

Human Rights Commission of Sierra Leone

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# Guidelines for Monitoring Business and Human Rights in Sierra Leone



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By

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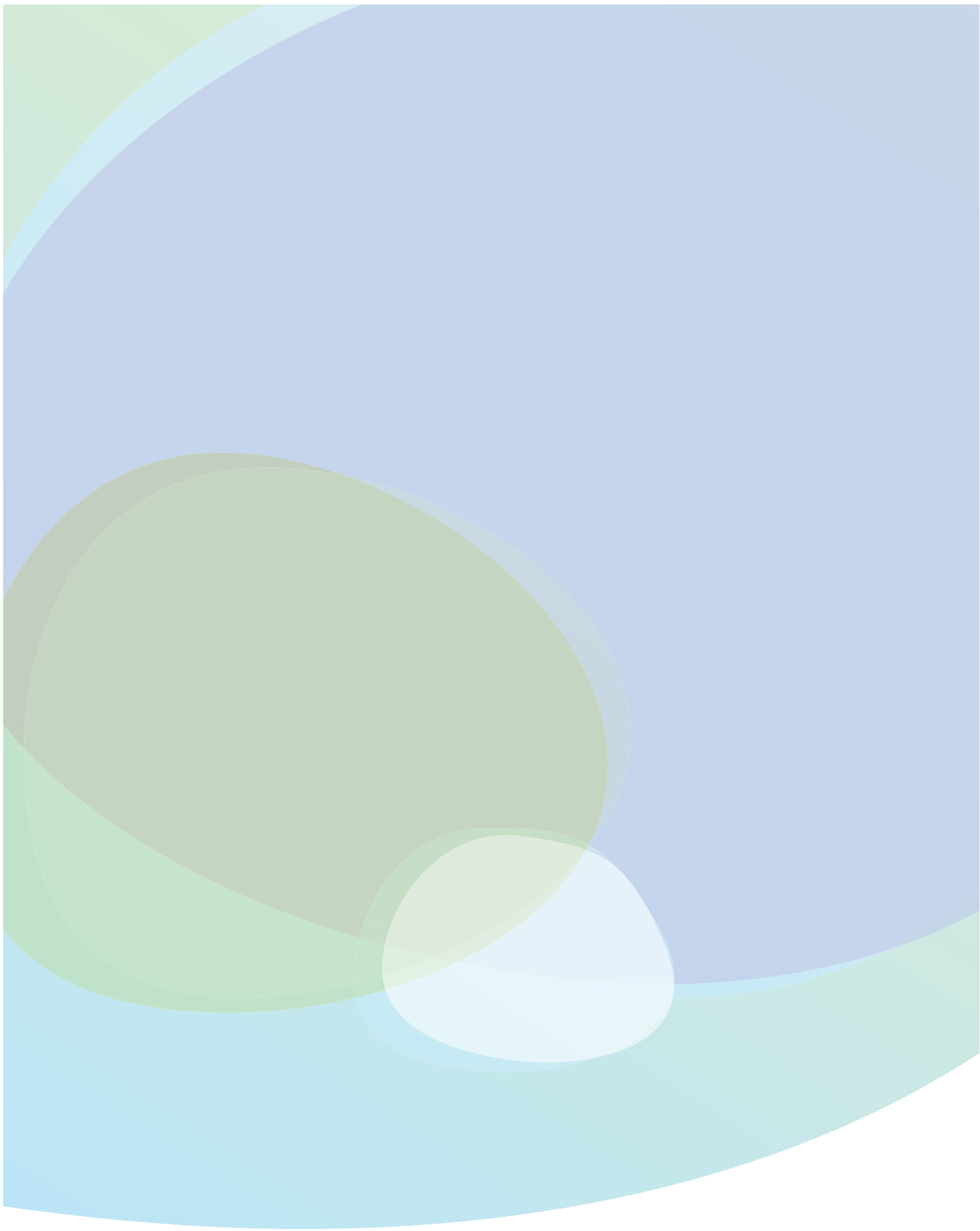
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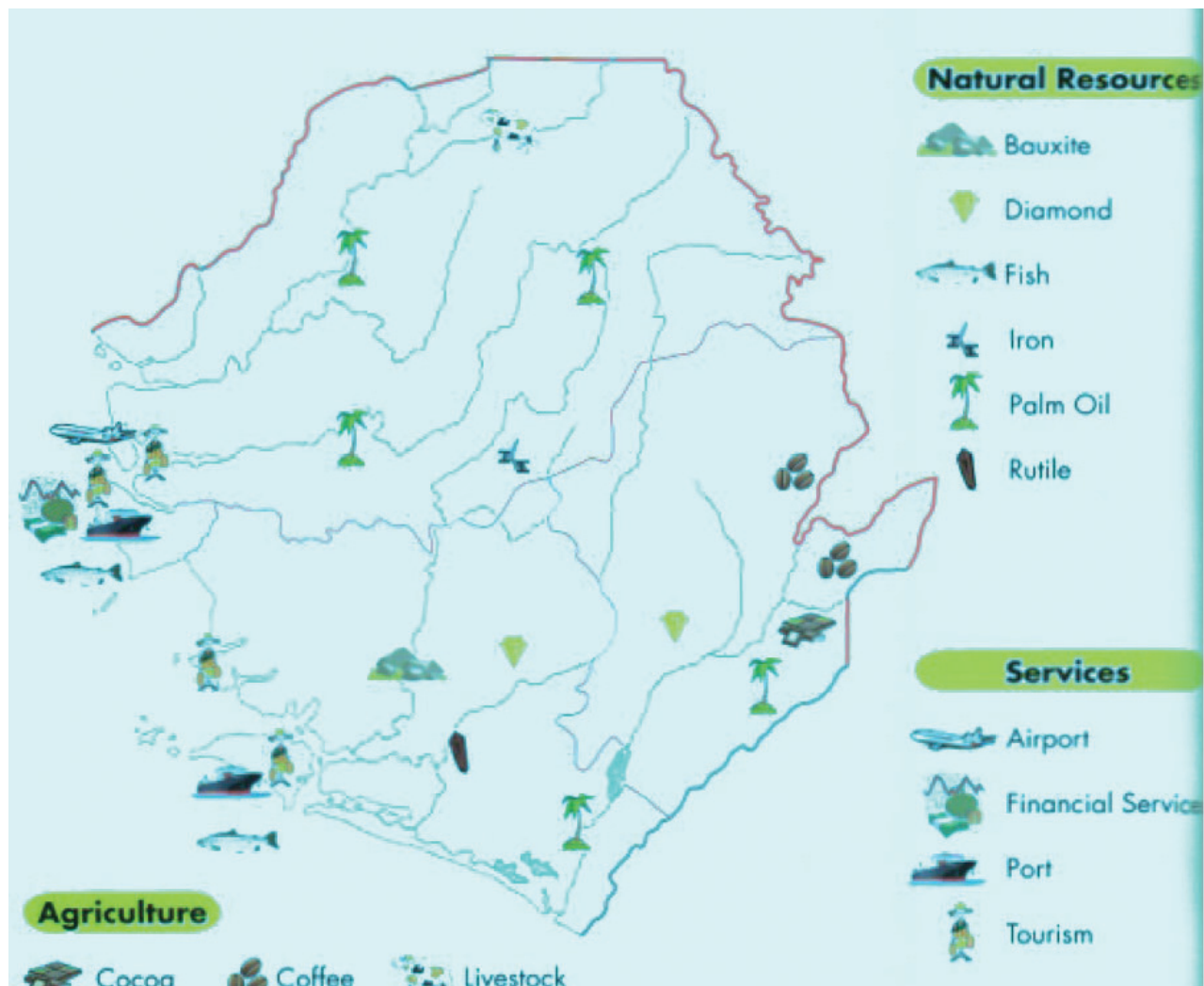
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# Sierra Leone Mineral/Resources



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# Foreword

The Guidelines for Monitoring Business and Human Rights in Sierra Leone have been developed by the Human Rights Commission of Sierra Leone, with support from the Irish Human Rights Commission and the Danish Institute for Human Rights.

With increasing large-scale investment in Sierra Leone, there has been an upsurge in reported incidences of human rights abuses, while investors may find themselves in an environment where many of the regulatory mechanisms that should ensure that businesses operate in a proper and accountable manner, conducive to respect for human rights, are lacking.

In this context, the main objective of these Guidelines is to provide the Human Rights Commission of Sierra Leone with a clear and consistent platform for monitoring the operations of business enterprises in Sierra Leone, and their respect for human rights standards, in line with its statutory mandate.

However, the Guidelines should also support other organisations, including businesses, government, civil society and trade unions, in understanding and contributing to the achievement of full respect for human rights in the business context.

## The Guidelines are based on:

- the laws of Sierra Leone
- the UN Guiding Principles on Business and Human Rights (United Nations Human Rights Council Resolution 17/4) and other relevant international standards
- policies and other voluntary guidelines in the area of business and human rights

While Sierra Leone's own national laws are not exhaustive, the country has taken on human rights obligations under human rights agreements concluded in the UN and other fora. Accordingly, such agreements are relevant in Sierra Leone in defining the obligations of governments and businesses to protect, respect and remedy human rights with regard to business activities.

To inform the development of the Guidelines, consultations were held by the Human Rights Commission of Sierra Leone with key stakeholders, including civil society organizations, Government Ministries, Departments, and Agencies, and multinational enterprises. The Commission appreciates the cooperation of those taking part and their inputs in the process.

Finally, the Commission expresses the hope that these Guidelines will serve to inform future debate, dialogue and decision-making by the Sierra Leone Government and other institutions.



**Rev. Moses B. Khanu**  
Chairperson, Human Rights Commission of Sierra Leone

# Introduction

Monitoring of human rights violations is a core function of the Human Rights Commission of Sierra Leone as stipulated in section 7 (2) (f) of the Human rights Commission of Sierra Leone Act 2004. In compliance with this function HRCSL has embarked on monitoring of institutions and systems to ascertain human rights compliance and to mitigate potential human rights abuses and violations.

In 2010, National Human Rights Institutions (NHRIs) worldwide affirmed their collective commitment through the Edinburgh Declaration to monitor and document business-related human rights abuses. This extends, in particular, to national and multinational corporations, whether operating in or registered under their domestic jurisdiction. In 2011, the Yaoundé Declaration expressed the commitment of African NHRIs in similar terms, while the UN's Guiding Principles on Business and Human Rights explicitly recognized the mandate and role of NHRIs with regard to human rights in the business context.

In the wake of these developments, the Human Rights Commission of Sierra Leone has taken great strides to address challenges to human rights connected to business activities in Sierra Leone. Following activities in 2012 such as the conduct of the Bumbuna Public Inquiry into alleged business-related abuses, in 2013 the Commission took a further step to develop these Guidelines for Monitoring Human Rights and Business in Sierra Leone.

The main objective of these Guidelines is to provide the Commission with a clear and consistent platform for monitoring the operations of business enterprises in Sierra Leone, and their respect for human rights standards. However, the Guidelines should also support other organisations, in taking steps towards full respect for human rights in the business context. For instance, the Guidelines should provide a robust platform for advocacy efforts and can be applied in turn to empower Civil Society Organisations (CSOs), District Human Rights Commissions (DHRCs), Government Ministries, labour organisations, and other relevant stakeholders, of course including businesses themselves.

The Monitoring Guidelines have been developed by the Human Rights Commission of Sierra Leone in collaboration with the Danish Institute for Human Rights and the Irish Human Rights Commission. During 2013, the process of drafting the Monitoring Guidelines included consultation with key stakeholders, such as civil society, business actors and MDAs, who were able to familiarize themselves with the contents of the Guidelines, make relevant inputs and take ownership of the document during consultation events.

# Overview of the Guidelines for Monitoring Business and Human Rights in Sierra Leone

## Background and purpose of the Guidelines

The Guidelines build on the Human Rights Compliance Assessment (HRCA) Tool of the Danish Institute for Human Rights (DIHR). The HRCA is a unique tool designed by DIHR to help companies identify the requirements of respect for human rights across the different aspects of their operations.

While international law does not generally impose direct obligations on non-state actors, such as businesses, the UN Guiding Principles on Business and Human Rights (UNGPs) have recently clarified the responsibilities that business actors have to respect human rights that derive from international human rights standards – alongside the duties borne by government and other public authorities to protect and remedy human rights in a business context.

A central feature of the UN Guiding Principles, is that businesses should ‘know and show’ their respect for human rights – that is, they need to identify and assess their actual and potential adverse impacts on human rights and demonstrate that they have taken appropriate and adequate measures to address such impacts. Accordingly, under the Guiding Principles, companies are required to carry out a human rights “due diligence” process, in order to discharge their corporate responsibility to respect human rights.

These Guidelines, like the HRCA, are built on a large number of indicators, which address a company’s policies, procedures and performance, across the different areas of its operations. The indicators, in turn, are derived from international standards on topics relevant to business respect for human rights, as well as relevant Sierra Leone legislation. Such international standards include the Universal Declaration of Human Rights, International Bill of Rights and ILO Core Labour Rights.

By referring to these indicators, it is therefore possible to assess to what extent a particular business is meeting its corporate responsibility to respect human rights – and to identify what steps, specifically, a business might need to take to close the gap between its current performance and full respect for human rights.

The Guidelines thus provide a basis for HRCSL to undertake activities to fulfill its mandate to protect and promote human rights in Sierra Leone, including through monitoring and investigations. However, they should also provide a valuable common framework and benchmark for other actors – including businesses themselves, government bodies, CSOs, and communities – in assessing and engaging in dialogue regarding business respect for human rights, and working towards improvements.

## Structure of the Guidelines

The Guidelines are organised into five sections. Each section addresses an area of business activity, as follows:

- Section 1: Employment practices
- Section 2: Environment and communities
- Section 3: Security
- Section 4: Legal and government affairs
- Section 5: Contractors and supply chain

The indicators that are attached to each question delve further into the particular topic that addresses the question. In addition, a Question Description is provided for each question that explains the rationale of the question and indicators, in terms of human rights standards.

In this printed version of the Guidelines, there is also space provided for noting down the basis for assessment undertaken, with reference to the question and its indicators, as well as any follow-up points to be implemented.

The basis for assessment should be completed using data from a variety of sources that is sufficient to allow an adequate and impartial analysis of the question and indicators. Such sources might include: company policies and procedures; interviews with a range of stakeholders, such as company staff, company management representatives, local communities and individuals, including vulnerable individuals and groups, government stakeholders, such as representatives from relevant ministries or local government authorities, national and international human rights sources and experts. Ideally, any monitoring assessment should be undertaken with full cooperation of the business concerned, and on the basis of written company materials as well as in person interviews, if necessary on an anonymised basis, in order to protect sources. A business' interest in protecting commercially sensitive confidential information should also be given due consideration in this context.

The following example illustrates how the Guidelines template might be completed in a particular case:

Does the company have policy commitments in place to identify and address environmental, social and human rights impacts throughout the project lifecycle?

INDICATORS	YES	NO	NO INFO
Company policy commitments on environmental, social and human rights impacts are informed by both internal and external subject matter expertise.	X		
The company clearly communicates its human rights expectations to both internal and external stakeholders, including affected communities.		X	
The company's policy commitment to environmental, social and human rights are visible throughout the company's operational policies and procedures.	X		
<p>Basis for assessment</p> <p>For example...</p> <p>Documents consulted included: company policy on environment and communities, company sustainability policy.</p> <p>Stakeholders interviewed included: company management representatives from the environment department and community relations; local government representative from the environment and infrastructure planning department; local community members from the town where the company operation is located, including both women and men representatives.</p>			
<p>Follow-up points</p> <p>For example...</p> <p>From document review and stakeholder interviews it became clear that the company has good policy commitments in the area of environment and communities, but that these are not communicated to external stakeholders. It was agreed with the company to cooperate to identify how the company can better communicate their policy commitments to local communities and individuals and ensure these are known and understood by community members, so that any breaches can also be identified and taken up by all parties on an equally informed and accurate basis.</p>			

# 1. Employment Practices

## 1.1 Employment status and dismissals

1.1.1 Do all workers have a written contract with the company / employer which outlines in a transparent manner the rights and obligations of each party, in full compliance with national labour law?

INDICATORS	YES	NO	NO INFO
The company/employer has a policy prescribing that all workers sign a written labour contract with the company/ employer as soon as they are hired, or at least within one month of the start of employment.			
The company/employer has a policy that in addition to the mandatory minimum standard terms and provisions, individual labour contracts include any employment terms applicable to specific individual workers.			
The company/employer has a procedure to ensure that any probationary period is within the legally permissible length and is stated in the contract.			
The company/employer has a procedure to ensure that workers are given the opportunity to consult the trade union or workers' representatives on issues relating to the signing and performance of their labour contract.			
The company/employer maintains updated records documenting the official employment status of all workers, including copies of all labour contracts as well as details of any that have been modified or rescinded.			
Basis for assessment			
Follow-up points			

**Question Description:** The absence of official employment status can lead to substandard or insecure working conditions and rights violations, especially for migrant workers, young workers and other vulnerable groups. Vulnerable groups in this section include youths, persons with disability, non-literate employees, casual labourers, unskilled persons, pregnant women and other persons in under-employed categories, Therefore, the company/employer should establish written labour contracts with all of its workers upon hiring, and devote attention to ensuring that any individuals from vulnerable groups in their employment have official employment status. Upon hiring, the company/employer has the duty to inform its workers of all employment-related information. It should also ensure that workers know and understand the rights and obligations of both parties under the contract, and that the worker has the opportunity to consult with the trade union when executing labour contracts.

Applicable International Laws and Standards: UDHR (1948), Articles 2, 4 and 23; International Covenant on Civil and Political Rights (ICCPR) (1966), Article 8.

Applicable National Laws and Policies: Regulation of Wages and Industrial Relations Act 1971 (section 15) and, Collective Agreements for specific trade groups, Employers and Employed Act 1935 Cap 212 Volume IV, Employers and Employed Rules 1947, Cap 212, No. 29 of 1972, Employers and Employed Amendment Acts (No.23 of 1962, No,50 of 1964, No.37 of 1965, No. 72 of 1970, Recruiting of Workers Act 1941, Cap 260, Registration of Employees Act 1947 Cap 213, Sierra Leone Local Content Policy.

### 1.1.2 Does the company / employer ensure all rules and procedures relating to disciplinary matters and dismissals are formulated and operated in a fair, consistent, non-discriminatory and transparent manner?

INDICATORS	YES	NO	NO INFO
The company/employer has a policy clearly and concisely stating the disciplinary rules, procedures and sanctions, and the policy is in writing and updated and amended when necessary.			
The formulation of and amendments to the company/employer's disciplinary policy and procedure(s) are based on agreements reached through negotiations between management and workers' representatives.			
The company/employer's disciplinary policy is readily available to all workers and issued in writing to workers when signing the labour contract.			
The labour contract defines what constitutes gross misconduct and the sanctions such conduct may warrant.			

If wage deduction is stated as a possible disciplinary sanction, deductions affect only bonuses and other types of increments and never the core wage required by living wage standards.			
No worker is dismissed for a first breach of discipline, except for gross misconduct.			
Management representatives and workers' representatives are fully conversant with the company/employer's disciplinary rules and procedures and they proactively assist workers to understand them.			
Disciplinary procedures comply with the requirements of procedural fairness, including advance notice of charges, opportunity to defend oneself and right to appeal.			
Basis for assessment			
Follow-up points			

**Question Description:** The company/employer may establish disciplinary rules and procedures to promote orderly employment relations as well as fairness and consistency in the treatment of individuals. Management is responsible for maintaining discipline and setting standards of performance within the company/employer. This includes ensuring that disciplinary rules and procedures cover issues of worker conduct and capability. However, disciplinary rules and procedures must comply with internationally and nationally recognised standards of fairness in terms of process and sanctions. Rules and procedures must be accepted as reasonable by those who apply them as well as those who follow them. To this end, management should negotiate with workers representatives on an equal basis to reach agreements on disciplinary rules and procedures. However, workers' representatives should not in any way be expected to enforce disciplinary rules, which is the duty of management representatives.

When drawing up disciplinary rules, the aim should be clearly and concisely to specify rules that are necessary for the efficient and safe performance of work as well as the maintenance of satisfactory relations within the workforce and between workers and management. Rules should cover issues such as misconduct, substandard performance, harassment or victimisation, misuse of company/employer facilities, failure to observe established health and safety procedures, poor timekeeping and unauthorised absences. In particular, there must be clear indication of what types of conduct are considered gross misconduct and what sanctions such conduct may warrant, including demotion, disciplinary suspension without pay, summary dismissal (i.e. dismissal without notice) or wage deductions. Deductions should concern bonuses and other types of increments only and never the core wage required by living wage standards. In particular, rules and procedures regarding wage deductions on disciplinary grounds should be stipulated in the labour contract and updated promptly in line with any changes.



It is also important that workers know the standards of conduct expected of them. A written policy manual specifying the rules and procedures should be issued and made readily available to all workers, for example when they sign the labour contract. The labour contract should also define what constitutes gross misconduct and the sanctions such conduct may warrant. In general, management representatives, including and workers' representatives, should be fully conversant with the disciplinary rules and procedures and should assist workers in understanding them.

Finally, procedural fairness implies a number of elements. Workers should be informed in advance of any disciplinary hearing of the allegations that are being made against them, along with supporting evidence. Workers should have the opportunity to challenge allegations and evidence and put forth a defence before any decisions are reached. After a decision is taken, workers should have the right to appeal the case to a higher authority.

Appropriate disciplinary rules and procedures should encompass the following elements:

- Rules and procedures should be in writing, and should
- Specify to whom they apply and be non-discriminatory
- Provide for matters to be addressed in a timely manner
- Indicate the range of disciplinary actions that may be taken
- Specify the levels of management that have the authority to take the various forms of disciplinary actions
- Ensure that workers are informed of complaints against them, including where possible all relevant evidence, before any hearing
- Provide workers with the opportunity to defend their case before decisions are reached
- Ensure that disciplinary action is not taken until the case has been carefully investigated
- Ensure that workers are given an explanation for any sanction imposed
- Ensure that, except for gross misconduct, no worker is dismissed for a first breach of discipline (i.e. apply progressive discipline)
- Protect the confidentiality of disciplinary proceedings, witness statements and records
- Provide a right of appeal (normally to a more senior manager) and specify the appeals procedure to be followed.

Applicable International Laws and Standards: UDHR (1948), Articles 23 and 25; ICCPR (1966), Articles 7, 9, 14, 15 and 16; ICESCR (1966), Articles 7(a) and 11(1); Convention on the Elimination of All Forms of Discrimination Against Women (1979), Articles 11 and 15; Convention on the Rights of the Child (1990), Articles 37, 39 and 40; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), Articles 10, 16, 17, 18, 19 and 24; ILO Protection of Wages Convention (C95, 1949), Article 8, 14; ILO Social Policy (Basic Aims and Standards) Convention (C117, 1962), Article 5; ILO Minimum Wage Fixing Convention (C131, 1970), Article 3; ILO Protection of Wages Recommendation (R85, 1949), Part I, Articles 1 and 2 and Part III, Article 6; ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy (1977), Article 34; UN Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights (2003), Articles 8 and 12.

Applicable National Laws and Policies: The Constitution of Sierra Leone 1991, Section 8(3), Regulation of Wages and Industrial Relations Act 1971 (section 15) and, Collective Agreements for specific trade groups e.g. Articles 21-23 of Collective Agreement for the Services Trade Group published in Sierra Leone Gazette Government Notice No.214 11th July 2011 Employers and Employed Act of the Laws of Sierra Leone 1960 Cap 212 Volume IV section 9 The High Court (Industrial Division) Procedural Rules 2000, The Mines and Minerals Act (2009), Section 145, National HIV/AIDS Commission Act 2011, The Persons with Disability Act 2011 sections 19 &20.

## 1.2 Work hours, rest periods and leave

1.2.1 Does the company/employer ensure that the workweek is limited to 40 hours; overtime is voluntary, infrequent and does not exceed 36 hours a month and that workers are given reasonable breaks while working, including sufficient rest periods between shifts?

INDICATORS	YES	NO	NO INFO
Normal company/employer working hours are limited to 40 per week by both company/employer policy and practice, or fewer if provided by national law, collective agreement or industry standards.			
Overtime is infrequent, remunerated at premium rate, and does not exceed 12 hours in any one week, or 36 hours per month.			
The company/employer has a system to plan, record and monitor hours worked by each employee, and regularly evaluates whether the number of employees is sufficient to meet production targets without resorting to overtime.			
Where overtime per employee systematically exceeds 12 hours per week, the company/employer increases its workforce to correspond to production targets, or puts in place measures to increase worker productivity and reduce overtime.			
Company/employer employees are allowed at least 24 consecutive hours of rest (or more if provided by national law or industry standards) in every seven day period.			
The company/employer ensures that employees have no less than a 30-minute break for every 4 hours of work (or more if provided by national law or industry standards) and that employees are allowed to use toilet facilities whenever necessary and not just during designated breaks.			
Basis for assessment			
Follow-up points			

**Question Description:** The International Labour Organization (ILO) sets a 48 hour workweek for commercial and industrial occupations – with a daily maximum of 10 and 8 hours respectively – to ensure time for rest and leisure. For work processes that must be conducted continuously on a shift basis a maximum workweek of 56 hours is permitted. Overtime should be voluntary, infrequent and should not exceed 12 hours per week or 36 hours per month. Specific rules may apply to various types of work (such as shift work, offshore work, long-distance transport, cargo work, seasonal work etc.) where unfixed working hours may be permitted. Overtime hours must be compensated by leave time or pay at a premium rate over and above the normal rate of pay. According to international minimum standards, the rate should be not less than 1.25 times the basic pay or wages per hour.

The officially recognised workweek in Sierra Leone is 40 hours, with two mandatory consecutive days off. Working hours in excess of 40 hours should be paid at 50 % overtime and work required on rest days paid at 100 % overtime. The standard workweek for security staff is higher, at 60 hours (article 5 of the Collective Agreement Sierra Leone Gazette Government Notice No.214 11th July 2011). This Collective Agreement made under the Regulation of Wages and Industrial Relations Act (1971), provides the minimum terms and conditions for workers of supervisory level and below in the Services Trade Group. There are collective agreements for various trade groups; the latest collective agreement is for the mines sector published in 2012. Under the laws of Sierra Leone, companies/employers that force workers to work overtime in violation of the law could be fined, and those that fail to pay workers for their overtime may be liable for economic damages and other compensation.

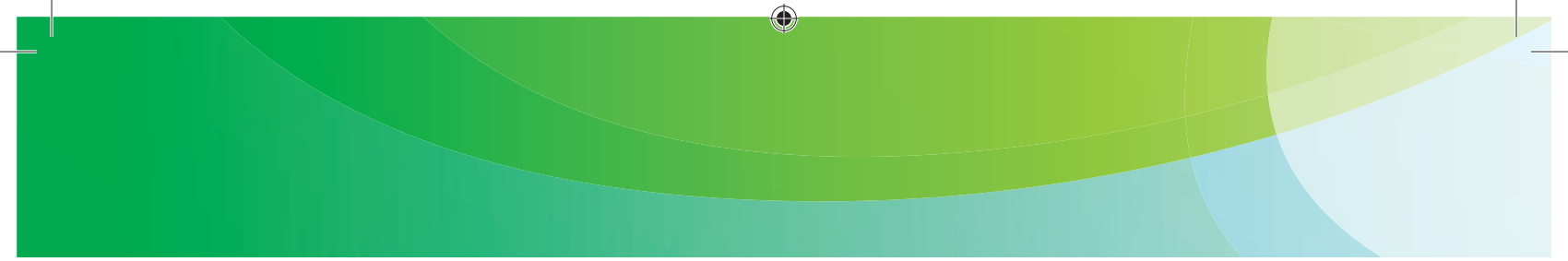
Applicable International Laws and Standards: Universal Declaration of Human Rights (1948), Articles 23, 24 and 25; International Covenant on Economic, Social and Cultural Rights (1966), Article 7 (d); ILO Hours of Work (Commerce and Offices) Convention (C30, 1930), Articles 3 and 4; ILO Hours of Work (Industry) Convention (C1, 1919); ILO Weekly Rest (Industry) Convention (C14, 1921), Article 2(1); ILO Weekly Rest (Commerce and Offices) Convention (C106, 1957), Article 6 (1); ILO Forty-Hour Week Convention (C47 1935).

Applicable National Laws and Policies: The Constitution of Sierra Leone 1991, Section 8(3), Regulation of Wages and Industrial Relations Act 1971 (section 15) and, Collective Agreements for specific trade groups e.g. Collective Agreement for the Services Trade Group published in Sierra Leone Gazette Government Notice No.214 11th July 2011 Employers and Employed Act of the Laws of Sierra Leone 1960 Cap 212 Volume IV The High Court (Industrial Division) Procedural Rules 2000, - The Mines and Minerals Act (2009), Section 145, National HIV/AIDS Commission Act 2011,,The Persons with Disability Act 2011.

## 1.2.2 Are all workers entitled to appropriately paid minimum holiday leave of at least three weeks each year?

INDICATORS	YES	NO	NO INFO
Company/employer policy guarantees all workers at least three weeks of paid holiday leave per year, or longer if required by national law.			
Workers are allowed to take at least two uninterrupted working weeks as part of their holiday leave, or longer if required by national law.			
Workers' holiday pay is equal to their normal or average remuneration and includes the cash equivalent of any remuneration normally paid in kind.			
The minimum period of service the employee must have worked before being entitled to holiday with pay is six months or less if required by national law.			
Basis for assessment			
Follow-up points			

**Question Description:** The company/employer must grant all employees paid annual holiday leave of at least three weeks per year and workers must be allowed to take at least two uninterrupted weeks' leave at a time. Holiday pay must be compensated at a rate that is equivalent to the worker's normal or average remuneration. The calculation of holiday pay must comply with the manner determined by the competent authority and include the cash equivalent of any remuneration normally paid in kind. A person whose length of service is less than one year must be entitled to holidays with pay in proportion to the length of service for that year. The company/employer should refer to national legislation for the minimum period of service the employee is required to serve before being entitled to holiday with pay. In no circumstances should the minimum period exceed 6 months. Entitlements to minimum holiday pay must be respected, even if an employee voluntarily consents to a departure from the requirements. Sometimes workers voluntarily request to forgo minimum holiday leave in order to earn additional compensation. However, the company/employer must respect national and international labour standards: employees cannot waive their labour rights. If requests are persistent, the company/employer should evaluate whether the requests are a result of company/employer salary policies, which fail to provide a fair or living wage.



Under Sierra Leone national legislation, employees are entitled to no less than 20 working days of a paid annual leave. This does not include public holidays. Under the Collective Agreement in the Services Trade Group article 9, no worker's annual leave may be deferred for more than two years without the consent of the worker. The minimal period of service required before entitlement to paid annual leave is three months. The amount of paid annual leave for all employees (except security men, watchmen and gatemen) increases in respect of each completed year of employment (1-3 years of service = 21 working days, 3-5 years of service = 26 working days, 5-10 years of service = 31 working days, 10-15 years of service = 36 working days and over 15 years of service = 38 working days Article 10). In addition, Article 10b of the Collective Agreement stipulates that all workers shall be paid a leave allowance of One Hundred and Twenty thousand Leones (LE120,000,00) or any higher annual leave allowance paid by the employer when taking paid leave.

### 1.2.3 Does the company/employer provide maternity and paternity leave to employees with a newborn or newly adopted child, without retaliation or discrimination?

INDICATORS	YES	NO	NO INFO
The company/employer provides maternity leave to all female employees, which is no less than fourteen weeks per child.			
Employees who have adopted a child or have taken on the responsibility for another type of dependent child are provided with maternity/paternity leave.			
The company/employer provides parental leave to male employees to share in the care of a newborn or newly adopted child.			
Employees who have taken family leave cannot be dismissed during the leave, and may return to the same or a similar position and benefits as they had prior to the leave.			
Basis for assessment			
Follow-up points			

**Question Description:** The ILO establishes a minimum of 14 weeks of maternity leave. This amount of time is still not common in many countries, but it is recommended that the company/ employer works towards granting its employees 14 weeks, and if national legislation allows for more, the company/employer must comply with this. The entire maternity leave should not automatically apply only to the mother; if a couple wishes to share the leave allowance, the company/employer should consider allowing male employees to take leave to care for newborns or newly adopted children as well. Frequently employees experience discrimination when returning from leave to care for a sick family member or a newborn or newly adopted child. To protect employees returning from maternity and other forms of family leave, the company/employer should guarantee that employees can return to their original position, or if a change in position is required to accommodate for new family responsibilities (such as a reduction in the amount of travel) the change should be at the request of the employee, and should not entail a reduction in salary/benefits.

