲突的自然资源。它由负责调查刚果自然资源非法开采的联合国刚果专家组提出。目前，“冲突矿产”愈来愈多地被理解成任意一种从冲突影响或高风险区采购的“3TG”矿产，这些区域往往充斥着武装冲突、暴力冲突及其它对人类具有危害的风险。武装冲突的形式具有多样性。高风险区则可指那些政局动荡、机构脆弱、不安全、民用基础设施建设薄弱，以及暴力横行的区域。这些区域也常存在严重的人权侵犯和暴力问题。

9 有关在冲突影响和高风险区开展尽职调查的良好实践可通过《经合组织有关冲突及高风险地区的可信矿产供应链尽职调查指导方针》获取。该指导方针已成为国际公认的供应链尽职调查标准，并由来自经合组织和非洲国家（非洲大湖地区国际会议组织成员国和南非）、行业协会、民间社会组织以及联合国的多方利益相关方，通过深入参与和谈判，制定。如企业在冲突影响区域和 / 或高风险区域运营，建议企业实施经合组织尽职调查五步框架，其中包括：1. 建立强有力的企业管理体系。2. 明确和评估供应链风险。3. 设计并实施风险应对战略。4. 开展或支持独立第三方尽心尽职调查审核。5. 发表年度供应链尽职调查报告。





- (2) 如发现使用童工的情况，应制定相关补救措施。
- (3) 避免任何形式的强制劳动<sup>10</sup>，如在开始雇用收取押金、扣留人员身份证件等。不得出于强迫继续为公司工作的目的扣留任何人的工资、福利、财物、证件。
- (4) 在安全情况允许的前提下，员工完成标准工作日工作后，有权离开工作场所。在事先给予合理通知后，员工有权终止雇佣关系。
- (5) 明确年轻员工<sup>11</sup>的特点，保护年轻工人的权利及利益。

## 二、 根据劳动合同和法律要求，确保公平、公正就业。

- (1) 确保所有员工了解其现行雇佣待遇，包括薪水、工作时长和其他相关工作条件。
- (2) 对雇佣情况进行记录，提倡固定雇佣关系，尽量避免以虚假学徒训练、连续短期合同或不明确的分包约定等劳动形式，逃避劳动及社会保障。

## 三、 在就业、工作、职业培训及雇佣待遇中，不因种族、肤色、性别、宗教、政治倾向、国籍、社会地位，或其他原因而歧视员工。

- (1) 确保员工不受体罚、严苛或侮辱性待遇、性骚扰或肢体骚扰、身心或言语虐待、强迫或恐吓，确保员工本人或家人不会受到威胁。
- (2) 促进不同文化背景员工间的相互尊重、理解和融合。

## 四、 遵守法定或行业的最低工资标准，并支付社会保障福利。

- (1) 在适用法律基础上、遵照现行的劳资谈判协议要求支付常规工时和加班报酬，支付标准应不低于法定最低标准。
- (2) 不得在非法、无授权情况下、扣除薪酬。

## 五、 遵守国际通行工时、加班和年假标准。

遵守适用中国、驻在国法律、法规及行业标准中关于工时和公共假日的要求。一周内至少休息一天，或在连续工作七天后至少连续休息 24 小时。

## 六、 提供清洁、安全、满足基本需要的工作条件。

- (1) 保证员工工作区域，以及现场住房、宿舍（如有）的饮用水安全、食物消费贮存设施安全、盥洗设施干净卫生。
- (2) 保持工作环境卫生。

<sup>10</sup> “强制劳动”的定义来自于国际劳工组织公约，即：以惩罚相威胁，强使任何人从事其本人不曾表示自愿从事的所有工作和劳务。

<sup>11</sup> “年轻员工”是指高于法定用工最低年龄，却低于 18 岁的劳动者。



七、 提供职业培训，制定职业发展规划。

- (1) 重视培养当地员工，推进员工本地化。
- (2) 支持员工参加提升业务能力、综合素质和职位晋升的培训教育，并员工进行职业技能培训和教育提供必要的资金。
- (3) 指导员工规划职业发展，建立健全员工晋升机制。

八、 依据当地法律和惯例，建立劳资双方协商机制，如可行，支持员工参与企业管理。

- (1) 尊重员工的结社自由权利，不应禁止或阻碍员工选举员工代表、成立或加入员工组织，以及进行劳资双方协商。
- (2) 如存在劳资双方协商协议的情况下，遵守该协议的规定。

九、 建立企业与员工的双向沟通渠道和机制，促进员工与管理层对话，了解并回应员工的期望与诉求。

应当保证员工可自由申诉，不会受到任何惩罚或报复。

## 第六条 职业健康与安全（OHS）

职业健康与安全（OHS）是指保持员工在工作中的身心健康，防止员工由于不当的工作条件造成健康伤害，包括保护员工远离职业健康风险，改善工作环境，满足员工基本需求。

一、 实施职业健康与安全管理体系，包括日常健康与安全检测体系及应急预案。

- (1) 公布企业遵守职业健康与安全要求的承诺，并传达到每位员工。
- (2) 任命高级管理人员负责工作场所健康安全，建立联合卫生安全委员会，便于员工与管理层提出并讨论健康安全问题。
- (3) 对工作场所安全开展系统风险评估，预防并控制物理、化学、生物、放射性质的健康与安全风险，制定应急预案。
- (4) 风险评估应考虑到员工生产活动中的各方面情况，包括机械与移动设备使用、化学品贮藏与处理、对烟气或粉尘的接触程度、噪音、室温等级以及光照、通风等。

二、 采取各种切实措施，避免工作场所伤亡、事故与职业疾病。

- (1) 采取合理措施，确保工作环境的安全性<sup>12</sup>。
- (2) 尽力降低滑坡、落石和其他地质灾害所导致的事故风险，预防、检测、应对火灾的爆发与蔓延。



- (3) 解决和预防会直接或间接对工作产生危害的情况，如疲劳、酗酒、药物滥用、高传染性疾
- (4) 所有职业健康与安全方面发生的事件，以及公司采取的应对措施，应确保正式调查、留存记录，并列入常规健康安全检查和改进计划。

三、 向所有员工定期提供健康与安全培训，并将健康和安全融入企业文化。

- (1) 提供的培训应采用员工易懂的表达方式和语言。
- (2) 针对员工的健康安全风险开展专项培训；对指定的急救人员进行培训，对应急情况事项进行定期培训。
- (3) 提升员工的安全意识，认识到其有权中止或拒绝在不可控危险存在区域工作。
- (4) 提升员工风险防范意识和应急处理能力。

## 第七条 环境

环境保护是人类生存、发展和繁荣的前提条件，是企业社会责任的重要方面。矿业开发对环境

一、 建立环境管理体系<sup>13</sup>，并在每个运营所在地参照当地法律和标准要求进行修订。

- (1) 企业应当将环境保护纳入企业发展战略、计划和目标，并建立完善的、相应的环境保护规章制度，强化企业的环境污染控制和环境风险防范管理。
- (2) 企业应对建立健全环境保护培训制度，向员工提供适当的环境保护方面的教育和培训，使员工了解和熟悉驻在国相关环境保护法律法规体系和企业环境政策。
- (3) 企业有义务提高企业员工，特别是基层员工的守法意识和环保素质，初步了解基本的环境保护知识。

二、 针对每项矿业活动，提前开展环境影响评价，并定期监控环境影响。

- (1) 企业应当严格依据驻在国有关环境影响评价的法律法规，并根据影响评价结果，采取合理有效的措施，尽可能的降低或消除可能产生的不利影响。
- (2) 企业在项目建设前对矿山区域开展环境基准评估，全面了解项目所在地及其周围区域的环境和生态系统状况。

12 可参考国际金融中心颁布的《环境、健康与安全通用指南》中对确保工作场所的安全性的说明，其中包括提供个人防护装备，有足够的受训急救人员，充足的照明系统，以及充分换气烟雾回收系统等防止吸入有害物质的保护措施。

13 国际上较好的做法是开展 ISO 14001 认证。ISO 14001 是环境管理体系认证的代号，是由国际标准化组织制订的环境管理体系标准，其中包括环境因素识别、重要环境因素评价与控制，适用环境法律、法规的识别、获取和遵循，环境方针和目标的制定和实施，以期达到污染预防、节能降耗、提高资源利用率，最终达到环境绩效的持续改进的目的。

- (3) 鼓励企业在收购境外企业前,对目标企业开展环境尽职调查,重点关注其在历史过程中造成的环境污染和足迹,以及与此相关的环境债务。

### 三、 制定常规环境风险管理体系,制定应急预案和响应机制<sup>14</sup>。

- (1) 制定预案和机制,以便恰当地预防、准备和响应突发事件和紧急情况。
- (2) 为附近受影响的社区成员公布采矿和生产作业可能造成危害的相关信息,并公开风险降低措施的内容。
- (3) 在制定、测试及实施整体应急预案的过程中,确保当地社区成员的参与。

### 四、 在运营开始之前,制定矿山关闭和复垦计划。如有相关法律规定,为矿山关闭和复垦计划确保适当的资金支持。

- (1) 如有相关法律规定,确保矿山关闭和复垦项目有适当的资金支持,留存一定款项作为财务担保。
- (2) 使原住民、社区、手工和小型矿产商/机构等利益相关方有机会参与场地复垦计划及矿山关闭计划。
- (3) 对废弃尾矿库,须控制矿山关闭后的沼气泄露,防止化学物质浸析环境。

### 五、 定期评估、降低采矿和生产对土壤、空气、水污染的影响。

- (1) 考虑周围土壤、空气和水资源的条件,采取具有技术、资金可行性与适用性的污染预防方法与技术,尽力避免、降低、控制污染<sup>15</sup>。
- (2) 企业应按照驻在国的相关法律法规要求,对企业排放的主要污染物进行监测,随时掌握企业污染状况,并对监测结果进行记录和存档。
- (3) 采取控制与减少排放策略,(包括应用粉尘消除技术、清洁能源发电等)。
- (4) 采取措施降低爆破、钻孔造成的噪音与震动。

