



Newmont Corporation  
Human Rights Due Diligence and Human Rights  
Impact Assessment Update  
Merian Mine – Suriname

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# Executive Summary

The following report presents the results of a Human Rights Due Diligence (HRDD) assessment conducted by Triple R Alliance (TRA) for the Newmont Merian Gold Mine in Suriname (Merian) between April and July 2024. The HRDD assessment included an update of the Human Rights Impact Assessment (HRIA) previously conducted at Merian in 2016.

With respect to the responsibility of companies to respect human rights, the UN Guiding Principles on Business and Human Rights (UNGPs) set out four phases for ongoing HRDD: (1) assessing impacts; (2) integrating and acting on the findings of the assessment(s); (3) tracking progress on actions taken; (4) and communicating with internal and external stakeholders. In addition to updating the previous HRIA at Merian, which covers the first phase of ongoing HRDD, this assessment also addresses the other phases of HRDD with the intention of providing Merian with a more comprehensive alignment with the UNGPs.

The Sustainability and Stakeholder Engagement Policy contains Newmont's commitment to respect the dignity, wellbeing and human rights of employees and the communities in which it operates, as well as others affected by its activities, through the implementation of the UNGPs. Merian has incorporated Newmont's commitments to respecting human rights through the Human Rights Management Plan (HRMP). The stated objectives of the HRMP are to conduct due diligence to avoid infringing on human rights; to take measures to address any human rights impacts (identified in HRIAs) in which Merian is involved; and to develop metrics and/or other measures to track management of human rights impacts.

This HRDD assessment also contributes to the fulfillment of the requirements of the HRMP.

The key objectives of the HRDD assessment were as follows:

- Review the human rights issues and impacts identified in the 2016 HRIA to see which of these remain relevant.
- Review the implementation of recommendations of the 2016 HRIA, to see whether further strengthening of the human rights management system is required; and identify any new issues or impacts that have emerged since the 2016 HRIA<sup>1</sup>.
- Conduct a deep-dive assessment of the potential human rights risks and impacts of the proposed Tailings Storage Facility (TSF-2).<sup>2</sup>
- Develop a long-term strategy and update the Human Rights Action Plan for implementing ongoing HRDD that is integrated into Merian's management plans.

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<sup>1</sup> The 2016 HRIA was never formally adopted and, as a result, did not result in an action plan

<sup>2</sup> The Human Rights Assessment of the Tailings Storage Facility (TSF-2) is included in Appendix D of this report.

- Reinforce Merian’s internal capacity and structures to support HRDD as an ongoing and cross-functional process with appropriate governance and leadership support.

## Methodology

According to the UNGPs, stakeholder engagement is one of the foundations of credible and impactful HRIAs and ongoing processes of HRDD. TRA adopted the UNGP’s methodology for assessing human rights impacts and conducted this assessment in a participatory manner, with valuable input from affected stakeholders and the strong collaboration of Merian’s management team during two site visits to Merian in April and July 2024.

Prior to the site visits, the assessment team conducted 16 online workshops with Merian managers to present the HRDD process and get their initial input on key impacts and proposed stakeholder engagement activities.

The stakeholder engagement conducted during the two site visits focused on the “affected stakeholders” at Merian and included workers and community members, with special attention given to women and Pamaka workers, the Kawina community, contractor employees, and community members who may be particularly vulnerable to human rights impacts. In addition, there was significant engagement with Merian managers and employees, contractor managers, community leaders, Artisanal and Small-scale Miners (ASM) and traditional leaders to get a balanced perspective on issues and to understand how different issues are currently being managed or addressed.

Locations where engagement around human rights impacts took place included the Merian offices at site as well as in Paramaribo communities in the so-called transportation corridor (TCR) between Moengo and the site, in various Pamaka communities (Loka Loka, Nason, Snesi Kondre), in hamlets mostly used by ASM, in one contractor camp as well as in the foundation Duurzame Ontwikkeling Pamaka (DOP), Community Development Fund (CDF) and the Kawina Onderhandelings Commissie (KOC) offices. In addition to the online workshops with Merian managers, engagements were held with 175 stakeholders over the two site visits.

## Merian’s Salient Human Rights Issues

The UNGPs describe the priority human rights issues for a company as “salient human rights issues.” A company’s salient human rights issues are prioritized based on an assessment of the most severe and likely adverse human rights impacts on affected stakeholders. The UNGPs allow companies to prioritize their attention and resources on their salient human rights issues,



provided they do so on a principled basis related to the potential severity of impacts on human rights.<sup>3</sup>

The scope of the HRDD assessment included the full spectrum of actual or potential human rights impacts at Merian. The list of potential impacts was developed from the assessment team's background research on Merian and the human rights and mining context in Suriname, the HRIA conducted at Merian in 2016, the 2023 Newmont Human Rights Saliency Assessment, and initial interviews held with Merian managers prior to the site visits.

The stakeholder engagement conducted during the first site visit allowed the assessment team to assess Merian's salient human rights issues, which were then prioritized using the Human Rights Heat Map Tool, which was developed by SHIFT<sup>4</sup> to provide companies with a tool to assess their salient human rights issues in accordance with the UNGPs.

A Human Rights Heat Map workshop was held in consultation with Merian managers on 19 April 2024. Thereafter, a second site visit was conducted to validate the salient issues with relevant stakeholders. In addition, a validation workshop with Merian managers took place on 4 July 2024.

The table below contains a summary of the Human Rights Heat Map for Merian. It includes the risk rating for each issue; the relationship between Merian and the actual or potential impact (caused, contributed or directly linked); and the corresponding recommendations for actions to take in order to mitigate actual or potential adverse human rights impacts.

The colours in the Human Rights Heat Map are used to prioritize actions in a principled manner (based on the severity and likelihood of adverse impacts on human rights). As severity is the primary consideration, the Human Rights Heat Map has more red squares than a typical heat map. The preponderance of red squares does not imply any fault or wrongdoing on the part of the company. Rather, the red squares are used to remind management to systematically focus on the areas of the most significant actual or potential human rights impact.

As discussed with the Merian managers, the Human Rights Heat Map should be updated periodically (e.g. annually when the Human Rights Action Plan is updated) to ensure that Merian's efforts and resources are focused on the most important risks to people.

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<sup>3</sup> Principle 24 of the UNGPs.

<sup>4</sup> Shift ([shiftproject.org](https://shiftproject.org)) is a leading centre of expertise on the UNGPs



Colour Code for Human Rights Ratings		
Colour	Priority	Comments
Red	High	<ul style="list-style-type: none"> <li>Should be the main focus of the Human Rights Action Plan and will involve the most investment in time, energy and resources.</li> <li>Often salient issues in the red zone are not caused by the company, and therefore a strategic approach is important for building and using leverage with third parties.</li> <li>Salient issues in the red zone should also be tracked in the company's enterprise risk management system.</li> </ul>
Orange	Medium	<ul style="list-style-type: none"> <li>Still should be tracked systematically in the Human Rights Action Plan.</li> <li>Normally the implementation of existing (and new) mitigation measures, including stakeholder engagement and grievance mechanisms, is sufficient to manage the salient issues from a human rights perspective.</li> </ul>
Yellow	Low	<ul style="list-style-type: none"> <li>Lowest priority for the Human Rights Action Plan.</li> <li>Should review these salient issues regularly to see if underlying environmental, social, community or workforce issues could be leading to human rights impacts.</li> </ul>
Green		<ul style="list-style-type: none"> <li>Identifies the rights that are positively impacted as a result of Merian's activities and relationships.</li> </ul>

Merian 2024 Human Rights Heat Map

Severity of potential impacts on people →	- Community members' rights (dam breach)				
		- Contractor workers' rights (safe and healthy working conditions) - Security and human rights (public security forces)			- Indigenous Peoples' Rights (FPIC Pamaka)
		- Contractor workers' rights (Freedom of association)	- Merian Workers' Rights (just and favourable working conditions)	- Access to remedy (contractor workers) - Contractor workers' rights (just and favourable working conditions)	
		- FPIC – Kawina (TSF 2) - Pamaka workers' rights (non-discrimination) - Security and human rights (private security forces)	- Pamaka ASM working on the SSMP (TSF 2) - Access to remedy (Merian workers)		- Indigenous Peoples' Rights (FPIC Kawina)
	- Right to Water		- Access to remedy (community members)	- Community Health and Safety (road safety, dust)	- Pamaka ASM rights (livelihoods - TSF 2)
Likelihood that impacts may occur →					

## Governance and Management for Ongoing HRDD at Merian

As noted above, Newmont's commitment to respect human rights is set out in the Sustainability and Stakeholder Engagement Policy. The Policy is supported by the Human Rights Standard, which requires Newmont sites to take a risk-based approach to the management of human rights in line with the HRDD process in the UNGPs. Merian's human rights management framework is contained in the Human Rights Management Plan (HRMP), which contains the company's commitment to respect the human rights of its workforce, contractors and communities and to manage risks in the supply chain through ongoing HRDD.

The HRMP is implemented with the oversight of the Human Rights Working Group (HRWG), a cross-functional committee that meets quarterly. Tracking of the implementation of actions taken to mitigate human rights impacts is done through the Human Rights Action Plan. Tracking of the effectiveness of these actions, and thus the impacts themselves, is not (yet) operationalised.

A draft Human Rights Action Plan incorporating the recommended mitigation measures for actual or potential human rights impacts has been proposed in Appendix A. Once this has been validated, this Action Plan should be adopted by the HRWG, the recommended mitigation measures should be acted upon, and tracked, on an ongoing basis, to assess the progress thereof. The action plan also includes recommendations for Merian to communicate about its human rights performance over time to comprehensively implement the full cycle of HRDD.


The appointment of a Human Rights Coordinator would further enable the HRWG meetings to become the main vehicle for ongoing human rights due diligence.



## Summary of Salient Human Rights Issues


The table below provides a summary of the assessment of each of the salient human rights issues that were identified. A discussion of each issue is contained in chapter 5 below.