Under Sierra Leone national legislation, only women are entitled to paid parental leave. The mandatory minimum length of paid maternity leave in Sierra Leone is 84 calendar days at a 100% of wages. The employer is responsible for paying for maternity leave benefits.

Applicable International Laws and Standards: Universal Declaration of Human Rights (1948), Article 16; International Covenant on Economic, Social and Cultural Rights (1966), Articles 3 and 10; International Covenant on Civil and Political Rights (1966), Article 23 (1); Convention on the Elimination of All Forms of Discrimination against Women (1979), Article 11 (2b and 2c), 13 (a) and 16 (1d); Convention on the Rights of the Child, Articles 5 and 18 (1); ILO Maternity Protection Convention (C183, 2000), Article 4; ILO Workers with Family Responsibilities Conventions (C156, 1981) Articles 1, 3 and 4(b); ILO Workers with Family Recommendation (R165, 1981), Article 22.

Applicable National Laws and Policies: The Regulation of Wages and Industrial Relations Act (1971) Section 15, Collective Agreement in Sierra Leone Gazette Government Notice No.214 11th July 2011 Article 9 & 10 and other Collective Agreement for specific Trade Groups. The Persons with Disability Act 2011 Section 19 & 20.

### 1.2.4 Does the company/employer allow for flexible working arrangements to ensure equal opportunities for employees with family responsibilities?

INDICATORS	YES	NO	NO INFO
Company/employer policy and procedure(s) provide for allowing employees to take a certain number of discretionary 'personal' and/or 'family' days from work in order to attend to family responsibilities.			
Flexible working arrangements such as part-time shifts, temporary contracts and periods of temporary leave are available to employees with family responsibilities.			
Basis for assessment			
Follow-up points			



**Question Description:** Both male and female employees with families face challenges balancing home and work responsibilities. International human rights principles recognise the societal importance of promoting a positive family environment by allowing both sexes to equally and effectively participate in child rearing or care of family members while working outside of the home. Employers should refrain from discriminating against both men and women on the basis of their family responsibilities. When instituting family friendly policies, the company/ employer should avoid reinforcing gender stereotypes by only providing family benefits to female workers. In most cultures, people are obliged to attend a variety of family-related functions, such as weddings, funerals and religious ceremonies, which may result in absence from work. Employees may also be absent from the workplace to care for ill members of their families. 'Family', for the purposes of these obligations, may consist of natural/adoptive/foster parents, grandparents, aunts, uncles, siblings, spouses, life partners and children, or other relatives. The company/employer should ensure that its employees are entitled to a sufficient number of discretionary 'personal' and 'family' days off, to meet their family responsibilities.

Applicable International Laws and Standards: Universal Declaration of Human Rights (1948), Article 16; International Covenant on Civil and Political Rights (1966), Article 23(1); International Covenant on Economic, Social and Cultural Rights (1966), Article 10 (1); Convention on the Rights of the Child, Articles 5, 18 and 19; ILO Workers with Family Responsibilities Convention (C156, 1981), Articles 1 (2) and 3.

Applicable National Laws and Policies: The Regulation of Wages and Industrial Relations Act (1971) Section 15, Collective Agreement in Sierra Leone Gazette Government Notice No.214 11th July 2011 Article 9 & 10 and other Collective Agreement for specific Trade Groups, Persons with Disability Act 2011 Section 19 & 20.

## 1.3 Wages and benefits

1.3.1 Does the company/employer provide a living wage that enables workers to meet the basic needs of themselves and their dependents?

INDICATORS	YES	NO	NO INFO
The company/employer provides maternity leave to all female employees, which is no less than fourteen weeks per child.			
Employees who have adopted a child or have taken on the responsibility for another type of dependent child are provided with maternity/paternity leave.			

The company/employer provides parental leave to male employees to share in the care of a newborn or newly adopted child.			
Employees who have taken family leave cannot be dismissed during the leave, and may return to the same or a similar position and benefits as they had prior to the leave.			
Basis for assessment			
Follow-up points			

**Question Description:** While a minimum wage is codified in national law, a living wage is a practical measure of the amount a worker must earn to achieve a reasonable standard of living through full-time labour. This measure is based on a comprehensive calculation including not only the costs of housing, food, water, clothing and transport, but also education and some disposable income, as well as social benefits such as health care, unemployment insurance and pension. The calculation also incorporates the relative living standards of other social groups, collective bargaining agreements and economic factors such as the requirements of economic development, levels of productivity, and the desirability of attaining and maintaining a high level of employment.

Sierra Leone has a government-mandated minimum wage of Le21,000 per month for all employees. Under the Minimum Wage Act (1997), no worker in Sierra Leone can be paid less than the mandatory rate of minimum pay. Employers in Sierra Leone who fail to pay the minimum wage may be subject to sanctions by Sierra Leone’s government. At present the national criteria for establishing minimum wage do not conform to international standards on calculating living wage. As such, companies/employers should conduct their own investigation in order to assess whether the local minimum wage level actually complies with the existing national criteria and whether the company/employer’s minimum wage level complies with the international living wage standard. Where the minimum wage standard set by the authorities does not meet the criteria of a living wage, the company/employer should ensure that all of its workers, including those on probation period, dispatched by a recruitment agency or working on a part-time or piece-rate basis, are paid a living wage.

Applicable International Laws and Standards: UDHR (1948), Article 25; ICESCR (1966), Articles 7 (a) and 11 (1); Convention on the Elimination of All Forms of Discrimination Against Women (1979), Article 11; ILO Protection of Wages Convention (C95, 1949), Article 8; ILO Minimum Wage Fixing Convention (C131, 1970), Article 3; ILO Social Policy (Basic Aims and Standards) Convention (C117, 1962), Article 5; ILO Protection of Wages Recommendation (R85, 1949), Article 1, 2; ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy (1977), Article 34; UN Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights (2003), Articles 8 and 12.

Applicable National Laws and Policies: The Regulation of Wages and Industrial Relations Act (No. 18 of 1971); The Constitution of Sierra Leone 1991, Section 8(3), The Persons with Disability Act 2011 Section 19 & 20, The Minimum Wage Act, 1997 (No. 1 of 1997).

### 1.3.2 Are the procedures around the payment of salary and extra remuneration transparent for the workers and properly authorised?

INDICATORS	YES	NO	NO INFO
The company/employer has a clear, fair and transparent policy to determine payment of salary and extra remuneration, and the company/employer maintains an exhaustive list of the authorised deductions from workers' wages.			
The company/employer ensures that workers are aware of the company/employer's policy regarding wages, remuneration and deductions before being hired and throughout their employment.			
Wage deductions do not exceed the true amount of loss and never encroach upon the worker's living wage.			
The company/employer ensures that workers are paid every month in currency at the designated times, and that every pay stub contains details on how the worker's wage was calculated, including the gross and net amount of wages as well as any deductions and the reasons for such deductions.			
The company/employer keeps records of calculations of all wages, bonuses, subsidies, authorised deductions, benefits and commissions and communicates this clearly to workers.			
A management representative and a worker or workers' representative ensure that company/employer records on remuneration are accurate, up to date and available at each pay period for workers to review.			

Basis for assessment

Follow-up points

**Question Description:** According to international standards, prior to being hired by a company/employer or before being moved into a new position, workers must be clearly informed of all essential wage information regarding their employment, including the calculation of wages, bonuses, commissions and any authorised deductions. Workers must be provided with a pay stub for each pay period summarising all relevant wage information accurately and transparently. Deductions can, in certain cases, be taken from workers' wages for damage to company/employer property or breaches of disciplinary rules. Although deductions are allowed, however, they should be fair and transparent, and workers should be able to challenge the deduction in an internal grievance mechanism. In no case should such deductions encroach upon the worker's core salary required by living wage standards.

Applicable International Laws and Standards: UDHR (1948), Articles 23 and 25; ICESCR (1966), Article 7; ILO Protection of Wages Convention (C95, 1949), Articles 8 and 14; ILO Protection of Wages Recommendation (R85, 1949), Part I, Articles 1 and 2 and Part III, Article 6.

Applicable National Laws and Policies: The Minimum Wage Act, 1997 [No. 1] of 1997, The Regulation of Wages and Industrial Relations Act (1971) Section 15, Collective Agreement in Sierra Leone Gazette Government Notice No.214 11th July 2011 Article 41, 42 & 43 and other Collective Agreement for specific Trade Groups. The Persons with Disability Act 2011 Section 19 & 20.

### 1.3.3 Does the company/employer contribute to national unemployment, sickness and pension benefit schemes, workers compensation and invalidity/disability schemes, or establish such schemes if none exists at the national level?

INDICATORS	YES	NO	NO INFO
Company/employer policy and procedure(s) state that the company/employer will contribute its share to national unemployment, sickness and retirement benefits programmes.			
If no national unemployment, sickness or retirement benefit programmes exist, the company/employer pays sickness, unemployment and retirement benefits directly to its current and former employees.			
The company/employer contributes its share to state-run worker's compensation and invalidity and disability benefit schemes, or creates its own if the state does not offer these.			
The company/employer does not rely on the use of repeated short term contracts on a continuous basis, to avoid granting employees social benefits.			
Basis for assessment			
Follow-up points			

**Question Description:** The state is expected to provide social security to its citizens, but most states will also require company/employer input and cooperation with the schemes. If the state has failed to establish such schemes, or if the existing schemes provide insufficient coverage, the company/employer should first try to work with the state to improve or develop a social security system, which provides adequate coverage for all. However, if this is impossible or progressing very slowly, the company/employer should develop its own benefit plan to provide its employees with adequate income protection from sickness, old age and unemployment. The company/employer should consider developing such schemes in cooperation with local trade unions, NGOs, or other companies/employers in the area. Many countries require employers to contribute to workers' compensation and invalidity/disability insurance programmes on behalf of their employees. If the state does not have a worker's compensation and disability insurance scheme, then the company/employer must have a system in place designed to support workers who become ill, injured, or disabled as a result of work-related accidents.

All companies/employers operating in Sierra Leone are subject to a requirement to pay social security (NASSIT) contributions for employees. Contributions to NASSIT are mandatory, with employers required to pay 10% of each worker's salary, while the employee has 5% deducted from his/her salary.

Applicable International Laws and Standards: Universal Declaration of Human Rights (1948), Article 25; International Covenant on Economic, Social and Cultural Rights (1966), Article 9 and 11 (1); Convention on the Protection of All Migrant Workers and Members of Their Families (1990), Article 54 (1b); Convention on the Elimination of All Forms of Discrimination against Women (1979), Article 11 (1e); ILO Medical Care and Sickness Benefits Convention (C130, 1969), Articles 6, 7 and 8 ; ILO Social Security (Minimum Standards) Convention (C102, 1952), Article 19; ILO Income Security Recommendation (R67, 1944), Articles 1, 5 and 7

Applicable National Laws and Policies: National Social Security and Insurance Trust Act. [No. 5] of 2001, sections 23, 25 & 30.

## 1.4 Non-discrimination and diversity

1.4.1 Does the company/employer have a non-discrimination and equal opportunities policy commitment in place, as well as provisions against harassment and discrimination?

INDICATORS	YES	NO	NO INFO
The company has a non-discrimination and equal opportunities policy in place that includes explicit reference to non-discrimination and harassment.			
Company procedure(s) implement this policy commitment, e.g. remuneration, wages and benefits, disciplinary actions and dismissals, social security benefits etc.			
Basis for assessment			
Follow-up points			

**Question Description:** According to international law, discrimination includes any “distinction, exclusion or preference” made on the basis of a distinguishing personal characteristic such as gender, age, nationality, ethnicity, race, colour, religious belief, language, organisational affiliation, political orientation, opinion, mental or physical disability, health status (e.g. HIV/AIDS and Hepatitis B), marital status, sexual orientation, social origins, birth, or civic characteristics that negatively impacts employment opportunities or otherwise results in unequal treatment in the workplace. Discriminatory practices can occur at any stage of employment, including hiring, placement, remuneration, benefits, training, advancement, evaluation, discipline, retirement and termination. Thus, companies/employers should monitor discriminatory practices not only in hiring procedures but throughout all stages of employment.

Discrimination can be direct or indirect. Direct discrimination occurs when a company/ employer policy, practice or procedure specifically targets a particular group because of a distinguishing personal characteristic and singles the group out for poorer treatment. To avoid direct discrimination, the company/employer must treat workers equally and fairly with respect to all policies, conditions and benefits of employment.

Indirect discrimination occurs when the practical application of a company/employer policy, procedure or practice negatively impacts a group of people—even if the policies, procedures or practices appear neutral. For example, if a position requires the applicant to be of a certain height, this requirement is discriminatory against women and persons belonging to certain ethnic groups. To avoid indirect discrimination, the company/employer must ensure that employment decisions are based on relevant and objective factors (merit, experience, tasks, skills, etc.), and that consistent procedures are followed in decision-making processes.

**In general, to comply with international and national law on anti-discrimination, the company/employer should adhere to the following:**

- Establish policies and procedures to promote non-discrimination and equal treatment, as well as monitoring mechanisms to ensure such policies and procedures are adequately implemented.
- Remuneration must be based on the concept of equal work for equal pay, and differences in rates of remuneration between workers must correlate specifically to objective job criteria or qualifications.
- The recruitment, training, benefits, advancement, discipline and dismissal of workers are all carried out in a non-discriminatory manner based only on relevant and objective criteria. For example, job advertisements should not contain criteria that directly or indirectly discriminate against women, migrant workers, ethnic minorities, the disabled, people with Hepatitis B or HIV/AIDS, or people with certain physical appearances.

Beyond a duty to not discriminate, the company/employer should also ensure that its workers and suppliers are aware of its policy on non-discrimination and equal treatment in order to promote a culture of respect and zero-tolerance for discrimination.

In Sierra Leone, common grounds of discrimination in the workplace include gender (against women), social origins (against migrant workers), race and ethnicity (against national ethnic minorities), disability, health status (against carriers of Hepatitis B or HIV/AIDS), physical appearance and organisational affiliation. For instance, in section 21.d of the Collective Agreement Sierra Leone Gazette Government Notice No.214 11th July 2011, the intentional concealment of an infectious or contagious disease from one's employer is still listed as an example of gross misconduct and eligible for immediate dismissal.

Applicable International Laws and Standards: UDHR (1948), Articles 1, 2, and 23; ICCPR (1966), Article 26; ICESCR (1966), Article 7(a); Convention on the Elimination of All Forms of Racial Discrimination (1965), Article 5 (e) (i); Convention on the Elimination of All Forms of Discrimination Against Women (1979), Articles 1 and 11(1); International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), Article 7; Convention on the Rights of Persons with Disabilities (2006), Articles 8 (1), 9 (1) (a) and 27; ILO Right to Organise and Collective Bargaining (C98, 1949), Article 1; ILO Equal Remuneration Convention (C100, 1951), Articles 1 and 2; ILO Discrimination (Employment and Occupation) Convention (C111, 1958) Article 1, 2 and 3; ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy (1977), Articles 21, 22 and 41; UN Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights (2003), Article 2.

Applicable National Laws and Policies: The Constitution of Sierra Leone 1991, Section 8(3), Regulation of Wages and Industrial Relations Act 1971 (section 15) and, Collective Agreements for specific trade groups e.g. Collective Agreement for the Services Trade Group published in Sierra Leone Gazette Government Notice No.214 11th July 2011 Employers and Employed Act of the Laws of Sierra Leone 1960 Cap 212 Volume IV The High Court (Industrial Division) Procedural Rules 2000, - The Mines and Minerals Act (2009), Section 145, National HIV/AIDS Commission Act 2011, The Persons with Disability Act 2011 section 19 & 20.

### 1.4.2 Does the company/employer apply only relevant and objective criteria when making decisions related to hiring, promotions, compensation and benefits?

INDICATORS	YES	NO	NO INFO
The company/employer has a procedure to ensure that workers are hired only on objective criteria based on skills, qualifications and experience required for the position.			



Job advertisements and descriptions do not make reference to irrelevant characteristics or impose irrelevant requirements, unless it is with the purpose of implementing a policy on affirmative action towards ethnic minorities and disabled persons as provided in the laws of Sierra Leone.			
The company/employer does not require or pressure job applicants or current workers to take any health test (for example HIV and Hepatitis B) not related to the nature of their employment; or sign agreements regarding their marital status or intent to have children in the process of recruitment, evaluation or advancement.			
Basis for assessment			
Follow-up points			

**Question Description:** Companies/employers should ensure non-discrimination in hiring procedures and throughout all stages of employment.

Applicable International Laws and Standards: Applicable International Laws and Standards: UDHR (1948), Articles 1, 2, and 23; ICCPR (1966), Article 26; ICESCR (1966), Article 7(a); Convention on the Elimination of All Forms of Racial Discrimination (1965), Article 5 (e) (i); Convention on the Elimination of All Forms of Discrimination Against Women (1979), Articles 1 and 11(1); International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), Article 7; Convention on the Rights of Persons with Disabilities (2006), Articles 8 (1), 9 (1) (a) and 27; ILO Right to Organise and Collective Bargaining (C98, 1949), Article 1; ILO Equal Remuneration Convention (C100, 1951), Articles 1 and 2; ILO Discrimination (Employment and Occupation) Convention (C111, 1958) Article 1, 2 and 3; ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy (1977), Articles 21, 22 and 41; UN Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights (2003), Article 2.

Applicable National Laws and Policies: The Constitution of Sierra Leone 1991, Section 8(3), Regulation of Wages and Industrial Relations Act 1971 (section 15) and, Collective Agreements for specific trade groups e.g. Collective Agreement for the Services Trade Group published in Sierra Leone Gazette Government Notice No.214 11th July 2011 Employers and Employed Act of the Laws of Sierra Leone 1960 Cap 212 Volume IV The High Court (Industrial Division) Procedural Rules 2000, - The Mines and Minerals Act (2009), Section 145, National HIV/AIDS Commission Act 2011,,The Persons with Disability Act 2011 section 19 & 2The Workmen's Compensation Act (1969), sections 3 and 7.

### 1.4.3 Has the company/employer implemented measures to prevent and address harassment, violence and other forms of discrimination in the workplace?

INDICATORS	YES	NO	NO INFO
The company/employer provides anti-discrimination education and training to all of its workers, security personnel, and managers to ensure they are aware of the company/employer's policies and procedures on non-discrimination.			
An individual or department in the company/employer is responsible for monitoring company/employer compliance with non-discrimination and equal opportunity standards and policies at all stages of employment.			
The company/employer has set up an adequate grievance mechanism to handle discrimination issues, and a workers' representative acts as the workers' focal point' on employment discrimination issues.			
Basis for assessment			
Follow-up points			

**Question Description:** The company/employer should ensure that adequate mechanisms are in place for workers to report on workplace discrimination, bullying or sexual harassment. These mechanisms should be able to promptly investigate all complaints and take appropriate preventive or disciplinary action. All workers must be informed of their rights and encouraged to use the mechanism without fear of reprisal. The company/employer should designate specific staff (e.g. a workers' representative) to act as the workers' focal point on employment discrimination issues. Workers should be able to report discriminatory incidents to the focal point on a confidential basis. At the same time, the focal point should possess adequate knowledge to advise workers on national laws and company/employer policies regarding non-discrimination as well as the various remedies available.

Applicable International Laws and Standards: UDHR (1948), Articles 1, 2, and 23; ICCPR (1966), Article 26; ICESCR (1966), Article 7(a); Convention on the Elimination of All Forms of Racial Discrimination (1965), Article 5 (e) (i); Convention on the Elimination of All Forms of Discrimination Against Women (1979), Articles 1 and 11(1); International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), Article 7; Convention on the Rights of Persons with Disabilities (2006), Articles 8 (1), 9 (1) (a) and 27; ILO Right to Organise and Collective Bargaining (C98, 1949), Article 1; ILO Equal Remuneration Convention (C100, 1951), Articles 1 and 2; ILO Discrimination (Employment and Occupation) Convention (C111, 1958) Article 1, 2 and 3; ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy (1977), Articles 21, 22 and 41; UN Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights (2003), Article 2.

Applicable National Laws and Policies: The Constitution of Sierra Leone (1991), Sections 15; The Persons with Disability Act (2011), Section 22.

## 1.5 Workplace health and safety standards and systems

### 1.5.1 Does the company/employer ensure that its workers are afforded safe, suitable and sanitary work facilities?

INDICATORS	YES	NO	NO INFO
The company/employer has effective policies and procedures in place regarding occupational health and safety prevention and remediation that comply with industry, national and international standards.			
The company/employer consistently informs its workers of occupational risks and hazards as well as the company/employer's preventive measures and emergency plans, and such information is included in the labour contract.			
The company/employer routinely monitors its production processes and inspects and maintains its machinery and equipment to ensure that they are safe and in good working order.			
Records are maintained on monitoring and inspection of health and safety facilities and equipment, and the company/employer documents the measures taken in response to problems.			

All work premises are well lit and ventilated and comply with national regulations on fire prevention and control.			
The company/employer routinely carries out health exams of its workers, maintains health files on its workers, and arranges for diagnosis and treatment of occupational disease.			
The company/employer has purchased adequate occupational injury insurance, pays premiums on all of its workers, and makes compensation to workers who suffer occupational injury or disease.			
The company/employer has an internal mechanism for receiving and responding to concerns and complaints about occupational health and safety.			
Basis for assessment			
Follow-up points			

**Question Description:** A range of international conventions address the issue of health and safety standards. The company/employer must provide safe and healthy working facilities and take appropriate precautionary measures to protect workers from anticipated dangers in the workplace. The actual type and number of safety precautions necessary will differ depending on the industry of operation and the unique concerns of the company/employer, as well as the location of operation and the particular needs of vulnerable workers, such as pregnant women. Responses to work-related hazards may include increasing lighting, installing video cameras or property fencing, increasing the number of unarmed security guards or even suspending operations—in the most extreme cases—for as long as necessary to remedy a problem. If an unanticipated danger is identified, the company/employer must act swiftly to remedy the defect and formulate a prevention plan to avert future incidents. The company/employer must also have a pre-established action plan designed to respond effectively to workplace accidents and health hazards in the event that all precautions fail.

Applicable International Laws and Standards: UDHR (1948) Article 25; ICESCR (1966) Articles 7 (b) and 12 (2b and c); Convention on the Elimination of All Forms of Discrimination against Women (1979) Article 11 (1f); Protection against Accidents (Dockers) Convention (Revised) (C32, 1932) Articles 2 (1) and 5; Underground Work (Women) Convention (C45, 1935); ILO Hygiene (Commerce and Office) Convention (C120, 1964); ILO Occupational Safety and Health Convention (C155, 1981) Articles 4 and 5; ILO Occupational Health and Services Convention (C161, 1985) Article 5 (b); Safety and Health in Construction Convention (C167, 1988) Articles 6, 8(1a) and 8 (2), 9 and 10; Convention Concerning Safety in the Use of Chemicals

at Work Convention (C170, 1990) Articles 1 (2b), 4, 5, and 7 (2); Tripartite Declaration on the Responsibilities of Transnational Corporations (1977) Article 38 and UN Norms on the Responsibility of Transnational Corporations and other Business Enterprises with regard to Human Rights (2003) Article 7; Convention on the Rights of Persons with Disabilities (2006), Article 27 (1)(a).

Applicable National Laws and Policies: Machine (Safe Working and Inspection) Act 1941, Cap 218 of the Laws of Sierra Leone 1960, Machine (Safe Working and Inspection) Amendment Act and Rules (1960, Act No.20 of 1960, Sierra Leone Gazette Government Notice No.214 11th July 2011 under Regulations of Wages and Industrial Relations Act 1971 Article 29, 30 & 39, The Regulation of Wages and Industrial Relations Act (1971 section 15), Section 60; The Factories Act (1971), Part V., Workmen’s Compensation Act 1960 and 1969 Amendment Act 1969 sections 3 & 7, The Persons with Disability Act 2011 sections 19 & 20, Mines and Minerals Act 2010 sections 142 – 147.

### 1.5.2 Does the company/employer provide the appropriate additional compensation, benefits, services, and facilities to night workers?

INDICATORS	YES	NO	NO INFO
Night workers receive a higher wage than comparable day workers, or they work shorter hours while being remunerated as if they worked the same hours.			
Management discusses work schedules, occupational health measures, and all other issues concerning night workers with them and their representatives.			
Suitable first-aid and emergency facilities are available to night workers as well as social services wherever necessary.			
Night workers are provided with a health assessment at their request, and with advice about how to reduce or avoid health problems associated with night work.			
Basis for assessment			
Follow-up points			

**Question Description:** Night work includes all work that is performed for not less than seven consecutive hours, including the hours from midnight to 5am, as determined by the national government authority. Night workers are those who perform a substantial number of night work hours, as determined by the national government authority. Night workers must make certain life style sacrifices that other workers do not make, which tend to make them more susceptible to health problems and work-related injuries. With this in mind, the company/employer must afford the night worker extra safety precautions and additional remuneration to compensate them accordingly for their sacrifices and to protect them from injury.

Applicable International Laws and Standards: Universal Declaration of Human Rights (1948), Articles 23 and 24; International Covenant on Economic, Social and Cultural Rights (1966), Article 7; ILO Night Work Convention (C171, 1990), Article 1.

Applicable National Laws and Policies: Relevant Collective Agreements published in Sierra Leone Gazette under the Regulation of Wages and Industrial Relations Act (1971). Employers and Employed Act 1960.

### 1.5.3 Does the company/employer reduce or eliminate risks to the health and reproductive capacity of employees, pregnant and nursing women and their newborn children?

INDICATORS	YES	NO	NO INFO
The company/employer keeps updated all information concerning risks its operations may pose to the reproductive capacity of all employees, and unborn children and newborns who are being nursed.			
The company/employer informs all employees of any reproductive health risks associated with their job responsibilities before their employment and receives their informed consent.			
Pregnant and nursing women are reassigned to different tasks when work activities are hazardous or detrimental to them or their child.			
Basis for assessment			
Follow-up points			

**Question Description:** When taking measures to safeguard employees' reproductive capacity, companies/employers should consider both long-term risks to employees' reproductive systems as well as more immediate risks to a pregnant employee's unborn child. The former includes ensuring employees are adequately trained and equipped when handling chemicals and other materials which could be hazardous to their reproductive organs. The latter includes ensuring that pregnant employees are removed from any work environment which may pose a threat to the development of the unborn child. Relocation to a safer work environment should last throughout the duration of the pregnancy, and if necessary, the nursing period as well. Pregnant and nursing women must not be required to perform tasks that may have negative consequences (as determined by a competent authority) on their health, their pregnancy, or the health of their unborn child. At the same time, the company/employer must ensure that the negative consequences anticipated from the proposed activity are real and quantifiable, so that pregnancy is not simply used as a justification for the discriminatory exclusion of women from various positions in the company/employer. Alternatives to night work should be made available to pregnant or nursing workers for a period of at least 16 weeks, 8 of which should be before the expected date of the childbirth. This time period should be extended for women who produce a medical certificate stating that a longer time period is necessary for her health or the health of her child. Examples of alternatives to night work include a transfer to the day shift or an extension of maternity leave benefits.

Applicable International Laws and Standards: Universal Declaration of Human Rights (1948), Article 25; Convention on the Elimination of All Forms of Discrimination against Women (1979), Article 11 (1f and 2d); ILO Occupational Health Services Convention (C161, 1985), Articles 13 and 14; International Covenant on Economic, Social and Cultural Rights (1966), Article 10 (2); Convention on the Rights of the Child (1990), Article 24 (2); ILO Maternity Protection Convention (C183, 2000), Article 3.

Applicable National Laws and Policies: Collective Agreement in Sierra Leone Gazette Government Notice No.214 11th July 2011 under Regulations of Wages and Industrial Relations Act 1971 Article 14, 15, 16, 29, 30 & 39, The Regulation of Wages and Industrial Relations Act (1971 section 15), Section 60; The Factories Act (1971), Part V., Workmen's Compensation Act 1960 and 1969 Amendment Act 1969 sections 3 & 7, The Persons with Disability Act 2011, Mines and Minerals Act 2010 sections 142 – 147.

### 1.5.4 Does the company/employer provide employees with the opportunity to fully participate in occupational health and safety-related management and monitoring processes at the workplace, without fear of retaliation?

INDICATORS	YES	NO	NO INFO
The company/employer safety record is regularly made available to all current and prospective employees.			
Workers elect safety representatives who participate in occupational and safety committees.			
Basis for assessment			
Follow-up points			

**Question Description:** The company/employer must consult employees and their representatives on health and safety matters in the workplace. Employees must be given adequate information regarding health and safety matters and asked to contribute their input on such issues as the alteration of workplace processes, occupational safety, and the organisation of work.

Employees are in the best position to recognise workplace hazards because of their experience operating directly in the workplace environment. They must be encouraged to share their views and concerns with management. Retaliation against an employee for reporting hazardous workplace concerns violates the right to health as well as the right to just and favourable conditions of work. Accordingly, the company/employer must not punish an employee for removing him/herself from a working environment that he or she reasonably perceives to be dangerous or harmful. An investigation into the employee's safety concerns should be conducted and if a reasonable difference of opinion arises regarding the actual threat of the situation, and the employee refuses to return to the work site because of these concerns, the company/employer should investigate alternative placements for the individual within the company/employer. The Company/employer must however take remedial steps to address the issue so that other employees are assured of their safety.



Applicable International Laws and Standards: Universal Declaration of Human Rights (1948), Article 25; International Covenant on Economic, Social and Cultural Rights (1966), Articles 7 (b) and 12 (2b); ILO Prevention of Major Industrial Accidents Convention (C174, 1993), Article 20 (c and f); ILO Occupational Health Services Convention (C161, 1985), Articles 8, 10 and 15; ILO Occupational Safety and Health Recommendation (R164, 1981), section 12 (R164, 1981)], Article 12.

Applicable National Laws and Policies: Collective Agreement in Sierra Leone Gazette Government Notice No.214 11th July 2011 under Regulations of Wages and Industrial Relations Act 1971 Article 35, 14, 15, 16, 29, 30 & 39, The Regulation of Wages and Industrial Relations Act (1971 section 15), Section 60; The Factories Act (1971), Part V., Workmen’s Compensation Act 1960 and 1969 Amendment Act 1969 sections 3 & 7, The Persons with Disability Act 2011 section 19 & 20, Mines and Minerals Act 2010 sections 142 – 147.

### 1.5.5 Is company/employer equipment and the working environment inspected and monitored regularly for hazards and malfunctions?

INDICATORS	YES	NO	NO INFO
The company/employer's production processes, machinery and equipment operate and meet all applicable safety requirements.			
Trained company/employer staff regularly inspect and maintain company/employer machinery and when equipment breaks down, immediately repair or remove/disable it.			
The company/employer permits independent monitoring and evaluation of its premises by health and safety inspectors.			
Relevant safety information to make employees aware of workplace dangers is shared and communicated with employees at all levels of the organisation.			
The company/employer maintains internal records of occupational accidents, injuries and all other relevant health and safety data required by the country of operation.			
Basis for assessment			
Follow-up points			

**Question Description:** Use of harmful machinery, equipment, processes and substances that cannot be rendered safe, even by the use of safety techniques and devices, constitutes a violation of the right to health. Too often, workplace hazards and accidents occur as a result of overlooked or unrecognized dangers, which could have easily been prevented had the workplace been more appropriately monitored. The company/employer must exercise due diligence to ensure that preventable tragedies do not occur as a result of passivity. Relevant safety information should be effectively exchanged and communicated at all levels of the organization, so that active efforts can be made to rectify dangers and prevent unnecessary accidents.

Applicable International Laws and Standards Universal Declaration of Human Rights (1948), Article 25; International Covenant on Economic, Social and Cultural Rights (1966), Articles 7 (b) and 12 (2b and c); ILO Prevention of Major Industrial Accidents Convention (C174, 1993), Articles 18 and 19; ILO Occupational Health and Safety Convention (C155, 1981), Article 16.