### 六、 积极向地方政府、中国国内总部和公众通报采矿和生产作业过程中潜在的环境影响。

鼓励企业定期发布本企业环境信息,公布企业环境保护执行制度和计划,以及采取的措施和取得的成果等情况。

### 七、 确定明确的资源和能源节约、循环利用的年度目标,监控和报告目标实施情况。

- (1) 鼓励企业制定切实可行的节能减排、循环利用年度计划和目标,配置专职或兼职的管理人员,负责计划的实施和目标的完成。

<sup>14</sup> 可参考联合国环境规划署颁布的《矿业地方级应急意识与准备指引》(UNEP APELL)中有关制定应急计划和应急机制的内容。

<sup>15</sup> 这类措施包括符合或高于当地环境空气质量中关于微粒排放的限制要求,控制金属辐射,以及预防、控制污染废水、废料、危险物质的排放,其中包括:所有外排流的妥善处理;考虑采矿工艺中用水的循环利用与处理;确保洁净水和污水贮存分离;以及避免生产、运输、储存和处理过程中重金属和危险物质的排放。



- (2) 鼓励企业开展清洁资源生产，开展循环利用，从源头削减污染，尽量提高资源利用效率，同时减少生产、服务和产品使用过程中的污染物的产生和排放。

#### 八、 制定和实施废物处理和减排体系。

废弃物的回收与再利用应以人体健康与环境安全为前提。对于无法回收与再利用的废弃物，对其进行销毁与处置不得对环境造成损害，其中包括对排放物、流出物、残余物进行合理控制。

#### 九、 确保遵守化学品和有毒物质管理适用的法律要求，遵守采矿业特殊有毒物质使用和生产的国际标准。

- (1) 避免制造、交易、使用国际禁令中划定的对生物体和环境存续具有高毒性或潜在的不可逆生态影响的化学品与危险物质，其中包括严格控制砷和汞的排放，管理氰化物<sup>16</sup>等，应当按照国际最高标准执行。
- (2) 避免由开采作业所产生的酸性岩排水(ARD)和金属浸出(ML)所导致的地表水与地下水污染。
- (3) 确保危险物质的处置、贮存和运输符合相关的法律法规，确保在过程中无泄漏、无溢溅或以其他方式释放到环境中。
- (4) 确保危险物质的处置和处理遵循相关规定，并将其对环境的影响降到最低。

#### 十、 确保矿渣的安全贮存和处置。

- (1) 对废石和尾矿进行妥善管理，确保其结构稳定，排放受控，并避免酸性矿水排泄、金属浸出、失去限用效力等潜在影响。
- (2) 避免在河边或浅海区进行尾矿处理。
- (3) 考虑建立零排放尾矿，包括尾矿退役后的永久贮存等。

#### 十一、 制定并实施温室气体减排规划，包括建立科学的减排模式，实施避免、预防、减少、消除温室气体排放的政策。

- (1) 制定温室气体减排策略，采取经济可行的减排手段。
- (2) 支持适合行业现状的低温室气体排放技术研发，包括碳捕获与贮存技术等。

#### 十二、 在矿产开发周期和价值链中推动生物多样性保护和环境保护，其中应注意通过整合土地利用计划推动相关基础设施建设。<sup>17</sup>

- (1) 根据开采作业情况并结合生物资源保护与可持续利用的考虑，采取适当措施确定、监督影响生物多样性因素。

<sup>16</sup> 如使用氰化物，建议企业确保场地经国际氰化物管理认证。

<sup>17</sup> 建议企业参考《联合国生物多样性公约》

- (2) 确立受开采作业影响的关键生物多样性区域，降低、避免、修复、消除对生物多样性和生态系统的负面影响。
- (3) 建立透明、包容、公开、公正的决策程序和评价工具，以便将生物多样性保护、保护区和矿区设施更好地列入土地使用规划和管理策略之中，包括设立“禁止”区域。
- (4) 采取适当措施降低对植被和土壤的影响，包括土壤保持措施、作业后复垦措施等。
- (5) 确保矿业项目在其生命周期中，包括项目结束后，不对濒危物种产生威胁。

### 十三、在环境高风险地区谨慎采矿，不在世界遗产地或法律保护区内勘探或开采。

- (1) 不在世界遗产地或其它法律保护区域勘探或开采。确保在世界遗产地及其周边已开展的和即将开展的作业不影响这些遗产。
- (2) 鼓励企业充分考虑其矿产开发建设和生产经营活动对历史文化遗产、风景名胜、民风民俗等社会环境的影响，采取合理措施减少可能的负面影响。

### 十四、鼓励企业与专业的环境保护组织合作，增强企业对于环境敏感地区的了解。

建议企业加强与驻在国政府环境保护监管机构取得有效的联系与沟通，积极征求其对企业环境保护管理方面的意见，并通报相关信息。

## 第八条 社区参与

社区参与是企业可持续发展的重要组成部分。企业在运营所在地积极主动参与社区事务，有利于企业与当地组织和利益相关方建立伙伴关系，营造企业发展良好氛围，实现企业与社区共同发展。

### 一、开展社会影响评估，尽早与可能受影响的各方沟通，建立定期沟通机制。

- (1) 在采矿作业的计划与审批阶段，完成综合、全面的社会影响评估，评估内容包括基准条件以及减少人权、劳动、就业、性别、健康、冲突等方面负面影响的计划。
- (2) 重大利益相关方和受影响方应参与影响评估的开展。
- (3) 定期更新社会影响评估。

### 二、确保与受实质影响的各方持续进行公平的互动、尊重当地文化，包括原住民和弱势群体。

- (1) 明确采矿作业的实质影响方，建立定期和长期的沟通机制，并确保沟通机会的平等。
- (2) 为确保与受实质影响的各方在采矿作业的生命周期中保持互动，搭建互动平台，提供资源保障。

### 三、在企业内设置负责社区参与的管理职位，并部署足够的工作人员。



#### 四、 建立有第三方参与的申诉机制，负责社区议题。

- (1) 确保所有利益相关方都有相应的申诉机制，特别是弱势群体的申诉机制。
- (2) 申诉机制应具有合法性、便利性、预见性、公正性和透明性，此机制在涉及刑事、商业及劳动等方面法规时不得与。
- (3) 申诉机制应允许在安全环境中匿名投诉。

#### 五、 尊重社区的文化传统和宗教信仰，保护社区文化遗产。

#### 六、 与本地利益相关方共同制定、实施社区发展计划，促进社区发展。

以持续的、多利益维度的进程，制定、审核和更新社区发展计划，确保该发展计划符合大多数利益相关方的权利和利益。

#### 七、 在当地社区中创造就业机会，支持地方经济建设。

- (1) 通过雇用和培训当地员工创造就业机会
- (2) 通过支持当地非矿业企业发展，创造就业机会，支持地方经济建设。

#### 八、 为当地社区居民提供技能发展培训。

- (1) 直接和间接地支持地方技能发展。提高与采矿作业相关的技能发展，支持职业培训项目，并鼓励社区居民参加。
- (2) 与手工作业和小型矿产商直接接洽，将其列入社区参与范畴；为在开采区作业的手工和小型矿产商提供其他再就业机会，使其更加专业化、正规化。

#### 九、 支持当地社区中小企业发展。

支持当地经济和中小企业的发展，支持本地采购，通过借贷方案和企业教育等方式直接投资、激励非矿业企业的多样化。

#### 十、 支持医疗、教育、基础设施和其他重要公共服务的公益倡议。

- (1) 协助解决贫困问题，推进社会和经济发展。
- (2) 鼓励与政府和非政府组织开展合作，确保项目设计完善、有效实施。
- (3) 开展与采矿作业、劳动力迁移相关的社区健康与安全问题支持项目，包括反对性别暴力项目，疾病控制项目。<sup>18</sup>

<sup>18</sup> 这类疾病包括性传播疾病或因采矿产生繁殖栖息地进而导致的各种疾病，如尾矿坝导致传播疟疾的蚊虫繁殖。

## 第三章 指引的实施

### 第一条

中国五矿化工进出口商会将广泛推广《指引》，并在其国际交流活动中推广《指引》。

### 第二条

中国五矿化工进出口商会将通过培训、研讨会、交流会等其它方式，积极协助企业提高实施《指引》的能力。

### 第三条

中国五矿化工进出口商会将根据《指引》的原则和社会责任议题，鼓励企业评估其社会责任。

### 第四条

中国五矿化工进出口商会将根据《指引》为参与对外矿业投资的中国企业开展企业社会责任绩效评估，并传播最佳实践。

### 第五条

中国五矿化工进出口商会将定期汇报活动和监测成果。

### 第六条

《指引》每三年审核一次，由中国五矿化工进出口商会与各利益相关方通过公共协商等方式共同审核、更新。





附件一：《指引》制定标准参考

发布机构	标准名称	发布日期	链接
Bettercoal	Bettercoal Code	2013	<a href="http://bettercoal.org/docs/Bettercoal-Code-Version-1-Final.pdf">http://bettercoal.org/docs/Bettercoal-Code-Version-1-Final.pdf</a>
Extractive Industries Transparency Initiative (EITI)	The EITI Standard	2013	<a href="http://eiti.org/files/English_EITI%20STANDARD_11July_0.pdf">http://eiti.org/files/English_EITI%20STANDARD_11July_0.pdf</a>
Global Compact	Ten Principles	2004	<a href="http://www.unglobalcompact.org/abouttheGC/TheTenPrinciples/index.html">http://www.unglobalcompact.org/abouttheGC/TheTenPrinciples/index.html</a>
Global Compact/ PRI	Guidance on Responsible Business in Conflict-Affected and/or High-Risk Areas	2010	<a href="http://www.unglobalcompact.org/docs/issues_doc/Peace_and_Business/Guidance_RB.pdf">http://www.unglobalcompact.org/docs/issues_doc/Peace_and_Business/Guidance_RB.pdf</a>
International Labor Organisation (ILO)	Abolition of Forced Labour Convention (No. 105)	1957	<a href="http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C105">http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C105</a>
ILO	Discrimination Convention (No. 111)	1958	<a href="http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C111">http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C111</a>
ILO	Equal Remuneration Convention (No. 100)	1951	<a href="http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C100">http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C100</a>
ILO	Forced Labour Convention (No. 29)	1930	<a href="http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C029">http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C029</a>
ILO	Freedom of Association and Protection of Rights to Organise Convention (No 87)	1948	<a href="http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C087">http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C087</a>
ILO	Minimum Age Convention (No. 138)	1973	<a href="http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C138">http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C138</a>
ILO	Right to Organize and Collective Bargaining Convention (No. 98)	1949	<a href="http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C098">http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C098</a>
ILO	Worst Forms of Child Labour Convention (No. 182)	1999	<a href="http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182">http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182</a>