*Summary overview of salient human rights issues*

Salient Human Rights Issues for the Merian Mine		
Human Rights Risks or Impacts	Risk Ratings (Severity and Likelihood) and Relationship (Cause, Contribution or Linkage)	Key Findings of the Human Rights Impact Assessment and Recommendations
 Indigenous Peoples Rights (Pamaka) <ul style="list-style-type: none"> <li>• FPIC<sup>5</sup></li> <li>• Right to traditional lands and territories</li> <li>• Right to benefit from extraction of natural resources</li> </ul> Chapter 5.1.1.	<b>Risk Rating</b> Assessed as having a high likelihood (5) and medium-high severity (4), as Merian did not obtain FPIC from the Pamaka for the construction and operation of Merian.	<b>Key HRDD measures and 2016 HRIA Findings:</b> <ul style="list-style-type: none"> <li>• The lack of FPIC from the Pamaka people was identified as salient in the 2016 HRIA.</li> <li>• In terms of existing HRDD at Merian, a prior study on FPIC by RESOLVE was undertaken in 2017</li> <li>• Merian has entered into the Pamaka Cooperation Agreement, it is implementing the ASM Livelihood Action Plan (LAP) and it is providing support to the Small-Scale Mining Pamaka (SSMP) cooperation.</li> </ul>
		<b>Assessment:</b> <ul style="list-style-type: none"> <li>• Merian is also falling short on its commitments under the Pamaka Cooperation Agreement, which is pertinent since FPIC was never obtained.</li> <li>• The lack of specificity in the Cooperation Agreement leaves Merian vulnerable to unmet expectations.</li> <li>• Pamaka intergroup dynamics that can be linked to the Merian presence are strained.</li> <li>• Limited internal awareness exists about the rights to benefits from natural development on their traditional lands that the Pamaka have by virtue of their status as Indigenous Peoples hosting a mining operation, and the corresponding obligations that Merian has to respect these rights.</li> <li>• The entrepreneurial qualities of ASM (to remediate impacts on livelihoods) are not sufficiently recognized.</li> </ul>


<sup>5</sup> According to the UN Expert Mechanism on Indigenous Peoples Rights, FPIC is a human rights norm that is based on 3 interconnected rights: the right to information; the right to participation; and the right to traditional lands and territories.

## Salient Human Rights Issues for the Merian Mine


Human Rights Risks or Impacts	Risk Ratings (Severity and Likelihood) and Relationship (Cause, Contribution or Linkage)	Key Findings of the Human Rights Impact Assessment and Recommendations
		<p><b>Recommendations:</b></p> <ul style="list-style-type: none"> <li>• Clarify and re-affirm mandates/expectations of the DOP, the CDF Board and Merian, and detail communication procedures.</li> <li>• Provide the Pamaka Traditional Authorities and its delegate bodies access to independent legal advice.</li> <li>• Use the mandatory review process outlined in the Pamaka Cooperation Agreement to agree on details (including verifiable targets) about local procurement and local employment (including upward mobility).</li> <li>• Develop a pro-active local business development strategy.</li> <li>• Develop a comprehensive local procurement strategy.</li> <li>• Increase opportunities for vertical mobility for Pamaka workers.</li> <li>• Develop human rights awareness for the Merian Extended Leadership Team (MELT).</li> </ul>
 Indigenous Peoples Rights (Kawina) <ul style="list-style-type: none"> <li>• FPIC</li> <li>• Right to traditional land and territories</li> <li>• Right to benefit from extraction of natural resources</li> </ul>	<p><b>Risk Rating</b></p> <p>Assessed as having a high likelihood (5) and low-medium severity (2) as Merian did not obtain FPIC from the Kawina for the construction and operation of the Merian processing plant.<sup>6</sup></p>	<p><b>Key HRDD measures</b></p> <ul style="list-style-type: none"> <li>• In terms of existing HRDD at Merian, there is ongoing agreement-making efforts with the Kawina to reach a benefit sharing agreement.</li> </ul> <p><b>Assessment:</b></p> <ul style="list-style-type: none"> <li>• The Kawina community is aware of their rights, including FPIC.</li> <li>• FPIC for TSF-2 may become a critical path issue.</li> <li>• Negotiations with the Kawina are currently position-based rather than rights-based.</li> <li>• Merian could be linked to how compensation for the Moengotapoe community forest is used.</li> </ul>

<sup>6</sup> See section 1.2 of the TSF-2 Human Rights Assessment for a discussion of FPIC in relation to the TSF-2.


## Salient Human Rights Issues for the Merian Mine

Human Rights Risks or Impacts	Risk Ratings (Severity and Likelihood) and Relationship (Cause, Contribution or Linkage)	Key Findings of the Human Rights Impact Assessment and Recommendations
Chapter 5.1.3	<b>Relationship (Cause, Contribution or Linkage)</b> Merian is causing the impact.	<b>Recommendations:</b> <ul style="list-style-type: none"> <li>Redesign the strategy for negotiations with the KOC around underlying Kawina rights and interests.</li> <li>Ensure the agreement is explicit about a) engagement protocols, including mutual roles and responsibilities; b) benefits; and c) preservation of cultural rights.</li> <li>Obtain consent for development of the TSF-2 prior to commencing construction activities.</li> <li>Ensure procedures are in place to ensure that compensation for timber concession #167 to Moengotapoe Village contributes to the development of the wider community rather than specific individuals.</li> </ul>
 Grievance Mechanism for Contractor Workers <ul style="list-style-type: none"> <li>Access to remedy</li> <li>Workers' rights</li> </ul> Chapter 5.5.2	<b>Risk Rating</b> Assessed as having a high medium-high likelihood (4) and medium severity (3) of adverse impacts on contractor workers' right of access to remedy.	<b>Key HRDD Measures:</b> <ul style="list-style-type: none"> <li>In terms of existing HRDD at Merian, contractors have access to the Newmont Integrity Helpline, as well as the community grievance mechanism (local contractors).</li> <li>Annually, Merian provides Supplier Risk Management (SRIM) related training to potential high risk contractors to discuss human rights related matters covered in the Newmont Supplier Code of Conduct, including potential salient issues (wages, working hours, freedom of association), as well as the management systems contractors are expected to have in place to manage these aspects.</li> </ul>
	<b>Relationship (Cause, Contribution or Linkage)</b> Merian could contribute to adverse impacts on the contractor workers' right to access to remedy.	<b>Assessment:</b> <ul style="list-style-type: none"> <li>Few Merian contractors, other than the security contractor (which is unionized), have an effective grievance mechanism to address worker complaints.</li> <li>Contractor workers have little access to remedy, which has likely resulted in systemic underreporting of grievances.</li> <li>Contract workers perceive that the various grievance mechanisms they used have not maintained confidentiality to the degree that was assumed by the workers.</li> <li>Contractors mistakenly still see grievances as something negative rather than a stakeholder relation improvement tool.</li> </ul>

## Salient Human Rights Issues for the Merian Mine

Human Rights Risks or Impacts	Risk Ratings (Severity and Likelihood) and Relationship (Cause, Contribution or Linkage)	Key Findings of the Human Rights Impact Assessment and Recommendations
		<p><b>Recommendations:</b></p> <ul style="list-style-type: none"> <li>Enforce the Supplier Code of Conduct by including a contractual requirement that requires contractors to have their own grievance mechanisms aligned with the UNGPs and seek to address complaints or grievances within 30 days.</li> <li>Provide capacity building for suppliers on effective grievance mechanisms, including providing training and templates.</li> <li>Conduct periodic spot checks (e.g. every quarter) by the human rights lead to ensure that contractor grievance mechanisms are used and are effective. Feedback to contractors could be used as an opportunity to guide contractors how to improve their mechanism.</li> <li>Promote contractor access to the Newmont Integrity Helpline and Community Complaints and Grievance Mechanism. Clearly explain (a) the different mechanisms and access points available and their intended users; (b) emphasizes the safeguards in the mechanisms and the commitment to non-retaliation; and (c) clarify that the objective of the mechanisms is to provide remedy and continuously improve Merian and its contractors' operations rather than to find fault.</li> </ul>
 Contractor Workers' Rights <ul style="list-style-type: none"> <li>Just and favourable working conditions</li> </ul> Chapter 5.2.2.1	<p><b>Risk Rating</b>            Assessed as having a high likelihood (4) and medium severity (3) of adverse impacts on contractor workers' right to just and favourable working conditions.</p> <p><b>Relationship (Cause, Contribution or Linkage)</b></p>	<p><b>Key HRDD Measures:</b></p> <ul style="list-style-type: none"> <li>In terms of existing HRDD at Merian, the Newmont Supplier Code of Conduct is being implemented.</li> <li>The 2016 HRIA found that there is limited visibility of Merian as to how contract employees are being paid, if they receive pay slips or if working conditions meet Newmont Standards.</li> </ul> <p><b>Assessment:</b></p> <ul style="list-style-type: none"> <li>Once a contractor is on-boarded by Procurement and handed over to the end user, contractor monitoring becomes less rigorous.</li> <li>Living conditions at the site have greatly improved due to the construction of new accommodations.</li> <li>A heightened risk exists that the living wages of contract employees are impacted when lump-sum contracts are involved and the Merian contractor owners have no visibility on labor expenses.</li> <li>The lowest wages paid by some ( contractors are probably below a living wage.</li> </ul>

## Salient Human Rights Issues for the Merian Mine



Human Rights Risks or Impacts	Risk Ratings (Severity and Likelihood) and Relationship (Cause, Contribution or Linkage)	Key Findings of the Human Rights Impact Assessment and Recommendations
	Merian could contribute to adverse impacts on the right of contractor workers to just and favourable working conditions.	<ul style="list-style-type: none"> <li>The degree of vulnerability of workers is influenced by several factors including a) type of employer; 2) gender; 3) wage levels; 4) degree of job security and 5) support to claim rights.</li> </ul> <p><b>Recommendations:</b></p> <ul style="list-style-type: none"> <li>Increase the rigor in monitoring just and favorable working conditions for contractor workers.</li> <li>Develop a specific monitoring approach for the most vulnerable contractor employees.</li> <li>Consider establishing a confidante person for contractor employees.</li> <li>Incorporate living wage requirements in Terms and Conditions of contracts.</li> <li>Explain key workers' rights to (sub)contractor employees during the induction.</li> </ul>
 Contractor Workers' Rights <ul style="list-style-type: none"> <li>Right to safe and healthy working conditions</li> </ul> Chapter 5.2.1	<p><b>Risk Rating</b> Assessed as having a low likelihood (2) and medium-high severity (4) of adverse impacts on contractor workers' right to safe and healthy working conditions.</p> <p><b>Relationship (Cause, Contribution or Linkage)</b> Merian could contribute to adverse impacts on contractor workers' right to safe and healthy working conditions.</p>	<p><b>Key HRDD measures:</b></p> <ul style="list-style-type: none"> <li>In terms of existing HRDD at Merian, the following mitigation measures are in place: Human Rights Management Plan, Contractor Safety Plan Procedure, Safety awareness campaigns and Safety committees.</li> </ul> <p><b>Assessment:</b></p> <ul style="list-style-type: none"> <li>There are concerns about the cumulative impact of policies on employee and contractor well-being.</li> <li>Monitoring of the mental health status of workers, notably of contractor employees, needs reinforcement.</li> </ul> <p><b>Recommendations:</b></p> <ul style="list-style-type: none"> <li>Reinforce human rights clauses in Standardized Goods, Services and Purchase agreements by specifically including protection of key labour rights.</li> <li>Maintain/strengthen ongoing safety monitoring efforts, especially related to contractor activities.</li> <li>Reinforce the message (e.g. during inductions) that members of contractor staff have the right to speak up if they encounter unsafe situations.</li> </ul>