Applicable National Laws and Policies: Relevant articles in various collective agreements, e.g. Collective Agreement in Sierra Leone Gazette Government Notice No.214 11th July 2011 under Regulations of Wages and Industrial Relations Act 1971 Article 14, 15, 16, 29, 30 & 39, The Regulation of Wages and Industrial Relations Act (1971 section 15), Section 60; The Factories Act (1971), Part V., Workmen’s Compensation Act 1960 and 1969 Amendment Act 1969 sections 3 & 7, The Persons with Disability Act 2011, Mines and Minerals Act 2010 sections 142 – 147, Machine (Safe Working and Inspection) Act 1941, Cap 218 of the Laws of Sierra Leone 1960, Machine (Safe Working and Inspection) Amendment Act and Rules (1960, Act No.20 of 1960).

## 1.6 Training and personal protective equipment

1.6.1 Does the company/employer supply its workers with the protective equipment and training necessary to perform their tasks safely?

INDICATORS	YES	NO	NO INFO
Company/employer policy and procedure require that every employee who may be exposed to hazardous substances or conditions be provided with protective equipment (e.g., suits, gloves, helmets, goggles, steel toed boots, safety harnesses and ropes, etc.) at no cost to the employee.			
Trained company/employer staff routinely inspects the personal protective equipment and its use to ensure that the equipment successfully serves the purpose for which it is intended.			

Every employee is provided with appropriate and adequate personal protective equipment for the hazards and conditions they may face, at no cost to the employee.			
Basis for assessment			
Follow-up points			

**Question Description:** According to international law, all workers must be provided with health and safety training on all tasks for which they are responsible prior to beginning a new assignment. The company/employer must also ensure that workers are fully updated and capable of carrying out their work tasks safely throughout their tenure with the company/ employer. In general, workers should not be exposed to harmful processes, chemicals, substances or techniques. Sometimes exposure is unavoidable; If there is no way to modify the work environment to avoid exposure, then all workers who are exposed to hazardous substances or conditions must be provided with all protective equipment necessary, at no cost to themselves. The type of protective equipment necessary will vary depending on the nature of the work, but may include specialised suits, gloves, helmets, goggles, steel-toed boots, safety harnesses or ropes. Undue burden or expense to the company/employer must not be used as a justification for failing to provide workers with the appropriate safety equipment.

Applicable International Laws and Standards UDHR (1948), Article 25; ICESCR (1966), Articles 7 (b) and 12 (2b and c); Protection against Accidents (Dockers) Convention (Revised) (C32, 1932) Articles 8 and 9; Prevention of Accidents (Seafarers) Convention (C134, 1970) Article 5 (2); ILO Occupational Safety and Health Convention (C155, 1981), Articles 16 (3) and 21; Safety and Health in Construction Convention (C167, 1988) Articles 1 (e), 10, 16 (1d) and (2), 30 (1); Convention Concerning Safety in the Use of Chemicals at Work Convention (C170, 1990), Articles 13 (1f) and 18 (3.a); Convention on the Rights of Persons with Disabilities (2006), Article 27 (1)(a).

Applicable National Laws and Policies: Relevant articles in various collective agreements, e.g. Collective Agreement in Sierra Leone Gazette Government Notice No.214 11th July 2011 under Regulations of Wages and Industrial Relations Act 1971 Article 14, 15, 16, 29, 30 & 39, The Regulation of Wages and Industrial Relations Act (1971 section 15), Section 60; The Factories Act (1971), Part V., Workmen’s Compensation Act 1960 and 1969 Amendment Act 1969 sections 3 & 7, The Persons with Disability Act 2011, Mines and Minerals Act 2010 sections 142 – 147, Machine (Safe Working and Inspection) Act 1941, Cap 218 of the Laws of Sierra Leone 1960, Machine (Safe Working and Inspection) Amendment Act and Rules (1960, Act No.20 of 1960).

## 1.6.2 Do employees receive adequate and appropriate training for carrying out all work safely?

INDICATORS	YES	NO	NO INFO
Company/employer health and safety guidelines require that all employees receive adequate training prior to beginning work and that their training is periodically repeated or updated.			
Knowledgeable experts provide hands-on demonstrations in language understandable to workers, about how to use all equipment, substances, and work techniques.			
Employers keep accurate records including those who have been trained, by which instructor, for which tasks, and length and methods of training.			
Basis for assessment			
Follow-up points			

**Question Description:** All employees must be appropriately trained to perform all tasks for which they are responsible at the outset of their work with the company/ employer. This must be followed up by regular health and safety training to ensure that employees are fully updated and capable of carrying out their work tasks in the safest manner possible.

Applicable International Laws and Standards Universal Declaration of Human Rights (1948), Article 25; International Covenant on Economic, Social and Cultural Rights (1966), Articles 7 (b) and 12 (2b and c); ILO Prevention of Major Industrial Accidents Convention (C174, 1993), Article 9 (c); ILO Occupational Safety and Health Convention (C155, 1981), Article 14.

Applicable National Laws and Policies: Relevant articles in various collective agreements, e.g. Collective Agreement in Sierra Leone Gazette Government Notice No.214 11th July 2011 under Regulations of Wages and Industrial Relations Act 1971 Article 14, 15, 16, 29, 30 & 39, The Regulation of Wages and Industrial Relations Act (1971 section 15), Section 60; The Factories Act (1971), Part V., Workmen's Compensation Act 1960 and 1969 Amendment Act 1969 sections 3 & 7, The Persons with Disability Act 2011, Mines and Minerals Act 2010 sections 142 – 147, Machine (Safe Working and Inspection) Act 1941, Cap 218 of the Laws of Sierra Leone 1960, Machine (Safe Working and Inspection) Amendment Act and Rules (1960, Act No.20 of 1960).

## 1.7 Child labour and forced and bonded

1.7.1 Does the company/employer have a policy commitment prohibiting child labour and complying with minimum age standards, and does it take immediate action when it becomes aware that it has hired underage workers?

INDICATORS	YES	NO	NO INFO
The company/employer has a policy regarding the minimum age for employment that complies with the laws of Sierra Leone and international human rights standards.			
The company/employer requires job applicants to provide copies of birth certificates or other official forms of identification to verify their age before being hired by the company/employer.			
Company/employer hiring managers are aware of common forms of ID forgery and are able to spot such forgeries.			
Company/employer has an educational enrolment policy for any underage workers identified.			
Basis for assessment			
Follow-up points			

**Question Description:** According to international law, children are entitled to the basic right to education and must not be hired to work before completing their compulsory education. If the company/employer becomes aware that it has hired underage workers, it must take immediate action to remedy the situation. Since poverty and lack of social services are the main causes of child labour, simply dismissing underage workers may be harmful and disruptive to their lives, forcing them into more dangerous work, prostitution, homelessness or starvation. Instead, the company/employer should make efforts to enrol the children in an educational programme and assist them in making the transition from work to school. The company/employer might also consider collaborating with other companies/employers operating in the same location to collectively address the problem.

Applicable International Laws and Standards UDHR (1948), Articles 24 and 26; ICESCR (1966), Articles 7 and 13 (1); Convention on the Rights of the Child (1989), Articles 28 (1) and 32; ILO Social Policy (Basic Aims and Standards) Convention (C117, 1962), Article 15; ILO Minimum Age Convention (C138, 1973). There are also industry-specific ILO conventions on minimum age: ILO Minimum Age (Industry) Convention (Revised) (C5,1919); ILO Minimum Age (Sea) Convention (Revised) (C7,1920) ; ILO Minimum Age (Agriculture) Convention (Revised) (C10, 1921); ILO Minimum Age (Trimmers and Stokers) Convention (Revised) (C15, 1921) ; ILO

Minimum Age (Non-Industrial Employment) Convention (Revised) (C33, 1932); ILO Minimum Age (Sea) Convention (Revised) (C58, 1936); ILO Minimum Age (Industry) Convention (Revised) (C59, 1937); ILO Minimum Age (Non-Industrial Employment) Convention (Revised) (C60, 1937); ILO Minimum Age (Fishermen) Convention (Revised) (C112, 1959) ; ILO Minimum Age (Underground Work) Convention (Revised) (C123, 1965).

Applicable National Laws and Policies: The Constitution of Sierra Leone 1991 section 19, Abolition of Forced Labour Convention (Application to Merchant Seamen) Act No.18 of 1966, Prohibition of Forced Labour Act, 1956, Cap 215 of the Laws of Sierra Leone 1960, The Child Right Act (2007), Section 32, The Persons with Disability Act 2011, Section 22.

1.7.2 Does the company/employer have a policy commitment to prohibit forced and bonded labour and does the company/employer refrain from retaining the identity cards, passports, and other important personal documents of its employees?

INDICATORS	YES	NO	NO INFO
If employees need letters of release to seek other employment, they are issued automatically and upon request without delay.			
The company/employer only keeps employees' documents for short periods while making photocopies or copying information for employees' personnel files.			
The personnel files (and other relevant files) contain no original personal documents or personal property.			
Basis for assessment			
Follow-up points			

**Question Description:** Withholding of employees' travel documents and identity cards results in an unreasonable restriction on their freedom of movement and travel. It may also limit the individual's ability to apply for jobs with other companies/employers, or to leave the country.

Applicable International Laws and Standards Universal Declaration of Human Rights (1948), Article 4; International Covenant on Civil and Political Rights (1966), Article 8 and 12 (1); Convention on the Protection of the Rights of All Migrant Worker and Members of Their Families (1990), Article 21; ILO Forced Labour and Servitude Convention (C29, 1930); ILO Abolition of Forced Labour Convention (C105, 1957), Article 1.

Applicable National Laws and Policies: The Constitution of Sierra Leone 1991 section 19, Abolition of Forced Labour Convention (Application to Merchant Seamen) Act No.18 of 1966, Prohibition of Forced Labour Act, 1956, Cap 215 of the Laws of Sierra Leone 1960, The Child Right Act (2007), Section 32, The Persons with Disability Act 2011, Section 22.

### 1.7.3 Does the company/employer ensure that workers' employment does not imply restrictions on their freedom of movement, right to and choice to work or employment opportunities?

INDICATORS	YES	NO	NO INFO
The company/employer has a policy stating full commitment to respect workers' freedom of movement and choice to work and employment opportunities, including a zero-tolerance policy for any violations of such workers' freedom by the company/employer's recruitment agencies.			
The company/employer has a procedure to ensure that workers are not coerced to work by security personnel or line managers and that workers are free to leave company/employer premises or company/employer-provided housing at the end of their shifts or during breaks without interference from security guards or any other staff.			
The company/employer keeps only photocopies of workers' ID cards, residency permits, and travel documents and always returns the originals to the workers.			
The company/employer pays its workers their wages in full and on a regular and timely basis; and the company/employer does not illegally withhold a portion of the worker's salary or benefits.			
The company/employer has procedures to prevent arrangements that put workers in debts of any kind.			
All workers are allowed to leave the employ of the company/ employer after reasonable notice, without fear of punishment or imposition of penalty fees.			
The company/employer has implemented elaborate due diligence procedures to ensure that recruitment agencies do not infringe on workers' freedom of movement and choice to work and employment opportunities as specified in the above indicators.			

Monitoring procedures performed by the company/employer confirm that no recruitment agency used by the company/employer infringes on workers' freedom of movement and choice to work and employment opportunities as specified in the above indicators.			
Basis for assessment			
Follow-up points			

**Question Description:** This question relates to three fundamental rights protected under international law: freedom of movement (ICCPR, Article 12), prohibition of debt bondage and forced labour (ICCPR Article 8) and the right to work (ICESCR Article 6(1): "the right to work...includes the right of everyone to the opportunity to gain his/her living by work which he/she freely chooses or accepts"). These three rights are intrinsically linked in the business environment because company/employer practices may lead to restrictions on workers' freedom of movement and choice to work and employment opportunities. Such practices may cause restrictions either directly or indirectly. Practices directly causing restrictions include restricting workers' movement during or even after working hours by threat or use of force. Companies/employers can limit workers' ability to use the toilet, eat, drink, and take breaks. Workers could also be locked inside the workplace or company/employer-provided housing facilities. Moreover, workplaces could at times be monitored by security guards carrying handcuffs and electric batons, creating an atmosphere of intimidation and harassment. Even after working hours, workers could be restricted in going in and out of the factory premises.

Applicable International Laws and Standards UDHR (1948), Articles 4, 12, 13 and 23; ICCPR (1966), Articles 8, 11 (2), 12 and 17; ICESCR (1966), Article 6; Convention on the Rights of the Child (1989), Articles 19(1), 28, 32 and 35; UN Slavery Convention (1926), Article 5; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), Articles 8, 21 and 39; ILO Forced and Compulsory Labour Convention (C29, 1930), Articles 1, 2 and 5(1); ILO Abolition of Forced Labour Convention (C105, 1957), Article 2; ILO Forced Labour (Indirect Compulsion) Recommendation (R35, 1930), Article 3; Fact Sheet No.14 on Contemporary Forms of Slavery, UN Office of the High Commissioner for Human Rights (1991); ILO Code of Practice: Protection of Workers Personal Data (1997), Articles 5 (1), 5 (2), 5 (3), 5 (13), 6 (5), 8, 10 (1) and 10 (3); UN Guidelines for the Regulation of Computerized Personal Data Files (1990), Articles 1, 3 (a), 5 and 7; OECD Guidelines: On the Protection of Privacy and Transborder Flows of Personal Data (1980), Articles 9 and 11.

Applicable National Laws and Policies: The Constitution of Sierra Leone (1991), Sections 7, 18, 24, and 26., Abolition of Forced Labour Convention (Application to Merchant Seamen) Act No.18 of 1966, Prohibition of Forced Labour Act, 1956, Cap 215 of the Laws of Sierra Leone 1960, The Child Right Act (2007), Section 32, The Persons with Disability Act 2011, Section 22.



## 1.8 Freedom of association and collective bargaining

1.8.1 Does the company/employer remain neutral as regards employees' membership in any particular trade union and allow trade unions to operate independently?

INDICATORS	YES	NO	NO INFO
Company/employer policy states that employees may join a trade union of their choosing, or none at all, if they so choose.			
Joining a union or giving up union membership is not a condition for being hired by the company/employer.			
The company/employer refrains from interfering with union voting processes and internal union business.			
The company/employer does not attempt to influence, coerce or compel unions from joining or associating with national or international union federations and organisations.			
Basis for assessment			
Follow-up points			

**Question Description:** The right to organise, assemble and associate implicitly includes the right to organise, assemble and associate with the trade union of choice. The company/employer must not attempt to influence the right to organise by encouraging participation in a trade union favourable to the company/employer, nor may the company/employer discriminate against a particular trade union because its policies and projects are disfavoured by the company/employer. Unions also have the right to operate independently and to associate with whom they please in order to strengthen their position in negotiations with companies/employers. The company/employer must refrain from attempts to interfere with a union's right to associate with national and international affiliations.

Sierra Leone law permits employees in the private sector and selected areas of the public sector to join unions of their own choosing. At present, the Regulation of Wages and Industrial Relations Act 1971 does not support the Right to Freedom of Association, and conflicts with the Sierra Leone constitution and the Core ILO Conventions.

Applicable International Laws and Standards Universal Declaration of Human Rights (1948), Article 20 and 23(4); International Covenant on Civil and Political Rights (1966), Article 22; International Covenant on Economic, Social and Cultural Rights (1966), Article 8 ; Convention on the Protection of All Migrant Workers and Members of Their Families (1997), Article 26(b); ILO Right to Organize and Collective Bargaining Convention (C98, 1949), Article 2 (2) and 5; ILO Discrimination (Employment and Occupation) Convention (C111, 1958, Article 1, ILO Social Policy (Basic Aims and Standards) Convention, (C117, 1962), Article 14 (1); ILO Right to Organise and Collective Bargaining Convention (C98, 1949), Articles 2, 3 and 4; ILO Tripartite Declaration concerning Multinational Enterprises and Social Policy (1977), Article 48; African Charter on Human and People’s Rights.

Applicable National Laws and Policies Constitution of Sierra Leone (section 26) (1991), The Public Order Act, 1965 Section 45, Regulation of Wages and Industrial Relations Act 1971 Act No. 18. Sections 7 – 18, Trade Union Act 1940 Cap 221 of the Laws of Sierra Leone 1960, Trade Disputes (Declaration of Law) (Amendment) Acts (No. 47 of 1964, No.29 of 1972), Relevant Collective Agreements applicable to specific Trade Groups e.g. Collective Agreement in Sierra Leone Gazette Government Notice No.214 11th July 2011 under Regulations of Wages and Industrial Relations Act 1971 Articles 32, 33 & 35.

### 1.8.2 Does the company/employer provide union representatives with access to company/employer property to meet with employees, and provide them with the information required for carrying out their responsibilities?

INDICATORS	YES	NO	NO INFO
Company/employer guidelines state that unions may access company/employer premises on a regular basis, and must be provided with access to all relevant documentation about workers and working conditions (provided that the employee has consented).			
Company/employer security personnel and other staff allow union representatives to enter the workplace.			
The company/employer does not obstruct access to documentation about workers who seek union representation in internal grievances or arbitrations.			
Basis for assessment			
Follow-up points			

**Question Description:** In order to effectively represent their members, union representatives must have access to company/employer premises. They must further be allowed to carry out their responsibilities therein, as long as they exercise their duties in a reasonable and non-disruptive manner. Union representatives must also have access to relevant information and documentation regarding the nature of any employment dispute, as well as information necessary for the purposes of collective bargaining, such as economic information concerning the company/employer's assets and economic performance. The company/employer should be cooperative in providing all relevant information, although it may properly restrict access to privileged or confidential company/employer information and the personnel files of employees who have not authorised a release of the information to the union representative. The company/ employer should consult national laws for relevant restrictions on the exercise of these rights.

Applicable International Laws and Standards Universal Declaration of Human Rights (1948), Article 20 and 23(4); International Covenant on Civil and Political Rights (1966), Article 22; International Covenant on Economic, Social and Cultural Rights (1966), Article 8 (1); ILO Workers' Representatives Convention (C135, 1971), Article 2; ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (1977), Articles 46 and 54; African Charter on Human and People's Rights.

Applicable National Laws and Policies Constitution of Sierra Leone (section 26) (1991), The Public Order Act, 1965 Section 45, Regulation of Wages and Industrial Relations Act 1971 Act No. 18. Sections 7 – 18, Trade Union Act 1940 Cap 221 of the Laws of Sierra Leone 1960, Trade Disputes (Declaration of Law) (Amendment) Acts (No. 47 of 1964, No.29 of 1972), Relevant Collective Agreements applicable to specific Trade Groups e.g. Collective Agreement in Sierra Leone Gazette Government Notice No.214 11th July 2011 under Regulations of Wages and Industrial Relations Act 1971 Articles 32, 33 & 35.

### 1.8.3 Does the company/employer effectively prohibit intimidation, harassment, retaliation and violence against union members and union representatives?

INDICATORS	YES	NO	NO INFO
The company/employer has a zero tolerance policy against intimidation, harassment and violence against workers and union representatives, particularly during collective bargaining negotiations and strikes.			
Managers and security personnel are trained that workers have the right to strike as a part of the collective bargaining process.			

Basis for assessment

Follow-up points

**Question Description:** The company/employer is responsible for ensuring that its employees are not intimidated or harassed at the workplace due to their active participation in collective bargaining or strikes aimed at improving working conditions. To ensure that union officials are protected from arbitrary termination during their tenure, union officials may not be terminated except in cases of serious misconduct. This principle is not intended to provide unchecked immunity to union officials during their employment, but is intended instead to protect union officials from arbitrary and politically motivated discipline. A union representative must never be dismissed on the basis of his or her union activities or participation. If an employer chooses to terminate a workers' representative for another reason, the company/employer bears the burden of justifying that the termination is on account of serious misconduct and is unrelated to the union activities.

Applicable International Laws and Standards Universal Declaration of Human Rights (1948), Article 20 and 23(4); International Covenant on Civil and Political Rights (1966), Article 22; International Covenant on Economic, Social and Cultural Rights (1966; Article 8 (1); ILO Workers' Representatives Convention (C135, 1971), Article 1; ILO Workers' Representatives Recommendation (R143, 1971), Article 6 (a); African Charter on Human and People's Rights.

Applicable National Laws and Policies Constitution of Sierra Leone (section 26) (1991), The Public Order Act, 1965 Section 45, Regulation of Wages and Industrial Relations Act 1971 Act No. 18. Sections 7 – 18, Trade Union Act 1940 Cap 221 of the Laws of Sierra Leone 1960, Trade Disputes (Declaration of Law) (Amendment) Acts (No. 47 of 1964, No.29 of 1972), Relevant Collective Agreements applicable to specific Trade Groups e.g. Collective Agreement in Sierra Leone Gazette Government Notice No.214 11th July 2011 under Regulations of Wages and Industrial Relations Act 1971 Articles 32, 33 & 35.

### 1.8.4 Does the company/employer recognise the elected worker representatives, and their trade unions, and engage with them in good faith in collective bargaining concerning all important workplace concerns?

INDICATORS	YES	NO	NO INFO
Company/employer policy states that it engages in collective bargaining with the elected workers representatives and unions concerning all important workplace concerns.			
Regular meetings are held between management and employee representatives/trade unions to discuss working conditions and employment terms.			
The collective bargaining agreements contain provisions that were negotiated through a good faith process of collective bargaining.			
The company/employer circulates the current collective bargaining agreements to union workers, union representatives and company/employer managers so that the terms to be negotiated are readily accessible.			
Basis for assessment			
Follow-up points			

**Question Description:** Workers freely elect representatives and join unions they find will best represent their interests in the workplace. Companies/employers must not attempt to defeat the power of union representatives by refusing to recognise them for collective bargaining purposes, or by recognising non-elected or otherwise unofficial representatives. In order to make the right to associate meaningful, the company/employer must negotiate in good faith with the elected workers representatives and labour unions. The company/employer must not only recognise employee representatives and trade unions, but also engage with these in collective bargaining to ensure that the company/employer addresses any employment or workplace concerns they raise. If union officials are more interested in receiving kickbacks or benefits from the employer than in properly representing their union members, and the company/employer encourages this behaviour, it participates in abusing the right to association and collective bargaining of its employees. Collective bargaining is permitted under Sierra Leone law, but must only commence in trade group's negotiating councils, with an equal number of employer and worker representatives.

Applicable International Laws and Standards Universal Declaration of Human Rights (1948), Article 20 and 23(4); International Covenant on Civil and Political Rights (1966), Article 22; International Covenant on Economic, Social and Cultural Rights (1966), Article 8; ILO Collective Bargaining Convention (C154, 1981), Article 5 (2); Article 8; ILO Workers Representatives Convention (C135, 1973), Articles 1 and 2; Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (1977), Articles 48, 49, 50, 51 and 52; OECD Guidelines for Multinational Enterprises (2000), section 6; African Charter on Human and People's Rights.

Applicable National Laws and Policies Constitution of Sierra Leone (section 26) (1991), The Public Order Act, 1965 Section 45, Regulation of Wages and Industrial Relations Act 1971 Act No. 18. Sections 7 – 18, Trade Union Act 1940 Cap 221 of the Laws of Sierra Leone 1960, Trade Disputes (Declaration of Law) (Amendment) Acts (No. 47 of 1964, No.29 of 1972), Relevant Collective Agreements applicable to specific Trade Groups e.g. Collective Agreement in Sierra Leone Gazette Government Notice No.214 11th July 2011 under Regulations of Wages and Industrial Relations Act 1971 Articles 32, 33 & 35.

1.8.5 Does the company/employer refrain from dismissing union officials during their office tenure for anything other than serious misconduct, and does it accept the burden of justifying the validity of such dismissals?

INDICATORS	YES	NO	NO INFO
Company/employer guidelines establish the circumstances under which union officials can be dismissed.			
Union officials that are dismissed are provided with documented reasons for their termination that do not relate to their union-related work.			
If a union official challenges the termination as being related to his or her union activities, the company/employer submits the case to arbitration or some other neutral decision making process.			
Basis for assessment			
Follow-up points			

**Question Description:** To ensure that union officials are protected from arbitrary termination during their tenure, union officials may not be terminated except in cases of serious misconduct. As indicated earlier, this principle is not intended to provide unchecked immunity to union officials during their employment, but is intended instead to protect union officials from arbitrary and politically motivated discipline. A union representative must never be dismissed on the basis on his or her union activities or participation. If an employer chooses to terminate a workers' representative for another reason, the company/employer bears the burden of justifying that the termination is on account of serious misconduct and is unrelated to the union activities.

Collective bargaining is permitted under Sierra Leone law, but must only commence in trade group's negotiating councils, with an equal number of employer and worker representatives.

Applicable International Laws and Standards Universal Declaration of Human Rights (1948), Article 20 and 23(4); International Covenant on Civil and Political Rights (1966), Article 22; International Covenant on Economic, Social and Cultural Rights (1966), Article 8 (1); ILO Workers Representatives Convention (C135, 1971), Article 1; ILO Workers Representatives Recommendation (R143, 1971), Article 6 (a).

Applicable National Laws and Policies Constitution of Sierra Leone (section 26) (1991), The Public Order Act, 1965 Section 45, Regulation of Wages and Industrial Relations Act 1971 Act No. 18. Sections 7 – 18, Trade Union Act 1940 Cap 221 of the Laws of Sierra Leone 1960, Trade Disputes (Declaration of Law) (Amendment) Acts (No. 47 of 1964, No.29 of 1972), Relevant Collective Agreements applicable to specific Trade Groups e.g. Collective Agreement in Sierra Leone Gazette Government Notice No.214 11th July 2011 under Regulations of Wages and Industrial Relations Act 1971 Articles 32, 33 & 35.

## 1.9 Worker privacy

1.9.1 Does the company/employer respect the privacy rights of its workers whenever it gathers private data or implements worker-monitoring practices?

INDICATORS	YES	NO	NO INFO
The company/employer has a privacy policy outlining its data collection and monitoring practices, including provisions for the kind of personal data that are retained on workers, the reasons why such data is required, where such data is stored, who has access and provisions for the disposal of data that are unnecessary, invalid or outdated.			
The company/employer has a policy that complies with international standards with regard to sharing of personal data with third parties, including government agencies.			
Workers are informed of all workplace monitoring, and the company/employer informs workers if they are targeted for special monitoring.			
Workers have access to all personal data collected about them, including data obtained through monitoring.			
The company/employer does not reveal, retain or misuse any personal data about a worker that has inadvertently been collected during the monitoring process.			
The company/employer takes measures to protect the security and confidentiality of any personal data gathered about its workers.			
Basis for assessment			
Follow-up points			



**Question Description:** The company/employer will almost certainly need to gather information about its workers for legitimate purposes such as determining tax liability, providing health insurance and complying with lawful government requests for information. However, these practices must comply with international standards aimed at safeguarding workers' right to privacy. Hence, when gathering and maintaining personal information, the company/employer must ensure that the collection of data has a legitimate business purpose and that the worker is aware of the purpose for providing the information. Personal information about a worker must be collected directly from the worker unless he/she consents, in writing, to the third-party release of personal information.

Almost all businesses monitor the workplace conduct of workers. This can range from periodic performance appraisals to electronic monitoring of output production and computer usage. Again, international standards are established to ensure that such practices do not violate workers' right to privacy. Hence, regardless of how the company/employer decides to monitor its workers, its monitoring practices must be reasonable, proportional and justifiable to the business need served.

Company/employer manuals must outline exactly how the organisation intends to audit its staff and detail whether there will be periodic or random checks, or whether monitoring will occur only when corporate officers have reasonable suspicion of inappropriate activity. The scope of the policy should also be defined. The policy should clarify whether monitoring applies anytime a worker is using company/employer equipment, such as a company/employer laptop at home, or only when a worker is at the workplace using the company/employer system.

Applicable International Laws and Standards: UDHR (1948), Article 12; ICCPR (1966), Article 17; Convention on the Rights of the Child (1989), Article 16; ILO Code of Practice: Protection of Workers' Personal Data (1997), Sections 5, 6 (14) and 12 (2b); UN Guidelines for the Regulation of Computerized Personal Data Files (1990), Article 3 (a); OECD Guidelines: On the Protection of Privacy and Transborder Flows of Personal Data (1980), Article 9.

Applicable National Laws and Policies: Constitution of Sierra Leone (section 26) (1991), The Public Order Act, 1965 Section 45, Regulation of Wages and Industrial Relations Act 1971 Act No. 18. Sections 7 – 18, Trade Union Act 1940 Cap 221 of the Laws of Sierra Leone 1960, Trade Disputes (Declaration of Law) (Amendment) Acts (No. 47 of 1964, No.29 of 1972), Relevant Collective Agreements applicable to specific Trade Groups e.g. Collective Agreement in Sierra Leone Gazette Government Notice No.214 11th July 2011 under Regulations of Wages and Industrial Relations Act 1971 Articles 32, 33 & 35.

## 1.10 Employee grievance mechanisms

1.10.1 Does the company/employer have mechanisms for hearing, processing, and settling workers' grievances?

INDICATORS	YES	NO	NO INFO
The company/employer has a policy establishing the constitution, mandate, responsibilities, functions and procedures of an internal grievance mechanism.			
The company/employer regularly conducts awareness-raising among workers on the mandate, responsibilities, functions and procedures of an internal grievance mechanism, including the fact that workers may actively participate in its procedures without fear of adverse employment action or prejudice.			
The company/employer allows workers to engage in regular worker meetings, where they can freely discuss concerns regarding working conditions.			
The company/employer's management meets regularly with the workers' representatives (engaged in the company/employer's internal grievance mechanism) to discuss work-related problems and any grievances the workers may wish to raise.			
The company/employer provides the necessary support (financial and otherwise) to ensure the appropriate functioning of the internal grievance mechanism.			
The operation of the internal grievance mechanism is transparent, fair, timely and documented, and follows pre-established procedures to identify remedies.			
The company/employer ensures that no workers' representatives or complainant is under the threat of adverse employment action or prejudice as a result of their taking active part in the procedures of the internal grievance mechanism.			
The company/employer ensures that its internal grievance mechanism does not in any way negatively impact the complainant's ability to seek recourse through external third-party mechanisms, including government-based mechanisms, such as arbitration commissions and courts.			
Basis for assessment			
Follow-up points			

**Question Description:** According to international standards, workers must have the right to submit grievances regarding workplace concerns without the threat of adverse employment action or prejudice. Complaints may range from dissatisfaction with work hours and rest periods to claims of coercion, intimidation or abuse. In order to facilitate the expression of these complaints, the company/employer must work with workers' organisations or representatives to establish and maintain an effective grievance mechanism through which workers can lodge complaints.

The grievance mechanism should serve three key functions. First, it should serve as a focal point of communication across the organisation where workers can report and receive advice on their concerns and grievances and from which concerns and grievances are channeled to management. Second, the mechanism should be mandated to identify remedies to be implemented through internal procedures in the form of corrective action, mediation, settlement or dispute resolution. Third, the mechanism should have the capacity to direct complainants or hand over cases to appropriate external mechanisms, including state-based mechanisms, such as courts. The company/employer's internal mechanism should not in any way prejudice the complainant's ability to seek recourse through external mechanisms. The company/employer must examine all grievances pursuant to its pre-established grievance procedure. Any worker filing a grievance must receive notice of the company/employer's findings regarding his or her particular complaint and whether corrective action will be taken.

Applicable International Laws and Standards: UDHR (1948), Articles 23, 24 and 25; ICESCR (1966), Article 7 (b); ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy (1977), Articles 57 and 58; ILO Examination of Grievances Recommendation (R130, 1967), Article 2.

Applicable National Laws and Policies: The Constitution of Sierra Leone 1991, Section 8(3), Regulation of Wages and Industrial Relations Act 1971 (section 15) and, Collective Agreements for specific trade groups e.g. Collective Agreement for the Services Trade Group published in Sierra Leone Gazette Government Notice No.214 11th July 2011 Article 23, Employers and Employed Act of the Laws of Sierra Leone 1960 Cap 212 Volume IV The High Court (Industrial Division) Procedural Rules 2000, - The Mines and Minerals Act (2009), Section 145, National HIV/AIDS Commission Act 2011, The Persons with Disability Act 2011, The Investment Promotion Act (2004), Section 16.