International Council on Mining and Metals (ICMM)	Position Statement on Climate Change Policy Design	2011	<a href="http://www.icmm.com/document/1843">http://www.icmm.com/document/1843</a>
International Council on Mining and Metals (ICMM)	Position Statement on Indigenous Peoples and Mining	2013	<a href="http://www.icmm.com/document/5433">http://www.icmm.com/document/5433</a>
International Council on Mining and Metals (ICMM)	Position Statement on Mercury Risk Management	2009	<a href="http://www.icmm.com/document/556">http://www.icmm.com/document/556</a>
International Council on Mining and Metals (ICMM)	Position Statement on Mining and Partnerships for Development	2010	<a href="http://www.icmm.com/document/782">http://www.icmm.com/document/782</a>
International Council on Mining and Metals (ICMM)	Position Statement on Mining and Protected Areas	2003	<a href="http://www.icmm.com/document/43">http://www.icmm.com/document/43</a>
International Council on Mining and Metals (ICMM)	Position Statement on Transparency of Mineral Revenues	2009	<a href="http://www.icmm.com/document/628">http://www.icmm.com/document/628</a>
International Council on Mining and Metals (ICMM)	Sustainable Development Framework	2003	<a href="http://www.icmm.com/our-work/sustainable-development-framework/10-principles">http://www.icmm.com/our-work/sustainable-development-framework/10-principles</a>
International Finance Corporation (IFC)	Environmental, Health and Safety (EHS) Guidelines	2007	<a href="http://www.ifc.org/wps/wcm/connect/554e8d80488658e4b76af76a6515bb18/Final%2B-%2BGeneral%2BEHS%2BGuidelines.pdf?MOD=AJPERES">http://www.ifc.org/wps/wcm/connect/554e8d80488658e4b76af76a6515bb18/Final%2B-%2BGeneral%2BEHS%2BGuidelines.pdf?MOD=AJPERES</a>
Multi-Stakeholder	Voluntary Principles on Business and Human Rights	2000	<a href="http://www.voluntaryprinciples.org/wp-content/uploads/2013/03/voluntary_principles_english.pdf">http://www.voluntaryprinciples.org/wp-content/uploads/2013/03/voluntary_principles_english.pdf</a>
OECD	Due Diligence Guidance on Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas - 2nd Edition	2013	<a href="http://www.oecd.org/daf/inv/mne/GuidanceEdition2.pdf">http://www.oecd.org/daf/inv/mne/GuidanceEdition2.pdf</a>
OECD	Guidelines for Multinational Enterprises	2011	<a href="http://www.oecd.org/daf/inv/mne/48004323.pdf">http://www.oecd.org/daf/inv/mne/48004323.pdf</a>

Responsible Jewellery Council	Code of Practices	2013	<a href="http://www.responsiblejewellery.com/files/RJC_Code_of_Practices_2013_eng.pdf">http://www.responsiblejewellery.com/files/RJC_Code_of_Practices_2013_eng.pdf</a>
UN	Guiding Principles on Business and Human Rights: Implementing the UN "Protect, Respect and Remedy" Framework	2011	<a href="http://www.business-humanrights.org/media/documents/ruggie-guiding-principles-21-mar-2011.pdf">http://www.business-humanrights.org/media/documents/ruggie-guiding-principles-21-mar-2011.pdf</a>
UN	UN Convention on Biological Diversity	1992	<a href="http://www.cbd.int/doc/legal/cbd-en.pdf">http://www.cbd.int/doc/legal/cbd-en.pdf</a>
UN	UN Convention against Corruption	2005	<a href="http://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf">http://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf</a>
UNEP	Guidance for the Mining Industry in Raising Awareness and Preparedness for Emergencies at Local Level	2001	<a href="http://www.unep.fr/shared/publications/pdf/WEBx0055xPA-APELLMiningEN.pdf">http://www.unep.fr/shared/publications/pdf/WEBx0055xPA-APELLMiningEN.pdf</a>

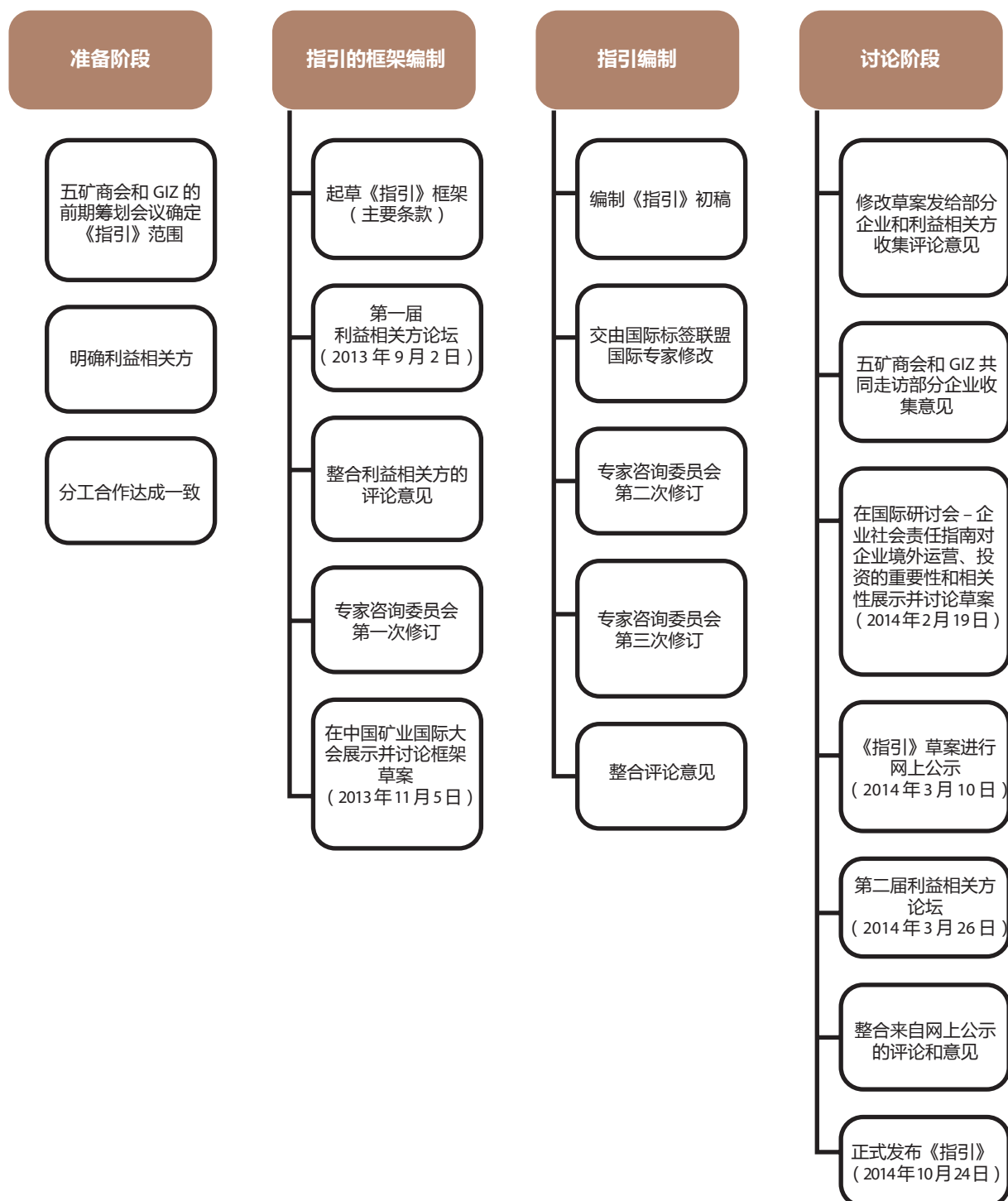


参考标准一览	中国对外矿业投资社会责任指引条款和主要国际及特定行业社会责任参考标准规定的交叉引用。	= 比参考指引更详细的规定 = 类似的规定 = 比参考指引较简略的规定	本概述仅代表作者主观判断	安全和人权自愿原则	
				全球契约在受冲突影响与高风险地区负责任商业实践指南	
2.1. 组织治理				联合国生物多样性公约	
				联合国工商业与人权指导原则：实施联合国“保护、尊重与补救”框架	
				负责任矿业委员会实践准则	
				经济合作与发展组织跨国公司指南	
				经济合作与发展组织关于在受冲突影响地区和高风险地区负责任矿业供应链尽职调查指南（第2版）	
				ISO 26000	
				世界银行集团环境、健康和安全管理（EHS）指导方针	
				国际矿业与金属理事会的可持续发展框架	
				国际矿业与金属理事会有关收入透明的立场声明	
				国际矿业与金属理事会有关采矿与保护区的立场声明	
				国际矿业与金属理事会有关采矿与开发合作关系的立场声明	
				国际矿业与金属理事会有关风险管理的立场声明	
				国际矿业与金属理事会有关土著居民与采矿的立场声明	
				国际矿业与金属理事会有关气候变化政策的立场声明	
				国际劳工组织组织权利和集体谈判权利公约（第8号）	
				国际劳工组织准予就业最低年龄公约（第138号）	
				国际劳工组织结社自由和保护组织权利公约（第87号）	
				国际劳工组织强迫劳动公约（第29号）	
				国际劳工组织同工同酬公约（第100号）	
				国际劳工组织歧视公约（第111号）	
				国际劳工组织废除强迫劳动公约（第105号）	
				全球契约十项原则	
				更优质煤准则（Bettercoal Code）	
				2.1.1. 制定社会责任目标、政策与计划	
				2.1.2. 将社会责任融入决策与架构	
				2.1.3. 社会责任监测与评估体系	
				2.1.4. 社会责任能力建设方案	
				2.1.5. 分析、尊重、响应利益相关方	
				2.1.6. 公布重要信息	
				2.2.1. 制定道德商业声明	
				2.2.2. 制定符合性和诚信管理体系	
				2.2.3. 预防、控制贿赂	
				2.2.4. 保护知识产权	
				2.2.5. 纳税，向政府公布支付的报酬	
				2.3.1. 要求供应商遵守标准	
				2.3.2. 设定责任采购的目标	
				2.3.3. 设定本地化采购的目标	
				2.3.4. 在供应链中开展尽职调查和内部管控系统	
				2.4.1. 遵守《联合国工商企业与人权指导原则》	
				2.4.2. 确保不与侵犯人权者同流合污	
				2.4.3. 尽量减少非自愿移民	
				2.4.4. 尊重本地社区的文化和遗产	
				2.4.5. 保护事先自由给出知情许可的权利	
				2.4.6. 避免涉及冲突矿物	
				2.5.1. 不使用童工、强迫劳动或强制劳动	

[illegible]