## Salient Human Rights Issues for the Merian Mine


Human Rights Risks or Impacts	Risk Ratings (Severity and Likelihood) and Relationship (Cause, Contribution or Linkage)	Key Findings of the Human Rights Impact Assessment and Recommendations
		<ul style="list-style-type: none"> <li>Solicit suggestions from employees and contractor employees (e.g., through the Health and Safety Committee) to maintain a “trusted” work environment.</li> <li>Include wellness and labor related elements into the Contractor (Health and Safety) Management Plan.</li> </ul>
<div data-bbox="153 667 331 727" style="background-color: red; width: 85px; height: 37px; margin-bottom: 10px;"></div> <p>Security and Human Rights (Interactions with Public Security Forces)</p> <ul style="list-style-type: none"> <li>Right to life, liberty and security of the person</li> <li>Right to safe and healthy working conditions</li> </ul> <p>Chapter 5.4.1</p>	<p><b>Risk Rating</b> Assessed as having a low likelihood (2) but high severity (4) of adverse impacts on workers’, contractors’, and community members’ rights to life, liberty and security of the person.</p> <p><b>Relationship (Cause, Contribution or Linkage)</b> Merian could be linked to adverse impacts on workers’, contractors’, and community members’ rights to life, liberty and security of the person.</p>	<p><b>Key HRDD Measures:</b></p> <ul style="list-style-type: none"> <li>In terms of existing HRDD at Merian, the following mitigation measures are in place: ASM engagement approach, Newmont's membership and implementation of the Voluntary Principles on Security and Human Rights (VPSHR), Security Management Plan, Human Rights Management Plan, Memorandum of Understanding (MoU) with Police, VPSHR Training with Police.</li> <li>The 2016 HRIA found potential impacts in relation to public security forces.</li> </ul> <p><b>Assessment:</b></p> <ul style="list-style-type: none"> <li>Human rights risks associated with the involvement of public security forces appear well managed.</li> <li>The potential human rights–related risks associated with the use of public security forces remains present.</li> <li>The MoU with Police and VPSHR training material meet good practice criteria.</li> </ul> <p><b>Recommendations:</b></p> <ul style="list-style-type: none"> <li>Continue to implement the VPSHR with a focus on regular refresher trainings for the Ordering Goudsector (OGS) and the Korps Politie Suriname (KPS).</li> <li>Continue to seek ways conclude the MoU with the military.</li> <li>Maintain ongoing non-confrontational security approach regarding ASM engagement lead by the ASM team and only engaging the OGS when required.</li> <li>Ensure that the ASM program (loans, workforce pool, contract opportunities, alternative land) is maintained to minimize the risk that ASM stop collaborating with Merian and seek a more confrontational approach potentially leading to human rights impacts.</li> </ul>




## Salient Human Rights Issues for the Merian Mine

Human Rights Risks or Impacts	Risk Ratings (Severity and Likelihood) and Relationship (Cause, Contribution or Linkage)	Key Findings of the Human Rights Impact Assessment and Recommendations
 Community Health and Safety (TSF dam breach related) <ul style="list-style-type: none"> <li>Right to life, right to health, right to water, right to a clean, healthy and sustainable environment</li> </ul> Chapter 5.3.2	<b>Risk Rating</b> Assessed as having a very low likelihood (1) but very high severity (5) of adverse impacts on community members' right to life, right to health, right to water, right to a clean, healthy and sustainable environment in case of a dam breach.  <b>Relationship (Cause, Contribution or Linkage)</b> Merian could cause adverse impacts	<b>Key HRDD Measures:</b> <ul style="list-style-type: none"> <li>In terms of existing HRDD at Merian, there is ongoing engagement with the Kawina and ASM camps on emergency preparedness and a Dam Breach Analysis is being prepared for the TSF-2.</li> </ul> <b>Assessment:</b> <ul style="list-style-type: none"> <li>The construction of the TSF-2 has expedited human rights awareness and preparation efforts for both TSF-1 and TSF-2 as well as the work that needs to be done to comply with Global Industry Standard on Tailings Management (GISTM) requirements.</li> <li>A human rights assessment specifically related to the planned TSF-2 construction was conducted as part of the HRDD process.</li> </ul> <b>Recommendations:</b> <ul style="list-style-type: none"> <li>Establish a warning mechanism (sirens, phones) in case of a dam breach, particularly for the Kawina, who may be difficult to contact.</li> <li>Conduct live emergency evacuation drills with the Kawina and affected ASM groups.</li> <li>Additional recommendations are provided in the TSF-2 human rights assessment.</li> </ul>
 Land, Livelihoods and Resettlement for Pamaka ASM currently working in the	<b>Risk Rating</b> Assessed as having a high likelihood (5) but low severity (1) of adverse impacts on the right of Pamaka ASM to an adequate standard of living.	<b>Key HRDD measures</b> <ul style="list-style-type: none"> <li>In terms of existing HRDD at Merian, support is provided to the Small-Scale Mining Pamaka (SSMP) ASM cooperative.</li> <li>The Pamaka ASM Livelihood Action Plan (LAP) is being rolled out.</li> </ul> <b>Assessment:</b> <ul style="list-style-type: none"> <li>Merian does recognize the rights of the ASM currently working in the proposed TSF-2 area.</li> <li>The risk of forced eviction is low but should be considered.</li> </ul>

## Salient Human Rights Issues for the Merian Mine

Human Rights Risks or Impacts	Risk Ratings (Severity and Likelihood) and Relationship (Cause, Contribution or Linkage)	Key Findings of the Human Rights Impact Assessment and Recommendations
<p>proposed TSF-2 location</p> <ul style="list-style-type: none"> <li>Rights to an adequate standard of living</li> </ul> <p>Chapter 5.1.4</p>	<p><b>Relationship (Cause, Contribution or Linkage)</b> Merian could cause impacts on the rights of Pamaka ASM to an adequate standard of living.</p>	<ul style="list-style-type: none"> <li>The presence of gold-bearing ore in the SSMP area overlapping with the proposed TSF-2 needs to be clarified with a sense of urgency to reduce to risk of potential human rights impacts.</li> </ul> <p><b>Recommendations:</b></p> <ul style="list-style-type: none"> <li>Once government approval is obtained for TSF-2, engage with the Pamaka ASM camps, which will need to be relocated, to provide alternative land, or conduct other livelihood restoration activities.</li> <li>Determine if the drafting of a Resettlement Action Plan (RAP) is required.</li> </ul>
<p></p> <p>Merian Workers' Rights</p> <ul style="list-style-type: none"> <li>Just and favourable working conditions</li> </ul> <p>Chapter 5.2.2.2</p>	<p><b>Risk Rating</b> Assessed as having a medium likelihood (3) and medium severity (3) of adverse impacts on the workers' right to just and favourable working conditions.</p> <p><b>Relationship (Cause, Contribution or Linkage)</b> Merian could cause adverse impacts on workers' rights if it has policies or procedures that impact privacy and due process.</p>	<p><b>Key HRDD Measures:</b></p> <ul style="list-style-type: none"> <li>In terms of existing HRDD at Merian, the following mitigation measures are in place: Newmont Code of Conduct, Business Integrity Policy, and workers have access to the Newmont Integrity Helpline.</li> </ul> <p><b>Assessment:</b></p> <ul style="list-style-type: none"> <li>Suspension with pay during an investigation can have profound impacts on the accused.</li> <li>Pending the outcome of a Business Integrity and Compliance (BI&amp;C) investigation, the rights of the complainant need to be balanced with the rights of the accused.</li> </ul> <p><b>Recommendations:</b></p> <ul style="list-style-type: none"> <li>Conduct a rapid assessment (e.g. within 48 hours) to determine if suspension of the employee (or contractor) is required pending the investigation.</li> <li>Assess if suspension without pay as a disciplinary action can be replaced with another (less visible) disciplinary action.</li> </ul>



## Salient Human Rights Issues for the Merian Mine

Human Rights Risks or Impacts	Risk Ratings (Severity and Likelihood) and Relationship (Cause, Contribution or Linkage)	Key Findings of the Human Rights Impact Assessment and Recommendations
 Contractor Workers' Rights to Freedom of Association Chapter 5.2.3	<p><b>Risk Rating</b>            Assessed as having a low likelihood (2) and medium severity (3) of adverse impacts on contractor workers' right freedom of association.</p> <p><b>Relationship (Cause, Contribution or Linkage)</b>            Merian could be directly linked to adverse impacts on contractor workers' right to freedom of association.</p>	<p><b>Assessment:</b></p> <ul style="list-style-type: none"> <li>• Relations between the Union and Merian appear to be cordial and ongoing.</li> <li>• Non-unionized contract workers have varying degrees of access to their management to collectively discuss work-related matters.</li> <li>• During the annual Supplier human rights training, Merian discusses the importance of the freedom of association and the constructive approach unions can play.</li> </ul> <p><b>Recommendations:</b></p> <ul style="list-style-type: none"> <li>• Demonstrate the use of leverage by engaging with contractor employees as well as with contractors to determine options for collective engagement between employees and management.</li> <li>• Request contractor that go through the annual human rights training sessions to sign the Supplier Code of Conduct.</li> <li>• Consider developing a Training of Trainers module for contractors that they can use to train their own employees.</li> <li>• If unionization of contractor employees is not the preferred option, ensure the presence of a credible Worker Committee that is part of formal contractor processes such as grievance resolution mechanisms or disciplinary hearings. As well, such a Committee should have the mandate to ensure management response to issues raised by staff.</li> <li>• Where possible, attend the Worker Committee meeting as an observer.</li> <li>• Establish a mechanism to track continuous improvement of each contractor and design options to apply leverage (or support) on those that are not able to demonstrate progress.</li> </ul>