## 1.11 Company/employer- provided facilities

1.11.1 Does the company/employer ensure that any dining facilities provided are sufficiently spacious, clean and secure; and that the food served is affordable and of adequate nutritious value, quality, and variety for the needs of the workers?

INDICATORS	YES	NO	NO INFO
Company/employer policy states that dining facilities and potable water are provided to all workers when company/employer operations take place under conditions of nonexistent, limited or inadequate access to food and potable water.			
Company/employer-provided dining facilities are designed, built, and maintained in compliance with relevant standards, and have adequate capacity.			
The meals provided are sufficient in quantity and affordable (i.e. at or below market costs) and potable water is provided free of charge.			
Dining facilities personnel receive training on the relevant laws, regulations and hygiene standards and procedures, and undergo a health examination at least once a year.			
Basis for assessment			
Follow-up points			

**Question Description:** According to international standards, companies/employers that operate under conditions where workers' access to food and potable water is inadequate, limited or nonexistent have an obligation to provide either dining facilities—on or close to the worksite— or a sanitary area where workers can bring and consume their own food during scheduled breaks.

Applicable International Laws and Standards UDHR (1948), Article 25; ICESCR (1966), Articles 7 (b), 11 and 12(b); ILO Social Policy (Basic Aims and Standards) Convention (C117, 1962), Article 5 (2); ILO Occupational Health Service Convention (C161, 1985), Article 5 (b); ILO Welfare Facilities Recommendation (R102, 1956), Articles 4, 9, 10, 11, 16 (2), 20, 25 (a) and 27; FAO/WHO Codex Alimentarius: Code of Ethics for International Trade in Food (1979).

Applicable National Laws and Policies The Constitution of Sierra Leone 1991, Section 8(3), Regulation of Wages and Industrial Relations Act 1971 (section 15) and, Collective Agreements for specific trade groups e.g. Collective Agreement for the Services Trade Group published in Sierra Leone Gazette Government Notice No.214 11th July 2011 Article 29, Employers and Employed Act of the Laws of Sierra Leone 1960, Cap 212 Volume IV, The High Court (Industrial Division) Procedural Rules 2000, - The Mines and Minerals Act (2009), Section 145, National HIV/AIDS Commission Act 2011,,The Persons with Disability Act 2011.

1.11.2 Does the company/employer ensure that housing and camp facilities provided are safe, habitable, affordable, accessible and contractually secure, and that the utilities provided are available, affordable and adequate to the needs of the workers and their families?

INDICATORS	YES	NO	NO INFO
The company/employer has a policy stating that company/ employer-provided housing and camp facilities are constructed in compliance with national and international standards and with regard to the workers' needs.			
Company/employer-provided housing and camp facilities are established from suitable building materials and regularly maintained in order to protect its residents from natural hazards prevailing in the area (e.g. earthquakes, strong winds, flooding, fire or pests) and from the local climate (e.g. cold, damp, heat, rain, wind) or other climate-related threats to health.			
Sleeping rooms or area have a floor area of at least two square meters per resident and adequate additional space is provided for recreational and welfare facilities.			
The company/employer housing and camp facilities are provided with basic facilities (toilet and washing facilities, eating and cooking facilities, ventilation, reasonable space per resident, site drainage, waste disposal) and utilities (safe drinking water, energy, heating, lighting) that meet the needs of the residents and their families and in accordance with international standards.			

The facilities and services provided are accessible and appropriate for women (including pregnant women), families, disabled persons, elderly, minors, ethnic minorities and other residents with special needs. This includes gender-separated bathing facilities.			
If the company/employer charges a price for products and services (including rent, energy, water and use of cooking, bathing or laundry facilities), the prices are at or below market costs and are commensurate with the workers' income levels.			
Basis for assessment			
Follow-up points			

**Question Description:** The company/employer should comply with national and international standards for adequate housing when providing dormitories or similar housing facilities to workers. This is particularly important when workers are reliant on company/employer housing, either because their residence status does not give them the option of choosing alternative housing facilities or because they work in isolated areas. Adequate housing should be understood in a broad sense where adequacy is determined by a range of factors such as social, economic, cultural, climatic and ecological conditions.

Applicable International Laws and Standards UDHR (1948), Articles 2, 3, 4, 5, 9, 10, 12, 13, 16, 18, 19, 20, 25, 27 ; ICCPR (1966), Articles 2, 6, 7, 8, 9, 12, 14, 17, 18, 19 and 21; ICESCR (1966), Articles 2, 6, 10, 11, 12, 15 and Committee on Economic, Social and Cultural Rights, General Comments nos. 4 and 7; Convention on the Elimination of All Forms of Racial Discrimination (1965) Article 5; Convention on the Elimination of All Forms of Discrimination Against Women (1979), Articles 11 and 14 (2h); International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990), Articles 43 and 44; Convention on the Rights of the Child (1990) Article 20; ILO Protection of Wages Convention (C95, 1949), Article 7(2); ILO Hygiene Convention (Commerce and Offices) (C120, 1964); ILO Accommodation of Crews (Fishermen) Convention (C126, 1996); ILO Accommodation of Crews Convention (C133, 1970) Articles 5 and 8; ILO Occupational Health and Services Convention (C161, 1985); ILO Safeties and Health Convention (C184, 2001); ILO Workers' Housing Recommendation (R115, 1961), Article 12 (1) and Suggestions Concerning Methods of Application Articles 15, 17; Fact Sheet No. 21, The Right to Adequate Housing, UN Office of the High Commissioner for Human Rights.

Applicable National Laws and Policies The Constitution of Sierra Leone 1991, Section 8(3), Regulation of Wages and Industrial Relations Act 1971 (section 15) and, Collective Agreements for specific trade groups e.g. Collective Agreement for the Services Trade Group published in Sierra Leone Gazette Government Notice No.214 11th July 2011 Article 29, Employers and Employed Act of the Laws of Sierra Leone 1960 Cap 212 Volume IV, The High Court (Industrial Division) Procedural Rules 2000, - The Mines and Minerals Act (2009), Section 145, National HIV/AIDS Commission Act 2011, The Persons with Disability Act 2011 sections 19-22, The Factories Act (1974), Part V.

# 2. Environment and Communities

## 2.1 Environmental, social and human rights due diligence

2.1.1 Does the company have policy commitments to identify and address environmental, social and human rights impacts throughout the project lifecycle?

INDICATORS	YES	NO	NO INFO
The company has policy commitments in place on environmental, social and human rights impact management.			
The company clearly communicates these policy commitments to both internal and external stakeholders, in particular local communities.			
Basis for assessment			
Follow-up points			

**Question Description:** The UN Guiding Principles on Business and Human Rights (2011) expect companies to respect human rights, including through exercising due diligence. The ‘corporate responsibility to respect human rights’ is a global baseline standard for business conduct. This means it applies to all companies, in all sectors and locations. This is true even though it is recognised that the scale and complexity of the measures taken by a company to meet its responsibility to respect human rights will vary depending on factors such as the size of the company, its business sector and the seriousness of human rights impacts to which the company’s activities can give rise.

According to UN Guiding Principle 15, in order to meet the corporate responsibility to respect human rights, businesses are expected to have in place:

- a policy commitment to respect human rights
- a human rights due-diligence process, and
- processes to enable the remediation of any adverse impacts the company's activities have on human rights.

'Due diligence' is a process that a business needs to undertake to identify, prevent, mitigate and account for how it addresses adverse environmental, social and human rights impacts. According to the UN Guiding Principles on Business and Human Rights, a corporate human rights due diligence process should comprise the following elements:

- assessing actual and potential impacts on human rights of the business' activities
- acting on the findings of this assessment, including by integrating appropriate measures to address potential impacts into its internal policies and practices
- tracking how effective the measures it takes are in preventing or mitigating adverse human rights impacts, and
- communicating to the outside world about its due diligence process and results.

A policy commitment is essential because it frames a company's due diligence process, providing the basis for those processes and activities that are put in place to implement the commitments of the policy. It is important that company policy commitments have senior management support and are clearly communicated to both internal and external stakeholders (e.g. staff, business partners, local communities and others).

Applicable International Laws and Standards: UN Guiding Principles on Business and Human Rights: Implementing the UN "Protect, Respect and Remedy Framework, Principle 14, 16, 17 & 18.

Applicable National Laws and Policies: The Constitution of Sierra Leone 1991 Sections 7 & 8, Environment Protection Agency Act 2008 Part IV, The Environment Protection (Mines and Minerals) Regulations 2013, Part II, Part III, IV, V & VII, Environmental Protection Agency (Amendment) Act 2010, Environmental Protection Agency (Environment Impact Assessment License) Regulations 2010, The Mines and Minerals Act, (2009), Sections 131 -141, Petroleum (Exploration and Production) Act 2011, The National Minerals Agency Act 2012, Section 11.



## 2.1.2 Does the company periodically assess its environmental, social and human rights impacts?

INDICATORS	YES	NO	NO INFO
The company has sufficient environmental, social and human rights baseline data to properly assess any actual and potential impacts.			
The scope of impacts considered by impact assessment is comprehensive including: actual and potential impacts caused by, or contributed to, by the company, as well as impacts directly linked to the project through business relationships, trans-boundary impacts and cumulative impacts.			
The company conducts dedicated social and human rights impact assessments for those project contexts or activities that warrant heightened attention to social and human rights impacts.			
Impact assessments are conducted by independent and qualified third-party specialists who have sufficient skills, knowledge and resources to conduct assessments in accordance with the law as well as international and best practice industry standards.			
Engagement and consultation processes conducted as part of impact assessments follow the principles of: non-discrimination, participation, transparency and accountability.			
The company ensures that stakeholders have timely access to relevant and adequate information to participate meaningfully in impact assessment processes.			
Capacity building is provided to local communities and individuals to participate meaningfully in impact assessment engagement and consultation processes.			
Where engagement and/or consultation take place through community representatives or representative institutions, the company takes steps to validate that representatives are legitimate.			
The standard mitigation hierarchy applied to address impacts prioritises impact avoidance, and includes remedy for actual impacts.			
Impact assessment process and outcomes are adequately and appropriately reported and communicated, and are fully accessible to local communities and individuals.			

The impact assessment process includes the development and implementation of a comprehensive impact management plan for addressing identified impacts, including the assignment of resources, roles and responsibilities for implementation.			
Basis for assessment			
Follow-up points			

**Question Description:** The identification and assessment of environmental, social and human rights impacts is an essential step in a company due diligence process. According to the UN Guiding Principles on Business and Human Rights, businesses are expected to identify and assess any actual or potential adverse human rights impacts with which they may be involved. When a company is assessing its human rights impacts it should:

- Draw on internal and/or independent human rights expertise
- Undertake meaningful consultation with potentially impacted rights-holders and other relevant stakeholders
- Be gender-sensitive and pay particular attention to any human rights impacts on individuals from groups that may be at heightened risk of vulnerability or marginalisation, and
- Repeat its risk and impact identification and assessment regularly and at relevant intervals (i.e. before entering into a new activity, prior to significant decisions about changes in activities, and periodically throughout the project lifecycle).

While the UN Guiding Principles on Business and Human Rights require businesses to assess their human rights impacts, they do not specify in detail exactly what type of process or assessment exercise a company must use. So, in line with the specific context, businesses can validly choose one of a range of methods, such as: integrating consideration of human rights impacts into pre-existing processes of environmental and/or social impact assessment; commissioning a separate human rights impact assessment; integrating human rights into specialist assessments such as labour rights or security assessments, and more.

Whatever model of impact assessment is used, to ensure human rights impacts are adequately covered, business should include attention to the following process and content considerations in their impact assessments.

## Process

- Participation: Meaningful participation of impacted or potentially-impacted local communities and individuals (rights-holders) during all stages of the impact assessment process, including scoping, assessment of impacts, design and monitoring of mitigation measures.
- Non-discrimination: Engagement and consultation processes are inclusive, gender-sensitive and take into account the needs of individuals and groups at risk of vulnerability or marginalisation.
- Empowerment: Capacity building of individuals and groups at risk of vulnerability or marginalisation is undertaken to ensure their meaningful participation.
- Transparency: The impact assessment process is as transparent as possible to impacted or potentially impacted rights-holders, without causing any risk to security and well-being of rights-holders or other participants such as NGOs. Impact assessment findings are appropriately publicly communicated.
- Accountability: The impact assessment team is supported by human rights expertise. Roles and responsibilities for impact assessment, mitigation and monitoring are assigned and adequately resourced. The impact assessment identifies the entitlements of rights-holders and the duties and responsibilities of relevant duty-bearers, for example, the company, contractors and suppliers, local government authorities.

## Content

- Benchmark: Assessment of impacts and severity and mitigation measures are evaluated against relevant international, regional and national human rights standards.
- Scope: The assessment includes actual and potential impacts caused or contributed to by the company.
- Business relationships: The assessment addresses actual and potential impacts linked to the project or activity through business relationships of the company, for example, with suppliers, contractors, joint-venture partners, customers or government agencies.
- Cumulative impacts: The assessment considers any impacts of the project due to the aggregative or cumulative effect of activities of multiple projects in the same area.
- Legacy issues: The assessment identifies any legacy impacts associated with the project or activity, for example, poorly conducted government resettlement prior to the company acquiring the land.
- Access to remedy: Impacted rights-holders have avenues whereby they can raise concerns or complaints regarding the impact assessment process and outcomes. Impact assessment and management ensure that the project provides for or cooperates in access to remedy for impacted rights-holders.

When undertaking impact assessments that include human rights, it is important to distinguish between different types of stakeholders. A human rights-based stakeholder mapping creates the basis for identifying the people who have human rights entitlements related to a project, and for identifying the duty-bearers who are accountable for these entitlements. Drawing on independent experts and legitimate representatives can be particularly important in those contexts where rights-holders have limited capacity to represent their own views, or may be restrained in doing so by contextual factors.

Applicable International Laws and Standards: UN Guiding Principles on Business and Human Rights: Implementing the UN “Protect, Respect and Remedy” Framework”, Principle 14 & 18.

Applicable National Laws and Policies The Constitution of Sierra Leone 1991 Sections 7 & 8, Environment Protection Agency Act 2008 Part IV, The Environment Protection (Mines and Minerals) Regulations 2013, Part II, Part III, IV, V & VII, Environmental Protection Agency (Amendment) Act 2010, Environmental Protection Agency (Environment Impact Assessment License) Regulations 2010, Environmental Protection Agency (Environment Impact Assessment License) Regulations 2010, The Mines and Minerals Act,( 2009), Sections 131 -141, Sierra Leone Local Content Policy 2012, Petroleum (Exploration and Production) Act 2011, The National Minerals Agency Act 2012, Section 11.

### 2.1.3 Does the company have processes and systems in place for the effective management of environmental, social and human rights impacts?

INDICATORS	YES	NO	NO INFO
There are effective management system and processes in place to identify and address environmental, social and human rights impacts.			
Responsibilities for impact management are clearly assigned to individuals, with overall responsibility for the effectiveness of impact management being assigned to senior management.			
Those responsible for the implementation of impact mitigation measures and associated monitoring have sufficient skills and resources.			
The company addresses all its adverse impacts.			
Where it is necessary to prioritise actions to address impacts the company first seeks to address those impacts that are most severe or where a delayed response would mean the impact cannot be remedied.			

For those impacts that are directly linked to project activities the company seeks to exercise leverage to address the impacts.			
Local communities and individuals are engaged in impact mitigation and monitoring where possible and appropriate, and supported in their participation through capacity-building where necessary.			
Impact management includes access to effective remedy and grievance mechanisms.			
Basis for assessment			
Follow-up points			

**Question Description:** Once it has assessed its human rights impacts a business needs to integrate responses to the impact assessment findings into its policies and procedures wherever relevant, in order to prevent potential adverse impacts, as well as address any actual adverse impacts that have been identified. Responsibility for impact management, including monitoring, should then be clearly assigned to staff at an appropriate level of seniority within the organisation. Overall, the business will also need to allocate sufficient funding and other resources internally to effectively implement impact management and monitoring on a continuing basis.

A company is expected to address all its human rights impacts. However, where necessary, it is considered acceptable to prioritise actions to address impacts. Where it is necessary to prioritise actions to address adverse human rights impacts, it is expected that business enterprises first seek to prevent and mitigate those impacts that are most severe or where a delay in response would make the consequences of the impact irremediable.

Determining appropriate action to address identified impacts will vary depending on whether the company causes or contributes to the adverse impact, or whether it is involved solely because the impact is directly linked to its operations, products or services by a business relationship; as well as the extent of its leverage in addressing the impact.

The UN Guiding Principles on Business and Human Rights suggest that in determining appropriate actions to address adverse human rights impacts linked through business relationships, the following factors should be considered:

- What 'leverage' the business has over the entity in question
- How crucial the relationship is to the business
- The severity of the abuse, and
- Whether terminating the business relationship would in itself have adverse human rights consequences.

'Leverage' is considered to exist where a business has the ability to effect change in the wrongful practices of another entity that causes harm. If the business has leverage it is expected to exercise it, or if it lacks leverage, it is expected to seek ways to increase it, for example, by offering capacity-building or other incentives to the related entity, or engaging in collaboration with others to influence the behaviour of the party causing the impact.

Companies need to monitor the effects of measures taken to address identified impacts to see whether such measures have been effective. For example, if a company with a poor health and safety record starts to provide training and free Personal Protection Equipment for employees, it needs to monitor whether these measures are having the intended effect of reducing accidents and/or near-miss incidents in the workplace.

According to UN Guiding Principle 20, such monitoring needs to be based on information from appropriate sources, inside and outside the company, and to rely on appropriate qualitative and quantitative indicators to measure effectiveness consistently, for example, over time. Indicators can often be developed in consultation with community groups.

- Quantitative indicators refer to attributes of a situation, process, or activity to which a number, percentage or ratio can be attached that reflects its status at a given moment of time. Quantitative indicators can be drawn from data and records that have been collected during a study or a planning process.
- Qualitative indicators refer to attributes of a situation, process or activity whose status or condition is determined by opinions, perceptions, or judgments, or by quality of an experience – not by numbers.

The Global Reporting Initiative has suggested that indicators for measuring due diligence processes should include:

- Internal process indicators. These measure to what extent the organisation has established processes and procedures for human rights risk management, e.g. Has the company established a grievance mechanism?
- Incident indicators. These measure how often the activities of a company result in incidents that result or could result in human rights abuses, e.g. What is the rate of fatigue-related accidents?

- Outcome indicators. These measure generally relate to changes experienced by rights-holder groups in areas of relevance to human rights than can be measured in terms of outputs or outcomes, e.g. What percentage of the local community has access to clean water?

A critical component of this third step of the human rights due diligence process is that information from monitoring must be reflected by the company in its internal policies and processes, e.g. in decisions on renewals of contracts with suppliers, in performance contract reviews, surveys and audits.

It is also important to involve rights-holders and other stakeholders in monitoring and evaluation of impact mitigation measures. For example, by developing monitoring indicators in consultation with community groups, or establishing a joint community-company monitoring team. It will also be useful for the company to draw on external human rights expertise as necessary, to inform monitoring and evaluation of impact mitigation measures. Meaningful participation by rights-holders, relevant duty bearers, independent experts and legitimate representatives can assist in building public confidence and trust in monitoring and impact management. For example, engaging rights-holders and others in joint collection of data, participation in development of indicator frameworks for monitoring impacts, or establishing multi-stakeholder monitoring groups. Participatory monitoring may also be enhanced through linking to or establishing community councils, NGO-assisted schemes and so forth. To enhance accountability and transparency, it may be useful to seek the involvement of independent external parties in monitoring activities: for example, engaging a credible local organisation to facilitate community participation in monitoring, or to provide an independent review of the effectiveness of impact management measures. Project-level grievance mechanisms can provide useful information to inform monitoring of impact mitigation.

Applicable International Laws and Standards: UN Guiding Principles on Business and Human Rights: Implementing the UN “Protect, Respect and Remedy” Framework”, Principle 24.

Applicable National Laws and Policies: The Constitution of Sierra Leone 1991 Sections 7 & 8, Environment Protection Agency Act 2008 Part IV, The Environment Protection (Mines and Minerals) Regulations 2013, Part II, Part III, IV, V & VII, Environmental Protection Agency (Amendment) Act 2010, Environmental Protection Agency (Environment Impact Assessment License) Regulations 2010, The Mines and Minerals Act,( 2009), Sections 131 -141, Sierra Leone Local Content Policy 2012, Petroleum (Exploration and Production) Act 2011, The National Minerals Agency Act 2012, Section 11.

## 2.1.4 Does the company report on and communicate about its assessment and management of environmental, social and human rights impacts?

INDICATORS	YES	NO	NO INFO
The company communicates impact assessment findings and management plans to local communities in ways that are easily understood by and accessible to them.			
There is regular communication and reporting in the company on environmental, social and human rights impacts and management, including at senior management levels.			
There is regular communication and reporting on environmental, social and human rights management and due diligence processes to external stakeholders, in particular local communities and individuals.			
Basis for assessment			
Follow-up points			

**Question Descriptions:** Access to information is a human right. It is also an important element of the right to participation. This means that rights-holders must have access to information that is timely, adequate, accessible and appropriate before meaningful participation and a right-based dialogue between a company and rights-holders can take place. Accordingly, rights-holders are entitled to more than 'passive' receipt of information. Rather, rights-holders should be able to use relevant information in order to participate in decision-making processes and to influence their outcomes.

As part of human rights due diligence, businesses are expected to give an account of how they address their human rights impacts and the outcomes of such measures. This includes communicating with local communities and individuals, as well as public reporting on human rights due diligence.



According to UN Guiding Principle 21, in all cases, a company should publish information about due diligence and human rights impacts according to the following criteria:

- Information should be published in a format and with a frequency in line with the scope and severity of the company's human rights impacts. It should also be accessible to the intended audiences. For example, company communications about impacts should accommodate local languages and, where relevant, literacy issues amongst impacted rights-holders. Companies also need to, for instance, ensure adequate information reaches any geographically remote communities whose human rights are impacted by their activities.
- Communication and reporting should provide sufficient information to allow the company response to any specific impact on human rights to be evaluated.
- The business should ensure that any information published does not pose risks to rights-holders or others (e.g. human rights defenders, journalists, local public officials, company personnel). The business should also respect any legitimate commercial confidentiality requirements.

According to the UN Guiding Principles, business communication on human rights impacts and due diligence processes can take a variety of forms, for example, in-person meetings, online dialogues, consultation meetings or processes with impacted rights-holders and formal public reports.

The Global Reporting Initiative suggests that company reporting on human rights impacts and due diligence should address:

- **Material issues.** Meaning any issues relevant to the human rights impacts of the company or operation, considering its sector and location.
- **Human rights due diligence.** This means that companies should report on: their human rights assessment process; human rights policy; allocation of responsibilities for human rights within the organisation; measures to promote awareness of human rights such as training; monitoring of human rights impacts of company activities; company measures to follow-up and remediate any human rights impacts detected.
- **Performance indicators.** Meaning the company should include indicators that allow the effectiveness of its human rights due diligence process and remediation to be measured.

Some businesses may be reluctant to report publicly on human rights impacts and due diligence processes due to commercial sensitivities, potential legal liability or reputational risks. In other situations, public disclosure of certain human rights impacts may pose risks to rights-holders, or have an unintended adverse consequence on human rights enjoyment. For example, it may not be appropriate to disclose information about impacts on cultural heritage

sites that are known only to elders due to cultural protocols. Likewise, public disclosure of adverse human rights impacts involving state agencies, such as police or security forces, may result in repercussions for rights-holders; and may be more appropriately dealt with through other avenues of communication, such as direct communication between the company and the relevant government agency in a manner that protects the identity of impacted rights-holders.

Whilst such considerations may inform the exact scope and content of public communications around human rights due diligence there is still a general expectation, under the UN Guiding Principles, that businesses should communicate and report on human rights as indicated above. For example, Guiding Principle 21 states that: “Business enterprises whose operations or operating contexts pose risks of severe human rights impacts should report formally on how they address them”. The commentary elaborates: “Formal reporting is itself evolving, from traditional annual reports and corporate responsibility/sustainability reports, to include on-line updates and integrated financial and non-financial reports. Formal reporting by enterprises is expected where risks of severe human rights impacts exist, whether this is due to the nature of the business operations or operating contexts. The reporting should cover topics and indicators concerning how enterprises identify and address adverse impacts on human rights. Independent verification of human rights reporting can strengthen its content and credibility. Sector-specific indicators can provide helpful additional detail”.

Applicable International Laws and Standards: UN Guiding Principles on Business and Human Rights: Implementing the UN “Protect, Respect and remedy” Framework”, Principle 24.

Applicable National Laws and Policies: The Constitution of Sierra Leone 1991 Sections 7 & 8, Environment Protection Agency Act 2008 Part IV, The Environment Protection (Mines and Minerals) Regulations 2013, Part II, Part III, IV, V & VII, Environmental Protection Agency (Amendment) Act 2010, Environmental Protection Agency (Environment Impact Assessment License) Regulations 2010, The Mines and Minerals Act,( 2009), Sections 131 -141, Sierra Leone Local Content Policy 2012, Petroleum (Exploration and Production) Act 2011, The National Minerals Agency Act 2012, Section 11.

## 2.2 Community engagement and consultation

2.2.1 Does the company regularly engage with local communities about environmental, social and human rights impacts and management?

INDICATORS	YES	NO	NO INFO
The company has a stakeholder engagement plan in place that requires regular engagement with a range of stakeholders, including local communities, government stakeholders, civil society, traditional leaders, and others.			
Local communities and individuals are identified and prioritised in stakeholder engagement.			
Stakeholder engagement and consultation activities are tailored to include women, and pay special attention to vulnerable individuals and groups.			
Local communities are engaged in impact management, mitigation and monitoring where possible, and their participation is supported through capacity-building as necessary.			
Where the business engages local communities through community representatives, CSOs or representative institutions the company takes steps to validate that representatives are legitimate			
Stakeholder analysis and engagement identifies which stakeholders are rights-holders and which are duty-bearers, including considering their respective rights, duties and responsibilities.			
The company has an effective mechanism for responding to legitimate community complaints raised through engagement or consultation.			
Where the company engages in consultation, such consultation is undertaken in accordance with relevant best practice principles, including at minimum: seeking consensus on the procedures to be followed for the consultation, taking active steps to address imbalances between the parties, providing full and objective information well ahead of time, consulting prior to commencement of activities and throughout the project lifecycle, conducting consultations in a culturally appropriate manner and location, taking into consideration and addressing discrimination within communities, for example, on grounds of gender.			

Basis for assessment

Follow-up points

**Question Description:** Communities that are potentially impacted by the operations conducted by the company should be given an opportunity to express opinions and objections regarding major company decisions affecting them. Stakeholder engagement, in particular engagement with local communities and individuals, should apply the principles of a 'human rights-based approach'. The human rights-based approach originates from international development practices. It can effectively inform a company's engagement and consultation processes and activities. In summary, a human rights-based approach rests on four key principles:

- **Explicit link to human rights.** A human rights-based approach implies that practices are guided by human rights principles and standards. For example, whereas ordinary approaches to land acquisition might only involve compensation to formal legal title holders, a human right-based approach would consider impacts on the rights and livelihoods of all impacted individuals, including both formal and informal title holders and usage and passage rights of non-owners.
- **Equality and non-discrimination.** This includes paying particular attention to vulnerable and marginalised groups, as well as gender. It also involves taking steps to ensure that all impacted women and men, girls and boys, are empowered to understand and participate in decisions that affect them.
- **Participation and inclusion.** In a human rights-based approach, participation is both an objective, as well as a means of development. Participation should aim to create genuine ownership by people over the development processes with which they are involved and which impact on them. Participation should be 'active, free and meaningful'. From a rights-based perspective, participation is more than consultation, or a technical add-on to development activities; it is an integral part of shaping these.
- **Accountability, transparency and the rule of law.** In a human rights-based approach to development, development is seen as an entitlement rather than an act of charity. This has certain implications for how the company relates to its community stakeholders. For example, in a rights-based approach, the individuals impacted by the project would be seen as rights-holders rather than as stakeholders, that is, as people who have entitlements for which they can hold a relevant duty-bearer accountable. A rights-based approach delineates between rights-holders and duty-bearers, and seeks to ensure that rights-holders have the capacity to claim their rights, and that duty-bearers correspondingly uphold these rights.

To ensure non-discrimination and inclusion, companies will need to include a focus on gender, and vulnerable individuals and groups. This requires:

- Consideration of which individuals or groups will require extra attention and assistance to participate in the impact assessment engagement and consultation processes, including groups who are unlikely to be well represented through formal structures.
- Consideration of who is likely to be more adversely affected by different types of impacts, or likely to have a reduced ability to recover from adverse impacts.
- Consideration of who may be disadvantaged in terms of their ability to benefit/derive benefits from the projects potential positive impacts.

**Vulnerable individuals or groups are those that face a particular risk of being exposed to discrimination and other adverse human rights impacts, including a reduced ability to cope with or recover from adverse impacts, depending on the project context this may include:**

- Minorities (e.g. national, ethnic, linguistic, religious, political)
- Women and widows
- Children and young people, including young heads of households
- Single-headed households
- Elderly people
- Landless people and/or land users lacking formal title to land
- Nomadic people
- Informal and casual workers
- Migrants, illegal settlers, refugees and displaced persons
- People with disabilities
- Lesbian, gay, transgender groups and other sexual minorities
- Persons living with HIV&AIDS or other marginalising diseases
- Human and labour rights defenders and trade union activists
- Persons who are poor, illiterate and/or unemployed.

Adopting a gender-sensitive approach, will require the company to consider how the project may impact differently on women and men. Women and girls frequently bear a disproportionate burden of adverse impacts associated with large development projects. For example, in locations where women are primarily responsible for agricultural activities and water provision, women are likely to bear a disproportionate burden of adverse impacts on these resources. Where women are the primary caregivers, impacts on women are also associated with having a 'knock-on' effect, impacting on other members of the community, such as children or the elderly. In addition, women and girls are often less likely to benefit from positive impacts, such as job creation, supply contracts or compensation. Consistent gender analysis can help to identify and address discrimination. Key issues to consider include the gendered division of labour: access to and control over resources and the distribution of benefits: social, economic and environmental factors which influence all of the above, absence of land rights under customary law; and decision-making capacity and participation. To undertake gender analysis, it is essential to collect and analyse sex-disaggregated data and apply gender-sensitive engagement methods.

Applicable International Laws and Standards: Universal Declaration of Human Rights (1948), Article 25; Convention on Environmental Impact Assessment in a Trans boundary Context (1991), Article 3; ILO Prevention of Major Industrial Accidents Convention (C174, 1993), Article 4; OECD Guidelines for Multinational Enterprises (2000), s. V., Article 2; Permanent Peoples' Tribunal Charter on Industrial Hazards and Human Rights (1994), Article 10; Rio Declaration on Environment and Development (1992), Principle 10; Office of the UN High Commissioner for Human Rights, Frequently Asked Questions on a Human Rights-Based Approach, to Development Cooperation (2006).

Applicable National Laws and Policies: The Constitution of Sierra Leone 1991 Sections 7 & 8, Environment Protection Agency Act 2008 Part IV, The Environment Protection (Mines and Minerals) Regulations 2013, Part II, Part III, IV, V & VII, Environmental Protection Agency (Amendment) Act 2010, Environmental Protection Agency (Environment Impact Assessment License) Regulations 2010, The Mines and Minerals Act, (2009), Sections 131 -141, Sierra Leone Local Content Policy 2012, Petroleum (Exploration and Production) Act 2011, Sexual Offences Act 2012, Child Rights Act 2007, Devolution of Estates Act 2007, Draft National Land Policy, Provinces Land Act Cap 122, Sections 4 & 11, The Persons with Disability Act 2011, The National Youth Commission Act 2009, The National Minerals Agency Act 2012, Section 11.

## 2.3. Environmental health and safety

2.3.1 Does the company comply with environmental regulations and industry-specific codes of practice, and is such compliance regularly communicated to relevant stakeholders?