## 附件二：《指引》编制过程



## 附件三：鸣谢单位

### 政府部门

中华人民共和国商务部  
中华人民共和国国土资源部  
中华人民共和国工业和信息化部  
国务院国有资产监督管理委员会研究局  
环境保护部环境保护对外合作中心  
中华人民共和国人力资源和社会保障部劳动保障研究所  
国家发展改革委员会宏观经济研究院  
国家安全生产监督管理总局

### 驻华使领馆

澳大利亚驻华使馆  
加拿大驻华使馆  
美国驻华使馆  
荷兰驻华使馆  
德国驻华使馆

### 行业商协会

中国矿业联合会  
中国钢铁工业协会  
中国纺织工业联合会  
中国对外工程承包商会  
中国工业经济联合会

### 国际机构及非政府组织

德国国际合作机构  
国际社会与环境认可和标签联盟  
世界自然基金会  
联合国国际劳工组织  
大自然保护协会  
荷兰合众基金会  
国际贸易中心  
可持续发展工商理事会  
全球见证  
全球契约中国网络  
联合国开发计划署  
国际工商领袖论坛

### 研究咨询机构

恩菲工程技术有限公司  
WTO 经济导刊  
中国社会科学院企业社会责任研究中心  
普华永道中天会计师事务所

### 企业

中国铝业公司  
中国五矿集团公司  
中国有色矿业集团公司  
中国中钢集团公司  
中国首钢集团  
江西铜业集团  
中非发展基金  
亿阳集团

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## Foreword

Economic globalization has been accompanied and promoted by a more widespread allocation and distribution of capital assets, information technology, labour resources, and other production factors. Fuelled by economic growth and by increasing demands of a growing world population, the global competition for mineral resources is intensifying. Driven by the 'Going Out' strategy, Chinese companies are encouraged to actively engage in the optimization of allocation and distribution of global mineral resources in order to meet the needs of the rapid growth of the Chinese economy.

As a capital-intensive long-term business, the sustainable development of mineral resources requires continuous public trust and a stable legal, political, social, and economic environment. As for Chinese mining companies engaged in outbound investment, specific corporate social responsibility (CSR) issues with regard to mineral development – such as improving production efficiency, ethical and fair operations, labour conditions, providing safe working conditions, minimizing environmental pollution, avoiding contributing to armed groups or sourcing “conflict minerals”, and being responsible for improvements in the lives of the local community – should be the major focus.

Against this background, the China Chamber of Commerce of Metals, Minerals and Chemicals Importers and Exporters (CCCME), an industry association aimed at promoting the sustainable development of the outbound investment and trade operations of the Chinese mining industry, has developed the 'Guidelines for Social Responsibility in Chinese Outbound Mining Investment' (hereafter referred to as the 'Guidelines'), with the support of the bilateral Sino-German Corporate Social Responsibility Project and the Emerging Market Multinationals Network for Sustainability Project that are jointly initiated by the Chinese and German governments. The purpose of the Guidelines is to regulate Chinese mining investments and operations, and to guide Chinese companies in improving CSR and sustainability strategies, as well as management systems.

These Guidelines are essentially structured along the principles and core subjects of the ISO 26000 Guidance on Social Responsibility with some exceptions to better reflect the specifics of the mining industry. They take into account the Ten Principles of the United Nations Global Compact and other international standards and initiatives. They also take into account the Guiding Opinions on Performance of Social Responsibilities by State-owned Enterprises under the Central Government released by the State-owned Assets Supervision and Administration Commission (SASAC) of the State Council and relevant laws and regulations. Moreover, to develop the principles and requirements of these Guidelines, industry-specific sustainability standards, such as the Sustainable Development Framework of the International Council of Minerals and Metals (ICMM), the Code of Practices from the Responsible Jewellery Council, and the Bettercoal Code, etc., have been reviewed and relevant sections to the Chinese mining industry have been included in these Guidelines (see Annex 1). The process of developing these Guidelines is geared to the ISEAL Standard-Setting Code of Good Practice for establishing Social and Environmental Standards. (see Annex 2) Relevant Chinese government departments,

Chinese mining companies, industrial associations, and selected experts have provided comments and suggestions to these Guidelines. (see Annex 3)

The Guidelines are divided into three Chapters. Chapter One outlines the scope of the Guidelines and defines the guiding principles of social responsibility. The seven guiding principles represent the overarching commitment to social responsibility in outbound mining investments and thereby embody the “spirit” of these Guidelines.

Chapter Two, which is the main chapter of these Guidelines, specifically outlines the requirements of social responsibility for outbound mining investments. The requirements are organized in three tiers, and are further enriched by explanatory footnotes. The first tier determines the eight social responsibility subjects of these Guidelines. Each social responsibility subject is further specified by so-called main clauses, which form the second tier of these Guidelines. These main clauses represent the minimum requirements of social responsibility for Chinese mining companies investing abroad. "Minimum requirements", in this regard, means, that the clauses explicitly set out the areas in which companies are expected to be in compliance with, and which – at a later stage – could serve as the baseline for performance measurement. The third tier contains the sub clauses of each main clause. The sub clauses suggest approaches, measures, and pathways for implementing the main clauses. The footnotes provide additional explanatory information on specific issues and reference international standards.

Chapter Three contains an explanation how these Guidelines will be implemented and how CCCC will support and monitor the implementation of these Guidelines.

# 1. Scope and Guiding Principles of the Guidelines

## Scope of Application

The social responsibility of Chinese outbound mining investment is that companies should proactively consider legal, ethical, social, and environmental factors in their decision-making processes and operations. They must thoroughly respect the rights and interests of stakeholders by practicing ethical and transparent behavior and effectively managing the social and environmental impact from mineral exploration, extraction, processing, investment, and related activities and to strive for harmonious mineral development operations. These guiding principles represent the overarching commitments of Chinese companies.

These Guidelines apply to all mineral exploration, extraction, processing and investment cooperation projects, including related activities such as mining-related infrastructure development in foreign countries, in which Chinese companies have invested.

Mineral exploration, extraction, processing and investment cooperation projects mean any activities for which a license, lease, concession or similar legal agreement to operate in the extractive industries sector has been obtained by a legal entity whose beneficial ownership fully or partially rests with a Chinese company.

These Guidelines further provide guidance on identifying prioritized social responsibility issues, establishing social responsibility systems, disclosing social responsibility information, and continuously improving the economic, social and environmental performance with regard to the principles and requirements specified in these Guidelines.

These Guidelines do not provide an exhaustive list of all possible requirements relating to social responsibility, nor do they exclude concurrent or supplementary application of other social responsibility standards, systems, or initiatives.

## Guiding Principles

Implementing companies commit to:

### 1.1. Ensure compliance with all applicable laws and regulations.

Companies must ensure that their investments and operations are in line with applicable Chinese and host country laws and regulations and with industry minimum standards. Compliance with all applicable laws and regulations is a basic requirement of corporate social responsibility. It is, however, encouraged to exceed requirements of laws and regulations.

### **1.2. Adhere to ethical business practices.**

Companies should implement and maintain ethical business practices and sound systems of corporate governance, eliminate all forms of corruption, adhere to fair operating practices, assess all operations with regard to their sustainable development impact, and ensure that all operations contribute to economic, environmental, and social progress.

### **1.3. Respect human rights and protect the rights and interests of employees.**

Companies should respect human rights and comply with the eight fundamental Conventions of the International Labor Organization and the host country's labor laws, regulations, and standards.

### **1.4. Respect nature and protect the environment.**

Companies should reduce to a minimum the environmental impact and ecological footprint throughout the mining life-cycle by conducting thorough environmental impact assessments, minimizing waste and emissions, ensuring mine closure and site rehabilitation, conserving resources and recycling, implementing environmental risk management, contributing to the conservation of biodiversity, and seeking continual improvement of their environmental performance.

### **1.5. Respect stakeholders.**

Companies should contribute to the social, economic, and institutional development of the host countries while respecting the rights and interests and responding to the concerns of materially affected stakeholders, such as employees, suppliers, and local communities<sup>1</sup> throughout the life cycle of the mining operation.

### **1.6. Strengthening responsibility throughout the extractive industries value chain.**

All companies should aim to promote a sustainable development of the overseas mining industry by continuously improving their performance in sustainability and by generating positive impacts from the industry, so as to jointly establish and optimize the responsible value chains for the development of the mining industry.

### **1.7. Strive for transparency.**

Companies should report on their material impacts and disclose their ethical, social, and environmental performance to their stakeholders in ways that are appropriate and meaningful to their needs. They should give a comprehensive view of their policies, risks and results with regard to ethical, environmental, and social matters.

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<sup>1</sup> „Community“ refers to any stable group of people which may be affiliated by geographic, administrative or ethnic characteristics or common interests or beliefs which is affected directly or indirectly by the mining operation.

## 2. Social Responsibility Issues in Outbound Mining Investment

### 2.1. Organizational Governance

“Organizational governance” in the Guidelines refers to the organizational management systems developed and implemented by companies to realize their social responsibilities. Within effective organizational governance, the guiding principles and requirements of these Guidelines shall be integrated into the decision-making process and implemented, in order to secure that the companies can improve their performance while being responsible to the society.

- 2.1.1. Develop social responsibility goals, policies, and plans for economic, social, and environmental impact areas and disseminate these both, internally and externally, to create a common understanding.
- 2.1.2. Integrate the principles and requirements of these Guidelines and the corresponding goals, policies, and plans into the high-level decision-making system, and into the organizational structure of the company; identify or establish a department or mechanism in the company for social responsibility decision-making and for coordination, and assign responsibilities for implementation throughout the company.
  - Appoint or set up decision-making and coordinating bodies for social responsibility management according to the governance structure and operational status of the enterprise. The decision-making body shall formulate social responsibility goals, policies, and plans and supervise their implementation, whereas the coordinating body shall conduct internal and external social responsibility communications, and promote the integration of social responsibility into daily operations, in order to guarantee consistency in planning and implementation
- 2.1.3. Develop indicators for economic, social, and environmental impact, run a comprehensive monitoring and evaluation system, and set targets for continuous improvement.
  - Establish and improve monitoring and evaluation mechanisms, and incorporate key indicators of social responsibility performance into staff performance evaluations. Regularly assess the economic, social, and environmental impacts of the enterprise’s operations, and implement corresponding improvement plans
- 2.1.4. Establish a social responsibility capacity building scheme to increase the awareness for social responsibility and disseminate the social responsibility goals, policies and plans of the company.