## Salient Human Rights Issues for the Merian Mine

Human Rights Risks or Impacts	Risk Ratings (Severity and Likelihood) and Relationship (Cause, Contribution or Linkage)	Key Findings of the Human Rights Impact Assessment and Recommendations
<div data-bbox="153 521 331 570" style="background-color: yellow; width: 85px; height: 30px; margin-bottom: 10px;"></div> <p>Community Health and Safety (Road safety and dust – TCR Communities)</p> <ul style="list-style-type: none"> <li>• Right to life</li> <li>• Right to health</li> <li>• Right to an adequate standard of living</li> </ul> <p>Chapter 5.3.1</p>	<p><b>Risk Rating</b> Assessed as having a medium-high likelihood (4) and Low severity (1) of adverse impacts on the TCR community members' right to life, health and an adequate standard of living</p> <p><b>Relationship (Cause, Contribution or Linkage)</b> Merian could contribute to adverse impacts on the TCR Community members</p>	<p><b>Key HRDD Measures:</b></p> <ul style="list-style-type: none"> <li>• In terms of existing HRDD at Merian, the In-Vehicle Security System is being implemented for Merian vehicles and there are speed reduction requirements in areas close to communities.</li> </ul> <p><b>Assessment:</b></p> <ul style="list-style-type: none"> <li>• When speed reduction and monitoring equipment is used, it is effective.</li> <li>• Contractor compliance with Merian transportation policies and safe driving standards remains inconsistent.</li> <li>• Dust suppression efforts in the TCR are inadequate as air quality exceeds WHO standards by 100%</li> </ul> <p><b>Recommendations:</b></p> <ul style="list-style-type: none"> <li>• Ensure that all contractors' vehicles that work on a regular basis for the project have speed-regulating equipment that can be activated.</li> <li>• Consider reviewing the incentive structures of contractors for drivers (paid per hour vs. paid per trip) and integrate this in the Terms and Conditions (T&amp;Cs) of contracts.</li> <li>• Monitor contractors and subcontractors to ensure compliance with Newmont driving standards.</li> <li>• Implement dust suppression efforts that allow dust levels within the TCR to meet WHO standards for air quality.</li> </ul>

## Salient Human Rights Issues for the Merian Mine

Human Rights Risks or Impacts	Risk Ratings (Severity and Likelihood) and Relationship (Cause, Contribution or Linkage)	Key Findings of the Human Rights Impact Assessment and Recommendations
 Land, Livelihoods and Resettlement for Pamaka ASM who work in the SSMP in the future <ul style="list-style-type: none"> <li>Rights to an adequate standard of living</li> </ul> Chapter 5.1.4	<b>Risk Rating</b> Assessed as having a medium likelihood (3) low severity (2) of adverse impacts on the rights of Pamaka ASM, who may work on the Small-Scale Mining Pamaka (SSMP) concession in the future.  <b>Relationship (Cause, Contribution or Linkage)</b> Merian could cause a potential impact to the rights of Pamaka ASM.	<b>Key HRDD Measures:</b> <ul style="list-style-type: none"> <li>In terms of existing HRDD at Merian, support is provided to the SSMP and the Pamaka ASM LAP is being rolled out.</li> <li>The 2016 HRIA recommended that Merian provide minable land for ASM as well as other job-creation activities for the Pamaka.</li> </ul> <b>Assessment:</b> <ul style="list-style-type: none"> <li>The presence of gold-bearing ore in the SSMP area overlapping with the proposed TSF-2 needs to be clarified with a sense of urgency to reduce to risk of potential human rights impacts</li> </ul> <b>Recommendations:</b> <ul style="list-style-type: none"> <li>Agree with the Small-Scale Mining Pamaka (SSMP) cooperation to explore the TSF-2 area that overlaps with the Pamaka Mining Reserve, to determine whether gold-bearing ore exists, prior to the start of construction.</li> </ul>
 Grievance Mechanisms for Workers <ul style="list-style-type: none"> <li>Access to remedy</li> <li>Workers' rights</li> </ul> Chapter 5.5.1	<b>Risk Rating</b> Assessed as having a low-medium likelihood (2) and medium severity (3) of adverse impacts on workers' right of access to remedy.	<b>Key HRDD Measures:</b> <ul style="list-style-type: none"> <li>In terms of existing HRDD at Merian, the following management measures are in place to mitigate impacts: Human Rights Management Plan, Workers' Grievance Mechanism (through the Union), Human Resources business partners, Newmont Integrity Helpline.</li> </ul> <b>Assessment:</b> <ul style="list-style-type: none"> <li>Grievance mechanisms available to employees do not yet meet the effectiveness criteria of the UNGPs.</li> <li>The current mechanisms provide limited data or trend analysis that would inform ongoing HRDD, how to continuously improve operations as well as how to avoid recurrence of human rights impacts.</li> <li>There is significant confusion regarding what mechanism to use for what purpose and how each mechanism works.</li> </ul>

## Salient Human Rights Issues for the Merian Mine



Human Rights Risks or Impacts	Risk Ratings (Severity and Likelihood) and Relationship (Cause, Contribution or Linkage)	Key Findings of the Human Rights Impact Assessment and Recommendations
	<b>Relationship (Cause, Contribution or Linkage)</b> Merian could cause adverse impacts on workers' right of access to remedy.	<b>Recommendations:</b> <ul style="list-style-type: none"> <li>Revise and strengthen the existing formal employee grievance mechanism, which was agreed with the Unions, so that this mechanism is aligned with the UNGP effectiveness criteria.</li> <li>Promote the grievance mechanisms and (a) explain the different mechanisms and access points available and their intended users; (b) emphasizes the safeguards in the mechanisms and the commitment to non-retaliation; and (c) clarify that the objective of the mechanisms is to provide remedy and continuously improve Merian and its contractors' operations rather than to find fault.</li> <li>Ensure full confidentiality of non-escalated cases lodged via the Integrity Helpline. Rather than defer non-escalated cases to the most appropriate department for follow-up, inform complainants about their options to pursue a case.</li> </ul>
 Grievance Mechanisms for Community Members <ul style="list-style-type: none"> <li>Access to remedy</li> <li>Community members' rights</li> </ul> Chapter 5.5.3	<b>Risk Rating</b> Assessed as having a medium likelihood (3) and low severity (1) of adverse impacts on community members' right of access to remedy.  <b>Relationship (Cause, Contribution or Linkage)</b> Merian could cause adverse impacts on community members' right of access to remedy.	<b>Key HRDD Measures:</b> <ul style="list-style-type: none"> <li>In terms of existing HRDD at Merian, community members have access to the Complaints Grievances Management and Resolution Plan.</li> <li>The 2016 HRIA found that there is a general lack of awareness among local communities about the grievance mechanism.</li> </ul> <b>Assessment:</b> <ul style="list-style-type: none"> <li>The community grievance mechanism currently is compliant with the UNGP effectiveness criteria. Community members say they observe that any grievance is taken seriously, they highlight that the process and potential outcomes are a frequent topic of discussion during engagement and note that Merian provides regular feedback to the community on its performance.</li> <li>Some community members note that the word "klacht" (grievance in Dutch) is a loaded and stronger term than appropriate for the issue at hand. Community members say they circumvent the system because they fear their grievance might get Merian staff in trouble.</li> </ul> <b>Recommendations:</b> <ul style="list-style-type: none"> <li>Consider changing the name of the complaints and grievance mechanism.</li> </ul>



## Salient Human Rights Issues for the Merian Mine

Human Rights Risks or Impacts	Risk Ratings (Severity and Likelihood) and Relationship (Cause, Contribution or Linkage)	Key Findings of the Human Rights Impact Assessment and Recommendations
		<ul style="list-style-type: none"> <li>In engagement efforts with the Kawina people, Pamaka small-scale miners and other stakeholders impacted by the TSF-2, emphasize that the grievance mechanism is available to address TSF related grievances.</li> </ul>
<div data-bbox="142 621 325 683" style="background-color: yellow; width: 87px; height: 38px; margin-bottom: 10px;"></div> <p>Merian Workers' Rights</p> <ul style="list-style-type: none"> <li>Non-discrimination against Pamaka workers</li> </ul> <p>Chapter 5.2.4</p>	<p><b>Risk Rating</b> Assessed as having a medium-low likelihood (2) and medium-low severity (2) of adverse impacts on Pamaka workers' right to freedom from discrimination.</p> <p><b>Relationship (Cause, Contribution or Linkage)</b> Merian could cause adverse impacts on workers' right to freedom from discrimination if it follows discriminatory employment or promotion policies and practices.</p>	<p><b>Key HRDD Measures</b></p> <ul style="list-style-type: none"> <li>In terms of existing HRDD at Merian, the following mitigation measures are in place: Inclusion, Diversity and Equity Action Plan, Progress Pathways Policy, and the Operator Pool for Pamaka Workers.</li> <li>The 2016 HRIA found that there is a perception amongst Pamaka workers that they are discriminated against.</li> </ul> <p><b>Assessment:</b></p> <ul style="list-style-type: none"> <li>Perceptions of discrimination are widespread among Pamaka employees, which Merian acknowledges.</li> <li>Involvement of the DOP in the verification of Pamaka applicants is working</li> <li>Various investigations concluded that the factual nature of the allegations could not be substantiated and that discrimination is potentially more of a perception issue than an actual impact.</li> <li>The Operator Pool concept is well received by Pamaka workers</li> </ul> <p><b>Recommendations:</b></p> <ul style="list-style-type: none"> <li>Ensure that requirements and selection criteria for entry into the Operator Pool and other job promotions are transparent and available to all workers.</li> <li>Work toward replicating the Operator Pool for Pamaka workers in other departments.</li> <li>Continue to explain that temporary jobs, by their very nature, will end and that retrenchment does not constitute discrimination.</li> <li>Work toward implementing Individual Development Plans for all Pamaka, with a view to rolling this out for all hourly workers</li> </ul>