INDICATORS	YES	NO	NO INFO
The company has a local environmental policy that specifies adequate environmental standards.			
The policy is implemented through an efficient environmental management system.			
The company assigns adequate resources to environmental management, including staff and financial resources.			
Basis for assessment			
Follow-up points			

**Question Description:** The company should have an environmental policy commitment in place that describes in sufficient detail the standards that the company complies with. At minimum, the company's environmental standards should comply with the law and where relevant, any gaps in the law should be addressed with reference to industry or international standards and best practices. The company needs to implement its environmental policy commitment through a sound environmental management system that is sufficiently resourced to address any potential or actual environmental impacts.

Applicable International Laws and Standards: Universal Declaration of Human Rights (1948), Article 25; International Covenant on Economic, Social and Cultural Rights (1966), Article 12 (2b); ILO Prevention of Major Industrial Accidents Convention (C174, 1993), Articles 18 and 19; OECD Guidelines for Multinational Enterprises (2000), s. V., Article 1; Permanent Peoples' Tribunal Charter on Industrial Hazards and Human Rights (1994), Articles 11 and 14.

Applicable National Laws and Policies The Constitution of Sierra Leone 1991 Sections 7 & 8, Environment Protection Agency Act 2008 Part IV, The Environment Protection (Mines and Minerals) Regulations 2013, Part II, Part III, IV, V & VII, Environmental Protection Agency (Amendment) Act 2010, Environmental Protection Agency (Environment Impact Assessment License) Regulations 2010, The Mines and Minerals Act,( 2009), Sections 131 -141, 142-147,177, Sierra Leone Local Content Policy 2012, Petroleum (Exploration and Production) Act 2011 ,Sexual Offences Act 2012, Child Rights Act 2007, Devolution of Estates Act 2007, Draft National Land Policy, Provinces Land Act Cap 122, Sections 3, 4 & 11, The National Minerals Agency Act 2012, Section 11.

### 2.3.2 Does the company adequately control and monitor its work processes and emissions to avoid subjecting the local community to harmful substances?

INDICATORS	YES	NO	NO INFO
Company guidelines and procedures identify permitted levels of emissions, waste, and harmful substances in and around its area of operations with reference to prescribed national and international limits, including in the air, water, and soil, beneath and above the surface.			
The company has a monitoring system and adequate resources to effectively monitor and control the effects of its activities on the environment and surrounding communities.			
Rates of exposure to harmful pollutants, substances, pollutants, chemicals and other detrimental elements are within an acceptable range defined according to international or national standards, whichever standard is more protective.			
The company has an effective and publicised mechanism for receiving, investigating and addressing complaints from local communities and individuals about the impact of its waste and emissions on the environment.			
The company takes prompt action to prevent and remediate harmful emissions, waste and harmful substances when it identifies harmful or illegal levels.			
Basis for assessment			
Follow-up points			



**Question Description:** Many state and international laws and standards set acceptable levels for the release of emissions and toxins into the air and environment. Careful compliance with these laws is essential for ensuring public health. In addition, the company must continuously strive to decrease its emissions wherever technology allows.

The Environmental Protection Agency Sierra Leone was established by under the Environment Protection Agency Act 2008 (EPA-SL, 2008). The role of the Agency is to ensure that the country's natural resources are effectively protected, and also to ensure compliance with environmental regulations. Its mandate refers to land, the human beings living on the land, water, air, all flora and fauna, and the inter-relationship between these. Since its establishment in 2010, the EPA-SL has been involved in monitoring the activities and environmental performance of businesses, including in the extractive sector, for instance, by assisting communities who may have suffered adverse impacts due to business operations.

Applicable International Laws and Standards: Universal Declaration of Human Rights (1948), Article 25; International Covenant on Economic, Social and Cultural Rights (1966), Article 12 (2b); ILO Prevention of Major Industrial Accidents Convention (C174, 1993), Articles 18 and 19; OECD Guidelines for Multinational Enterprises (2000), s. V., Article 1; Permanent Peoples' Tribunal Charter on Industrial Hazards and Human Rights (1994), Articles 11 and 14.

Applicable National Laws and Policies: The Constitution of Sierra Leone 1991 Sections 7 & 8, Environment Protection Agency Act 2008 Part IV, The Environment Protection (Mines and Minerals) Regulations 2013, Part II, Part III, IV, V & VII, Environmental Protection Agency (Amendment) Act 2010, Environmental Protection Agency (Environment Impact Assessment License) Regulations 2010, The Mines and Minerals Act,( 2009), Sections 131 -141, 142- 147,177, Sierra Leone Local Content Policy 2012, Petroleum (Exploration and Production) Act 2011, The National Minerals Agency Act 2012, Section 11 Petroleum (Exploration and Production) Act 2011 ,Sexual Offences Act 2012, Child Rights Act 2007, Devolution of Estates Act 2007, Draft National Land Policy, Provinces Land Act Cap 122, Sections 3, 4 & 11, The National Minerals Agency Act 2012, Section 11.

### 2.3.3 Does the company provide all relevant environmental information to the authorities and the public, including impact assessments, information about its safety record and any potentially hazardous activities?

INDICATORS	YES	NO	NO INFO
The company meets public disclosure requirements relating to environmental information, considering international, national, industry, and other relevant law or standards.			
Where public disclosure requirements and practices of relevant local authorities fall below international standards, the company communicates to local and national authorities its clear commitment to access to information and to sharing environmental information with all relevant stakeholders.			
The company identifies whether, in practice, environmental information submitted to public authorities is made publicly available to communities. Where it is not made available, the company takes steps to promote the availability of such information to all potentially impacted communities.			
The company facilitates public access to environmental information it possesses, including detailed summaries of its occupational health and safety record, impact assessments, hazardous activities and materials, and evaluations by independent external experts (positive and negative), in relevant local languages.			
The company makes public announcements about any hazardous activities it is considering undertaking, well before commencement of the activities, through means such as press releases, news conferences and community meetings.			
Basis for assessment			
Follow-up points			

**Question Description:** Access to information is a human right. It is also an important element of the right to participation. This means that rights-holders must have access to information that is timely, adequate, accessible and appropriate to ensure meaningful participation, for example, in environmental impact assessment processes.

In emergency situations, the company has the duty to alert the local community and respond to concerns in an efficient and reasonable manner. The level of emergency preparedness required of a company depends on the nature of its operations and the magnitude of damage its operations could cause. It is not enough that the company have emergency procedures in place to respond to accidents as they occur. The company must also institute preventive measures and systems. For instance, an oil company is not only responsible for implementing efficient emergency procedures in the case of an oil spill, but it must also seek to implement preventive procedures to try to ensure that such a spill does not occur in the first place. The type and number of emergency response techniques will vary according to the requirements of the industry. The company must ensure that all its emergency procedures comply with the highest level of industry standards, and if the industry standard is insufficient to provide the appropriate level of protection, the company must seek to exceed and improve upon the industry standard.

The company must properly train its workers on such safety and emergency procedures. It must also establish full- or part-time emergency response rescue teams made up of workers, and must maintain emergency rescue equipment on site. Companies have a duty to inform local residents of emergency procedures, and companies should help educate the public about how to respond to emergencies.

When a pollution or public safety accident may arise or has arisen, the responsible company must promptly i) take measures to prevent, control or eliminate the pollution hazards; ii) notify local units and residents who may be endangered; and iii) report the situation to local authorities and relevant administrative departments. When a natural disaster or public health incident occurs, the company should, in a timely manner, organise its emergency response rescue team and workers to rescue victims, evacuate victims, demarcate danger areas and take other measures to control and reduce damage and casualties.

Applicable International Laws and Standards: Universal Declaration of Human Rights (1948), Article 25; Convention on Environmental Impact Assessment in a Transboundary Context (1991), Article 3; ILO Prevention of Major Industrial Accidents Convention (C174, 1993), Articles 4, 5, 8, 10, 12 and 14; Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (1998) Article 2, 3 and 4; OECD Guidelines for Multinational Enterprises (2000), s. V., Article 2; Permanent Peoples' Tribunal Charter on Industrial Hazards and Human Rights (1994), Article 9; Rio Declaration on Environment and Development (1992), Principle 10.

Applicable National Laws and Policies: The Constitution of Sierra Leone 1991 Sections 7 & 8, Environment Protection Agency Act 2008 Part IV, The Environment Protection (Mines and Minerals) Regulations 2013, Part II, Part III, IV, V & VII, Environmental Protection Agency (Amendment) Act 2010, Environmental Protection Agency (Environment Impact Assessment License) Regulations 2010, The Mines and Minerals Act, (2009), Sections 131 -141, 142-147, 177, Sierra Leone Local Content Policy 2012, Petroleum (Exploration and Production) Act 2011, The National Minerals Agency Act 2012, Section 11.

### 2.3.4 Does the company have emergency procedures to effectively prevent and manage industrial accidents affecting the community?

INDICATORS	YES	NO	NO INFO
The company has an emergency management policy with detailed procedures, prevention plans and training programmes, that meets the highest level of industry standards.			
The company maintains appropriate contact with nearby communities, authorities, and external emergency services, to effectively notify them without delay about potential emergencies.			
The company has developed an emergency community evacuation plan with the relevant authorities, which has been communicated to the local community.			
The company has measures in place to contain industrial accidents (e.g., on-site fire crews, airtight self-sealing blast-proof doors, etc.).			
The company provides free health care to victims of exposure to harmful substances, pollutants or chemicals resulting from company operations.			
Basis for assessment			
Follow-up points			

**Question Description:** The company must take all efforts to prevent industrial accidents affecting the community. If an emergency situation occurs, the company must respond in an efficient and reasonable manner. The level of emergency preparedness required of a company depends upon the nature of its operations and the magnitude of damage its operations could cause. It is not enough that the company has in place emergency procedures to respond to accidents as they occur; the company must use preventative measures. The type and number of emergency response techniques will vary according to the requirements of the industry. The company should ensure that all its emergency procedures comply with the highest level of industry standards, and if industry standards are insufficient to provide the appropriate level of protection, the company should seek to exceed and improve upon the industry standards.

Applicable International Laws and Standards: Universal Declaration of Human Rights (1948), Article 25; ILO Prevention of Major Industrial Accidents Convention (C174, 1993), Articles 9 and 14 (2); Permanent Peoples' Tribunal Charter on Industrial Hazards and Human Rights (1994), Article 13.

Applicable National Laws and Policies The Constitution of Sierra Leone 1991 Sections 7 & 8, Environment Protection Agency Act 2008 Part IV, The Environment Protection (Mines and Minerals) Regulations 2013, Part II, Part III, IV, V & VII, Environmental Protection Agency (Amendment) Act 2010, Environmental Protection Agency (Environment Impact Assessment License) Regulations 2010, The Mines and Minerals Act,( 2009), Sections 131 -141, 142- 147,177, Sierra Leone Local Content Policy 2012, Petroleum (Exploration and Production) Act 2011, The National Minerals Agency Act 2012, Section 11.

## 2.4 Land acquisition, lease and use

2.4.1 When purchasing, leasing or using land or property, does the company identify all legitimate property interests and ensure that the seller/lessor is legitimate?

INDICATORS	YES	NO	NO INFO
Company policy includes a commitment to clarify and seek settlement of all existing claims and conflicts of land title with regard to land it will or may purchase, lease or use.			
Company due diligence procedures for purchase, lease or use of land requires a land and title check, verifying land title and rights-holders under law.			
Company land management policy and procedure(s) include a requirement for community consultations prior to purchase, lease or use of land, in order to identify all title, interests and claims, including taking special measures to reach women, vulnerable individuals and groups, and displaced persons, as necessary.			
Company policy and procedure(s) require obtaining the informed consent of women and wives prior to acquiring their property interests through a third-party.			

Basis for assessment

Follow-up points

**Question Description:** In all land transactions, the company should investigate land ownership and consult with all individuals whose livelihoods will be impacted by the company's use of land, including both persons holding contractual rights to the land and customary or traditional users of the land. The company should seek local communities' voluntary and informed agreement by explaining the business operations planned to be carried out on the land and by clarifying any claims or disputes over the land. At no point should coercive measures be used against communities living on the land to compel them to give up their legal or traditional rights over the land.

Under Sierra Leone law, the Mines and Minerals Act (2009) addresses large-scale mining licence holders, with regard to the acquisition of surface rights. According to sections 34-36 of the Act, holders of a large-scale mining licence are entitled to a land lease or to use the land covered by the mining lease, but only on the terms agreed by the owner or lawful occupier. As such, licence holders are bound to pay the legitimate land owner or occupier a reasonable compensation for any disturbances of the rights of such person, and any damage caused to the surface of the land. However, if the land owner or lawful occupier and the licence holder cannot reach agreement, and all other lawful attempts to acquire the land have been taken, the Government of Sierra Leone, "...may also compulsorily acquire private land for use by the holder of a large-scale mining licence" (section 34). When land is acquired in a compulsory manner, those rights-holders who have a claim or interest in the land must be either awarded adequate compensation or resettled on suitable alternative land at the expense of the mining licence holder. Sections 32, 35, 37 and 38 of the Act require the holder of mineral rights to respect the surface rights of those living within or in close proximity to the mining area. These sections outline the need to: obtain consent from lawful land owners and occupiers prior to entering land; allowing lawful landowners and occupiers to graze livestock and cultivate land; pay fair compensation for land use and disturbances; and when necessary, providing a resettlement option equivalent or better than current living environment. In addition, sections 13-16 of the Environmental and Social Regulations for the Mining Sector (2011) clearly outline the obligations of the holder of mineral rights with regard to the need for access to information, public participation and public consultation in all stages of mining operations.

International guidelines are also relevant, for example, the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (2012), of the Food and Agriculture Organisation of the UN. The Guidelines articulate clear principles and internationally accepted standards for practices for the responsible governance of tenure.

Applicable International Laws and Standards: African Charter on Human and People Rights (article 12); Universal Declaration of Human Rights (1948), Article 17; Convention on the Elimination on All Forms of Discrimination against Women (1979), Article 15 (2) and 16 (h).

Applicable National Laws and Policies: The Constitution of Sierra Leone 1991 Sections 7, 8, & 21, Environment Protection Agency Act 2008 Part IV, The Environment Protection (Mines and Minerals) Regulations 2013, Part II, Part III, IV, V & VII, Environmental Protection Agency (Amendment) Act 2010, Environmental Protection Agency (Environment Impact Assessment License) Regulations 2010, The Mines and Minerals Act,( 2009), Sections 34, 131 -141, 142-147,177, Sierra Leone Local Content Policy 2012, Petroleum (Exploration and Production) Act 2011 , Devolution of Estates Act 2007, Draft National Land Policy, Provinces Land Act Cap 122, Sections 3, 4 & 11, Non-Citizen (Interest in Land Act) 1966, The State Lands Act 1960, The Unoccupied Lands (Ascertainment of Title) Act Cap 117 of 1960, The National Minerals Agency Act 2012, Section 11.

## 2.4.2 Does the company ensure that it does not participate in or benefit from forced evictions, and ensure that all former inhabitants and legitimate land owners are provided with adequate land, housing and/or compensation?

INDICATORS	YES	NO	NO INFO
Company policy states that the company will not participate in or benefit from forced relocations unless all alternative solutions have first been explored, and the relocation is undertaken in conformity with international and national law.			
The company implements due diligence processes before purchasing or leasing property to ensure that forced evictions and government takings that are not in conformance with international and national law have not taken place.			
The company consults with local communities and individuals in order to explore all alternative measures and mitigate any negative impacts of a lawful government eviction.			
If the company finds that the land offered was improperly taken it halts the purchase or lease and negotiates with the government or claimants to provide just compensation or other remedy.			
Basis for assessment			
Follow-up points			

**Question Description:** Forced relocations are only allowed in limited circumstances, for a public purpose when necessary to promote national security, economic development or to protect the health of the population. Forced relocations risk turning into forced evictions when a relocation is inconsistent with international and national law and people are forced to leave their places of residence without having access to legal and other forms of protection. Protection in this case means access to a court of law and the provision of adequate alternative land, housing, and means of subsistence, for example, as replacement for those that have been lost. Legal requisitioning of property must take place in a certain way. Generally, the state may only requisition property when the requisition is to promote the public interest, and not particular individuals, the owners receive appropriate compensation, and the requisition follows a legal process. The legal process must include a written order or law authorising the requisition, which is authorised by someone who has the authority to order requisitions, and the possibility of appeal to a higher authority. Adequate compensation for the loss of the property must be provided to the owner, and the requisition may not be discriminatory. Compensation for confiscations of property must be fair and just, and available for any losses of personal, real or other property or goods, including rights or interests in property. If land is taken, the compensation should be with land of equal or better size, value and quality, and the occupants' resettlement and compensation should immediately follow the eviction. If other people move into one's property after one has fled or the property has been confiscated, the first owner or user still has the primary right over the home and land, which is higher than the secondary person's right. The owner still has the right to go home.

The right to return is not restricted by the passing of time and cannot be limited to a certain period of time. If one's home, land or property has been damaged or destroyed, such as by a project, the owner has a right to have it repaired or rebuilt (the right to restitution). This includes that the homes and lands must be restored and rebuilt, and damage must be repaired. If return becomes impossible, including if the land is so contaminated that it is no longer fit for farming or living the owners have the right to adequate alternative housing. This must be close to their livelihoods, and education and health facilities, with access to clean water and sanitation. In most cases, the state has the authority to conduct a lawful forced relocation, and companies do not. However, companies must take adequate measure to ensure that they do not benefit from a forced relocation or a forced eviction. They may do this by engaging in due diligence before purchasing or leasing property. The company must always seek to engage in a dialogue with all relevant parties before any land is purchased or rented. The company must ensure that the inhabitants are willing to move and are compensated with adequate housing of equal or better quality, or financially compensated if they so prefer, with an amount which is sufficient to allow the acquisition of adequate housing elsewhere. An independent third-party may be called in to facilitate this dialogue and to reach an agreement. Where the inhabitants have formal legal right to the land (or legally recognised claims to the land through traditional law), the company must offer replacement housing of equal or higher value and in an area which is in the same or better condition. If the area is inhabited by informal settlers (without legally recognised claims to the land) the company must fully compensate the settlers for loss of assets other than land, such as dwellings and economic trees.



Applicable International Laws and Standards: Universal Declaration of Human Rights (1948), Article 17; United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons (2005).

Applicable National Laws and Policies; The Constitution of Sierra Leone 1991 Sections 7, 8, & 21, Environment Protection Agency Act 2008 Part IV, The Environment Protection (Mines and Minerals) Regulations 2013, Part II, Part III, IV, V & VII, Environmental Protection Agency (Amendment) Act 2010, Environmental Protection Agency (Environment Impact Assessment License) Regulations 2010, The Mines and Minerals Act,( 2009), Sections 34, 131 -141, 142-147,177, Sierra Leone Local Content Policy 2012, Petroleum (Exploration and Production) Act 2011, Devolution of Estates Act 2007, Draft National Land Policy, Provinces Land Act Cap 122, Sections 3, 4 & 11, Non Citizen (Interest in Land Act) 1966, The State Lands Act 1960, The Unoccupied Lands (Ascertainment of Title) Act Cap 117 of 1960, The National Minerals Agency Act 2012, Section 11.

### 2.4.3 Does the company exercise due diligence to ensure that its facilities are not established on land which has been wrongfully obtained by means of coercion, including ensuring that project-related relocation and resettlement meets applicable international standards?

INDICATORS	YES	NO	NO INFO
Prior to any proposal regarding potential resettlement, the company has verified, through consultation with communities and independent experts, that there is no alternative project design that could avoid resettlement.			
Communities are provided with all relevant information representing different options about resettlement.			
Where communities do not grant their informed consent to resettlement the company either develops an alternative project plan that does not involve resettlement or does not proceed with the development.			
The company and its agents do not use coercive tactics or provide monetary inducements (excluding court ordered settlements) to decision-makers related to the resettlement of communities.			
Communities who are resettled have provided clear evidence, in writing, of their informed consent to be resettled.			
Where communities agree to resettlement they are fully and fairly compensated for any damages incurred as a result of relocation.			

If the company finds that the lands owned or used by the company were secured by the state from communities in an improper manner the company consults directly with the communities regarding land tenure and use to ensure that their rights and views are taken into consideration.			
The company ensures that there are strategies in place to facilitate the equitable sharing of benefits from projects and activities conducted on community lands, in particular natural resource development.			
Basis for assessment			
Follow-up points			

**Question Description:** Resettlement should be avoided. This means companies should aim to establish their operations in a manner and location that will not require the resettlement of communities and individuals, if necessary changing their plans for operations to alternative locations to avoid resettlement. In case resettlement does occur, resettlement of villages or communities must be conducted in direct consultation with local communities and individuals and in accordance with international standards and national law. Consultation processes around resettlement should take measures to ensure that all former inhabitants (including those without rights or official title deeds to the land, e.g. women, squatters, undocumented migrants) are meaningfully engaged and provided with adequate compensation.

Applicable International Laws and Standards: Universal Declaration of Human Rights (1948), Article 17; United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons (2005).

Applicable National Laws and Policies: The Constitution of Sierra Leone 1991 Sections 7, 8, & 21, Environment Protection Agency Act 2008 Part IV, The Environment Protection (Mines and Minerals) Regulations 2013, Part II, Part III, IV, V & VII, Environmental Protection Agency (Amendment) Act 2010, Environmental Protection Agency (Environment Impact Assessment License) Regulations 2010, The Mines and Minerals Act, (2009), Sections 34, 131 -141, 142-147,177, Sierra Leone Local Content Policy 2012, Petroleum (Exploration and Production) Act 2011, Devolution of Estates Act 2007, Draft National Land Policy, Provinces Land Act Cap 122, Sections 3, 4 & 11, Non-Citizen (Interest in Land Act) 1966, The State Lands Act 1960, The Unoccupied Lands (Ascertainment of Title) Act Cap 117 of 1960, The Persons with Disability Act 2011, National Social Safety Net Policy, The National Minerals Agency Act 2012, Section 11.

## 2.4.4 Does the company take measures to ensure that its activities will not damage or destroy cultural heritage?

INDICATORS	YES	NO	NO INFO
Company policy requires an assessment of the potential impacts of company activities on cultural heritage before acquiring, leasing or using land.			
Assessment of impacts on cultural heritage includes both tangible and intangible cultural heritage.			
If company operations are likely to destroy or adversely impact on cultural heritage, the company adjusts its operations plan so as to avoid damage to cultural heritage and, if this is not possible, refrains from acquiring, leasing or using the land where damage to cultural heritage may occur.			
Basis for assessment			
Follow-up points			

**Question Description:** Certain territories may have essential value in terms of cultural and natural heritage. Cultural and natural heritage includes sites that have architectural, archaeological, paleontological, artistic, historical and unique natural environmental features that embody cultural values and hold particular historical, anthropological, aesthetic, artistic or scientific values. Cultural heritage may not only have significant value to the local community and users of the cultural heritage, but may also have outstanding universal value from the point of view of history, art or science. Before establishing operations, the company must address the potential impacts on natural heritage, including through consultation of specialists and local community members who are knowledgeable on the local heritage of the land. The company must address the desires of the local community who have used and/or uses the cultural heritage to develop and preserve their cultural identity. If company operations will damage or have a negative impact on the cultural heritage of the land, the company must refrain from purchasing the land.

Applicable International Laws and Standards: Universal Declaration of Human Rights (1948), Article 27; International Covenant on Civil and Political Rights (1966), Article 18 and 27; International Covenant on Economic, Social and Cultural Rights (1966), Articles 15 (1a); UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage (1972).

Applicable National Laws and Policies; The Constitution of Sierra Leone 1991 Sections 7, 8, & 21, Environment Protection Agency Act 2008 Part IV, The Environment Protection (Mines and Minerals) Regulations 2013, Part II, Part III, IV, V & VII, Environmental Protection Agency (Amendment) Act 2010, Environmental Protection Agency (Environment Impact Assessment License) Regulations 2010, The Mines and Minerals Act, (2009), Sections 34, 131 -141, 142- 147,177, Sierra Leone Local Content Policy

2012, Petroleum (Exploration and Production) Act 2011 , Devolution of Estates Act 2007, Draft National Land Policy, Provinces Land Act Cap 122, Sections 3, 4 & 11, Non-Citizen (Interest in Land Act) 1966, The State Lands Act 1960, The Unoccupied Lands (Ascertainment of Title) Act Cap 117 of 1960 , The Persons with Disability Act 2011, National Social Safety Net Policy, The National Minerals Agency Act 2012, Section 11 (Ascertainment of Title) Act Cap 117 of 1960 , The Persons with Disability Act 2011, National Social Safety Net Policy, The National Minerals Agency Act 2012, Section 11.

## 2.4.5 When the company decommissions its operations, does it leave the land in suitable condition for future habitation?

INDICATORS	YES	NO	NO INFO
The company conducts an impact assessment to assess the condition of the land prior to decommissioning.			
Any contamination or damage found in an impact assessment is repaired or remedied so that the site becomes habitable for future occupants before it is abandoned.			
The company adequately rehabilitates any land used when retiring from a location.			
Basis for assessment			
Follow-up points			

Question Description: The company should take all measures to minimise and repair environmental disruptions caused by its activities. It should maintain the highest level of environmental protection standards in order to secure the future use of the land. The company must undertake adequate due diligence to minimise any negative effects its operations may have on company land or the surrounding community. The company's measures should aim to ensure the health of the local inhabitants and their access to a clean and safe environment, including access to clean water and land suitable for food production. If at any stage the company becomes aware of a disruption to land or natural resources resulting from its business activities (e.g. higher levels of toxic or harmful substance in the water or the soil), it should take immediate action to mitigate the harmful effects and eliminate or contain the cause of the disruption. If public resources (e.g. water and electricity) are limited in an area, a company should ensure that its energy-consuming operations do not cause a shortage of public resources for local residents. Finally, when leaving the land, the company must take all measures to ensure that the land is made suitable for future habitation and agricultural use.

Under the ECOWAS Directive C/DIR.3/05/09, Article 6, both mining companies and member states have a number of environmental protection obligations. Member states are expected to implement appropriate legislation that enacts periodic audits of the operational and environmental performance of mines and the holders of mineral rights. In addition, member states should ensure holders of mineral rights shall prevent and manage the spillage of hazardous waste related to mining. The holder is, under the Directive, required to fulfill the following obligations: protect natural resources and public health in its mining area; carry out activities in accordance with all the country's national laws, regulations, policies and administrative practices relating to the preservation of the environment, including public health; show due regard to relevant international agreements; subject to periodic audits of their operational and environmental performance of mines; and to develop, make and submit adequate provisions to implement reclamation, closure and post-closure plans before operations begin.

Under section 8 of Sierra Leone's Petroleum (Exploration and Production) Act (2011), all petroleum or exploration companies must submit a decommissioning plan ninety days prior to the termination of operations, for the prior approval of the Minister, on the advice of the Directorate. The plan must contain adequate information on the following criteria to obtain approval:

- Continued production
- Shutdown of production
- Disposal of facilities
- Rehabilitation of land.

Companies found in breach of the decommissioning clauses outlined in the Act, or which fail to adhere to the proposed activities outlined in their approved decommissioning plan, will be subject to criminal charges.

Applicable International Laws and Standards: Universal Declaration of Human Rights (1948), Article 25; International Covenant on Economic, Social and Cultural Rights (1966), Article 11 (1); ECOWAS directive C/DIR.3/05/09.

Applicable National Laws and Policies; The Constitution of Sierra Leone 1991 Sections 7, 8, & 21, Environment Protection Agency Act 2008 Part IV, The Environment Protection (Mines and Minerals) Regulations 2013, Part II, Part III, IV, V & VII, Environmental Protection Agency (Amendment) Act 2010, Environmental Protection Agency (Environment Impact Assessment License) Regulations 2010, The Mines and Minerals Act, (2009), Sections 34, 131 -141, 142-147, 177, Sierra Leone Local Content Policy 2012, Petroleum (Exploration and Production) Act 2011, Devolution of Estates Act 2007, Draft National Land Policy, Provinces Land Act Cap 122, Sections 3, 4 & 11, The National Minerals Agency Act 2012, Section 11.

## 2.5 Social impacts

2.5.1 Does the company avoid, minimise and mitigate the effects of disruptive or harmful activities in residential areas near the operation's location?

INDICATORS	YES	NO	NO INFO
Company guidelines require impact assessments to be performed that assess the potential impact of company activities on the local community.			
The company engages with potentially impacted communities and individuals about its plans before and after investment, about the possible impacts and proposed mitigation measures.			
The company continually monitors its polluting emissions and effluent and makes sure that levels remain in compliance with local and international standards for the industry, whichever presents the more protective standard.			
Basis for assessment			
Follow-up points			

Question Description: The company must assess and mitigate the impacts that its operations may have on surrounding areas. Consultations must be held with the local community both before and during company operations to determine and mitigate any negative effects. Disruptions that might force local communities and individuals to relocate include company activities producing substantial air, water or land pollution, loud and disturbing noise, and disruptions to natural land use patterns. During the course of its operations, the company must monitor its pollution output and regulate its work processes in order to prevent harmful pollutants and other detrimental effects on local communities.

Applicable International Laws and Standards: Universal Declaration of Human Rights (1948), Article 25, 26; International Covenant on Economic, Social and Cultural Rights (1966), Article 11 (1), 13 (1).

Applicable National Laws and Policies: The Constitution of Sierra Leone 1991 Sections 7. 8, & 21, Environment Protection Agency Act 2008 Part IV, The Environment Protection (Mines and Minerals) Regulations 2013, Part II, Part III, IV, V & VII, Environmental Protection Agency (Amendment) Act 2010, Environmental Protection Agency (Environment Impact Assessment License) Regulations 2010, The Mines and Minerals Act,( 2009), Sections 34, 131 -141, 142-147,177, Sierra Leone Local Content Policy 2012, Petroleum (Exploration and Production) Act 2011 , Devolution of Estates Act 2007, Draft National Land Policy, Provinces Land Act Cap 122 of the Laws of Sierra Leone 1960, Sections 3, 4 & 11, The National Minerals Agency Act 2012, Section 11.

## 2.5.2 Does the company ensure that its operations do not make housing and food scarce or too expensive for local communities?

INDICATORS	YES	NO	NO INFO
The company researches conditions of food commodities and the local housing market before starting operations or bringing non-local workers into the area.			
The company monitors prices in the local housing market and pays food and housing prices considered normal for the area, to avoid causing inflation.			
In areas where food and housing supply are threatened or are likely to become too expensive, the company takes steps to avoid causing further scarcity, for example sourcing food commodities externally or constructing housing for its employees.			
Basis for assessment			
Follow-up points			

**Question Description:** If the company decides to purchase large tracts of local farmland or if it attracts a large numbers of foreign employees to an area, its presence may burden the local food supply and create a need for extra food production which cannot be met locally. In such situations, the company should undertake special measures to help bolster local food production or source food from outside the area to cover the food intake of its own employees. In locations where the company's property ownership or leasing inflates real estate or rental prices such that the members of the local community are unable to obtain housing at an affordable price, the company might adversely affect local people's right to adequate housing. Naturally, a number of actors and new government policies can influence housing prices in a certain area, so the company may not be held solely responsible for the rise in prices. However, the company must do what it can to avoid flooding the housing market with its own employees or inflating prices by paying unreasonably high rents for local property. A company employing a significant number of foreign or non-local employees in an area with a lack of adequate housing should construct and provide its own housing units for those individuals and their families, rather than relying on the local market.

Applicable International Laws and Standards: Universal Declaration of Human Rights (1948), Article 25; International Covenant on Economic, Social and Cultural Rights (1966), Article 11 (1) and (2) ; ILO Workers Housing Recommendation (R115, 1961), Articles 18 and 24.

Applicable National Laws and Policies: The Constitution of Sierra Leone 1991 Sections 7, 8, & 21, Environment Protection Agency Act 2008 Part IV, The Environment Protection (Mines and Minerals) Regulations 2013, Part II, Part III, IV, V & VII, Environmental Protection Agency (Amendment) Act 2010, Environmental Protection Agency (Environment Impact Assessment License) Regulations 2010, The Mines and Minerals Act,( 2009), Sections 34, 131 -141, 142-147,177, Sierra Leone Local Content Policy 2012, Petroleum (Exploration and Production) Act 2011 , Devolution of Estates Act 2007, Draft National Land Policy, Provinces Land Act Cap 122, Sections 3, 4 & 11, Non-Citizen (Interest in Land Act) 1966, The State Lands Act 1960, The Unoccupied Lands (Ascertainment of Title) Act Cap 117 of 1960 , The Persons with Disability Act 2011, National Social Safety Net Policy The National Minerals Agency Act 2012, Section 11.