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- Develop a capacity building scheme for implementing these Guidelines, managing social responsibility issues, monitoring and evaluating social responsibility performance, and disclosing material information
  - Assess the capacity building needs for all social responsibility issues and impact areas that are outlined by these Guidelines and integrate into the capacity building scheme
  - Instill confidence in stakeholders to capably deal with environmental and social issues through capacity building
- 2.1.5. Map all relevant and affected stakeholders, and proactively solicit, respect, and respond to stakeholder feedback and expectations including those from non-governmental organizations (NGOs) and local communities.
- Stakeholders refer to any interested individual or group that may influence or be potentially influenced by the decisions and activities of a mining operation. Companies shall establish stakeholder engagement mechanisms to guarantee the participation of stakeholders and their access to information and supervision
- 2.1.6. Strengthen the transparency of, and disclose in a regular and timely manner to stakeholders, all material information based on relevant reporting standards, including the decisions which have a social and environmental impact, e.g. through issuing CSR reports.<sup>2</sup>
- Establish and improve social responsibility information disclosure mechanisms and provide information on social responsibility performance to stakeholders in a timely manner
  - Information disclosure should follow a structured process in which not only selected information is disclosed, but in which all material information is identified which is relevant to stakeholders within and outside the company
  - It is encouraged to seek some kind of standardized assurance to verify the accuracy of the information disclosed



## 2.2. Fair Operating Practices

Fair operating practices refer to the requirement for companies to adhere to ethical behavior towards other parties, to participate in public affairs responsibly, and to be responsible to society.

<sup>2</sup> Good practice is to develop sustainability reports based on reporting templates and guidebooks such as the Global Reporting Initiative's G4 Sustainability Reporting Guidelines including the Mining and Metals Sector Disclosures and/or the most relevant Chinese guide, such as the CSR Report Preparation Guide 3.0 issued by the Chinese Academy of Social Sciences (CASS).

2.2.1. Develop and implement a statement or policy on ethical business conduct.

- Follow relevant international standards and conventions for anti-corruption
- Do not, directly or indirectly, offer, give, or demand a bribe or any other undue advantage in order to obtain or retain business or other improper advantage

2.2.2. Develop a compliance and integrity management system and ensure its implementation, including an independent audit system, an effective internal control system, due diligence, risk assessment, staff-at-risk training, whistleblower mechanisms, and punitive measures.

- Have systems in place to reduce bribery risks in the company, including identification and monitoring of high-risk units, training of the management and relevant staff, recording of relevant gifts to and from third-parties in a gift register, investigating any incidents of suspected bribery, and avoiding facilitation payments

2.2.3. Prevent and control bribery and other forms of corruption in the supply chain.

- Prohibit bribery in all business practices and transactions, including those of agents and other third-parties, and set criteria and approval procedures with respect to the offer or acceptance of gifts
- Use the greatest efforts to promote responsible business practices with all business partners
- Take effective measures to prevent the involvement in money laundering and financing of terrorism, e.g. by establishing the identity and beneficial ownership of suppliers and customers; monitoring transactions for unusual or suspicious activity; and maintaining records of cash transactions that occur above the relevant defined financial threshold under applicable law<sup>3</sup>

2.2.4. Respect intellectual property rights.

- Make sure that intellectual property rights of all parties are protected. Business partners should not infringe the intellectual property rights of any third parties when conducting business.
- When granting or obtaining licenses for the use of intellectual property rights or when otherwise transferring technology, do so on reasonable terms and conditions and in a manner that contributes to the long term development prospects of the host country

2.2.5. Disclose payments made to governments.

- Disclose all payments which are made to foreign government entities in countries of operation,

<sup>3</sup> If no applicable law exists, a threshold shall be determined by the company, which is comparable to internationally used thresholds. The EU obliges companies to record cash transactions equal to or above €15,000.





including in-kind payments and infrastructure projects, in line with global transparency standards, in countries where those apply<sup>4</sup>



## 2.3. Value Chain Management

Companies shall integrate ethical, social, and environmental standards in the extractive industry value chain, both downstream and upstream. Companies shall use their leverage to improve the supply chain to meet the demands for responsible products and services, and to optimize the value chain of mineral products.

2.3.1. Require and support first-tier suppliers to adhere to the principles and requirements set out in these Guidelines and leverage first-tier suppliers to enforce these Guidelines in their supply chains respectively.

- Issue a code of conduct which requires suppliers to fulfill the relevant requirements of the Guidelines and encourage suppliers to sign this document

2.3.2. Set targets for responsible procurement and formulate relevant company policies.

- Determine and make publicly available a procurement policy which spells out the requirements beyond price and quality that determine a procurement decision in certain areas – e.g. noise level of machinery and trucks, percentage of renewable energy mix, etc.

2.3.3. Set a clear target for localized procurement, indicating which and how many supplies will be purchased from the host country, from the local mining communities, and from abroad.

- Support the development of the local economy, e.g. if the quality and price of local products and services are reasonable, localized procurement shall be prioritized

2.3.4. Companies that are engaged in upstream activities of mineral development – e.g. processing, trading or sourcing from artisanal miners or cooperatives – should adopt a due diligence and internal control system to assess risks in their supply chain.

- Work together and seek a productive relationship with artisanal and small-scale miners in the mining area

<sup>4</sup> It is becoming a global standard to disclose payments made to foreign government entities in relation to mining projects. To date, 44 resource-rich countries implement the standard of the Extractive Industries Transparency Initiative (EITI), which requires governments to disclose their receipts from mining companies and companies to disclose their payments made to government entities. The figures are reconciled and published in an annual national EITI report, in order to prevent corruption and inform the public about revenues from resource wealth. It is encouraged to use the formula as set out in the EITI Standard under 4.1b) to determine which types of payments should be reported under these Guidelines. Apart from the EITI, mining companies listed on US or EU stock exchanges are now required to disclose payments made to any foreign government entity related to mining projects in all countries of operation as established by the US Dodd-Frank Act and the EU Accounting and Transparency Directives, respectively. Similar provisions are required by the Hong Kong stock exchange as a precondition for listing and after listing. The IFC and other lenders also require mining companies to disclose their payments to governments. Revenue transparency is becoming globally imperative for the mining industry.



- Companies that source from artisanal and small-scale miners shall regularly assess risks of forced labor, child labor, unsafe working conditions, uncontrolled use of hazardous substances and other significant environmental impacts<sup>5</sup>

## 2.4. Human Rights

Admitting and respecting human rights is very important for the rule of law, social justice, stability, and a harmonious society. The companies shoulder the responsibility to respect human rights within their sphere of influence. The companies shall take active measures to avoid the passive acceptance or active involvement in human rights violations.

2.4.1. Observe the UN Guiding Principles on Business and Human Rights during the entire life-cycle of the mining project.

- Develop a policy commitment to meet the responsibility to respect human rights
- Develop a human rights due diligence process to identify, prevent, mitigate, and address adverse impacts on human rights
- Develop a provision or cooperate with the local community to effectively remedy those affected by adverse human rights impacts through legitimate processes

2.4.2. Ensure non-complicity in human rights violations.

- Do not profit or seem to be profiting from human rights violations by others; do not condone or seem to condone human rights violations by others and effectively communicate the company's human rights policy to business partners
- Ensure that private security personnel or public security forces designated to protect the mining operation operates in accordance with the Voluntary Principles on Security and Human Rights

2.4.3. Minimize involuntary resettlements of people residing in the mining area and compensate fairly where inevitable.

- Develop a livelihood restoration plan when the nature or magnitude of the land acquisition with the potential to cause physical or economic displacement is unknown due to the stage of project development

<sup>5</sup> The uncontrolled use of hazardous substances often refers to mercury and cyanide, as these are often used in ASM gold mining. The US Environmental Protection Agency (EPA) estimates that 20% of the global gold production is mined by artisanal and small-scale mining, being responsible for the largest elemental mercury emissions to the environment (approximately 400 metric tons/ year). Several tools have been developed to address this issue. The EPA itself has developed a process entitled "Gold Shop Mercury Capture System (MCS)". The Artisanal Gold Council has developed a scheme entitled "Mercury-free gold processing system and training center". Companies should consider supporting ASM with similar tools and techniques.



- Strive to avoid conditions that could lead to the development of uncontrolled settlements in the vicinity of the operation

2.4.4. Respect the culture and protect the heritage of local communities and indigenous peoples, minimize the cultural impact, and do not harm traditional cultures of local peoples by the mining operation.<sup>6</sup>

- Engage with potentially impacted communities, e.g. with indigenous peoples, with the objectives of ensuring that the development of mining projects fosters respect for their rights, interests, aspirations, culture, and natural resource-based livelihoods
- Design projects to avoid impacts and minimize, manage or compensate for unavoidable residual impacts; ensure sustainable benefits and opportunities for indigenous peoples through the development of mining projects

2.4.5. Protect the rights for free, prior and informed consent of local communities including indigenous peoples.<sup>7</sup>

- Work to obtain the consent of indigenous communities for new projects (and changes to existing projects) that are located on lands traditionally owned by or under customary use of indigenous peoples and are likely to have significant adverse impacts on indigenous peoples, including where relocation of indigenous peoples and/or significant adverse impacts on critical cultural heritage are likely to occur
- Follow the principles for free, prior and informed consent when an operation involves significant direct impacts to ancestral territories of indigenous peoples, irrespective of recognition by the state, or the involuntary relocation of indigenous communities and/or the destruction of places of indigenous culture and spiritual significance

2.4.6. Conduct risk-based supply chain due diligence in order to prevent engagement with materials that may have funded or fuelled conflict.<sup>8</sup>

<sup>6</sup> The development of a mine or minerals processing operation requires land for the placement of operational infrastructure, housing, roads, airports, pipelines, storage facilities and a multitude of other project facilities. It is good international practice to respect the rights, interests, special connections to lands and waters, and perspectives of indigenous peoples, where mining projects are to be located on lands traditionally owned by or under customary use of indigenous peoples. A good reference is the comprehensive Good Practice Guide on Indigenous Peoples and Mining published by the International Council on Mining and Metals (ICMM).

<sup>7</sup> It is international good practice to consult with local communities and indigenous peoples prior to operation and seek their consent. For example, the International Labor Organization's Convention 169, concerning Indigenous and Tribal Peoples in Independent Countries requires that indigenous peoples are consulted prior to exploration or mining activities on their land and that they are able to participate in the benefits of such activities and are compensated fairly for damages they sustain. Another prominent concept is Free, Prior and Informed Consent (FPIC), which is contained in the United Nations Declaration on the Rights of Indigenous Peoples.