## Salient Human Rights Issues for the Merian Mine

Human Rights Risks or Impacts	Risk Ratings (Severity and Likelihood) and Relationship (Cause, Contribution or Linkage)	Key Findings of the Human Rights Impact Assessment and Recommendations
 Security and Human Rights (Interactions with Private Security Guards) <ul style="list-style-type: none"> <li>Right to life, liberty and security of the person</li> <li>Right to safe and healthy working conditions</li> </ul> Chapter 5.4.2	<b>Risk Rating</b> Assessed as having a low-medium likelihood (2) and low-medium severity (2) of adverse impacts on workers' and contractor workers' rights to life, liberty and security of the person.  <b>Relationship (Cause, Contribution or Linkage)</b> Merian could contribute to adverse impacts on workers' and contractor workers' rights to life, liberty and security of person.	<b>Key HRDD Measures:</b> <ul style="list-style-type: none"> <li>In terms of existing HRDD at Merian, the following management plans are in place to mitigate actual or potential impacts: Security Management Plan, Human Rights Management Plan, VPSHR provisions in contracts, VPSHR Training.</li> </ul> <b>Assessment:</b> <ul style="list-style-type: none"> <li>Private security guards are unarmed and operate in a purely defensive role, so there are less risks of human rights impacts.</li> </ul> <b>Recommendations:</b> <ul style="list-style-type: none"> <li>Continue with existing measures in place to manage and monitor the security provider and continue to provide VPSHR training.</li> </ul>
 Indigenous Peoples Rights <ul style="list-style-type: none"> <li>Right to water</li> </ul>	<b>Risk Rating</b> Assessed as having a positive human impact on the right to water by providing humanitarian assistance in times of crisis rights impact.	<b>Key HRDD Measures:</b> An Environmental and Social Monitoring Management Plan is in place, discharge of water in line with GISTM requirements, and there is the provision of water to Pamaka communities during periods of drought or, alternatively, flooding.  <b>Assessment:</b> <ul style="list-style-type: none"> <li>Water-related impacts are managed well from a human rights perspective.</li> </ul>

## Salient Human Rights Issues for the Merian Mine

Human Rights Risks or Impacts	Risk Ratings (Severity and Likelihood) and Relationship (Cause, Contribution or Linkage)	Key Findings of the Human Rights Impact Assessment and Recommendations
<ul style="list-style-type: none"> <li>• Right to clean, healthy and sustainable environment</li> <li>• Right to an adequate standard of living</li> </ul> <p>See Chapter 5.1.2</p>		<p><b>Recommendations:</b></p> <ul style="list-style-type: none"> <li>• Continue to implement the Environmental Monitoring Management Plan.</li> </ul>



# **1. Overview of Newmont's Merian Operation**



Merian gold mine is located in northeastern Suriname, close to the border with French Guyana. The mine is operated by Newmont Suriname, LLC, a wholly owned subsidiary of Newmont Corporation, on behalf of the Suriname Gold Project CV, which is 75% owned by Newmont Suriname and 25% owned by the Government of Suriname (GoS) through the Staatsolie Maatschappij Suriname N.V. (Suriname's state-owned oil company).

Newmont Suriname (previously Surgold, LLC) obtained the Right of Exploration for Merian in 2004. After ten years of exploration, Suriname's National Assembly approved the Mineral Agreement for Merian, and Newmont commenced construction of the mine in 2014, achieving commercial production in 2016.

Merian has a 500,000-hectare area of interest. The mining complex includes three open pits, a processing plant, waste rock disposal areas, a tailings storage facility (TSF) and related infrastructure. It is projected that the capacity of the existing TSF will be reached in 2027, and Merian has plans to construct the TSF-2 to accommodate future tailings. Once construction of the TSF-2 is complete, the existing TSF will be closed.



## 2. Methodology



## 2.1. HRDD Approach

This HRDD Assessment contributes to Newmont’s broader policy commitments to respect human rights. The key requirement for Merian is to implement an ongoing HRDD process in line with the UNGPs. For this reason, the present assessment was framed as a “HRDD Assessment” or “HRDD process” in order to build awareness and capacity for HRDD. At the same time, the assessment included an update of the HRIA conducted at Merian in 2016 and followed the key methodological steps for an HRIA.

From our experience, this is consistent with a general trend in the field of business and human rights, where company processes to respect human rights are increasingly framed as HRDD rather than as HRIAs.

### Why a Broader HRDD Framing?

- According to the UN Guiding Principles on Business and Human Rights (UNGPs), HRDD is the core of corporate responsibility to respect human rights. It includes the assessment of impacts, integration and actions, tracking, and communication. Therefore, HRDD provides a more comprehensive framing than an HRIA and a stronger foundation for demonstrating alignment with the full scope of the UNGPs.
- HRDD is about developing an ongoing process for respecting human rights over the lifetime of a project, whereas HRIAs provide a snapshot of a moment in time. HRIAs are useful tools to conduct a deep dive on a company or project’s salient human rights issues but may have a limited shelf-life. Moreover, HRIAs sometimes fail to build the internal capacity and management systems of a company or project. The ongoing aspect of HRDD<sup>7</sup> is important to ensure that new risks and salient issues are incorporated as the project moves through different phases of development, operations and closure.
- HRDD is the focus of current legal and policy developments in the field of human rights and ESG. Currently, actions to protect human rights are becoming more mandatory in nature as governments, standard-setting organizations, investors and lenders reinforce their human rights and ESG requirements for business enterprises. These requirements are mainly focused on businesses having robust processes for ongoing HRDD, rather than mandating a specific form of HRIA. Therefore, in terms of “future-proofing” a business from a legal and policy perspective, a HRDD framework may be preferable to a HRIA.

<sup>7</sup> One reason HRIAs may fail to translate effectively into ongoing HRDD is that HRIAs put a premium on the independence of the assessment team. This is reinforced by HRIA methodologies and expectations of external stakeholders. From our experience, there is more flexibility for the assessment team to have a collaborative and capacity-building approach with the company when using a HRDD framing.

## 2.2. HRIA methodology and key activities

This section outlines the methodology and key activities of the HRDD process in accordance with the key phases for a HRIA.<sup>8</sup>

Figure 1 sets out these key phases for a HRIA, according to the Danish Institute for Human Rights' HRIA Guidance and Toolbox.

*Figure 1 – Key HRIA phases*

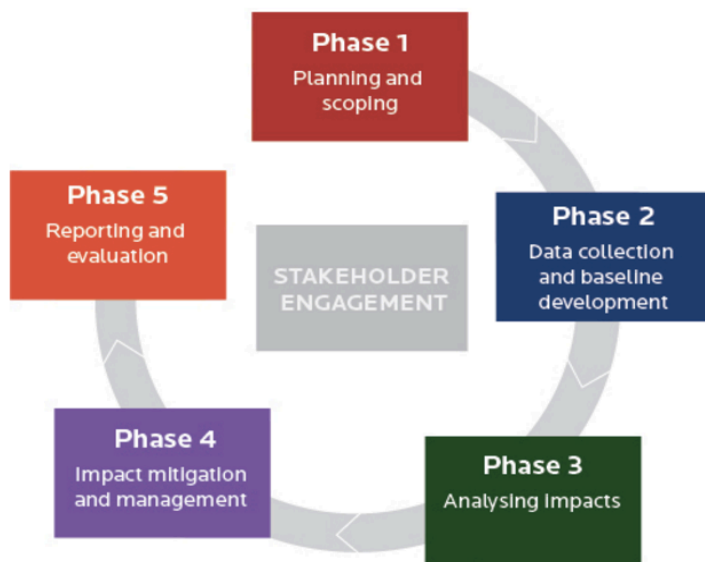


Table 1 below provides an overview of how the Merian HRDD process implemented these different HRIA phases.

*Table 1 – HRDD process implemented at Merian*

HRIA Phases	Key Activities
Planning and scoping	<ul style="list-style-type: none"> <li>The assessment team conducted 16 online workshops with Merian managers to present the HRDD process and get their initial input on key risks and proposed stakeholder engagement activities.</li> <li>Initial document requests were provided to Merian to support desktop research about the country and operational context.</li> <li>The first field mission to Merian was planned, including internal workshops with key departments and engagement with external stakeholders.</li> </ul>

<sup>8</sup> The main tool used to support the methodological aspects of the HRDD process was the Danish Institute for Human Rights' (DIHR) HRIA Guidance and Toolbox, along with the companion Platform for Human Rights Indicators for Business.

HRIA Phases	Key Activities
Data collection and baseline development	<ul style="list-style-type: none"> <li>The assessment team conducted desktop research about the country context in Suriname through a review of a variety of publicly available sources, including reports from the UN and other credible human rights agencies. The results of this country research are summarized below in Chapter 3 on the country context.</li> <li>Internal company documents were reviewed to understand Merian's corporate policies and procedures, management plans and activities, as well as the findings and recommendations made in the 2016 HRIA. These documents are referenced, where relevant, in the assessment of Merian's salient human rights issues.</li> <li>The assessment team conducted two site visits that included internal meetings and workshops and a significant amount of engagement with external stakeholders in April and July 2024, respectively. These two site visits provided opportunities for internal capacity-building with Merian managers; provided additional information and insights into Merian's priorities, activities and human rights risks and impacts; and provided the perspectives and concerns of affected stakeholders. Further information about stakeholder engagement for the HRDD process is summarized in Chapter 2.3 below.</li> </ul>
Analyzing impacts	<ul style="list-style-type: none"> <li>Potential and actual impacts were analyzed based on the criteria for "salience" in the UN Guiding Principles on Business and Human Rights (i.e. the potential severity and likelihood of adverse impacts on affected stakeholders). This included a systematic analysis of potential vulnerable groups and the related human rights standards for the protection of those groups. A graphic representation of the human rights assessment is provided in the Human Rights Heat Map in Chapter 4.3.</li> <li>Furthermore, human rights impacts have been analyzed in accordance with the distinctions between <i>cause</i>, <i>contribution</i>, and <i>direct linkage</i> to determine Merian's responsibility for addressing those impacts (either directly and/or by using its leverage with third parties). This is discussed in relation to each of the salient issues prioritized.</li> <li>The preliminary assessment findings and prioritization of Merian's salient issues were validated through internal workshops and engagement with external stakeholders during the assessment team's second site visit.</li> </ul>
Impact mitigation and management	<ul style="list-style-type: none"> <li>For each of the salient human rights issues identified and prioritized through the impact analysis, an impact mitigation and management strategy has been developed that incorporates the different components for ongoing HRDD, according to the UNGPs. The impact mitigation and management strategies are described below and, once agreed with the Merian team, will be summarized in the Human Rights Action Plan framework in Appendix A.</li> <li>As much as possible, the impact mitigation and management strategies are designed to be based on Merian's procedures and management</li> </ul>

HRIA Phases	Key Activities
	<p>plans to encourage an integrated and practical approach for site-level implementation and monitoring.</p> <ul style="list-style-type: none"> <li>Impact mitigations and procedures for managing all salient human rights issues are accompanied by a cross-cutting focus on grievance mechanisms, to ensure that affected stakeholders can have their complaints and concerns raised and resolved effectively.</li> </ul>
Reporting and evaluation	<ul style="list-style-type: none"> <li>The HRDD report has been prepared as an internal report for Merian management. To support transparency and the communications component of HRDD, a separate summary report for the HRDD processes will be prepared for communication with external stakeholders.</li> </ul>

## 2.3. Stakeholder Engagement

According to the UNGPs, stakeholder engagement is one of the foundations of credible and impactful HRIAs and ongoing processes of HRDD. With the support of the Merian team, the assessment team conducted significant stakeholder engagement during two site visits to Merian in April and July 2024.