### 2.5.3 Does the company ensure that local communities are not deprived of basic services and public natural resources as a result of its use of land?

INDICATORS	YES	NO	NO INFO
The company has a policy stating that before initiating operations, it will measure the impact of its activities to ensure that the local community will not be deprived of basic services and local natural resources as a result of company operations.			
The impact assessment process includes consultation with all local landowners and users so as to identify and avoid potential harm to local food-producing activities.			
The company consults with the local community, including women and vulnerable groups, to ensure that current and planned activities will not have a negative impact on their access to basic services			
Where relevant, the company negotiates agreements with local communities to establish a joint plan of use, management and conservation of any natural resources.			
If public services or natural resources are scarce, the company arranges to source alternative resources from outside the community.			
The company takes measures to diminish the spread of water run-off, heat, light, noise or other impacts that may negatively impact the local farming community, local wildlife or fishing areas.			
Basis for assessment			
Follow-up points			

**Question Description:** Many rights are fulfilled through provision of basic public services (such as water, electricity, sewage treatment, waste disposal, etc.), including the right to food, right to an adequate standard of living, the right to housing, and others. If public resources are scarce, company consumption of resources may result in a shortage of public resources for local residents. In such cases, the company should either refrain from carrying out the activities causing the shortage, or ensure that any shortage of public resources due to company operations is fully mitigated. A company might overuse, harm or destroy resources over which the local community or individuals have property rights, or which they use to fulfil basic needs, such as in food collection or cultivation. For example, if a company dries up a water source that five neighbouring property owners also use, such as a river or other sources of water, the neighbouring property owners could be deprived of their right to use their land. Similarly, if the company overuses local natural resources relied on for hunting or agricultural activities, the local community might be unable to feed itself. Particular attention must be paid to women and any vulnerable groups or individuals. The needs of these individuals and their dependence on local natural resources might not be represented by government and local leaders in negotiations with the company over land usage and natural resources.

Applicable International Laws and Standards: Universal Declaration of Human Rights (1948), Article 17, 25; International Covenant on Economic, Social and Cultural Rights (1966), Article 11 (1); ILO Social Policy (Basic Aims and Standards) Convention (C117, 1962), Articles 1, 2 and 4 (c).

Applicable National Laws and Policies: The Constitution of Sierra Leone 1991 Sections 7, 8, & 21, Environment Protection Agency Act 2008 Part IV, The Environment Protection (Mines and Minerals) Regulations 2013, Part II, Part III, IV, V & VII, Environmental Protection Agency (Amendment) Act 2010, Environmental Protection Agency (Environment Impact Assessment License) Regulations 2010, The Mines and Minerals Act, (2009), Sections 34, 131 -141, 142-147,177, Sierra Leone Local Content Policy 2012, Petroleum (Exploration and Production) Act 2011, Devolution of Estates Act 2007, Draft National Land Policy, Provinces Land Act Cap 122, Sections 3, 4 & 11, Non-Citizen (Interest in Land Act) 1966, The State Lands Act 1960, The Unoccupied Lands (Ascertainment of Title) Act Cap 117 of 1960, The Persons with Disability Act 2011, National Social Safety Net Policy, The National Minerals Agency Act 2012, Section 11.

## 2.5.4 Does the company have a purchasing and recruitment policy that favours the communities in which it operates?

INDICATORS	YES	NO	NO INFO
Where possible and appropriate the company has measures in place to promote local recruitment and purchasing			
Where implemented, local purchasing and recruitment measures may include incentive structures and skills development, e.g. continuous improvement provisions for local supply chains, or skills development for local individuals.			
Local recruitment and purchasing are implemented in accordance with the right to non-discrimination.			
Basis for assessment			
Follow-up points			

**Question Description:** Where possible the company should have in place provisions for local purchasing and recruitment that are implemented in accordance with the right to non-discrimination.

Applicable International Laws and Standards: Universal Declaration of Human Rights (1948), Article 17, 25; International Covenant on Economic, Social and Cultural Rights (1966), Article 11 (1).

Applicable National Laws and Policies: The Constitution of Sierra Leone 1991 Sections 7, 8, & 21, Environment Protection Agency Act 2008 Part IV, The Environment Protection (Mines and Minerals) Regulations 2013, Part II, Part III, IV, V & VII, Environmental Protection Agency (Amendment) Act 2010, Environmental Protection Agency (Environment Impact Assessment License) Regulations 2010, The Mines and Minerals Act, (2009), Sections 34, 131 -141, 142-147, 177, Sierra Leone Local Content Policy 2012, Petroleum (Exploration and Production) Act 2011, Devolution of Estates Act 2007, Draft National Land Policy, Provinces Land Act Cap 122, Sections 3, 4 & 11, Non-Citizen (Interest in Land Act) 1966, The State Lands Act 1960, The Unoccupied Lands (Ascertainment of Title) Act Cap 117 of 1960, The Persons with Disability Act 2011, National Social Safety Net Policy, National Youth Commission Act 2009, National The Public Procurement Act 2004, The National Minerals Agency Act 2012, Section 11.

## 2.5.5 Does the company identify and address any adverse impacts that its operations may have upon women and girls?

INDICATORS	YES	NO	NO INFO
Company policies, procedures and processes that involve local communities take a gender-sensitive approach, e.g. provide for the consideration of impacts on women and girls, collection of sex-disaggregated data, and gender-sensitive engagement methods.			
The company identifies and addresses any discrimination, harassment or sexual violence associated with public or private security forces that protect company assets.			
The company has a sexual health awareness program for employees and communities.			
The company ensures that women have equal opportunities to share in benefits, such as local services provision or community development projects that the company is involved in.			
Basis for assessment			
Follow-up points			

**Question Description:** Women and girls frequently bear a disproportionate burden of adverse impacts associated with large resource developments. For example, in locations where women are primarily responsible for agricultural activities and water provision, women are likely to bear a disproportionate burden of adverse impacts on these resources. Where women are the primary caregivers, impacts on women are also associated with having a ‘knock-on’ effect, impacting on other members of the community, such as children or the elderly. In addition, women and girls are often less likely to benefit from positive impacts, such as job creation, supply contracts or compensation. Consistent gender analysis can help to identify and address discrimination. Key issues to consider include the gendered division of labour; access to, and control over, resources and the distribution of benefits; social, economic and environmental factors which influence the above; absence of land rights under customary law; and decision-making capacity and participation. To undertake gender analysis, it is essential to collect and analyse sex-disaggregated data and apply gender-sensitive engagement methods.

Applicable International Laws and Standards: Universal Declaration of Human Rights (1948); International Covenant on Economic, Social and Cultural Rights (1966); Convention on the Elimination of all forms of Discrimination against Women.

Applicable National Laws and Policies; The Constitution of Sierra Leone 1991 Sections 7, 8, & 21, Environment Protection Agency Act 2008 Part IV, The Environment Protection (Mines and Minerals) Regulations 2013, Part II, Part III, IV, V & VII, Environmental Protection Agency (Amendment) Act 2010, Environmental Protection Agency (Environment Impact Assessment License) Regulations 2010, The Mines and Minerals Act, (2009), Sections 34, 131 -141, 142- 147,177, Sierra Leone Local Content Policy 2012, Petroleum (Exploration and Production) Act 2011 , Devolution of Estates Act 2007, Draft National Land Policy, Provinces Land Act Cap 122, Sections 3, 4 & 11, Non-Citizen (Interest in Land Act) 1966, The State Lands Act 1960, The Unoccupied Lands (Ascertainment of Title) Act Cap 117 of 1960 , The Persons with Disability Act 2011, National Social Safety Net Policy, National Youth Commission Act 2009, National The Public Procurement Act 2004, The National Minerals Agency Act 2012, Section 11.

### 2.5.6 Are community development projects/strategic social investment projects that are supported or implemented by the company selected and implemented on the basis of clear community needs-based criteria, considering transparency, vulnerable groups and consultation?

INDICATORS	YES	NO	NO INFO
The company has a robust human rights due diligence in place and does not seek to offset adverse human rights impacts with contributions to community development projects.			
Any community development projects that are supported or implemented by the company are selected and implemented on the basis of clear community needs based criteria, considering transparency, vulnerable groups and consultation.			
Where possible and appropriate, community development projects align with local and national government development plans and priorities.			
Basis for assessment			
Follow-up points			

**Question Description:** The corporate responsibility to respect human rights addresses the adverse impacts of business on human rights. Of course, it is true the businesses can and do impact on human rights positively in a range of ways. Most importantly, businesses can do this by providing essential goods and services and employment. In addition, businesses may contribute positively towards human rights through community development projects and corporate social responsibility measures. Job creation, building infrastructure, providing public utilities such as power and water, stimulating positive changes in the labour market conditions and contributing to small business development can all help to create conditions in which human rights can be fulfilled. However, the UN Guiding Principles on Business and Human Rights state clearly that positive contributions by business towards the realisation of human rights may not be off-set against any adverse human rights impacts, nor may they substitute for robust and on-going human rights due diligence. For example, if a company supports social projects, such as building or funding a health clinic or school, this does not relieve or reduce the company's responsibility for any negative impacts on human rights, including on the right to health, for example, as a result of poor health and safety standards or environmental pollution. Likewise, positive contributions to the local economy through job creation do not mitigate a company's responsibility for human rights abuses resulting from discriminatory hiring processes or failing to provide workers with a living wage.

Community development projects and other CSR activities undertaken by companies should themselves be human rights-based in their planning and implementation to avoid any adverse impacts on human rights. In addition, in conflict-affected, remote or weak governance regions, companies should ensure that any contribution they make to local development is stable and reinforces the capacities of local actors, including government agencies, rather than replacing or undermining these.

Under national legislation, both large and small-scale mining licensees are obliged to promote community development. As stated under the Mines and Minerals Act (2009): "The holder of a small-scale or large-scale mining license shall assist in the development of mining communities impacted by its operations to promote sustainable development, enhance the general welfare and the quality of life of the inhabitants, and shall recognize and respect the rights, customs, traditions and religion of local communities."

*Applicable International Laws and Standards: Constitutive Act of the African Union; The Cotonou Agreement; African Charter on Human and Peoples' Rights.*

*Applicable National Laws and Policies; The Constitution of Sierra Leone 1991 Sections 7, 8, & 21, Environment Protection Agency Act 2008 Part IV, The Environment Protection (Mines and Minerals) Regulations 2013, Part II, Part III, IV, V & VII, Environmental Protection Agency (Amendment) Act 2010, Environmental Protection Agency (Environment Impact Assessment License) Regulations 2010, The Mines and Minerals Act, (2009), Sections 34, 131 -141, 142-147, 177, Sierra Leone Local Content Policy 2012, Petroleum (Exploration and Production) Act 2011, Devolution of Estates Act 2007, Draft National Land Policy, Provinces Land Act Cap 122, Sections 3, 4 & 11, Non-Citizen (Interest in Land Act) 1966, The State Lands Act 1960, The Unoccupied Lands (Ascertainment of Title) Act Cap 117 of 1960, The Persons with Disability Act 2011, National Social Safety Net Policy, National Youth Commission Act 2009, National The Public Procurement Act 2004, The National Minerals Agency Act 2012, Section 11.*

## 2.6 Community complaints and grievance resolution

2.6.1 Does the company have an effective grievance mechanism for receiving, processing and finding resolutions to grievances raised by local communities and individuals?

INDICATORS	YES	NO	NO INFO
The company has a written procedure detailing the function and processes of the grievance mechanism, including governance structure and staff, accessibility, timeliness, processes used to resolve grievances and avenues for appeal. The procedure states clearly that access to the company grievance mechanism in no way precludes recourse to judicial or other formal or informal dispute resolution avenues and remedies.			
Company personnel responsible for grievance resolution are trained in a variety of grievance resolution methodologies, including alternative dispute resolution, and have a good knowledge of local communities.			
The function and processes of the grievance mechanism are widely publicised and clearly and regularly communicated to local communities and individuals in a manner that is understandable to them.			
The grievance mechanism is accessible via a number of different access points and vulnerable groups are provided with assistance in lodging grievances, e.g. if literacy is an issue complainants can lodge their grievances orally.			
Grievances can be submitted on a confidential basis and the procedure states clearly that retaliation for submission of complaints is not tolerated.			
Complaints are systematically and objectively reviewed in a timely manner and community members who have lodged a grievance are updated regularly on the grievance resolution process.			
The grievance mechanism makes available a variety of dispute resolution methods to address and resolve grievances, such as dialogue, mediation and investigation by an independent third party. Wherever possible, appropriate resolutions to grievances are drafted in collaboration with the parties, rather than being unilaterally determined by the company.			

Corrective and remedial measures are promptly implemented and monitored, where necessary by an independent third party. Outcomes and remedies facilitated by the grievance mechanism accord with internationally-recognised human rights standards.			
The company keeps adequate records of all grievances lodged and reports regularly both internally and externally on the number and types of grievances that are received and the methods and rate of resolution.			
Basis for assessment			
Follow-up points			

**Question Description:** Anyone impacted by the company’s activities must have access to a grievance mechanism where they can report any concerns about the company’s activities without discrimination or fear of retaliation. The mechanism should handle complaints ranging from dissatisfaction with company operations resulting in noise or pollution, to claims of intimidation or abuse by company security guards, or to any other issue relating to the company’s human rights impact on the community. This grievance mechanism is ‘external’ because it deals with matters affecting local people living on the land or in the vicinity of the business operations. ‘Internal’ grievance mechanisms deal with matters affecting the company’s workers, and are described in Section 1 Employment Practices.

The external grievance mechanism should have the mandate and capacity to hear, process and settle complaints and disputes concerning the company’s human rights impact on the community. Non-judicial in nature, such mechanisms should have the capacity to direct complainants or turn cases over to appropriate external third-party mechanisms, including state-based mechanisms, such as courts, where appropriate. Moreover, the external grievance mechanism should not in any way prejudice the complainant’s ability to seek recourse through such third-party mechanisms.

The grievance mechanism should be established and function according to the following eight ‘effectiveness criteria’ outlined under Guiding Principle 31 of the UN Guiding Principles on Business and Human Rights:

- (a) Legitimate: enabling trust from the stakeholder groups for whose use they are intended, and being accountable for the fair conduct of grievance processes;
- (b) Accessible: being known to all stakeholder groups for whose use they are intended, and providing adequate assistance for those who may face particular barriers to access;



(c) Predictable: providing a clear and known procedure with an indicative timeframe for each stage, and clarity on the types of process and outcome available and means of monitoring implementation;

(d) Equitable: seeking to ensure that aggrieved parties have reasonable access to sources of information, advice and expertise necessary to engage in a grievance process on fair, informed and respectful terms;

(e) Transparent: keeping parties to a grievance informed about its progress, and providing sufficient information about the mechanism's performance to build confidence in its effectiveness and meet any public interest at stake;

(f) Rights-compatible: ensuring that outcomes and remedies accord with internationally recognized human rights;

(g) A source of continuous learning: drawing on relevant measures to identify lessons for improving the mechanism and preventing future grievances and harms;

Operational-level mechanisms should also be:

(h) Based on engagement and dialogue: consulting the stakeholder groups for whose use they are intended on their design and performance, and focusing on dialogue as the means to address and resolve grievances."

Applicable International Laws and Standards: Universal Declaration of Human Rights, Articles 1,7, and 10, International Covenant on Civil and Political Rights (1966) Article 2(3); UDHR (1948), Article 25; ICESCR (1966), Article 12 (b); ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy (1977), Articles 57 and 58; UN Guiding Principles, Principle 31.

Applicable National Laws and Policies: The Constitution of Sierra Leone 1991 Sections 7, 8, & 21, Environment Protection Agency Act 2008 Part IV, The Environment Protection (Mines and Minerals) Regulations 2013, Part II, Part III, IV, V & VII, Environmental Protection Agency (Amendment) Act 2010, Environmental Protection Agency (Environment Impact Assessment License) Regulations 2010, The Mines and Minerals Act,( 2009), Sections 34, 131 -141, 142-147,177, Sierra Leone Local Content Policy 2012, Petroleum (Exploration and Production) Act 2011 , Devolution of Estates Act 2007, Draft National Land Policy, Provinces Land Act Cap 122, Sections 3, 4 & 11, Non-Citizen (Interest in Land Act) 1966, The State Lands Act 1960, The Unoccupied Lands (Ascertainment of Title) Act Cap 117 of 1960 , The Persons with Disability Act 2011, National Social Safety Net Policy, The National Minerals Agency Act 2012, Section 11.

## 3. Security

### 3.1 Security management

3.1.1 Does the company undertake a risk assessment prior to setting up its security arrangements?

INDICATORS	YES	NO	NO INFO
Company policies and procedures require a security risk assessment prior to establishing security arrangements in a new location.			
Company security risk assessments consider the areas required in the Voluntary Principles on Security and Human Rights, including: identification of security risks; potential for violence in the operating environment; human rights records of public security forces, paramilitaries, local and national law enforcement; respect for rule of law in Sierra Leone; conflict analysis and human rights risk with regard to equipment transfers.			
An individual and/or business unit within the company has responsibility for conducting, quality assuring and regularly updating security risk assessments.			
Basis for assessment			
Follow-up points			

**Question Description:** Establishing a security arrangement and implementing the Voluntary Principles on Security and Human Rights requires the undertaking of a security risk assessment for each location where security arrangements are needed. The Voluntary Principles on Security and Human Rights are a set of principles developed to guide companies in maintaining the safety and security of their operations within an operating framework that ensures respect for human rights and fundamental freedoms. The purpose of the security risk assessment is to provide an overview of the different types of security threats, which will inform the company of the probability of involvement in human rights abuses or violations and the potential severity

of these. Furthermore, the risk assessment will form the backdrop for determining the nature and scope of the security arrangement so that it is proportional to the threat. A disproportional security arrangement increases the risk of conflicts which could lead to human rights abuses or violations.

Conducting a quality security risk assessment requires the use of regularly updated and credible information from a broad range of sources, including governments, security firms, local and international human rights organisations, multilateral institutions, other companies, etc. The Voluntary Principles on Security and Human Rights require that an accurate and effective risk assessment covers the following factors:

- Identification of security risks (i.e. political, economic, civil or social factors);
- Potential for violence in the operating environment;
- Human rights records of public security forces, paramilitaries, local and national law enforcement;
- Rule of law in Sierra Leone/region;
- Conflict analysis (i.e. understanding the root causes and nature of conflict(s)); and
- Risk with regard to equipment transfers (e.g. if the company provides equipment and/or other types of support to public and private security personnel).

While some locations will require a comprehensive risk assessment, other locations will require more simple risk assessments. The company should provide tools for its business units/subsidiaries to assist them in evaluating the required level of the risk assessment as well as the actual risk assessment.

Applicable International Laws and Standards: Universal Declaration of Human Rights (1948), Articles 3 and 5; International Covenant on Civil and Political Rights (1966), Articles 6(1), 7 and 9(1); Voluntary Principles on Security and Human Rights: Risk Assessment.

Applicable National Laws and Policies: The Constitution of Sierra Leone 1991, Sections 5, 6, 7, 15-29, 155-158, 165-169, National Security and Central Intelligence Act (2002), Section 4 & 19, Human Rights Commission Act 2004 section 24, Truth and Reconciliation Commission (TRC) Act 2000, TRC Report 2004, Sierra Leone Conference Report on Development and Transformation 2012 ([www.transformsl.org](http://www.transformsl.org)), Police Act 1964, Sierra Leone Police Policies and Rules of engagement, Constitutional Instrument No. 11 of 2013 Independent Police Complaints Board Regulations 2013, Arms and Ammunition Act 1955 (Arms and Ammunition Amendment Acts and Rules 1972, Act No. 10 of 1972, Act No.8 of 1969, Act No. 16 of 1968, Act No 17 of 1974, Act No.92 of 1993), Sierra Leone National Action Plan (SiLNAP) on United Nations Security Council Resolutions 1325 &1820 (Women's Peace and Security) 2010.

### 3.1.2 Does the company monitor its security arrangements and impact on local communities?

INDICATORS	YES	NO	NO INFO
The company has procedures in place for monitoring its security arrangements and impact on the local community. The procedures specify when, how and what to monitor.			
An individual and/or business unit within the company is responsible for monitoring security arrangements.			
The monitoring includes consideration of the following: proportionality the of security arrangement; impact on local tensions/conflict; incidents where force has been used; and credible allegations of abuse and unlawful acts.			
Local community members are consulted as part of the monitoring.			
Remedial action is undertaken if found necessary by the monitoring.			
Basis for assessment			
Follow-up points			

**Question Description:** The company, or where appropriate independent third parties, should monitor the conduct of the company's security arrangements and its impact on the local community to ensure consistency with the expectations of the Voluntary Principles on Security and Human Rights and international human rights and humanitarian law.

The monitoring should include an overall assessment of the impact of the security arrangement on project-affected communities and individuals, and consider issues such as: proportionality of the security arrangement to the risks; conflict potential entailed in the security arrangement; and investigations of security incidents where force has been deployed. Adjustments and remedial actions should be undertaken if found necessary by the monitoring.

The monitoring should also include consideration of the conduct of security personnel and investigations into any credible allegations of abusive or unlawful acts, as well as procedures for reporting to the relevant local law enforcement authorities, where appropriate. If inappropriate actions have been taken by security personnel, the company must engage with the responsible

government bodies and take any necessary and reasonable steps to ensure that remedial measures are taken.

Consultations with members from the local community should constitute an inherent part of the monitoring. Measures should be taken to ensure that monitoring is gender-sensitive and includes attention to vulnerable individuals and groups, for example, ethnic minorities, children, the elderly or others, depending on the context of the project.

Applicable International Laws and Standards: Universal Declaration of Human Rights (1948), Articles 3 and 5; International Covenant on Civil and Political Rights (1966), Articles 6(1), 7 and 9(1); UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990), Articles 11(f) and 22; Voluntary Principles on Security and Human Rights: Interactions Between Companies and Public Security.

Applicable National Laws and Policies: The Constitution of Sierra Leone 1991, Sections 5, 6, 7, 15-29, 155-158, 165-169, National Security and Central Intelligence Act (2002), Section 4& 19, Human Rights Commission Act 2004 section 24, Truth and Reconciliation Commission (TRC) Act 2000, TRC Report 2004, Sierra Leone Conference Report on Development and Transformation 2012 ([www.transformsl.org](http://www.transformsl.org)), Police Act 1964, Constitutional Instrument No. 11 of 2013 Independent Police Complaints Board Regulations 2013, Arms and Ammunition Act 1955 (Arms and Ammunition Amendment Acts and Rules 1972, Act No. 10 of 1972, Act No.8 of 1969, Act No. 16 of 1968, Act No 17 of 1974, Act No.92 of 1993), Sierra Leone National Action Plan (SiNAP) on United Nations Security Council Resolutions 1325 & 1820 (Women's Peace and Security) 2010, Provinces Land Act, (Chapter 122) Laws of Sierra Leone (1960), Section 3; The Environmental Protection Agency Act (2008), Section 25. Local Government Act 2004.

### 3.1.3 Does the company consult with relevant stakeholders regarding its security arrangements?

INDICATORS	YES	NO	NO INFO
The company has policies and procedures on stakeholder engagement for its security arrangements. These specify who to engage, and outline the principles to be applied to ensure representative and informed stakeholder dialogue.			
The company promotes international standards on policing and law enforcement in its dialogue with the government and other stakeholders.			
Local community members are included in engagement regarding security arrangements, as appropriate.			
The company holds structured meetings to discuss security arrangements with a wide range of stakeholders and/or their legitimate representatives, including vulnerable groups.			

Basis for assessment

Follow-up points

**Question Description:** Stakeholder engagement and consultation are essential elements of the Voluntary Principles on Security and Human Rights, and the company should engage in regular consultations with a number of different stakeholders regarding its security arrangements.

If the security arrangements involve public security forces, key stakeholders include: the government; government officials from the company's home-country; other companies using security in the same region; public security and local community members. In its consultations with the government and other stakeholders, the company should take all appropriate measures to promote observance of international standards on policing and law enforcement, such as the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the UN Code of Conduct for Law Enforcement Officials.

Engaging in dialogue with the government on security and human rights issues may in some contexts be a sensitive and challenging task for companies. If this is the case, the company can consider using its home-government as a diplomatic channel for engaging the government. The company can also consider cooperating with other companies that engage with public security, and raise common concerns collectively.

When establishing its security arrangements, local community members should be included in consultations and engagement to the extent possible, in order to anticipate, manage and mitigate any potential negative impacts.

*Applicable International Laws and Standards Universal Declaration of Human Rights (1948), Articles 3 and 5; International Covenant on Civil and Political Rights (1966), Articles 6(1), 7 and 9(1); Voluntary Principles on Security and Human Rights: Interactions Between Companies and Public Security.*

*Applicable National Laws and Policies The Constitution of Sierra Leone 1991, Sections 5, 6, 7, 15-29, 155-158, 165-169, National Security and Central Intelligence Act (2002), Section 4& 19, Police Act 1964, Sierra Leone National Action Plan (SiLNAP) on United Nations Security Council Resolutions 1325 &1820 (Women's Peace and Security) 2010, Provinces Land Act Cap 122, Section 3.*

### 3.1.4 Does the company have a process in place to adequately respond to credible allegations of human rights abuses committed by security personnel?

INDICATORS	YES	NO	NO INFO
The company has an effective grievance procedure for receiving reports of alleged human rights abuses and violations. All relevant stakeholders, including staff and people in local communities, are informed about the procedure and have access to it.			
The company has policy and procedures on how to manage allegations about human rights abuses and all allegations are properly investigated and reported.			
Credible allegations are forwarded to appropriate government authorities and the company monitors the status of investigations and their proper and timely resolution.			
Where appropriate, the company presses for the prompt and proper investigation and that action be taken to prevent any reoccurrence.			
Basis for assessment			
Follow-up points			

**Question Description:** Allegations about human rights abuses committed by company security personnel can have serious consequences for the company and should be managed with great care. The company should have a formal process in place (e.g. grievance mechanism) in order to capture allegations. The process should be accessible to all relevant stakeholders, including security forces, staff, and people in the local community. The grievance mechanism should also meet the eight effectiveness criteria outlined in UN Guiding Principle 31.

If an allegation is brought to the attention of the company, the company should have clear procedures in place on how to manage the incident internally, and any serious allegations should be forwarded to the relevant government authority promptly for investigation. Internally, there should be a clear chain of command and the alleged incident should be properly investigated, and information and documentation recorded and kept. In the investigation, the company must ensure it uses credible and reliable information and ensure that the security and safety of

persons providing information are protected. The company should have a set of guidelines or criteria that can be used to assess if an allegation is credible. If the allegation is found credible by the investigation, the case should be forwarded to appropriate government authorities. The company should monitor the status of the case and press for its proper resolution. When forwarding a report regarding an incident to authorities, the company should take into account the ability of the local judicial system to handle the allegation in a manner that does not violate the human rights of any of the persons involved. Where appropriate, the company should press for the proper and prompt investigation and that action is taken to prevent any reoccurrence.

Applicable International Laws and Standards: Universal Declaration of Human Rights (1948), Articles 3 and 5; International Covenant on Civil and Political Rights (1966), Articles 6(1), 7 and 9(1); UN Code of Conduct for Law Enforcement Officials, Articles 2 and 5; UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990), Articles 11(f), 22, 23, 24, 25, 26; the Voluntary Principles on Security and Human Rights: Interactions Between Companies and Public Security.

Applicable National Laws and Policies: The Constitution of Sierra Leone 1991, Sections 5, 6, 7, 15-29, 155-158, 165-169, National Security and Central Intelligence Act (2002), Section 4 & 19, Human Rights Commission Act 2004 section 24, Police Act 1964, Constitutional Instrument No. 11 of 2013 Independent Police Complaints Board Regulations 2013, The Standard Operating Manual for Security Companies in Sierra Leone, Sections 5.0 and 10.0.

## 3.2 Private security services

3.2.1 Does the company have a clause in its contractual agreements with private security personnel and/or providers that commits them to respecting human rights?

INDICATORS	YES	NO	NO INFO
The company has a standard clause on respect for human rights that is included in all contractual agreements with security personnel and/or providers, and which specifically refers to: the Voluntary Principles on Security and Human Rights, the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms.			
Contracts with private security personnel and/or providers require the investigation of unlawful or abusive behaviour and appropriate disciplinary action and allow for termination of the contract if credible evidence of unlawful and abusive behaviour by private security personnel is found.			



Basis for assessment
Follow-up points

**Question Description:** A company may use security staff to protect its workers and property and to ensure compliance with disciplinary rules at the workplace as well as at company-provided housing and dining facilities. However, international standards stipulate that private security personnel must have clearly defined mandates preventing them from overstepping their authority and improperly interfering with national law enforcement functions. The company must conduct adequate background investigations when hiring potential security personnel or security providers. All engaged private security personnel must have completed training under appropriate certified standards. Generally speaking, private security personnel should only behave in a defensive and preventive manner and attempt to address security-related situations with non-violent means. Security personnel may only employ such measures as defensive force and body searches in specific situations of heightened security threat.

Security cameras or other surveillance devices should be used according to clearly stated policies and with due respect for workers' privacy. The company must have procedures in place to monitor the conduct of its security personnel and the legitimacy of security measures. Furthermore, the company must have an effective grievance mechanism through which workers and community members can lodge complaints, without fear of retribution, concerning coercion, intimidation or abuse by security personnel or other company staff. Such a grievance mechanism should have the authority to take appropriate remedial action.

While private gun ownership is restricted under national law, Sierra Leone's National Security and Intelligence Act (2002) in principle allows private security companies to hold arms. However, the 1997 UN arms embargo prohibited the sale of arms to non-state actors. This in turn has curtailed the use of firearms within the private security sector albeit there are exceptions permitting private security companies at some mines to be armed.

Applicable International Laws and Standards: Universal Declaration of Human Rights (1948), Articles 3 and 5; International Covenant on Civil and Political Rights (1966), Articles 6(1), 7 and 9(1); UN Code of Conduct for Law Enforcement Officials (1979), Article 2; The Voluntary Principles on Security and Human Rights: Interactions Between Companies and Private Security; ECOWAS Code of Conduct for Armed Forces and Security Services in West Africa; African Charter on Human and Peoples' Rights, (1982) 21 ILM 59.

Applicable National Laws and Policies: The Constitution of Sierra Leone 1991, Sections 5, 6, 7, 15-29, 155-158, 165-169, National Security and Central Intelligence Act (2002).

### 3.2.2 Does the company engage with due diligence in investigations of security personnel and/or private security providers before they are hired/contracted?

INDICATORS	YES	NO	NO INFO
Procedures for hiring of security personnel include a screening of the background of applicants to identify any past involvement in human rights violations and/or excessive use of force.			
When selecting private security providers (e.g. through call for tenders), the company takes into account the policies and performance of the provider with regard to standards relating to staff training, workplace health and safety, use of force and protection of human rights.			
Private security personnel/providers hired or contracted by the company do not have known connections to any groups known to violate human rights (for example, government authorised groups, private militias and political factions, where relevant).			
Basis for assessment			
Follow-up points			

**Question Description:** Private security should maintain high levels of technical and professional proficiency, particularly with regard to the local use of force, and should promote the observance of international humanitarian law. The company should not employ or contract individuals credibly implicated in human rights abuses to provide security for the company and should review the background of the private security they intend to employ or contract, both when employing security personnel directly or through contracting of a private security provider. The review of a potential private security provider should include an assessment of past and present services provided to public authorities as well as to private companies and whether these services raise any concern about the private security providers' possible dual role as a private security provider and government contractor. The company should not use private militias or militant groups linked to any political faction or party. When selecting a private security provider, the company should, wherever possible, choose one that demonstrates high standards with regard to training programmes of staff, workplace health and safety, policies on the use of force and the protection of human rights. Whenever appropriate, the company should seek to have security personnel that are representative of the local population, both when employing security personnel directly or through contracting a private security provider.