<sup>8</sup> The term "conflict materials" is often applied to natural resources that have funded or fuelled conflicts. The so-called "3TG" minerals (tin, tantalum, tungsten and gold) originating from the African Great Lakes Region have been the focus of particular attention and are often referred to as "conflict minerals". This term was advocated by the UN Group of Experts on the Democratic Republic of Congo (DRC) which has investigated the illegal exploitation of natural resources in the DRC. Increasingly, "conflict minerals" are understood as any of the 3TG minerals sourced from conflict-affected and high-risk areas, which are identified by the presence of armed conflict, widespread violence or other risks of harm to people – although natural resources that may have funded conflict may be located in any high-risk area globally. Armed conflict may take a variety of forms. High-risk areas may include areas of political instability or repression, institutional weakness, insecurity, collapse of civil infrastructure and widespread violence and are often characterized by widespread human rights abuses and violations.

- Conduct an assessment to define whether the mining project from which traded minerals originate or the mineral trading routes used are located in a conflict-affected and/or high-risk area
- Adapt existing due diligence measures to the specific needs of conflict-affected and high-risk areas<sup>9</sup>. Measures should be third-party audited and publically reported on
- When operating in a conflict-affected and/or high-risk area, take steps to monitor the business relations, transactions, and flows of funds and resources and avoid the trade of conflict minerals

## 2.5. Labor Issues

Providing job opportunities and paying wages and other remunerations to employees is an important economic and social responsibility of companies. Responsible labor practices are essential for social justice, societal stability, and a harmonious society. The labor practices of companies include respecting employees' rights to freely select their jobs and have fair and appropriate working conditions.

### 2.5.1. Do not use child labor, forced or compulsory labor, and protect the rights of young employees.

- Do not employ children under the minimum working age which is legally prescribed by the host country laws and regulations. If there is no relevant host country law or regulation, the minimum working age shall be 16 years. In the event that children are found to be working in situations which fit the definition of child labor, measures for remediation of the practice shall be established
- Restrain from any kind of forced labor<sup>10</sup>, such as lodging deposits or the retention of identity documents from personnel upon commencing employment. Do not withhold any part of any personnel's salary, benefits, property, or documents in order to force such personnel to continue working for the company. Personnel shall have the right to leave the workplace premises after completing the standard workday – if the security situation permits –, and be free to terminate their employment provided that they give reasonable notice to their employer
- Identify the needs of young workers<sup>11</sup> and protect their rights and interests

<sup>9</sup> Further guidance for good practice of due diligence in conflict-affected or high-risk areas can be obtained from the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas. The Guidance has become internationally recognized supply chain due diligence standard and was developed through a multi-stakeholder process with in-depth engagement from OECD and African countries (ICGLR members and South Africa), industry, civil society, as well as the United Nations. It is suggested to implement the OECD's five step due diligence framework when operating in conflict-affected and/or high-risk areas, which encompasses 1) establishing strong company management systems, 2) Identifying and assessing risks in the supply chain, 3) designing and implementing a strategy to respond to identified risks, 4) carrying out or supporting independent third-party audit of smelters' /refiners' due diligence practices, and 5) reporting annually on supply chain due diligence.

<sup>10</sup> "Forced Labor" as defined by the ILO encompasses "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily".

<sup>11</sup> "Young workers" are any workers over the legally prescribed minimum working age and under the age of 18.



2.5.2. Ensure equal and fair employment based on labor contracts and legal requirements.

- Ensure that employees understand their current terms of employment with regard to wages, working hours, and other employment conditions
- Maintain appropriate employee records, favor the use of regular employment relationships, and restrain from avoiding labor and social security obligations by using certain labor types, such as false apprenticeship schemes, excessive consecutive short-term contracts, or precarious sub-contracting arrangements

2.5.3. Do not discriminate against workers with respect to access to employment or occupation, including vocational training and terms and conditions of employment on such grounds as race, color, gender, religion, political opinion, nationality or social status, or other status.

- Ensure that employees are not subject to corporal punishment, harsh or degrading treatment, sexual or physical harassment, mental, physical or verbal abuse, coercion or intimidation, or threats to themselves or their families
- Foster mutual respect, understanding, and harmony between employees with different cultural backgrounds
- Pay equal remuneration, including benefits for work of equal value and strive to pay a living wage to all women and men

2.5.4. Uphold legal or industry minimum wage standards, and pay social security benefits.

- Pay regular working hours and reimburse overtime work according to applicable law, and in line with an existing collective bargaining agreement that is not less than the legal minimum standard
- Illegal or unauthorized deductions from wages shall not be made

2.5.5. Adhere to international standards on working hours, overtime and annual leave.

- Comply with applicable Chinese and host country laws, regulations and industry standards on working hours and public holidays. At minimum, provide at least one day rest in a week, or provide 24 consecutive hours rest in seven consecutive working days

2.5.6. Provide working conditions which are clean, safe, and meet the basic needs.

- Provide and maintain workplaces and, if applicable, on-site housing and dormitories, that have safe and accessible potable drinking water, sanitary facilities for food consumption and storage, and clean and hygienic washing and toilet facilities
- Maintain adequate workplace hygiene at all times

2.5.7. Provide vocational training and career development.

- Pay attention to the cultivation of local employees and promote staff localization
- Support employees to participate in training and education programs that raise work capacity, quality, and opportunity for advancement and provide necessary funds for employees' occupational skills training and education
- Guide employees in career development, and establish and improve staff promotion schemes

2.5.8. Establish a collective bargaining mechanism between employers and employees according to local laws and customs, if applicable, and encourage employees to engage in company management.

- Respect the right to Freedom of Association and do not prevent or discourage workers from electing worker employee representatives, forming or joining workers' organizations of their choosing, or from bargaining collectively
- Adhere to collective bargaining agreements where such agreements exist

2.5.9. Establish a mutual communication channel and grievance mechanism between management and employees, and facilitate the dialogue between management and employees, so as to better understand and respond to employees' expectations.

- Employees shall be free to submit a grievance without suffering any penalty or retaliation



## 2.6. Occupational Health and Safety (OHS)

"Occupational Health and Safety (OHS)" refers to promoting and maintaining the employees' physical and mental health, preventing health issues caused by unacceptable working conditions, including protecting the employees from health and occupational risks, improving the working environment, and satisfying the basic needs of the employees.

2.6.1. Implement an OHS management system including a routine health and safety risk detection system and an emergency response plan.

- Publish the corporate commitment to OHS and distribute it to every employee
- Assign the responsibility for health and safety of the workplace at the senior management level and develop a mechanism, such as establishing a joint health and safety committee, by which employees can raise and discuss health and safety issues with the management
- Conduct comprehensive hazard or risk assessment for workplace safety following a systematic



approach for prevention and control of physical, chemical, biological, and radiological health and safety hazards and develop emergency response plans

- Risk assessments shall be related to the different activities of employees, which can include the use of machinery and mobile equipment, storage and handling of chemicals, exposure to excessive fumes and airborne particles, excessive noise and temperature levels, and inadequate lighting and ventilation

2.6.2. Take all practical measures to avoid workplace fatalities, injuries, and occupational diseases.

- Ensure workplace safety<sup>12</sup> by adequate measures
- Minimize the danger of accidents caused by landslides, rockfalls, and other geological hazards, and prevent, detect, and combat the outbreak and spread of fires
- Address and prevent hazards which are not directly related to the workplace, but which could affect workplace safety (e.g. fatigue, alcohol and drug abuse, highly communicable diseases)
- Ensure that all occupational health and safety incidents, as well as the company's response to it, are formally documented and investigated and feed into regular health and safety reviews and improvement plans

2.6.3. Provide regular health and safety training to all employees and integrate health and safety considerations in the corporate culture.

- Provide training in an understandable form and language
- Customize trainings to role-related health and safety risks of employees; train designated first aid staff and regularly train on actions in the event of an emergency
- Raise employee awareness that they have the right to stop or refuse working in situations of uncontrolled hazards
- Raise employee awareness on risk prevention and emergency management



## 2.7. Environment

Environmental protection is a necessary precaution for the long-term well-being of humans and it is an integral part of corporate social responsibility. Mining has a significant impact on the environment.

<sup>12</sup> The Environmental, Health and Safety General Guidelines of the International Finance Corporation (IFC) provide useful guidance for ensuring workplace safety including the provision of personal protective equipment (PPE), sufficient first aid trained employees, adequate illumination systems, protection against the inhalation of hazardous substances, including adequate ventilation fume extraction systems, etc.

Companies shall develop comprehensive, systematic, and sound measures to reduce the direct or indirect impact on the environment, and incorporate the measures into investment decision-making processes and operations.

2.7.1. Establish an environmental management system and adapt it to the laws and regulations of host countries.<sup>13</sup>

- Integrate environmental protection into strategies, plans, and goals and establish relevant full-fledged environmental protection rules and regulations, to strengthen pollution control and provide environmental risk prevention
- Establish and perfect environmental protection training systems, and offer environmental protection education and training to staff, in order to make all staff learn and know well the relevant environmental protection laws and regulations in the host countries as well as the companies' environmental policies
- Raise the law-abiding consciousness and environmental awareness of the staff, especially the grass roots staff, to make them understand the basic knowledge about environmental protection

2.7.2. Conduct environmental impact assessments prior to any mining operation and monitor environmental impact on a regular basis.

- Strictly abide by the laws and regulations of the host country regarding environmental impact assessments. On the basis of the impact assessment, take reasonable and effective measures to reduce and eliminate the possible negative impacts to the largest extent possible
- Assess environmental baselines in the mining areas prior to the project and develop a thorough understanding of the environment and the eco-system in the mining area and its surroundings
- Carry out environmental due diligence on targeted enterprises before acquiring overseas assets, paying attention to existing pollution, the environmental footprint of the deposit and environmental liabilities of the acquisition targets

2.7.3. Develop routine environmental risk management scenarios and provide an emergency plan and response mechanism.<sup>14</sup>

- Develop plans and systems to prevent, prepare for, and respond appropriately to accidents and emergencies

<sup>13</sup> Best international practice is to strive towards ISO 14001 certification.

<sup>14</sup> An international reference for developing emergency plans and response mechanisms is the United Nations Environment Programs' Guidance for the Mining Industry on Awareness and Preparedness for Emergencies at the Local Level (UNEP APELL).





- Provide information to the concerned members of a community on the hazards associated with the mining project in its neighborhood, and on the measures taken to reduce risks
- Involve members of the local community in the development, testing, and implementation of the overall emergency response plan

2.7.4. Develop mine closure and site rehabilitation plans prior to operation and secure appropriate funding if required by law.