The stakeholder engagement focused on workers and community members as “affected stakeholders”, with special attention given to women and Pamaka workers, contractor employees, and community members who may be particularly vulnerable to human rights impacts. In addition, there was significant engagement with Merian managers, contractor managers, community leaders, Artisanal and Small-scale Miners (ASM) and traditional leaders to get a balanced perspective on issues and to understand how different issues are currently being managed or addressed.

A variety of stakeholder engagement methods were utilized during the site visits. Some engagements with affected and external stakeholders were conducted as focus group discussions to ascertain common perspectives of workers and community members, while others were conducted as individual interviews to understand the mandates and activities of specific authorities. Engagements with affected and external stakeholders were conducted under promises of confidentiality and anonymity to solicit frank and open feedback as much as possible. For engagements conducted in Sranan Tongu, local experts helped with translation into Dutch and English to support effective communication with local stakeholders.

Table 2 provides a summary of the stakeholders engaged during the two site visits conducted at Merian.

*Table 2 – Stakeholder engagement during the HRDD*

<b>Stakeholder Groups</b>	<b># of Stakeholders</b>
Merian managers and key department representatives	34
Merian employees (Pamaka male)	9
Merian employees (Pamaka female)	11
Contractor and subcontractor workers	32
Unity BRG (Pamaka worker representatives)	15
Union Board Members	6
Artisanal and Small-scale Miners (ASM)	8
Traditional Authorities	5
Community Members (Pamaka)	4
Community Members (Kawina)	17
Community Members (TCR)	13
Public Security Providers	7
Human Rights NGOs	1
Kawina Onderhandelings Commissie (KOC) Members	3
Duurzame Ontwikkeling Pamaka (DOP) Members	4
Pamaka Community Development Fund (CDF) Members	6
<b>Total</b>	<b>175</b>

### 3. Human Rights Standards



The following chapter outlines the standards that have been applied during the HRDD process. This helps in understanding how HRDD processes are different from other due diligence processes that are based on other social or legal standards. One of the hallmarks of HRIAs and HRDD is that they are explicitly based on international human rights standards.

### 3.1. Newmont's Human Rights Policy Framework

The Sustainability and Stakeholder Engagement Policy contains Newmont's commitment to respect the dignity, wellbeing and human rights of employees and the communities in which it operates, as well as others affected by its activities, through the implementation of the UNGPs.

The Human Rights Standard supports the Sustainability and Stakeholder Engagement Policy and provides that:

- Sites shall take a risk-based approach to the management of human rights, acting in accordance with country regulation, internationally recognized human rights frameworks (including the due-diligence process in the UNGPs) and corporate policies and associated standards.
- Risk assessments shall identify and evaluate actual and potential human rights impacts from: (i) the site's own activities; and (ii) the site's business relationships (including relationships with suppliers, security forces and governments). Special attention shall be paid to identify and address the needs of vulnerable and/or marginalized community members who may be disproportionately affected by the sites' activities.

#### *Newmont Policies that Support Ongoing HRDD*

While the Newmont Sustainability and Stakeholder Engagement Policy and the Human Rights Standard outlines the company's high-level commitments to human rights, there are other Newmont Enterprise policies and standards that provide operational guidance for managing and mitigating the majority of Merian's salient human rights issues.

Table 4 provides a brief overview of the key Newmont Enterprise policies and standards that will support the "integration and acting" component of the ongoing HRDD process at Merian. Further information about these policies and standards is included in the discussion of the salient human rights issues below.

*Table 3 – Newmont Enterprise Policies and Standards addressing salient issues*

<b>Newmont's Salient Issues</b>	<b>Newmont Policies and Standards that Support Ongoing HRDD</b>
General	Sustainability and Stakeholder Engagement Policy Human Rights Standard Code of Conduct
Indigenous Peoples Rights	Indigenous Peoples Standard Cultural Heritage Standard
Contractor Workers' Rights	Supplier Code of Conduct
Workers' Rights	People Policy Health, Safety and Security Policy Global Inclusion and Diversity Standard Standard of Conduct and Non-Discriminatory Treatment in Employment Labor Relations Standard
Community Health and Safety	Sustainability and Stakeholder Engagement Policy Health Safety and Security Policy
Environment and Human Rights	Sustainability and Stakeholder Engagement Policy Water Management Standard Tailings Storage Facility Technical and Operations Standard
Security and Human Rights	Health, Safety and Security Policy
Grievance Mechanisms	Stakeholder Relationship Management Standard Human Rights Standard

### 3.2. Merian's HRDD Framework

At the site level, Merian has a Human Rights Management Plan (HRMP) which contains the company's commitments to respect the human rights of its workforce, contractors and communities and to manage risks in the supply chain. The stated objectives of the HRMP are to conduct due diligence to avoid infringing on human rights, including labour rights and land rights; to take measures to address any human rights risks or impacts in which Merian is involved, which are identified in the Human Rights Impact Assessments; and to develop metrics and/or other measures to track management of human rights impacts.

The Human Rights Action Plan operationalizes the HRMP and assigns responsibilities and resources for specific actions and mitigation measures related to identified impacts. The Human Rights Action Plan is updated on a periodic basis, whereas the HRMP is a more static framework document. The current HRDD process will provide recommendations that will be incorporated into a revised Human Rights Action Plan.

The Human Rights Action Plan is implemented with the oversight of the human rights working group (HRWG), a cross-functional committee that meets quarterly

### 3.3. UN Guiding Principles on Business and Human Rights (UNGPs)

The key reference for any HRDD process is the UNGPs, which define the responsibilities of all companies to respect human rights and explain the various components of HRDD (see text box and graphic below). The UNGPs also define the scope of the international human rights instruments and issues that should be considered in the HRDD process.

Importantly, the UNGPs are the foundation for Newmont's Human Rights Standard, as well as Merian's Human Rights Management Plan. Therefore, as part of the internal capacity-building efforts during the HRDD, the assessment team provided online workshops with key departments to explain the core concepts of the UNGPs and how they relate to Newmont's commitments to human rights. This supports the "embedding" component of the UNGPs, whereby companies are responsible to embed their human rights policy commitments through training and incentives.

The following figure shows Merian's ongoing HRDD process with the different components of the UNGPs.

Figure 2: Graphic Representation of Ongoing HRDD<sup>9</sup>



Some of the key messages from the UNGPs that were discussed with the Merian colleagues are summarized in the textbox below.

<sup>9</sup> The graphic is from the TotalEnergies [Human Rights Guide](#) and is used with permission.

*Key Messages from the UNGPs*

**Key Messages from the UN Guiding Principles on Business and Human Rights**

- The UNGPs are based on the “Protect, Respect and Remedy Framework” that defines the responsibilities of governments and companies in terms of addressing human rights risks and impacts related to business activities, and providing remedy for adverse impacts through a variety of judicial and non-judicial mechanisms.
- All companies should have a human rights policy that is endorsed by senior leadership and is embedded throughout its business operations, through training and other incentives.
- Human Rights Due Diligence is at the core of every company’s responsibility to respect human rights. A graphic highlighting the key elements of HRDD is provided above.
- Access to remedy and grievance mechanisms is a fundamental component of the human rights framework and is highlighted in the Newmont Human Rights Standard (Enterprise) and Merian’s Human Rights Management Plan. For companies, this is focused on having effective grievance mechanisms (as defined by the UNGP’s “effectiveness criteria”) and collaborating with state-based or industry remedy mechanisms in appropriate circumstances.
- Stakeholder engagement is an important support for ongoing HRDD, as it allows companies to understand and prioritize risks, impacts and corresponding actions, based on the perceptions and feedback of affected stakeholders. It also reinforces the tracking and communications aspects of ongoing HRDD and helps to build stronger relationships between companies, workers and communities.
- While the scope of human rights is very broad, companies can prioritize their actions based on an understanding of their “salient human rights issues.” In other words, it is acceptable to concentrate time and resources on the areas where a company has the greatest risk of having severe adverse impacts on its affected stakeholders.
- A company’s responsibility for addressing human rights is different depending whether it causes, contributes to, or is directly linked to adverse impacts. Where companies are connected (contribution or direct linkage) to adverse impacts caused by third parties, they must use their leverage or influence so that the third party addresses the adverse impacts.

### 3.4. Other International Standards

As noted above, the foundation of the HRDD process is the UNGPs, which define the scope of international human rights standards that must be considered in all companies' HRDD processes. These include the International Bill of Human Rights (which comprises the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights) and the International Labor Organization (ILO) Declaration on Fundamental Principles and Rights at Work.

At a regional level, the Inter-American Human Rights System is made up of the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights. These organizations monitor compliance by Member States of the Organization of the American States (OAS) with the obligations they have undertaken in inter-American treaties, including the American Convention on Human Rights (Pact of San Jose, Costa Rica) and the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Pact of San Salvador). Suriname is a member of the OAS and has ratified the American Convention. Therefore, the HRDD process also references the American Convention as providing relevant regional standards.

Commentary 12 to the UNGPs provides that where business enterprises have adverse impacts on vulnerable groups, they may be required to consider additional standards to respect the human rights of the impacted vulnerable groups.<sup>10</sup>

For example, the HRDD process has prioritized the rights of Indigenous Peoples as a salient human rights issue. Therefore, the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), together with the guidance contained in the International Finance Corporation (IFC) Performance Standard 7: Indigenous Peoples, are key frameworks and references for Merian's ongoing HRDD. Another example is the Voluntary Principles for Security and Human Rights (VPSHR), which is the key framework for managing the human rights aspects of Merian's interactions with public and private security providers.