Applicable International Laws and Standards Universal Declaration of Human Rights (1948), Articles 3 and 5; International Covenant on Civil and Political Rights (1966), Articles 6(1), 7 and 9(1); UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990), Articles 18; The Voluntary Principles on Security and Human Rights: Interactions Between Companies and Private Security; ECOWAS Code of Conduct for Armed Forces and Security Services in West Africa; African Charter on Human and Peoples' Rights, (1982) 21 ILM 59.

Applicable National Laws and Policies The Constitution of Sierra Leone 1991, Sections 5, 6, 7, 15-29, 155-158, 165-169, National Security and Central Intelligence Act (2002), Section 4& 19, Human Rights Commission Act 2004 section 24, Truth and Reconciliation Commission (TRC) Act 2000, TRC Report 2004, Police Act 1964, Constitutional Instrument No. 11 of 2013 Independent Police Complaints Board Regulations 2013, The Standard Operating Manual for Security Companies in Sierra Leone, Section 2.1(III).

### 3.2.3 Are private security personnel trained to use appropriate levels of force and respect the human rights of others while on duty?

INDICATORS	YES	NO	NO INFO
The company has policy and procedures to ensure that private security personnel are adequately trained in the use of force, including on human rights and the Voluntary Principles on Security and Human Rights.			
Appropriately licensed professionals are hired, either by the company or the private security provider, to train security personnel on the proper and safe use of firearms and other security weapons and equipment.			
The training programmes include focus on vulnerable individuals and groups, gender-based and sexual violence, real-life scenarios and relevant human rights dilemmas to equip security guards on how to settle conflicts, without using force and through peaceful methods.			
All security incidents involving the use of force are investigated thoroughly and detailed records are maintained, including records of independent witness testimony, where available.			
The company reports incidents of excessive or arbitrary use of force by private security personnel to the authorities.			
Security personnel are trained to provide all injured persons with medical care, including persons suspected or apprehended or detained by them.			

Basis for assessment

Follow-up points

**Question Description:** Private security personnel must exercise restraint and caution in a manner consistent with applicable international standards and guidance regarding the use of force, including the Voluntary Principles on Security and Human Rights, the UN Principles on the Use of Force and Firearms by Law Enforcement Officials and the UN Code of Conduct for Law Enforcement Officials. Private security personnel must be adequately trained with regard to appropriate levels of force for the different security situations they encounter. They must only behave in a defensive and preventive manner and security guards must attempt to solve security-related situations with non-violent means before resorting to the use of force. When the use of force is unavoidable, security guards must only use force appropriate for the particular situation. Firearms should not be used against persons except in self-defence or defence of others against the threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, and only when less extreme means are insufficient to achieve these purposes.

The company should have clear procedures in place for incidents where physical force has been used. The incident should be properly investigated and reported to the local authorities. If necessary, disciplinary action should be undertaken. Medical aid should be provided to injured persons, including apprehended persons.

Private security personnel must also be trained in respecting the human rights of the individuals they encounter while on duty. This not only includes using appropriate levels of force and abstaining from use of excessive force to avoid violations of right to life, liberty and security of person and right to freedom from torture and cruel, inhuman or degrading treatment. It also includes respecting the rights of individuals to exercise their rights to freedom of association and peaceful assembly or other related rights as recognised by international human rights law.

Applicable International Laws and Standards Universal Declaration of Human Rights (1948), Articles 3 and 5; International Covenant on Civil and Political Rights (1966), Articles 6(1), 7 and 9(1); UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990), Articles 4, 5, 12, 19 and 20; UN Code of Conduct for Law Enforcement Officials (1979), Article 2, 3, 5 and 6; The Voluntary Principles on Security and Human Rights: Interactions Between Companies and Private Security.

Applicable National Laws and Policies The Constitution of Sierra Leone 1991, Sections 5, 6, 7, 15-29, 155-158, 165-169, National Security and Central Intelligence Act (2002), Section 4& 19, Human Rights Commission Act 2004 section 24, Truth and Reconciliation Commission (TRC) Act 2000, TRC Report Police Act 1964, Constitutional Instrument No. 11 of 2013 Independent Police Complaints Board Regulations 2013, Child Rights Act 2007 Sierra Leone National Action Plan (SiLNAP) on United Nations Security Council Resolutions 1325 &1820 (Women's Peace and Security) 2010 The Standard Operating Manual for Security Companies in Sierra Leone,

3.2.4 Does the company clearly define the responsibilities of private security personnel, and seek to minimise their exposure to danger by providing sufficient training and protective gear; establishing clear guidelines and lines of responsibility; and giving instructions about when to withdraw from dangerous situations?

INDICATORS	YES	NO	NO INFO
Private security personnel are trained regarding their duties and the limits of their authority, and informed about what to do in circumstances when the duties and/or limits are exceeded.			
Private security personnel are notified in advance of the dangers and threats associated with their position and regularly updated on the prevailing security situation.			
Appropriate security gear and protective devices are provided to all private security personnel, and are paid for by the company or the private security provider, not personnel themselves.			
Security incidents are reported, investigated, and periodically evaluated as a whole to assess the adequacy of policies and procedures for ensuring the safety of security personnel.			
Basis for assessment			
Follow-up points			

**Question Description:** Private security personnel have the right to personal safety and security, and their exposure to danger should be the minimum required to handle the security situations they are authorised to handle. Security personnel must not be expected to handle situations that are beyond their capabilities, resources, training or strength. Even if private security personnel are trained as well or better than the military or other law enforcement authorities of the state, they must not be used as a substitute for the state’s authorised security regime.

Applicable International Laws and Standards: Universal Declaration of Human Rights (1948), Articles 3 and 5; International Covenant on Civil and Political Rights (1966), Articles 6(1), 7 and 9(1); UN Basic Principles on the Use of Force and Firearms by Law Enforcement (1990), Articles 2 and 3; The Voluntary Principles on Security and Human Rights: Interactions Between Companies and Private Security.

Applicable National Laws and Policies: The Constitution of Sierra Leone 1991, Sections 5, 6, 7, 15-29, 155-158, 165-169, National Security and Central Intelligence Act (2002), Section 4& 19, Human Rights Commission Act 2004 section 24, Police Act 1964, Constitutional Instrument No. 11 of 2013 Independent Police Complaints Board Regulations 2013, Arms and Ammunition Act 1955 ( Arms and Ammunition Amendment Acts and Rules 1972 , Act No. 10 of 1972, Act No.8 of 1969, Act No. 16 of 1968, Act No 17 of 1974, Act No.92 of 1993), The Standard Operating Manual for Security Companies in Sierra Leone, Section 5.0.

### 3.2.5 Does the company ensure that private security personnel are trained in the bounds of their authority and mandate, and prevent them from exceeding it?

INDICATORS	YES	NO	NO INFO
Company policy and procedures establish clear divisions between the duties of private security personnel and national law enforcement authorities, and there are appropriate sanctions for breaches these.			
When security situations appear to exceed the mandate of private security personnel, the company immediately calls in the local law enforcement.			
The company makes it clear to private security personnel that the exercise of law enforcement functions, which are beyond their authority, will not be tolerated, and that the company will press for investigation and prosecution if any abuses occur.			
Basis for assessment			
Follow-up points			

**Question Description:** Private security personnel protecting company assets, whether employed directly by the company, or for a private security provider contracted to the company, must avoid engaging in law enforcement functions which are beyond their authority. Private security personnel may take only the reasonable defensive or preventative actions necessary to secure company premises from imminent theft or destruction and to ensure the safety of employees working at the facility. Regardless of how well trained or competent they are, security personnel must never attempt to act as a substitute for the state’s authorised security regime or exceed the limits of their narrow responsibilities. In all cases, arrest and imprisonment functions must be left to the jurisdiction of local law enforcement mechanisms, and private security personnel must not attempt to interfere in this process.

Applicable International Laws and Standards: Universal Declaration of Human Rights (1948), Articles 3 and 5; International Covenant on Civil and Political Rights (1966), Article 9 (1); Convention on the Protection of All Migrant Workers and Members of Their Families (1990), Article 16(4); UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990), Articles 1, 7, 8 and 20; The Voluntary Principles on Security and Human Rights: Interactions Between Companies and Private Security.

Applicable National Laws and Policies: The Constitution of Sierra Leone 1991, Sections 5, 6, 7, 15-29, 155-158, 165-169, National Security and Central Intelligence Act (2002), Section 4& 19, The Police Act 1964, The Standard Operating Manual for Security Companies in Sierra Leone, Section 5.0 and 10.0.

## 3.3 Public security forces

### 3.3.1 Does the company encourage the government to permit transparency regarding the company’s security arrangements?

INDICATORS	YES	NO	NO INFO
The company has a policy commitment to transparency of its security arrangements.			
The company encourages the government to permit making security arrangements transparent and accessible to the public.			
The company makes relevant information about its security arrangements available to the public.			

Basis for assessment
Follow-up points

**Question Description:** Transparency and openness regarding a company’s security arrangements reduces the risk of creating tensions with the local community that can evolve into conflict and the risk of complicity in human rights violations. The Voluntary Principles on Security and Human Rights require that companies encourage governments to permit making security arrangements transparent and accessible to the public, subject to any overriding safety and security concerns. This means that the company should promote transparency in its dialogue with the government and take appropriate measures to disclose any relevant information regarding its security arrangements to the public, on the condition that it does not jeopardise the life and safety of any individual or community.

Applicable International Laws and Standards: Universal Declaration of Human Rights (1948), Articles 3 and 5; International Covenant on Civil and Political Rights (1966), Articles 6(1), 7 and 9(1); Interactions Between Companies and Public Security and Interactions Between Companies and Public Security; UN/AU/ECOWAS Peacekeeping Operations.

Applicable National Laws and Policies: The Constitution of Sierra Leone 1991, Sections 5, 6, 7, 15-29, 155-158, 165-169, National Security and Central Intelligence Act (2002), Police Act 1964, Constitutional Instrument No. 11 of 2013 Independent Police Complaints Board Regulations 2013, Anti-Corruption Act 2008.

### 3.3.2 Does the company promote the Voluntary Principles on Security and Human Rights in its interactions with public security forces?

INDICATORS	YES	NO	NO INFO
The company communicates its support for the Voluntary Principles on Security and Human Rights to public security forces, including the company’s expectation that public security forces protecting company operations respect human rights.			
The company’s policy on respect for human rights in security arrangements is incorporated into agreements with the government/public security forces.			



The company holds structured meetings with public security forces management to discuss security, human rights and work-place related issues.			
Company minutes from meetings with public security forces management demonstrate that regular meetings take place, and that human rights issues related to security arrangements are discussed.			
Basis for assessment			
Follow-up points			

**Question Description:** If the company relies on public security forces to protect employees and company property it should take all reasonable measures to ensure that security arrangements are consistent with international standards and guidance on law enforcement officials and the protection and promotion of human rights. The primary role of public security is to maintain the rule of law and safeguard human rights, and deterring acts that threaten company facilities and staff. The type and number of security forces should be competent, appropriate and proportionate to the threat.

The Voluntary Principles on Security and Human Rights encourage companies to engage in dialogue with the government and public security management regarding the impact of security presence on employees and the local community. Dialogue with public security should take place through structured and regular meetings where security and human rights and related work-place safety issues are discussed. The company should communicate its support for the Voluntary Principles on Security and Human Rights to public security forces, including the company's expectation that public security forces protecting company operations respect human rights.

This implies that the company should promote the following principles: individuals credibly implicated in human rights abuses should not provide security services for the company; law enforcement officials, should, to the extent appropriate, apply non-violent means before resorting to the use of force and firearms; type and number of public security forces deployed should be competent, appropriate and proportionate to the threat; while on duty, public security forces must respect the rights of individuals to exercise their human rights, including the rights to peaceful assembly, freedom of association, and the right to collective bargaining and other rights recognised by the Universal Declaration of Human Rights and the ILO Declaration on Fundamental Principles and Rights at Work. Whenever the use of force and firearms is unavoidable, law enforcement officials must exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved. When physical force is used, medical aid should be provided to all injured persons, including offenders.

Applicable International Laws and Standards: Universal Declaration of Human Rights (1948), Articles 3, 5 and 20; International Covenant on Civil and Political Rights (1966), Articles 6, 7, 21 and 22; UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990); UN Code of Conduct for Law Enforcement Officials (1979); Voluntary Principles on Security and Human Rights – Interactions Between Companies and Public Security.

Applicable National Laws and Policies: The Constitution of Sierra Leone 1991, Sections 5, 6, 7, 15-29, 155-158, 165-169, National Security and Central Intelligence Act (2002), The Police Act 1964, SLP's Rules of Engagement.

### 3.3.3 If the company provides equipment to public security forces, does it take all reasonable steps to mitigate any foreseeable consequences, including human rights abuses?

INDICATORS	YES	NO	NO INFO
A risk assessment is carried out prior to providing equipment or other types of support to public security forces to assess the risks associated with the support and/or equipment transfer.			
An agreement with public security forces specifies when, where and by whom company equipment can be used. If the company compensates the government for its use of public security forces, the terms for the compensation are clearly specified in the agreement.			
Agreements include reference to the company's human rights policy and international standards in the area of policing, i.e. the Voluntary Principles on Security and Human Rights, the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the UN Code of Conduct for Law Enforcement Officials.			
Company provided support and equipment to public security are subject to periodic control and monitoring. Cases where the equipment and support have been used in an inappropriate manner are immediately and thoroughly investigated.			
Basis for assessment			
Follow-up points			

**Question Description:** Providing equipment to public security forces, such as vehicles or other material, can potentially lead to complicity in serious human rights violations if the equipment is used for unintended and improper purposes. If the company provides equipment to public security forces, it should therefore take certain protective measures to mitigate any foreseeable negative consequences. This implies making a clear agreement with the public security forces management on when and in which contexts and locations the equipment can be used; emphasising that the equipment under no circumstances can be used to commit human rights violations; employing disciplinary actions if the agreement is breached; and effectively monitoring the access to and use of company provided equipment. Equipment transfers should never involve military material.

If the company reimburses or compensates the state for expenses related to its use of public security forces, the company should take all reasonable steps to ensure that the compensation takes place in a fair and transparent manner. The terms of compensation, including ways of payment/compensation and misapplication of compensation should be clearly specified in the agreement with the government. Disciplinary actions should be employed if the agreement is breached.

Applicable International Laws and Standards: Universal Declaration of Human Rights (1948), Articles 3 and 5; International Covenant on Civil and Political Rights (1966), Articles 6 and 7; UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990), Article 11; Un Code of Conduct for Law Enforcement Officials (1979), Article 3.

Applicable National Laws and Policies: The Constitution of Sierra Leone 1991, Sections 5, 6, 7, 15-29, 155-158, 165-169, National Security and Central Intelligence Act (2002), Police Act 1964, The Standard Operating Manual for Security Companies in Sierra Leone, Sections 3.0, 1.3, 2.0, and 2.2.

### 3.3.4 Does the company encourage the government to implement adequate training for public security forces?

INDICATORS	YES	NO	NO INFO
The company actively supports efforts by the government or other institutions to provide human rights training to public security forces, if necessary assisting the government in providing such training.			
Training is based on international principles on law enforcement and human rights, and includes focus on vulnerable groups, gender-based and sexual violence, real-life scenarios and relevant human rights dilemmas to equip security guards in how to settle conflicts, without using force and through peaceful methods.			
Basis for assessment			
Follow-up points			

**Question Description:** While it is not a company responsibility to educate and train public security forces, the company has a clear interest in ensuring that public security forces protecting company assets act in accordance with international guidelines on law enforcement officials and the protection and promotion of human rights when protecting company staff and property. The company should therefore support efforts by governments, civil society and multilateral institutions to provide human rights training and education for public security, including medical aid training, if necessary. The company can assist the government in providing such training to public security forces. If the company facilitates and supports training programmes on human rights and humanitarian law for public security forces, the company should: establish if there are existing training programmes in human rights, international humanitarian law and rules of engagement for public security providers; establish the willingness of public security providers or the government to participate; identify partners, such as a credible human rights or security organisation; support the training delivery; and follow-up on the effectiveness of training.

Applicable International Laws and Standards: Universal Declaration of Human Rights (1948), Articles 3 and 5; International Covenant on Civil and Political Rights (1966), Articles 6(1), 7 and 9(1); UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990), Articles 4, 5, 19 and 20; UN Code of Conduct for Law Enforcement Officials (1979), Article 3; Voluntary Principles on Security and Human Rights: Interactions Between Companies and Public Security.

Applicable National Laws and Policies: The Constitution of Sierra Leone 1991, Sections 5, 6, 7, 15-29, 155-158, 165-169, National Security and Central Intelligence Act (2002).

# 4. Legal and Government Affairs

## 4.1 Anti-corruption risk assessment

4.1.1 Does the company assess and address the risk of bribery and corruption when doing business?

INDICATORS	YES	NO	NO INFO
The company assesses potential areas of bribery and corruption, including factors such as: types of transactions the company engages in, industries, and customers and/or business partners involved.			
The company assesses the risk of bribery and corruption when its employees, agents, intermediaries or consultants deal with public officials, including with employees of state-owned companies.			
The company assesses the risk of internal and external conflicts of interest in relation to business partners and government officials, including employees of state-owned companies.			
The company has developed an action plan to mitigate and address any risks of bribery and corruption identified, and has defined responsibilities for each task to address these risks, including detailed provisions for high-risk areas.			
Basis for assessment			
Follow-up points			

**Question Description:** Companies frequently engage with government officials in the course of establishing and maintaining operations. For example, a company may engage with different areas of government related to: licencing and permitting; environmental and social impact assessments; tax and revenue; and others. In some instances, engagement between the company and government officials may involve disagreement, attempts to explain a viewpoint or attempts to persuade a governmental actor to agree with a company position, proposal or policy. Discussions of this nature are an inevitable part of the process of business, and do not generally constitute a violation of the right to take part in government or the right to a fair trial. However, companies may also encounter bribery and corruption risks.

Companies need to clearly recognise that bribery and corruption is illegal and disruptive to the process of ensuring democracy and transparency. This includes the thorough assessment and consideration of any bribery and corruption risks before deciding whether to operate. Furthermore, the company should discourage practices that condone bribery and/or corruption whenever feasible, as corruption may impede individuals' right to a fair trial and undermine the right to take part in and influence the governance and politics of the country.

The type of influence that a company must avoid is that which could unjustly influence government officials or the political and judicial process itself. Unjust actions are those undertaken i) without the public's awareness, that would deny citizens the opportunity to participate in shaping the decisions of public officials or the political process; or ii) with the intent to influence (through bribery, threats, promises, or other means) judges, judicial workers or other jury members to affect the process or outcome of legal matters in the law enforcement system.

Facilitation payments, that is, small payments or gifts made to secure or expedite the performance of a routine action to which the company is entitled, are considered a form of bribery, and the company should work to eliminate them. By making facilitation payments, the company perpetuates corruption and makes itself more vulnerable to extortion.

Applicable International Laws and Standards: UDHR (1948), Articles 6, 7, 8, 9, 10, 11 and 21; ICCPR (1966), Article 25; OECD Convention on the Combating of Bribery of Foreign Public Officials in International Business Transactions (1997), Article 1; OECD Guidelines for Multinational Enterprises (2000), Section 6; UN Convention Against Corruption (2003), Article 12; OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones.

Applicable National Laws and Policies: Anti-Corruption Act, 2008, Criminal Procedure Act 1965, The Constitution of Sierra Leone 1991 section 6, Companies Act 2009, section 462.

## 4.2 Anti-corruption policy and procedure

### 4.2.1 Does the company have in place a written policy commitment against bribery and corruption?

INDICATORS	YES	NO	NO INFO
The company has in place a written policy commitment against bribery and corruption that requires all directors, managers and employees of the company to behave ethically and in conformity with the law.			
The policy specifies expected conduct with regard to: handling requests for facilitation payments, giving and receiving gifts, engaging in sponsorships, giving political contributions, and responsible lobbying.			
The company reports publicly on measures taken to assess and address bribery and corruption risks, including the effectiveness of such measures.			
The company publishes timely and adequate information about any legal cases regarding bribery and corruption that it is involved in.			
The company has appointed a manager to devise, implement, monitor and continually improve anti-corruption policy and procedure(s), under the oversight of senior leadership.			
Basis for assessment			
Follow-up points			

**Question Description:** Ensuring a culture of anti-corruption involves formulating anti-corruption standards and implementing these in company procedures so that employees are equipped to identify and address any bribery and corruption risks and incidents that they may encounter in their work, in compliance with the company's anti-corruption policy commitment. Clearly communicating pro-active measures taken by the company to address bribery and corruption risks and incidents to stakeholders and partners is strongly advised in order to prevent bribery and corruption demands or requests.

Applicable International Laws and Standards: ICC guidelines on Whistleblowing; Combating Extortion and Bribery; ICC Rules of Conduct and Recommendations; Business Principles for Countering Bribery. Transparency International; Partnering Against Corruption - Principles for Countering Bribery, Partnering Against Corruption Initiative (PACI), World Economic Forum.

Applicable National Laws and Policies: The Anti-Corruption Act (2008), Section 34; National Anti-Corruption Strategy, The Companies Act (2009), Section 462.Criminal Procedure Act 1965.

#### 4.2.2 Does the company's internal procedure support its anti-corruption policy commitment?

INDICATORS	YES	NO	NO INFO
The company policy commitment against bribery and corruption is implemented through effective anti-bribery and corruption procedure(s), including defined benchmarks and indicators.			
The company has assigned adequate resources to effectively implement and monitor the anti-bribery and corruption policy and procedure(s).			
The company has assigned different individuals and/or departments to be responsible for handling contracts, placing orders, receiving goods, processing invoices and making payments.			
The company specifies its anti-corruption standards and expectations in contracts with business partners, e.g. suppliers, contractors and others.			
Company policy and procedure(s) prohibit informal employment and any 'off the books' record-keeping.			
The company performs external and internal audits and has checks and balances in place to effectively implement all anti-corruption commitments.			
The company's procurement, financial and internal audit personnel have clear procedures on their respective responsibilities to look for and to identify any bribery and corruption risks, report them to management, and implement follow-up measures to address the risks.			
Any irregularity reported by external or internal auditors is promptly and systematically addressed by management.			



The company systematically monitors compliance with anti-bribery and corruption policy and procedure(s), evaluates their effectiveness, and implements any changes and improvement measures necessary to identify any gaps identified by the monitoring.			
Basis for assessment			
Follow-up points			

**Question Description:** Implementing anti-corruption standards into the core structure of the company relies heavily on the development of suitable procedures which are resistant to bribery and corruption and able to identify and address any risks and instances of bribery and corruption. This includes making provisions for escalating significant bribery and corruption risks immediately to senior management levels. It is also important that the implementation and effectiveness of anti-bribery and corruption policy and procedure(s) is monitored, including through internal and external auditing, and provisions made for their continual improvement.

Applicable International Laws and Standards: ICC Tools for Self-Regulation; OECD Risk Awareness Tool for Investors in Weak Governance Zones; OECD Guidelines for Multinational Enterprises.

Applicable National Laws and Policies The Anti-Corruption Act (2008), Section 53(4); The Companies Act (2009), Section 330(f).

### 4.2.3 Do the company's anti-corruption policy and procedure(s) cover agents, intermediaries and consultants?

INDICATORS	YES	NO	NO INFO
Company policy and procedure(s) on anti-bribery and corruption explicitly extend to consideration of the standards and conduct of agents, intermediaries and consultants.			
The company assesses bribery and corruption risks associated with all agents, intermediaries and consultants (e.g. financial, legal, labour, tax, IT, environment, market/commercial).			
The selection and terms of reference of agents, intermediaries and consultants are approved at the senior management level (or at a management level above that of the business section for which the intermediary is hired).			
All agreements with agents, intermediaries and consultants are fully documented in written and signed contracts.			
Contracts with agents, intermediaries and consultants include a section on anti-bribery and corruption, including an explicit expectation that the contract-holder must comply with all applicable laws and regulations regarding anti-bribery and corruption, as well as the company standards.			
Agents, intermediaries and consultants are provided with information on the company's anti-bribery and corruption policy, procedure(s), and training material and information on disciplinary procedures for breach of these.			
The company only makes payments by bank transfer or cheque, never in cash, in the country of the agent, intermediary and consultant, and never to a third-party without prior examination.			
Basis for assessment			
Follow-up points			

**Question Description:** Using agents, intermediaries, consultants or other external service providers does not free the company of its responsibility of implementing its anti-bribery and corruption commitments. Following international law and other anti-bribery and corruption legislation, the criminal offence of bribery occurs when a financial benefit or other advantage

is offered, promised or given to a public official directly or through agents, intermediaries or consultants. Information, training and monitoring of agents, intermediaries or consultants' activities should be carried out on a regular basis and according to a clear line of responsibility within the company.

Applicable International Laws and Standards: Convention on combating bribery of foreign public officials in international business transactions. OECD; Combating Extortion and Bribery; ICC Rules of Conduct and Recommendations; Business Principles for Countering Bribery. Transparency International; Partnering Against Corruption - Principles for countering Bribery, Partnering Against Corruption Initiative (PACI), World Economic Forum.

Applicable National Laws and Policies : The Anti-Corruption Act (2008), Section 39.

## 4.3 Anti-bribery and corruption training

4.3.1 Does the company ensure that staff know the company's anti-bribery and corruption policy and procedure(s) and are properly trained to comply with these?

INDICATORS	YES	NO	NO INFO
The company ensures that all staff are fully aware of, and understand, the company's anti-bribery and corruption policy and procedure(s).			
Information on disciplinary procedures for breach of such policy and procedure(s) is clearly communicated to staff on a regular basis.			
The company provides anti-bribery and corruption training at all levels within the organisation, tailored to the specific bribery and corruption risks and issues of each organisational level and/or business-unit function.			
The company actively seeks staff feedback and dialogue on measures to identify and address bribery and corruption risks and incidents.			
The company has and promotes a function/mechanism by which staff can safely report any incidents, or suspected incidents, of bribery or corruption (e.g. hotline or mailbox) and allocates resources to systematically address the issues that are identified.			

Basis for assessment
Follow-up points

**Question Description:** Awareness-raising is essential for the long-term success of fighting bribery and corruption. Awareness is not established instantly, but created through on-going dialogue, training and information about bribery and corruption, its impact and how to prevent and address it. It is critical that employees of the company are adequately trained in their roles and responsibilities with regards to the company’s anti-bribery and corruption policy and procedure(s). This includes that employees are made aware of any bribery and corruption risks specific to their job-function, as well as the operating context.

Applicable International Laws and Standards: ICC guidelines on Whistleblowing; Combating Extortion and Bribery; ICC Rules of Conduct and Recommendations; Business Principles for Countering Bribery. Transparency International; Partnering Against Corruption - Principles for countering Bribery. Partnering Against Corruption Initiative (PACI),World Economic Forum.

Applicable National Laws and Policies: The Anti-Corruption Act (2008), Companies Act 2009, section 462,, Criminal Procedure Act 1965.

## 4.4 Combating bribery and corruption

4.4.1 Does the company promote its anti-bribery and corruption commitment in its interactions with suppliers and other business partners?

INDICATORS	YES	NO	NO INFO
The company informs all suppliers, contractors and other business partners of its anti-bribery and corruption commitment and asks all suppliers, contractors and business partners to comply with this commitment.			
The company monitors that the anti-bribery and corruption commitment is supported by anti-bribery and corruption training of relevant internal staff employed by suppliers, contractors and other business partners.			

Where necessary, the company collaborates with individual suppliers or other business partners to implement continuous improvement efforts to identify and address bribery and corruption risks and incidents.			
The company procurement practices, including prices, delivery times, internal incentive structures and other relevant criteria, support anti-bribery and corruption commitment in suppliers and other business partners.			
The company has and promotes a function/mechanism by which suppliers, contractors and other business partners can safely report any incidents, or suspected incidents, of bribery or corruption (e.g. hotline or mailbox) and allocates resources to address the issues that are identified.			
Basis for assessment			
Follow-up points			

**Question Description:** Anti-bribery and corruption commitments in suppliers, contractors and other business partners need to be effectively managed by the relevant entity. However, the company should also apply attentiveness and ensure that all reasonable measures are undertaken to improve and promote anti-bribery and corruption management in suppliers, contractors and other business partners. This includes setting clear standards and expectations in the business relationship, appropriately monitoring the adherence of business partners to these standards, and taking steps to address any gaps or incidents identified.

Applicable International Laws and Standards: Convention on combating bribery of foreign public officials in international business transactions. OECD; Combating Extortion and Bribery: ICC Rules of Conduct and Recommendations; Business Principles for Countering Bribery. Transparency International; Partnering Against Corruption - Principles for countering Bribery, Partnering Against Corruption Initiative (PACI), World Economic Forum; ICC guidelines on Whistleblowing.

Applicable National Laws and Policies The Anti-Corruption Act (2008), Section 39.

### 4.3.1 Does the company ensure that staff know the company's anti-bribery and corruption policy and procedure(s) and are properly trained to comply with these?

INDICATORS	YES	NO	NO INFO
The company shares experiences, procedures and challenges relating to bribery and corruption risks and management with other relevant organisations, i.e. the local business community, sector initiatives, networks etc.			
The company has initiated or joined initiatives with other companies in the same sector for the purpose of promoting a business environment that is free from bribery and corruption.			
The company initiates and/or engages in multi-stakeholder dialogue on combating bribery and corruption.			
The company encourages the local business community and business partners to initiate cooperation to combat bribery and corruption.			
Basis for assessment			
Follow-up points			

**Question Description:** It can be difficult for a company to address bribery and corruption alone. Collective or joint actions are proven methods of fighting bribery and corruption and increasing each company's impact by making business practices that are free from bribery and corruption more common, thereby elevating individual actions into an alliance of like-minded organisations. Collaboration builds integrity in the business community and can reduce bribery and corruption in the broader community.

Applicable International Laws and Standards: Fighting Corruption through Collective Action, World Bank Institute, Version 1.0 A Joint effort with business, NGOs, and multilaterals.

Applicable National Laws and Policies: - The Constitution of Sierra Leone, Amendment Act (2008), Section 2, The Anti-Corruption Act 2008.

## 4.5 Investment agreements

### 4.5.1 Does the company consider human rights in negotiating state-investor contracts?

INDICATORS	YES	NO	NO INFO
Negotiating teams are supported by human rights expertise, ensuring that they have the capacity and mandate to implement the responsibility to respect human rights in negotiations.			
The company takes steps to clarify state duties and company responsibilities for the prevention, mitigation and remedy of actual and potential adverse human rights impacts associated with the activities that are the subject of the state-investor contract (e.g. construction of a project).			
Company negotiations and state-investor contracts consider how project compliance with human rights will be monitored.			
The company ensures that state-investor contracts stipulate operating standards that are compatible with human rights.			
If used, stabilisation clauses do not contemplate economic or other penalties for the state. This is in the event that the state introduces laws, regulations or policies which reflect international standards, benchmarks or recognised good practices in areas such as health, safety, labour, the environment, technical specifications or other areas that concern human rights impacts of the project and are implemented as a bona fide effort of the state to meet its international human rights obligations.			
If a stabilisation clause in an existing agreement freezes law related to health, safety, labour, environment or other standards related to human rights protection, the company nonetheless applies relevant higher standards.			
The company ensures that negotiations and contracts consider human rights impacts associated with additional goods or services provision and physical security provision.			
The company ensures that negotiations and contracts consider how to ensure effective community engagement and grievance resolution.			
The company takes active steps to ensure the terms of the contract are appropriately disclosed.			

Basis for assessment

Follow-up points

**Question Description:** A 'state-investor contract' is a contract made between Sierra Leone as the host-state and a foreign business investor or investors, often made in the areas of resource exploration or exploitation such as in oil, gas or mining; large agricultural projects; infrastructure projects, such as for the construction of highways, railways, ports, dams; or those for the development and operation of water and sanitation systems.

For the effective ongoing management of human rights risks and impacts throughout the project it is important that the roles and responsibilities of state and company are clearly articulated, and associated costs for human rights management are included and assigned in the investment contract. Essentially, the contract should reflect that the state is the primary duty-bearer for human rights, and that the company has a responsibility to respect human rights.