- Secure appropriate funding for mine closure and rehabilitation and deposit a financial guarantee if required by law
- Engage in a multi-stakeholder process, including involving indigenous peoples, communities, artisanal and small-scale miners, and local authorities, to plan and update site rehabilitation and closure plans incorporating issues of mine site rehabilitation and socio-economic conditions
- Pay specific attention to decommissioning tailings, controlling post-closure methane emissions and leaching of metals and chemicals into the environment, if caused by the mining operation

2.7.5. Regularly assess and mitigate the adverse impacts on soil, air, and water by the mining operation.

- Consider ambient soil, air, and water conditions, and apply technically and financially feasible pollution prevention principles and techniques that are best suited to avoid, minimize, and control pollution<sup>15</sup>
- Monitor emissions and discharges of all possible pollutants according to the relevant laws and regulations of host countries, follow up and remedy pollution issues in a timely manner, and clearly record and make public the results
- Employ emissions control and reduction strategies (including dust suppression techniques and clean power generation)
- Take measures to minimize noise and vibrations from blasting and drilling

2.7.6. Proactively inform local authorities, Chinese headquarters, and the public about potential environmental impacts of the mining operation.

- Disclose environmental information regularly, publicize environmental protection systems and plans, and publicize what measures have been taken and what results have been achieved

<sup>15</sup> This may include measures such as observing or surpassing local ambient air quality thresholds for particulate emissions and controlling metallic emissions as well as preventing and controlling the discharge of contaminated effluents, wastes and hazardous materials, including treatment of all effluent streams, considering the reuse, recycling, and treatment of processed water, as well as ensuring the separation of clean and dirty water storages as well as the release of heavy metals and hazardous substances during production, transportation, storage and disposal.



2.7.7. Set clear annual objectives for resource and energy savings, as well as recycling. Monitor and report on its implementation.

- Formulate feasible annual plans and targets for energy savings, emission reductions, and recycling, and assign staff to promote the implementation of the plans and the accomplishment of the targets
- Promote clean resource production methods and recycling to reduce pollution. Enhance the efficiency of resource utilization as far as possible, and reduce the emission of pollutants in the production process

2.7.8. Develop and implement a system to reduce waste and emissions.

- Recover and reuse waste in a manner that is safe for human health and the environment. Where waste cannot be recovered or reused, treat, destroy, or dispose of it in an environmentally sound manner that includes the appropriate control of emissions, effluents, and residues

2.7.9. Ensure and surpass applicable legal requirements with regard to chemicals and toxic substances.

- Avoid manufacturing, trading, and using chemicals and hazardous substances subject to international bans due to their high toxicity to living organisms, environmental persistence, or potential for irreversible ecological impacts, including rigorously suppressing arsenic and mercury emissions and managing cyanide according to the highest international standard<sup>16</sup>
- Avoid ground- or surface-water contamination caused by Acid Rock Drainage (ARD) and Metals Leaching (ML) as a result of mining operations
- Ensure that hazardous wastes are handled, stored, transported, treated, and disposed according to laws and regulations and in a way that eliminates leaks, spills, or other releases to the environment

2.7.10. Ensure safe storage and disposal of residues.

- Adequately manage waste rocks and tailings ensuring structural stability, controlled discharge and protection against potential impacts of acid mine drainage, metal leaching, or loss of containment
- Avoid building riverine or shallow marine tailings
- Consider the construction of zero discharge tailings, including permanent storage after decommissioning

2.7.11. Develop and implement greenhouse gas (GHG) emission reduction plans including a mitigation model that provides a policy on how to avoid, prevent, reduce, minimize, or offset GHG emissions.

<sup>16</sup> If cyanide is used, it is encouraged to ensure that applicable sites are certified to the International Cyanide Management Code.



- Develop GHG emission reduction strategies and implement economic emission reduction opportunities
- Support research and development of low GHG emission technologies that are appropriate to the industry, including carbon capture and storage

2.7.12. Promote the conservation and protection of biodiversity and the environment throughout the life-cycle and value chain of the mining operation, including the related infrastructure development through integrated land-use planning.<sup>17</sup>

- Take appropriate measures for identification and monitoring of components of biological diversity pursuant to the mining operation and integrating considerations of the conservation and sustainable use of biological resources
- Identify key biodiversity areas affected by the mining operation and engage in mitigation by minimizing, avoiding, rehabilitating, or offsetting negative impacts on biodiversity and ecosystems
- Develop transparent, inclusive, informed, and equitable decision-making processes and assessment tools that better integrate biodiversity conservation, protected areas, and mining facilities into land-use planning and management strategies, including 'No-go' areas
- Take appropriate measures to minimize the disturbance to vegetation and soil, including soil conservation measures, and post-operation restoration
- Ensure that threats to endangered species are eliminated throughout the mining life-cycle, including after the closure of the mining operation

2.7.13. Be cautious of mining in areas which pose high environmental risks and do not explore or mine in World Heritage areas or legally protected areas.

- Do not explore or mine in World Heritage properties or legally protected areas. Ensure that existing operations in World Heritage properties, as well as existing and future operations adjacent to World Heritage properties, are not a threat to the outstanding universal value for which these properties are protected
- Fully consider the impacts of mining activities from exploration, construction, production, and recovery operations on the social environment, such as historical and cultural heritage, scenic spots, and folk traditions and customs, and take measures to reduce possible negative impacts

2.7.14. Encourage companies to cooperate with professional environmental protection organizations to enhance the understanding of environmentally sensitive areas.

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<sup>17</sup> Companies should uphold the spirit of the UN Convention on Biological Diversity.

- Establish effective contact and collaboration with environmental protection regulators of the host countries, proactively ask these regulators for their suggestions on environmental protection management, and notify them of relevant environmental information

## 2.8. Community Involvement and Engagement

Community involvement and engagement is an important part of the sustainability of a company. Active involvement and engagement with the local community is crucial for companies for establishing partnerships with local organizations and stakeholders, as well as for contributing to the corporate citizenship.

2.8.1. Carry out social impact assessments and engage at the earliest practical stage with likely affected parties and establish regular communication mechanisms.

- Complete a comprehensive and appropriate social impact assessment during the planning and approval phase of a mining operation, including evaluating baseline conditions and developing a comprehensive plan on how to mitigate negative impacts, including impacts related to human rights, labor and employment, gender, health, and conflict
- Impact assessments shall involve engagement with materially affected parties and stakeholders and be regularly updated

2.8.2. Ensure ongoing equitable interaction with materially affected parties, including indigenous peoples and vulnerable groups, in a culturally appropriate manner.

- Identify materially affected parties of the mining project and establish regular and permanent communication channels and ensure equal access to those channels
- Ensure the engagement with materially affected parties during the mining project's life cycle and build up a platform for interaction and provide the necessary resources for it

2.8.3. Establish a management position and assign sufficient staff in the company to be responsible for community engagement.

2.8.4. Establish a formal grievance mechanism for community issues which includes third party involvement.

- Ensure a grievance mechanism for all stakeholders and affected parties, with special emphasis on the most vulnerable persons, groups, and organizations
- The grievance mechanism shall be legitimate, accessible, predictable, equitable, transparent and rights-compatible, but not undermine legal mechanisms if criminal, commercial or labor laws and regulations are affected



- The grievance system shall allow for anonymous complaints to be raised in a safe environment
- 2.8.5. Respect the cultural traditions and religious beliefs, and protect the heritage of the community.
- 2.8.6. Contribute to community development by developing and implementing community development plans with local stakeholders.
- Ensure that community development efforts reflect the rights and interests of a broad range of stakeholders and are developed, reviewed, and updated in an ongoing multi-stakeholder process
- 2.8.7. Ensure job creation in local communities where mining will occur and support local economic development.
- Ensure job creation by employing and training local staff
  - Support local economic development by supporting local businesses apart from the mining project
- 2.8.8. Provide skills development in mining communities for the local people.
- Support local skills development, both directly for skills related to the mining project, including further qualification of staff, and indirectly by supporting vocational training schemes and encouraging participation
  - Engage directly with artisanal and small-scale miners as part of community engagement; offer alternative opportunities for artisanal and small-scale miners who have been operating in the mining area; enable the professionalization and/or formalization of artisanal and small-scale miners, where appropriate
- 2.8.9. Support SME development in local mining communities.
- Contribute to local economic development and SME development by local procurement and by encouraging and investing in diversification of local businesses apart from the mining project, e.g. through lending schemes and business education
- 2.8.10. Support philanthropy initiatives with regard to health care, education, infrastructure, and other vital public services.
- Enhance social and economic development by assisting in addressing poverty
  - Encourage partnerships with governments and non-governmental organizations to ensure that programs are well designed and effectively delivered
  - Develop programs to support community health and safety issues related to the mining operation and labor migration, including programs against gender violence and for disease control<sup>18</sup>

<sup>18</sup> Diseases indirectly caused by the establishment of a mining project could include sexually transmitted diseases, or diseases caused by mining induced vector breeding habitats, such as malaria transmitting mosquitos breeding in tailing dams.

## 3. Implementation of the Guidelines

- 3.1. CCCMC will widely disseminate the Guidelines to the public and promote the Guidelines in its international exchange activities.
- 3.2. CCCMC will actively assist companies by providing trainings, workshops, exchanges, and other measures to strengthen the capacities of companies in implementing these Guidelines.
- 3.3. CCCMC will encourage companies to assess their social responsibility according to the principles and social responsibility issues of these Guidelines.
- 3.4. CCCMC will conduct an evaluation of CSR performance of Chinese companies engaged in outbound mining investments according to these Guidelines and disseminate best practice.
- 3.5. CCCMC will regularly report on its outreach activities and the findings from their monitoring.
- 3.6. The Guidelines should be reviewed every three years and updated by CCCMC in cooperation with a wide range of stakeholders and include public consultation.