Newmont is a member of the International Council on Mining and Minerals (ICMM) and the relevant ICMM Principles are referenced for each salient issue. At a high level, ICMM principle 3 on Human Rights provides that members are expected to support the UNGPs by developing a policy commitment to respect human rights, undertaking human rights due diligence and

<sup>10</sup> Commentary 12 to the UNGPs that "business enterprises may need to consider additional standards. For instance, enterprises should respect the human rights of individuals belonging to specific groups or populations that require particular attention, where they may have adverse human rights impacts on them. In this connection, United Nations instruments have elaborated further on the rights of indigenous peoples; women; national or ethnic, religious and linguistic minorities; children; persons with disabilities; and migrant workers and their families. Moreover, in situations of armed conflict enterprises should respect the standards of international humanitarian law."

providing for or cooperating in processes to enable the remediation of adverse human rights impacts that members have caused or contributed to. Furthermore, the ICMM provides guidance for its members on implementing HRDD and developing operational grievance mechanisms that are aligned with the UNGPs effectiveness criteria.

At a global level, it is important to understand a broad trend towards “mandatory HRDD.” Multiple legal and policy initiatives are transforming HRDD into a stricter legal requirement rather than a primarily voluntary initiative. This is sometimes described as the transformation of the UNGPs into a “hard law” requirement rather than a “soft law” requirement.

Earlier in 2024, the United States Government issued the National Action Plan on Responsible Business Conduct (NAP), which commits to strengthening responsible business conduct. In terms of the NAP, businesses are expected to conduct HRDD throughout their value chains, in line with internationally recognized standards set out in the UNGPs and the OECD Guidelines, as well as in the International Labor Organization’s (ILO’s) Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy (“MNE Declaration”). The Uyghur Forced Labor Prevention Act, which places restrictions on businesses from importing goods from Xinjiang, unless there is clear evidence that the goods were not produced with forced labour, is an example of US legislation incentivizing businesses to conduct due diligence.<sup>11</sup>

In other jurisdictions, Canada has recently adopted the Fighting Against Forced Labour and Child Labour in Supply Chains Act, which introduced mandatory due diligence in company supply chains. The Council of the European Union has also recently approved the Corporate Sustainability Due Diligence Directive, which also makes it mandatory for multinational companies from EU countries to conduct due diligence to prevent and address negative impacts on workers, local communities and the environment in their supply chains.

### 3.5. Surinamese Laws

Finally, the laws and policies of Suriname have been considered and incorporated into the HRDD process as relevant. Although the HRDD process is focused on international human rights standards, it is important to understand where Surinamese laws support the implementation of human rights and where there are gaps. Reference to Surinamese laws that are relevant to human rights may be more constructive and productive in engagements with local contractors and/or government officials, as international standards may be contested.

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<sup>11</sup> The National Action Plan on Responsible Business Conduct is available at <https://www.state.gov/responsible-business-conduct-national-action-plan/>.

A former Dutch colony, Suriname gained independence in 1975. It is a constitutional democracy with the president elected by the unicameral National Assembly. The 2020 election was considered by international observers to be free and fair.<sup>12</sup> Suriname has an ethnically diverse population of approximately 623,000, made up of Creole, Hindustani, Maroon, Indonesian and Amerindian people. The Maroon are a minority tribal group comprising 21.7% of the population,<sup>13</sup> and 3.8% of the population is made up of other Indigenous Peoples.<sup>14</sup>

Suriname has ratified the key international treaties relating to human rights, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child. Suriname has also ratified key ILO Conventions, including the Abolition of Forced Labour Convention, the Freedom of Association Convention, the Right to Organise and Collective Bargaining Convention, the Discrimination (Employment and Occupation) Convention, the Minimum Age Convention and the Worst Forms of Child Labour Convention.

Most of the human rights enshrined in the Conventions to which Suriname is a party are integrated into the Constitution, which protects individual rights and freedoms, social, cultural and economic rights and labor rights.<sup>15</sup>

Suriname does not have a National Human Rights Institution (NHRI). The Human Rights Office of the Ministry of Justice and Police is responsible for advising the government on regional and international proceedings against the state concerning human rights. It has limited independence, as it falls under the exclusive control of the executive.<sup>16</sup> However, the Government of Suriname has taken steps to establish a NHRI in accordance with the Paris Principles.<sup>17</sup>

While the legal framework for human rights in Suriname is fairly complete, UN agencies and NGOs raise concerns about the lack of institutional capacity and financial resources to implement many of the government's human rights commitments and policies.<sup>18</sup>

<sup>12</sup> US Department of State 2022 Country Report on Human Rights Practices: Suriname, p. 1, available at:

<https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/suriname/>

<sup>13</sup> <https://www.britannica.com/place/Suriname/People>

<sup>14</sup> International Working Group for Indigenous Affairs, Suriname, available at

<https://www.iwgia.org/en/suriname.html>

<sup>15</sup> Universal Periodic Review Suriname, 2021, p. 6, available at <https://www.ohchr.org/en/hr-bodies/upr/sr-index>, the Constitution of the Republic of Suriname (Bulleting of Acts and Decrees 1987 No. 166).

<sup>16</sup> US Department of State 2022 Country Report on Human Rights Practices: Suriname, p. 10, available at: <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/suriname/>.

<sup>17</sup> Universal Periodic Review Suriname, 2021, p. 7, available at <https://www.ohchr.org/en/hr-bodies/upr/sr-index>.

<sup>18</sup> Sabajo Project, Draft Environmental and Social Impact Assessment, (2018) Volume A, p. 16.





## **4. Human Rights Risk and Impact Assessment**

This chapter of the report provides the substantive part of the HRDD process in terms of identifying, prioritizing and addressing the risks and impacts related to Merian.

In addition to the observations of the assessment team, we have considered two important inputs into the assessment of salient issues. First, we have reviewed Newmont's global salient human rights issues to ensure alignment at the site level. Second, we have reviewed the 2016 HRIA to consider which issues remain salient.

#### 4.1. Newmont's Salient human Rights Issues

Newmont's 2023 saliency assessment identified the salient human rights issues for its global activities. Table 3 below sets out the salient human rights issues and the key stakeholders at risk.

*Table 4 – 2023 Newmont global saliency assessment*

Salient human rights issue	Key stakeholders at risk
Labor rights	<ul style="list-style-type: none"> <li>• Employees and contractors</li> <li>• Workers in supply chain / broader value chain</li> <li>• Those more vulnerable to harm may include migrant workers, women, young workers, workers with a disability, workers in minority groups (e.g., LGBTQI+, racial / ethnic / language minorities)</li> </ul>
Workplace health and safety	<ul style="list-style-type: none"> <li>• Employees and contractors</li> <li>• Supply chain workers</li> <li>• Downstream workers</li> <li>• Those more vulnerable to harm may include women, young workers and workers with a disability</li> </ul>
Environmental impacts	<ul style="list-style-type: none"> <li>• Communities along the value chain</li> <li>• Those more vulnerable to harm may include Indigenous people, people on low incomes, marginalized communities</li> </ul>
Security	<ul style="list-style-type: none"> <li>• Employees and contractors</li> <li>• Communities impacted by Newmont's operations/activities</li> <li>• Those more vulnerable to harm may include women, Indigenous people, children, and minority/marginalized groups</li> </ul>
Indigenous Peoples rights	<ul style="list-style-type: none"> <li>• Indigenous people (at risk across value chain)</li> </ul>

Salient human rights issue	Key stakeholders at risk
Land access and use	<ul style="list-style-type: none"> <li>Communities impacted by Newmont's operations/activities</li> <li>Communities along the broader value chain</li> <li>Those more vulnerable to harm may include Indigenous people, women, people on low incomes, minority/marginalized groups</li> </ul>
Community impacts	<ul style="list-style-type: none"> <li>Communities impacted by Newmont's operations/activities</li> <li>Communities along the broader value chain</li> <li>Those more vulnerable to harm may include Indigenous people, women, people on low incomes, minority/marginalized groups</li> </ul>

## 4.2. Human Rights Impact Assessment 2016

One of the inputs considered in identifying and prioritizing Merian's salient human rights issues was a prior HRIA conducted for Merian in 2016. As a "final" version of the 2016 HRIA was never publicized, it is not clear what observations and recommendations were agreed on. Against this background, key findings of the draft report are provided in text boxes throughout the report.

The table below contains a summary of the findings in relation to actual or potential human rights impacts and the corresponding key recommendations that were made in the 2016 HRIA. The table also sets out whether an issue is still relevant in 2024, the actions that have been taken in relation to the recommendations; or whether the recommendation is no longer relevant due to the passage of time<sup>19</sup>.

*Table 5 – 2016 HRIA Findings*

Key Findings	Key Recommendations	Triple R Alliance Comments
<b>Issues relating to the rights of Indigenous Peoples in the 2016 HRIA</b>		
• Pamaka consent for Merian was never provided.	• Implement the terms of the June 2016 Co-operation agreement with the Pamaka.	This issue is still relevant - Implementation of the Pamaka Cooperation Agreement is ongoing.
• ASM removed from the Merian concession in 2010 were never identified or mapped.	• Provide minable land for ASM as well as other job-creation activities for the Pamaka.	This issue is still relevant - Exploration is being carried out on the land identified for the

<sup>19</sup> The 2016 HRIA adopted a different approach to the one adopted in the HRIA update, in that it assessed impacts on individual human rights. The HRIA update assesses the actual or potential human rights impacts associated with the salient human rights issues that have been identified. Despite the differences in approach, there is broad alignment between the 2016 HRIA and the HRIA update in relation to the overall actual or potential human rights impacts at Merian.

Key Findings	Key Recommendations	Triple R Alliance Comments
		Small-Scale Mining Pamaka (SSMP) cooperation.
<ul style="list-style-type: none"> <li>• The Pamaka Traditional Authorities feel isolated from information.</li> </ul>	<ul style="list-style-type: none"> <li>• Provide support to for inter-Pamaka dialogue.</li> </ul>	This issue is still relevant - Support is provided on an ongoing basis.
	<ul style="list-style-type: none"> <li>• Develop and implement engagement programs to retain Pamaka support.</li> </ul>	There is ongoing engagement with Pamaka communities.
	<ul style="list-style-type: none"> <li>• Solidify contractual agreements with the Pamaka (in addition to written agreements).</li> </ul>	This recommendation is no longer relevant.
<ul style="list-style-type: none"> <li>• The legitimacy of the Pamaka Negotiation Committee is compromised.</li> </ul>	<ul style="list-style-type: none"> <li>• Address perceived conflict of interest of POC members.</li> </ul>	This issue is no longer relevant as the POC was abandoned and the DOP was established with (some) different members.
<ul style="list-style-type: none"> <li>• No Livelihood Restoration Plan (LRP) has been provided by Newmont.</li> </ul>	<ul style="list-style-type: none"> <li>• Implement a Livelihood Restoration Plan (LRP).</li> </ul>	This issue is still relevant - The ASM Livelihood Action Plan is being implemented but obviously with a much smaller scope than what a LRP under IFC PS5 would have looked like.
<ul style="list-style-type: none"> <li>• Low educational levels put Pamaka people at a disadvantage for employment opportunities.</li> </ul>	<ul style="list-style-type: none"> <li>• Expand Pamaka training programs for non-employees and junior employees as well as contractor employees.</li> </ul>	This issue is still relevant - Training is provided to Pamaka and employees and non-employees who may provide contracting services to Merian.
<ul style="list-style-type: none"> <li>• Surgold has made public commitments to train local residents in literacy, numeracy and job skills.</li> <li>• Surgold has faced delays in meeting its education and skills training commitments (dated to the August 2013 Letter of Intent, with the commitment to provide Pamaka people “preferential treatment during the process of recruitment, training and hiring”). Delays have contributed to distrust of</li> </ul>	<ul style="list-style-type: none"> <li>• Build on existing work experience initiatives to transition Pamaka employees with heavy equipment training to operations-relevant training.</li> <li>• Develop training across departments (i.e. allow mobility from kitchen jobs to operator jobs) to potentially facilitate advancement within the company.</li> <li>• Investigate barriers to career path advancement for women</li> </ul>	These recommendations are still relevant - This is being addressed on an ongoing basis through the Pamaka Operator Pool for Pamaka workers.