As a first step, this means both the state and the company need to ensure adequate negotiator capacity and access to appropriate information to make informed decisions about the potential human rights implications of a project. From a company perspective this would include ensuring the negotiating team is supported by in-house or external human rights expertise, and/or ensuring that state negotiators have such capacity, for example, by referring them to support available through international or bilateral development cooperation. It also means that the company takes steps together with the state to develop a shared platform of understanding of the potential human rights risks and impacts associated with the investment and how these will be addressed. For example, negotiating teams need to be aware of any potential adverse human rights impacts that are reasonably foreseeable from feasibility studies, early impact assessments, due diligence assessments and other project preparation. The company can assist in the development of such a shared platform of understanding by sharing relevant information with the state, and asking the state negotiating team to do likewise.

How negotiations and/or contracts address the issues of operating standards, standards for any additional goods and services provisions, physical security, community engagement and grievance resolution, can also facilitate or hinder ongoing company human rights due diligence for the project. For example, including clear reference to the development and implementation of security protocols can facilitate effective ongoing management of security. Similarly, effective and inclusive engagement with local communities and other impacted stakeholders



needs to occur as early as possible and throughout the project lifecycle, and is therefore well considered at contracting. While it might not be possible to provide precise details of community engagement plans or project-level grievance mechanisms at the contracting stage, including provisions for the development, implementation and costing of these human rights due diligence measures at the contracting stage, in the negotiation, is a useful way to ensure these aspects are appropriately implemented and managed throughout the project lifecycle.

Stabilisation clauses refer to those clauses in an agreement that address changes in the law during the term of the contract. From a company perspective, stabilisation clauses constitute a risk-mitigation tool. If used, it is essential that potential human rights implications of any stabilisation clauses are carefully considered, for example, it is important that such clauses are consistent with the state's human rights obligations and do not create obstacles to the state's bona fide efforts to introduce and implement laws, regulations or policies to meet the state's human rights obligations.

An appropriate level of transparency and disclosure of contract terms and conditions is essential from a human rights perspective and appropriate disclosure allows both parties to communicate transparently with those who will be impacted. Therefore, responsibility for contract disclosure should be assigned within the contract. Exceptions to the disclosure of contract terms should be based on compelling justifications and time-bound to fit the justifications. To facilitate fairness and competitiveness, the company may consider working with the government towards standardising disclosure rules for business investors equally.

Applicable International Laws and Standards: Principles for responsible contracts: integrating the management of human rights risks into State-investor contract negotiations: guidance for negotiators (A/HRC/17/31/Add.3).

Applicable National Laws and Policies : The Constitution of Sierra Leone section 6, Agenda for Prosperity (PRSP3) 2013.

## 5. Contractors and Supply Chain

### 5.1 Due diligence for contractor and supply chain management

5.1.1 Does the company promote international human rights standards in its contractor and supply chain management?

INDICATORS	YES	NO	NO INFO
The company has a policy commitment to promote the continuous improvement of human rights standards of its contractors and suppliers.			
The policy commitment is reflected in relevant procedure(s), in particular, procedures for tendering, contracting and ongoing monitoring of suppliers and contractors to ensure applicable standards are duly upheld.			
The company conducts an assessment of its overall supply chain to identify which suppliers have the greatest risk of human rights abuses.			
Company policy and procedure(s) implementing due diligence in the area of contractor and supply chain management are supported by training on human rights standards for relevant management and procurement staff.			
The company has defined minimum requirements for the human rights standards of contractors and suppliers and communicates these in writing to new and existing suppliers and business partners.			
Where necessary, the company collaborates with individual suppliers to implement continuous improvements of human rights standards.			
The company's procurement practices, such as prices, delivery times and internal incentive structures, encourage improved human rights standards in suppliers and business partners.			
The company collaborates with other companies to promote improved human rights standards in suppliers.			

Basis for assessment

Follow-up points

**Question Description:** The UN Guiding Principles on Business and Human Rights require companies to pay attention not only to those impacts that are directly caused by the business, but also to those human rights impacts that the company contributes to, or that may be directly linked to the business through goods, products or services. This means that taking steps to identify any actual and potential human rights impacts in the supply chain is a critical aspect of human rights due diligence, the process companies are expected to undertake to implement their respect for human rights. Most companies maintain numerous business partners. As a result, they are exposed to the risk of being connected to a wide range of human rights abuses and violations. Of those rights which are at greatest risk in the particular context, companies are advised to inform local partners of their commitment to good human rights practices and reinforce this message, through standard human rights clauses in contractual agreements, requests for information and on-site monitoring.

Contractor and supply chain due diligence is noted within some of Sierra Leone's more recent legislation. For example, the amended Mines and Minerals Act (2009) discusses companies' obligations to ensure that contractors uphold occupational health and safety standards. Implementing this requirement, the Operational Regulations for the Mining Sector (2011) state in section 31: "Mining Rights holders shall, as far as reasonably practicable, ensure that all contractors operating on a mining site are competent to do the job safely, furthermore all contract documents shall include an explicit requirement to comply with all safety standards established by law or policy by the company". Note that the Regulation refers specifically to the contractor's operations 'on a mining site', and explicitly extends the company's obligation to monitoring supply chain activities occurring off-site.

The Petroleum Exploration and Production Act (2001), addresses in more detail the issue of due diligence in petroleum operations, relevant to contractors and sub-contractors, noting under section 44: "A contractor or sub-contractor shall conduct petroleum operations under a petroleum agreement or petroleum sub-contract as the case may be, with due diligence and efficiency and in accordance with the best international practices prevailing in the petroleum industry, in a workman-like manner, observing sound engineering and technical practices and using appropriate advanced technology and effective equipment, machinery, methods and materials". As such, it will be necessary for companies to implement processes to communicate, monitor and also collaborate with their suppliers and contractors to ensure relevant standards are upheld.

Applicable International Laws and Standards: Please refer to all the international principles stated in the other questions. In addition, the following are also relevant: OECD Guidelines for Multinational Enterprises (2000) (see also the OECD Roundtable on 'Corporate Responsibility: Supply Chains and the OECD Guidelines for Multinational Enterprises'); the ICC Guide on Responsible Sourcing.

Applicable National Laws and Policies The Petroleum Exploration and Production Act (2001), Section 44, Operational Regulations for the Mining Sector, 2011, (31), Mines and Minerals Act 2009, National Procurement Act 2004

## 5.2 Performance Standards

5.2.1 Does the company seek to ensure that its suppliers and contractors observe applicable laws and regulations concerning labour rights?

INDICATORS	YES	NO	NO INFO
A requirement to ensure respect for maximum working hours and overtime restrictions is included in the company's terms of contract with suppliers and contractors.			
A requirement to pay a living wage is included in the company's terms of contract with suppliers and contractors.			
A requirement to maintain a workplace free from discrimination and harassment is included in the company's terms of contract with suppliers and contractors.			
A requirement to refrain from all forms of forced and bonded labour is included in the company's terms of contract with suppliers and contractors.			
A requirement to ensure compliance with health and safety standards is included in the company's terms of contract with suppliers and contractors.			
A requirement to observe the rights of employees to freedom of association and collective bargaining is included in the company's terms of contract with suppliers and contractors.			
The ability of suppliers/contractors to comply with the requirement is assessed during pre-qualification and selection of new suppliers and contractors.			

Compliance by suppliers and contractors is regularly monitored as part of ongoing evaluation of suppliers and contractors through self-assessments, site-visits, and/or audits.			
The company has a procedure in place to ensure that the recruitment agencies it uses are established, licensed and registered according to law.			
Basis for assessment			
Follow-up points			

**Question Description:** As outlined in detail in the Human Resources section of this Monitoring Tool, companies need to ensure they uphold international labour standards. This also means that contracting and procurement processes need to ensure that any contractors or suppliers engaged by the company have sound human resources standards and management practices that are in accordance with international labour standards. This includes assessment by the company of the standards and capacity of contractors and suppliers with regard to labour rights in tendering, hiring and contracting processes. It also includes due diligence measures for follow-up monitoring to ensure applicable labour rights standards are duly upheld by suppliers and contractors.

A company operating in an industrial sector (e.g. mining, manufacturing, railway, repair, maintenance, construction, etc.) must limit employee hours to 48 per week and 8 per day. Supervisors, management and employees employed in a confidential capacity are exempted from this provision. The permitted number of working hours per day in industrial sectors is less than the hours per day in commercial sectors because of the additional risk of injury and accidents in industrial environments. If the workday is less than 8 hours on one or more days of the week, then the 8-hour limit may be exceeded (by no more than one hour) on the other days of the week, if the company receives approval from the competent public authority. The daily and weekly limits may also be exceeded in cases where employees are employed in shifts, so that employees may work longer days and longer weeks during certain weeks, as long as the average number of hours worked in a three-week period does not exceed 48 per week and 8 per day. Other exceptions to the daily and weekly time limits exist for exceptional circumstances relating to accidents or incidents of force majeure, but only so far as necessary to avoid interference with the company undertaking. Overtime must only be used in exceptional circumstances, rather than as a matter of ordinary course of business. Specific limits to the number of overtime hours an employee can work in a particular time period are not specified in international law, but is to be determined by national governments. The company should as a minimum, comply with such local provisions when setting its overtime policies, however, the company

must set its maximum at no more than 12 hours per week. In some circumstances workers may voluntarily request to violate overtime provisions and forgo minimum holiday leave in order to earn additional compensation. Regardless of employee requests, however, the company must respect national and international labour standards: employees cannot waive their labour rights. If requests are persistent, the company must evaluate whether the requests are a result of company salary policies, which fail to provide a fair or living wage.

Workers must be allowed the freedom to associate with organisations of their choice for the purpose of protecting their employment interests. The company must respect the role of workers' organisations and allow them to function independently without interference. To the extent that it does not pose undue harm to the legitimate interests of the company, the company must also allow workers' organisations access to the information, resources, and facilities necessary to carry out their representative functions. The company must also respect the right of workers to bargain collectively, including respect for collective bargaining provisions concerning the settlement of disputes arising out of the interpretation and application of the collective bargaining agreement, and abide by decisions made by the mechanisms or tribunals authorised to handle such disputes. Under no circumstances may the company terminate employees or discriminate against them in retaliation for exercising employee rights, submitting grievances, participating in union activities, or reporting suspected legal violations.

Forced labour occurs whenever a person is compelled to perform work involuntarily under threat of penalty. Modern day forced labour generally takes the form of human trafficking and debt bondage. Human trafficking is a broad term, but generally refers to the recruitment or abduction and transportation of a person, by the use of threats, force, coercion or deception, to perform labour in slavery-like or sweatshop conditions in a community other than one where the person was living. Debt bondage occurs when a recruited worker is unable to leave a poorly paid job because of debt owed to the company or a recruitment agency, often for fees paid to secure the job, and the worker must continue to work at the company (or for the recruiting agency) in order to pay off the debt. Even if not directly involved in human trafficking/ forced labour itself, a company can still violate the right to freedom from forced labour or servitude if it uses or benefits from labour of workers who are the victims of forced labour/human trafficking by others, such as temporary employment agencies, business partners, or government actors.

In 2005 the Government of Sierra Leone implemented the Anti-Human Trafficking Act, which is currently being reformed to incorporate regulations that are better equipped to deal with emerging forms of human trafficking. A Trafficking in Persons Secretariat has also been appointed within the Ministry of Social Welfare Gender and Children's Affairs to coordinate the monitoring of all human trafficking activities within the country.

Applicable International Laws and Standards: Universal Declaration of Human Rights (1948), Article 24 International Covenant on Economic, Social and Cultural Rights (1966), Article 7 (d); ILO Hours of Work (Industry) Convention (C1, 1919); ILO Hours of Work (Commerce and Offices) Convention (C30, 1930) Article 3 and 4; ILO Reduction of Hours of Work Recommendation (R116, 1962), Articles 14 and 17; ILO Holidays with Pay (Revised) Convention (C132, 1970), Article 12.

Applicable National Laws and Policies: The Regulation of Wages and Industrial Relations Act, (1971), Relevant Collective Agreements in the Trade Groups, The Anti-Human Trafficking Act, 2005 [No. 7 of 2005].

### 5.2.2 Does the company seek to ensure that its suppliers and contractors observe applicable laws and regulations concerning environmental standards?

INDICATORS	YES	NO	NO INFO
Company contracting and procurement processes include attention to the environmental management standards, policies and procedures of suppliers and contractors, by requesting and evaluating relevant information during the tendering, contracting or hiring process.			
Contracts with suppliers and contractors include a section on environmental management, including an explicit expectation that the contract-holder must comply with all applicable laws and regulations regarding environmental management, as well as the company's own standards.			
The ability of suppliers and contractors to comply with requirements related to environmental management is assessed during pre-qualification and selection of new suppliers and contractors.			
Suppliers and contractors are provided with information on the company's environmental management policy, procedure(s), and training material and information on disciplinary procedures for breach of these.			
Compliance by suppliers and contractors with relevant environmental management standards is regularly monitored as part of ongoing evaluation of suppliers and contractors through self-assessments, site-visits, and/or audits.			
Basis for assessment			
Follow-up points			

**Question Description:** As outlined in detail in the Environment and Communities section of this Monitoring Tool, companies need to ensure they exercise proper environmental and social due diligence. This also means that contracting and procurement processes need to ensure that any contractors or suppliers engaged by the company also have sound environmental standards and management practices in place. This includes assessment by the company of the standards and capacity of contractors and suppliers with regard to environmental management in tendering, hiring and contracting processes, and due diligence measures for follow-up monitoring to ensure applicable environmental management standards are duly upheld.

Applicable International Laws and Standards: Universal Declaration of Human Rights (1948); Convention on Environmental Impact Assessment in a Trans boundary Context (1991); ILO Prevention of Major Industrial Accidents Convention (C174, 1993); OECD Guidelines for Multi-national Enterprises (2000); Rio Declaration on Environment and Development (1992).

Applicable National Laws and Policies The Constitution of Sierra Leone 1991 Sections 7 & 8, Environment Protection Agency Act 2008 Part IV, The Environment Protection (Mines and Minerals) Regulations 2013, Part II, Part III, IV, V & VII, Environmental Protection Agency (Amendment) Act 2010, Environmental Protection Agency (Environment Impact Assessment License) Regulations 2010, The Mines and Minerals Act,( 2009), Sections 131 -141, Petroleum (Exploration and Production) Act 2011, The National Minerals Agency Act 2012, Section 11, Sierra Leone Local Content Policy 2012.

### 5.2.3 Does the company seek to ensure that its suppliers and contractors observe applicable laws and regulations concerning engagement and interaction with local communities?

INDICATORS	YES	NO	NO INFO
Company contracting and procurement due diligence includes attention to the community engagement standards of suppliers and contractors, by requesting and evaluating relevant information during the tendering, contracting or hiring process.			
Contracts with suppliers and contractors include a section on community engagement and consultation, if relevant; such contractual provisions include an explicit expectation that the contract-holder must comply with all applicable laws and regulations regarding community engagement and consultation, as well as the company's own standards.			
The ability of suppliers and contractors to comply with the requirement is assessed during qualification and selection of new suppliers and contractors.			



Suppliers and contractors are provided with information on the company's community engagement standards, policy, procedure(s), and training material and information on disciplinary procedures for breach of these.			
Compliance by suppliers and contractors with community engagement standards is regularly monitored as part of on-going evaluation of suppliers and contractors through self-assessments, site-visits, and/or audits.			
Basis for assessment			
Follow-up points			

**Question Description:** As outlined in detail in the Environment and Communities section of this Monitoring Tool, companies need to ensure they exercise proper environmental and social due diligence. Engagement and consultation with local communities and individuals, including taking special measures to hear the voices of vulnerable individuals and groups, is an integral part of exercising such due diligence. This also means that contracting and procurement processes need to ensure that any contractors or suppliers engaged by the company also have sound community engagement and consultation practices in place. This includes assessment by the company of the standards and capacity of contractors and suppliers regarding community engagement and consultation in tendering, hiring and contracting processes, and due diligence measures for follow-up monitoring to ensure applicable standards for engagement and consultation with local communities and individuals are duly upheld.

Applicable International Laws and Standards: Universal Declaration of Human Rights (1948); UN Guiding Principles on Business and Human Rights (2011); Aarhus Convention.

Applicable National Laws and Policies Provinces Land Act Capp 122 of the Laws of Sierra Leone 1960 Section 3, The Constitution of Sierra Leone 1991 Sections 7 & 8, Environment Protection Agency Act 2008 Part IV, The Environment Protection (Mines and Minerals) Regulations 2013, Part II, Part III, IV, V & VII, Environmental Protection Agency (Amendment) Act 2010, Environmental Protection Agency (Environment Impact Assessment License) Regulations 2010, The Mines and Minerals Act,( 2009), Sections 131 -141, Petroleum (Exploration and Production) Act 2011, The National Minerals Agency Act 2012, Section 11.

### 5.2.4 Does the company seek to ensure that its suppliers and contractors observe applicable laws and regulations concerning interaction with public security forces or engagement of private security staff or providers?

INDICATORS	YES	NO	NO INFO
The company's process for hiring or contracting suppliers and contractors checks whether potential suppliers or contractors engage public security forces or private security providers.			
For those contractors or suppliers who do engage public security forces or private security services, the company's contracting and procurement processes include attention to the security management standards, policies and procedures of suppliers and contractors, by requesting and evaluating such information during the tendering, contracting or hiring process.			
Information requested from the supplier or contractor regarding the standards and practices applied in security management include attention to all aspects of the Voluntary Principles on Security and Human Rights, i.e. security risk assessment, private security and public security.			
Contracts with suppliers and contractors include a section on security management, if relevant; such contractual provisions include an explicit expectation that the contract-holder must comply with all applicable laws and regulations regarding security management, as well as the company's own standards.			
The ability of suppliers and contractors to comply with the requirement is assessed during pre-qualification and selection of new suppliers and contractors.			
Compliance by suppliers/contractors with relevant standards on security management is regularly monitored as part of on-going evaluation of suppliers and contractors through self-assessment, site-visits, and/or audits.			
Basis for assessment			

Follow-up points

**Question Description:** As outlined in detail in the Security section of this Monitoring Tool, companies need to ensure the proper management of all security-related issues, in conformity with the expectations of the Voluntary Principles on Security and Human Rights. Accordingly companies should undertake due diligence measures in contracting and procurement processes to ensure that any contractors or suppliers engaged by the company also have sound security management standards and practices. Such due diligence measures include assessment by the company of the standards and capacity of contractors and suppliers regarding security management in tendering, hiring and contracting processes, and follow-up monitoring to ensure applicable security management standards are duly upheld.

*Applicable International Laws and Standards: Universal Declaration of Human Rights (1948), Articles 3 and 5; International Covenant on Civil and Political Rights (1966), Articles 6(1), 7 and 9(1); UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990), Articles 18; The Voluntary Principles on Security and Human Rights; ECOWAS Code of Conduct for Armed Forces and Security Services in West Africa; African Charter on Human and Peoples' Rights, (1982) 21 ILM 59.*

*Applicable National Laws and Policies: The Constitution of Sierra Leone 1991, Sections 5, 6, 7, 15-29, 155-158, 165-169, National Security and Central Intelligence Act (2002), Section 4& 19, Human Rights Commission Act 2004 section 24, Truth and Reconciliation Commission (TRC) Act 2000, TRC Report 2004, Police Act 1964, Constitutional Instrument No. 11 of 2013 Independent Police Complaints Board Regulations 2013, The Standard Operating Manual for Security Companies in Sierra Leone, Section 2.1(III).*

### 5.2.5 Does the company seek to ensure that its suppliers and contractors observe applicable laws and regulations concerning bribery and corruption?

INDICATORS	YES	NO	NO INFO
Company contracting and procurement due diligence includes attention to the bribery and corruption management standards, policies and procedures of suppliers and contractors, by requesting and evaluating such information during the tendering, contracting or hiring process.			
Contracts with suppliers and contractors include a section on anti-bribery and corruption, including an explicit expectation that the contract-holder must comply with all applicable laws and regulations regarding anti-bribery and corruption, as well as the company's own standards.			
The ability of suppliers and contractors to comply with the requirement is assessed during qualification and selection of new suppliers and contractors.			
Suppliers and contractors are provided with information on the company's anti-bribery and corruption policy, procedure(s), and training material and information on disciplinary procedures for breach of these.			
Compliance by suppliers and contractors with the anti-bribery and corruption standards is regularly monitored as part of on-going evaluation of suppliers and contractors through self-assessments, site-visits, and/or audits.			
Basis for assessment			
Follow-up points			

**Question Description:** Using suppliers or contractors does not free the company of its responsibility of implementing its anti-bribery and corruption commitments. Following international law and other anti-bribery and corruption legislation, the criminal offence of bribery occurs when a financial benefit or other advantage is offered, promised or given to a public official directly or through suppliers or contractors. As outlined in detail in the Government and Legal Affairs section of this Monitoring Tool, companies need to ensure they have in place adequate management measures to identify and address any bribery or corruption risks or incidents. This includes ensuring that due diligence measures are in place in contracting and procurement processes to ensure that any contractors or suppliers engaged by the company also have sound anti-bribery and corruption standards and management practices in place. This includes assessment by the company of the standards and capacity of contractors and suppliers regarding anti-bribery and corruption management in tendering, hiring and contracting processes, and due diligence measures for follow-up monitoring to ensure applicable anti-bribery and corruption management standards are duly upheld.

*Applicable International Laws and Standards: Convention on combating bribery of foreign public officials in international business transactions. OECD; Combating Extortion and Bribery: ICC Rules of Conduct and Recommendations; Business Principles for Countering Bribery. Transparency International; Partnering Against Corruption - Principles for countering Bribery. Partnering Against Corruption Initiative (PACI), World Economic Forum.*

*Applicable National Laws and Policies : The Anti-Corruption Act (2008), Section 39.*

# Annex 1: References

## International Conventions, Treaties and Other Agreements to Which Sierra Leone is a Party

The Republic of Sierra Leone is a member of the United Nations. It has ratified many UN Human Rights Conventions and thus has made binding international commitments to adhere to the standards laid down in these universal human rights documents. Section 2 of the Human Rights Commission of Sierra Leone Act, 2004 states that the term “human rights” includes rights relating to life liberty, equality and dignity of the individual embodied in the international conventions, treaties and other agreements to which Sierra Leone is a party. These international agreements are listed below.

### International Human Rights Conventions

Name	Signature	Ratification	Accession	Succession
Convention Against Corruption (2003)		30.09.04		
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)		25.04.01		
Convention on the Elimination of All Forms of Discrimination Against Women (1979)		11.11.88		
Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)	15.09.00			
Convention on the Rights of Persons with Disabilities (2007)	2007			
Convention on the Rights of the Child (1989)		18.06.90		
International Convention for the Protection of All Persons from Enforced Disappearance (2006)	2007			

International Convention on the Elimination of All Forms of Racial Discrimination (1969)		02.08.67		
International Covenant on Civil and Political Rights (1966)			23.08.96	
International Covenant on Economic, Social and Cultural Rights (1966)			23.08.96	
Slavery Convention (1926)				13.03.62
UNECE [Aarhus] Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (1998)				
UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage (1972)		07.01.05		

## International Human Rights Declarations

Name	Signature	Ratification
Declaration of the Rights of the Child (1989)		18.06.90
Declaration on the Rights of Indigenous Peoples (2007)	-	
Rio Declaration on Environment and Development (1992)	1992	
Universal Declaration of Human Rights (1948)	-	

## United Nations Resolutions/Guiding Principles

Name
Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990)

Business Principles for Countering. Bribery Transparency International (2002)
Guiding Principles on Business and Human Rights: Implementing the UN “Protect, Respect and remedy Framework” (2011)
Partnering Against Corruption - Principles for countering Bribery. Partnering Against Corruption Initiative (PACI), World Economic Forum (2004/5)
Principles on Housing and Property Restitution for Refugees and Displaced Persons (2005)
Voluntary Principles on Security and Human Rights (2000)
ICC Guide on Responsible Sourcing
ICC Guidelines on Whistleblowing
ICC Rules of Conduct and Recommendations (Combating Extortion and Bribery)
FAO/WHO Codex Alimentarius: Code of Ethics for International Trade in Food (1979)
UN Guidelines for the Regulation of Computerized Personal Data Files (1990)
UN Code of Conduct for Law Enforcement Officials (1979)
ICC Tools for Self-Regulation
UN Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights (2003)
Permanent Peoples’ Tribunal Charter on Industrial Hazards and Human Rights (1994)
The Right to Adequate Housing, UN Office of the High Commissioner for Human Rights (2009)

## African Regional Treaties

The Republic of Sierra Leone is a member of the African Union. This means that its citizens and NGOs may file complaints to the African Commission on Human and Peoples’ Rights. It has ratified the following agreements:

Treaty Name	Ratification
African [Banjul] Charter on Human and Peoples' Rights (1982)	21.09.83
African Charter on the Rights and Welfare of the Child (1990)	13.05.02



The Supplementary Act on the Code of Conduct for Armed Forces and Security Services of ECOWAS (the Code of Conduct)	October 2006
Constitutive Act of the African Union (2000)	09.02.01

## ILO Conventions

Employers' or workers' and certain other organizations (not individuals) of Sierra Leone may file complaints through the ILO procedure in the cases of those conventions which Sierra Leone has ratified.

Convention Name	Date	In Force
ILO Abolition of Forced Labour Convention (C105, 1957)	13.06.61	Yes
ILO Accommodation of Crews (Fishermen) Convention (C126, 1996)	06.11.67	Yes
ILO Discrimination (Employment and Occupation) Convention (C111, 1958)	14.10.66	Yes
ILO Forced and Compulsory Labour Convention (C29, 1930)	13.06.61	Yes
ILO Holidays with Pay (Agriculture) Convention (C101, 1951)	15.06.61	Yes
ILO Minimum Age Convention (C138, 1973) [minimum age specified: 15 years] – replaces C5, C7, C10, C15, C33, C58, C59, C60, C112, C123	10.06.11	Yes
ILO Minimum Wage-Fixing Machinery Convention (C26, 1928)	15.06.61	Yes
ILO Protection against Accidents (Dockers) Convention (Revised) (C32, 1932)	15.06.61	Yes
ILO Protection of Wages Convention (C95, 1949)	15.05.61	Yes
ILO Right to Organize and Collective Bargaining Convention (C98, 1949)	13.06.61	Yes
ILO Underground Work (Women) Convention (C45, 1935)	13.06.61	Yes
ILO Worst Forms of Child Labour Convention (C182, 1999)	10.06.11	Yes
ILO Accommodation of Crews Convention (C133, 1970)	-	No
ILO Code of Practice: Protection of Workers' Personal Data (1997)	-	No
ILO Collective Bargaining Convention (C154, 1981)	-	No

ILO Convention Concerning Safety in the Use of Chemicals at Work Convention (C170, 1990)	-	No
ILO Equal Remuneration Convention (C100, 1951)	-	No
ILO Examination of Grievances Recommendation (R130, 1967)	-	No
ILO Forced Labour (Indirect Compulsion) Recommendation (R35, 1930)	-	No
ILO Forty-Hour Week Convention (C47 1935)	-	No
ILO Holidays with Pay (Revised) Convention (C132, 1970)	-	No
ILO Hours of Work (Commerce and Offices) Convention (C30, 1930)	-	No
ILO Hours of Work (Industry) Convention (C1, 1919)	-	No
ILO Hygiene (Commerce and Office) Convention (C120, 1964)	-	No
ILO Income Security Recommendation (R67, 1944)	-	No
ILO Indigenous and Tribal Peoples Convention (C169, 1989)	-	No
ILO Maternity Protection Convention (C183, 2000)	-	No
ILO Medical Care and Sickness Benefits Convention (C130, 1969)	-	No
ILO Night Work Convention (C171, 1990)	-	No
ILO Occupational Health Services Convention (C161, 1985)	-	No
ILO Occupational Safety and Health Convention (C155, 1981)	-	No
ILO Occupational Safety and Health Recommendation (R164, 1981)	-	No
ILO Prevention of Accidents (Seafarers) Convention (C134, 1970)	-	No
ILO Prevention of Major Industrial Accidents Convention (C174, 1993)	-	No
ILO Protection of Wages Recommendation (R85, 1949)	-	No
ILO Reduction of Hours of Work Recommendation (R116, 1962)	-	No
ILO Safety and Health in Construction Convention (C167, 1988)	-	No
ILO Social Policy (Basic Aims and Standards) Convention (C117, 1962)	-	No
ILO Social Security (Minimum Standards) Convention (C102, 1952)	-	No
ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy (1977)	-	No

ILO Tripartite Declaration on the Responsibilities of Transnational Corporations (1977)	-	No
ILO Weekly Rest (Commerce and Offices) Convention (C106, 1957)	-	No
ILO Weekly Rest (Industry) Convention (C14, 1921)	-	No
ILO Welfare Facilities Recommendation (R102, 1956)	-	No
ILO Workers Housing Recommendation (R115, 1961)	-	No
ILO Workers with Family Recommendation (R165, 1981)	-	No
ILO Workers with Family Responsibilities Conventions (C156, 1981)	-	No
ILO Workers' Representatives Convention (C135, 1971)	-	No
ILO Workers' Representatives Recommendation (R143, 1971)	-	No

## OECD Conventions

In cases of human rights violations by multinational enterprises, they may also invoke the National Contact Point in an OECD member state. They may also file complaints according to the EU guidelines (on Human Rights Defenders, Death Penalty and Torture) to Embassies of EU Member States and the Delegations of the European Commission.

Convention Name
OECD Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
OECD Convention on Environmental Impact Assessment in a Transboundary Context (1991)
OECD Convention on the Combating of Bribery of Foreign Public Officials in International Business Transactions (1997)
OECD Convention on the Elimination of All Forms of Discrimination Against Women (1979)
OECD Convention on the Elimination of All Forms of Racial Discrimination (1965)
OECD Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)
OECD Convention on the Rights of Persons with Disabilities (2007)

OECD Convention on the Rights of the Child (1989)

OECD Guidelines for Multinational Enterprises (2000) (see also the OECD Roundtable on 'Corporate Responsibility: Supply Chains and the OECD Guidelines for Multinational Enterprises')

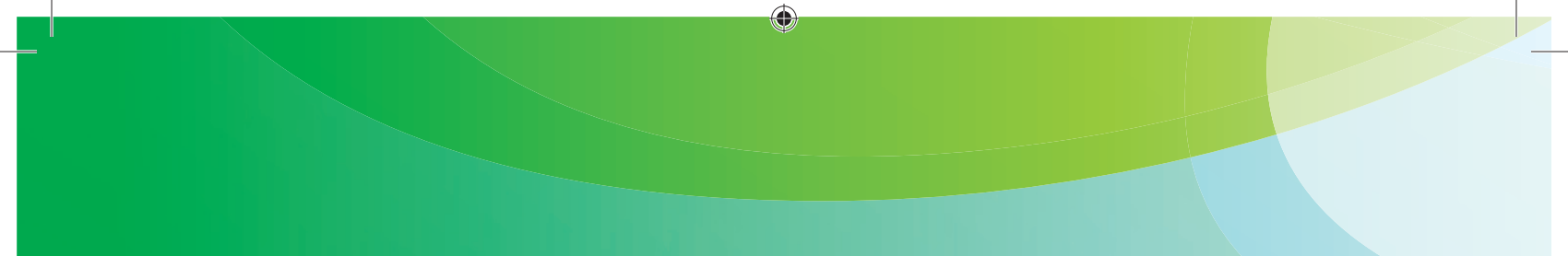
OECD Guidelines: On the Protection of Privacy and Transborder Flows of Personal Data (1980)

OECD Risk Awareness Tool for Investors in Weak Governance Zones

OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones

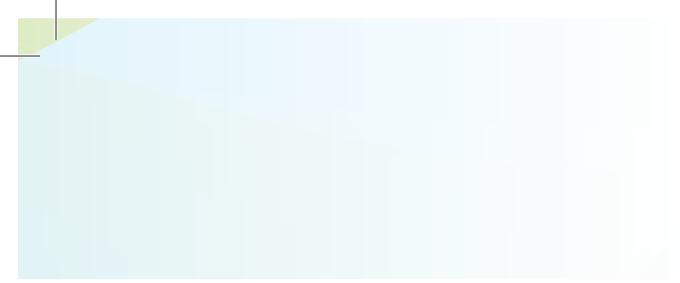
OECD Roundtable on 'Corporate Responsibility: Supply Chains and the OECD Guidelines for Multinational Enterprises





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