## Annex 1: List of Standards which have been considered for the development of the Guidelines

Issuing Organization	Standard	Date	Link
Bettercoal	Bettercoal Code	2013	<a href="http://bettercoal.org/docs/Bettercoal-Code-Version-1-Final.pdf">http://bettercoal.org/docs/Bettercoal-Code-Version-1-Final.pdf</a>
Extractive Industries Transparency Initiative (EITI)	The EITI Standard	2013	<a href="http://eiti.org/files/English_EITI%20STANDARD_11July_0.pdf">http://eiti.org/files/English_EITI%20STANDARD_11July_0.pdf</a>
Global Compact	Ten Principles	2004	<a href="http://www.unglobalcompact.org/abouttheGC/TheTenPrinciples/index.html">http://www.unglobalcompact.org/abouttheGC/TheTenPrinciples/index.html</a>
Global Compact/ PRI	Guidance on Responsible Business in Conflict-Affected and/or High-Risk Areas	2010	<a href="http://www.unglobalcompact.org/docs/issues_doc/Peace_and_Business/Guidance_RB.pdf">http://www.unglobalcompact.org/docs/issues_doc/Peace_and_Business/Guidance_RB.pdf</a>
International Labor Organisation (ILO)	Abolition of Forced Labour Convention (No. 105)	1957	<a href="http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C105">http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C105</a>
ILO	Discrimination Convention (No. 111)	1958	<a href="http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C111">http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C111</a>
ILO	Equal Remuneration Convention (No. 100)	1951	<a href="http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C100">http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C100</a>
ILO	Forced Labour Convention (No. 29)	1930	<a href="http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C029">http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C029</a>
ILO	Freedom of Association and Protection of Rights to Organise Convention (No 87)	1948	<a href="http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C087">http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C087</a>
ILO	Minimum Age Convention (No. 138)	1973	<a href="http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C138">http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C138</a>
ILO	Right to Organize and Collective Bargaining Convention (No. 98)	1949	<a href="http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C098">http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C098</a>
ILO	Worst Forms of Child Labour Convention (No. 182)	1999	<a href="http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182">http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182</a>

International Council on Mining and Metals (ICMM)	Position Statement on Climate Change Policy Design	2011	<a href="http://www.icmm.com/document/1843">http://www.icmm.com/document/1843</a>
International Council on Mining and Metals (ICMM)	Position Statement on Indigenous Peoples and Mining	2013	<a href="http://www.icmm.com/document/5433">http://www.icmm.com/document/5433</a>
International Council on Mining and Metals (ICMM)	Position Statement on Mercury Risk Management	2009	<a href="http://www.icmm.com/document/556">http://www.icmm.com/document/556</a>
International Council on Mining and Metals (ICMM)	Position Statement on Mining and Partnerships for Development	2010	<a href="http://www.icmm.com/document/782">http://www.icmm.com/document/782</a>
International Council on Mining and Metals (ICMM)	Position Statement on Mining and Protected Areas	2003	<a href="http://www.icmm.com/document/43">http://www.icmm.com/document/43</a>
International Council on Mining and Metals (ICMM)	Position Statement on Transparency of Mineral Revenues	2009	<a href="http://www.icmm.com/document/628">http://www.icmm.com/document/628</a>
International Council on Mining and Metals (ICMM)	Sustainable Development Framework	2003	<a href="http://www.icmm.com/our-work/sustainable-development-framework/10-principles">http://www.icmm.com/our-work/sustainable-development-framework/10-principles</a>
International Finance Corporation (IFC)	Environmental, Health and Safety (EHS) Guidelines	2007	<a href="http://www.ifc.org/wps/wcm/connect/554e8d80488658e4b76af76a6515bb18/Final%2B-%2BGeneral%2BEHS%2BGuidelines.pdf?MOD=AJPERES">http://www.ifc.org/wps/wcm/connect/554e8d80488658e4b76af76a6515bb18/Final%2B-%2BGeneral%2BEHS%2BGuidelines.pdf?MOD=AJPERES</a>
Multi-Stakeholder	Voluntary Principles on Business and Human Rights	2000	<a href="http://www.voluntaryprinciples.org/wp-content/uploads/2013/03/voluntary_principles_english.pdf">http://www.voluntaryprinciples.org/wp-content/uploads/2013/03/voluntary_principles_english.pdf</a>
OECD	Due Diligence Guidance on Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas - 2nd Edition	2013	<a href="http://www.oecd.org/daf/inv/mne/GuidanceEdition2.pdf">http://www.oecd.org/daf/inv/mne/GuidanceEdition2.pdf</a>
OECD	Guidelines for Multinational Enterprises	2011	<a href="http://www.oecd.org/daf/inv/mne/48004323.pdf">http://www.oecd.org/daf/inv/mne/48004323.pdf</a>

Responsible Jewellery Council	Code of Practices	2013	<a href="http://www.responsiblejewellery.com/files/RJC_Code_of_Practices_2013_eng.pdf">http://www.responsiblejewellery.com/files/RJC_Code_of_Practices_2013_eng.pdf</a>
UN	Guiding Principles on Business and Human Rights: Implementing the UN "Protect, Respect and Remedy" Framework	2011	<a href="http://www.business-humanrights.org/media/documents/ruggie-guiding-principles-21-mar-2011.pdf">http://www.business-humanrights.org/media/documents/ruggie-guiding-principles-21-mar-2011.pdf</a>
UN	UN Convention on Biological Diversity	1992	<a href="http://www.cbd.int/doc/legal/cbd-en.pdf">http://www.cbd.int/doc/legal/cbd-en.pdf</a>
UN	UN Convention against Corruption	2005	<a href="http://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf">http://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf</a>
UNEP	Guidance for the Mining Industry in Raising Awareness and Preparedness for Emergencies at Local Level	2001	<a href="http://www.unep.fr/shared/publications/pdf/WEBx0055xPA-APELLMiningEN.pdf">http://www.unep.fr/shared/publications/pdf/WEBx0055xPA-APELLMiningEN.pdf</a>



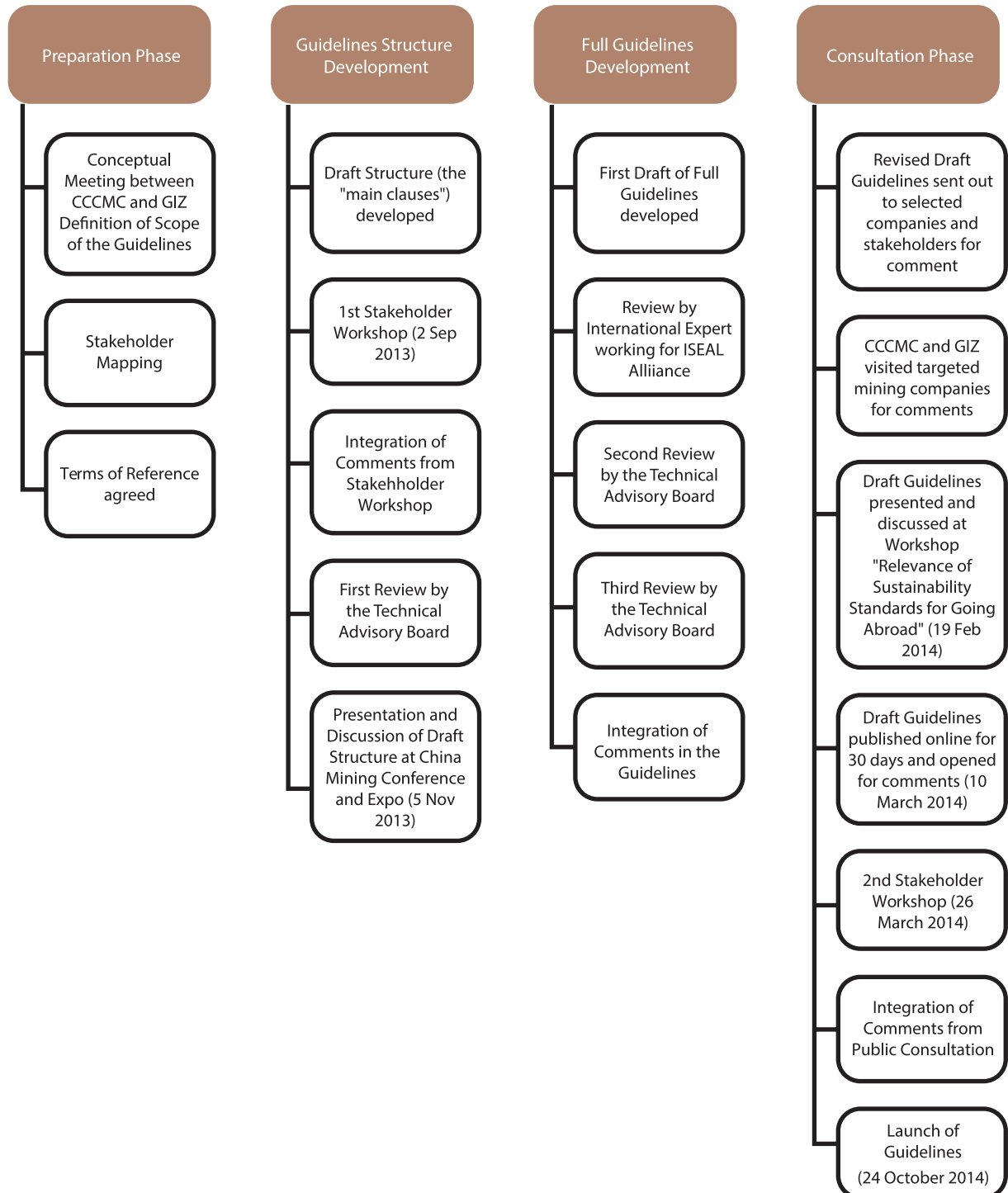


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## Annex 2: Process of Guidelines Development



## Annex 3: List of Supported Organizations

### Government Agencies

Ministry of Commerce of the People's Republic of China

Ministry of Land and Resources of the People's Republic of China

Ministry of Industry and Information Technology of the People's Republic of China

Research Bureau, Stated-owned Assets Supervision and Administration Commission of the State Council

Foreign Economic Cooperation Office Ministry of Environmental Protection, P.R.China

Institute of International Labour and Social Security, Ministry of Human Resources and Social Security of the People's Republic of China

Academy of Macroeconomic Research, National Development and Reform Commission

State Administration of Work Safety

### Embassies

Embassy of Australia

Embassy of Canada

Embassy of America

Embassy of the Netherlands

Embassy of Germany

### Industrial Associations

China Mining Confederation

China Iron and Steel Association

China National Textile and Apparel Confederation

China International Contractors Association

China Federation of Industrial Economics

### International Organizations and Non-governmental Organizations

Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH

ISEAL Alliance

World Wild Fund for Nature

International Labour Organization



中国五矿化工进出口商会  
China Chamber of Commerce of Metals,  
Minerals & Chemicals Importers & Exporters

The Nature Conservancy

Solidaridad

International Trade Center

China Business Council for Sustainable Development

Global Witness

Global Compact China Network

United Nations Development Programme

International Business Leaders Forum

### **Research Institutes**

China Enfi Engineering Corporation

WTO Tribune

CSR Research Center, China Academy of Social Sciences

PWC

### **Enterprises**

Aluminum Corporation of China

China Minmetals Corporation

China Nonferrous Metal Mining (Group) Co., Ltd.

Sinosteel Corporation

Shougang Group

Jiangxi Copper Corporation

China-Africa Development Fund

Bright Oceans Corporation