Key Findings	Key Recommendations	Triple R Alliance Comments
the company and pose risks to social license to operate.	and Pamaka people (e.g. maternity leave policies, working hours, perceived disrespect, etc.).	
<ul style="list-style-type: none"> <li>Some Pamaka employees perceive they have been subjected to dismissive and unequal treatment.</li> </ul>	<ul style="list-style-type: none"> <li>Implement Newmont's standards and systems for managing workplace respectfulness, tailored to the Surgold context.</li> </ul>	This recommendation is still relevant - Despite concerted efforts, perceptions of discrimination against Pamaka workers have not been validated.
<b>Issues relating to the rights of workers and contractor workers in the 2016 HRIA</b>		
<ul style="list-style-type: none"> <li>New mothers who are (contractor) employees have work schedules that make breastfeeding non-viable.</li> </ul>	<ul style="list-style-type: none"> <li>Consider supporting affordable access to infant-appropriate food sources.</li> </ul>	A lactation room was created on site to transport milk to Paramaribo for newborn babies.
<ul style="list-style-type: none"> <li>The development of the Merian clinic results in access to free treatment for Surgold employees and contractors.</li> </ul>	<ul style="list-style-type: none"> <li>Improve workers' access to on-site clinicians and to healthcare providers in Paramaribo.</li> </ul>	This has been done.
<ul style="list-style-type: none"> <li>Limited visibility of Merian as to how contract employees are being paid, if they receive pay slips or if working conditions meet Newmont Standards</li> </ul>	<ul style="list-style-type: none"> <li>Conduct a living wage study to evaluate salaries for unskilled positions.</li> <li>Develop oversight mechanisms regarding housing, transportation, rest, and wages for employees and contractors.</li> </ul>	Worker and contractor housing has recently been improved through the construction of new accommodation. The remaining recommendations are still relevant in respect of contractor workers.
<ul style="list-style-type: none"> <li>The majority (53%) of women employed by Surgold are minimum wage earners.</li> </ul>	<ul style="list-style-type: none"> <li>Pro-actively recruit female employees and encourage them to pursue training.</li> </ul>	There are ongoing efforts to employ and train women at Merian.
<ul style="list-style-type: none"> <li>Newmont developed guidance to support implementation of its Human Rights Standard, which includes considerations of whether the company's decisions could prevent union activity.</li> </ul>	<ul style="list-style-type: none"> <li>Evaluate workforce employment contracts for potential risks to unionization rights.</li> </ul>	There is a union for Merian workers.
<b>Issues relating to the rights of community members in the 2016 HRIA</b>		
<ul style="list-style-type: none"> <li>Community awareness of mining-related health and environmental risks is low.</li> </ul>	<ul style="list-style-type: none"> <li>Develop community health and safety-related awareness modules.</li> <li>Develop presentations and dialog opportunities to engage with communities</li> </ul>	There is ongoing engagement with communities, including engagement with communities potentially impacted by the TSF-2.

Key Findings	Key Recommendations	Triple R Alliance Comments
	about mine developments on an ongoing basis.	
<ul style="list-style-type: none"> <li>• Ongoing watershed restoration could positively impact water access to ASM.</li> </ul>	<ul style="list-style-type: none"> <li>• Expand the CR Department's mercury-free mining program.</li> </ul>	The improvement of mining methods and reducing the use of mercury is included in the Pamaka Cooperation Agreement.
<ul style="list-style-type: none"> <li>• Fear and confusion around Surgold's water management program affects local perceptions of charitable actions.</li> </ul>	<ul style="list-style-type: none"> <li>• A mine water management module was proposed at the time of assessment but not drafted. Such a module should be established and implemented.</li> <li>•</li> </ul>	The Environment and Social Monitoring Plan is being implemented.
<b>Issues relating to security and human rights discussed in the 2016 HRIA</b>		
<ul style="list-style-type: none"> <li>• There is a potential risk to the security of person related to third-party security providers as well as incursions by artisanal miners</li> </ul>	<ul style="list-style-type: none"> <li>• Conduct a security risk assessment.</li> </ul>	This is being done on an as needed basis. The last one was conducted in December 2022.
	<ul style="list-style-type: none"> <li>• Ensure alignment of Newmont's security practices with the Voluntary Principles.</li> </ul>	This is being done on an ongoing basis.
	<ul style="list-style-type: none"> <li>• Agree on an MoU with the military for its on-site presence guarding explosives.</li> </ul>	Efforts to conclude a MoU with the military are ongoing.
	<ul style="list-style-type: none"> <li>• Develop a closure plan which includes provisions to address security risks associated with ASM entering the site once the mine has closed.</li> </ul>	A closure plan exists but security risks associated with ASM have not yet been included.
<b>Issues relating to remedy and grievance mechanisms in the 2016 HRIA</b>		
<ul style="list-style-type: none"> <li>• There is a general lack of awareness among local communities about the grievance mechanism.</li> </ul>	<ul style="list-style-type: none"> <li>• Promote the community grievance procedure among the Pamaka</li> </ul>	There is good awareness of the community grievance procedure.
<ul style="list-style-type: none"> <li>• Skilled and semi-skilled Surgold employees appear to generally experience favourable working conditions at Suriname.</li> <li>• Employees working for Haukes, a Surinamese contractor hired by Surgold, do not generally enjoy</li> </ul>	<ul style="list-style-type: none"> <li>• Investigate reasons for the limited use of the employee grievance mechanism</li> </ul>	These findings and recommendations are still relevant.

Key Findings	Key Recommendations	Triple R Alliance Comments
working conditions comparable to Surgold employees.		

This HRDD process has identified additional issues that were not identified as salient in the 2016 HRIA. These include: Indigenous Peoples rights in relation to the Kawina, contractor workers' rights in relation to freedom of association and community members' rights in relation to road safety.

### 4.3. Review of Potential Human Rights Risks and Impacts

Table 5 provides an overview of the spectrum of potential human rights risks and impacts that were considered throughout the HRDD process. This list was developed from the assessment team's background research on Merian and the human rights and mining context in Suriname, our initial interviews with Merian managers prior to our field visits, the Newmont 2023 Human Rights Saliency Assessment, the 2016 HRIA conducted at Merian, as well as our experience in conducting HRDD at other mining sites in challenging contexts. The list also corresponds to the potential human rights impacts that should be reviewed as part of the scoping stage of a HRIA.

*Table 6 – Spectrum of potential human rights risks and impacts considered*

Potential Human Rights Risks and Impacts for Mining Operations	
Workers' Rights	Human Rights of Community Members
<ul style="list-style-type: none"> <li>• Non-discrimination</li> <li>• Freedom from child labor</li> <li>• Freedom from forced labor</li> <li>• Freedom of association</li> <li>• Just and favourable working conditions</li> <li>• Safe and healthy working conditions</li> <li>• Contractor and supply chain workers rights</li> </ul>	<ul style="list-style-type: none"> <li>• Indigenous Peoples rights</li> <li>• Land-related human rights</li> <li>• Community health and safety</li> <li>• Human rights and the environment</li> <li>• Tailings management</li> <li>• Artisanal and small-scale mining (ASM)</li> </ul>
Cross-cutting Human Rights Issues (applicable to workers and community members)	
<ul style="list-style-type: none"> <li>• Security and human rights / Voluntary Principles on Security and Human Rights</li> <li>• Access to remedy and grievance mechanisms</li> </ul>	

### 4.4. Prioritization of Salient Human Rights Issues

Merian's salient human rights issues were identified in a participatory manner through interviews and focus group discussions with the management team, workers, contractor managers,





contractor workers and community members during the assessment team’s site visit to Merian in April 2024. “Salient human rights issues” is the terminology used in the UNGPs to indicate the priority human rights issues for a business, based on an assessment of the most severe and likely adverse human rights impacts on affected stakeholders. The UNGPs allow companies to prioritize their attention and resources on their salient human rights issues, provided they do so on a principled basis related to the potential severity of impacts on human rights.<sup>20</sup>

The salient human rights issues were prioritized in a Human Rights Heat Map workshop that was held in consultation with Merian managers on 19 April 2024. The Human Rights Heat Map Tool was developed by SHIFT to provide companies with a tool to assess their salient human rights issues in accordance with the UNGPs.

Thereafter, a second site visit was conducted to validate the findings on the salient human rights issues made in the HRDD assessment with relevant stakeholders.

The table below contains a summary of the Human Rights Heat Map for Merian. It includes the risk rating for each issue; the relationship between Merian and the actual or potential impact (cause, contributed or directly linked); and the corresponding recommendations for actions to take in order to mitigate actual or potential adverse human rights impacts.

The colours in the Human Rights Heat Map are used to prioritize actions in a principled manner (based on the severity and likelihood of adverse impacts on human rights). As severity is the primary consideration, the Human Rights Heat Map has more red squares than a typical heat map. The preponderance of red squares does not imply any fault or wrongdoing on the part of the company. Rather, the red squares are used to remind management to systematically focus on the areas of the most significant actual or potential human rights impacts.

As discussed with the Merian managers, the Human Rights Heat Map should be updated periodically (e.g. annually when the Human Rights Action Plan is updated) to ensure that Merian’s efforts and resources are focused on the most important risks to people.

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<sup>20</sup> Principle 24 of the UNGPs.

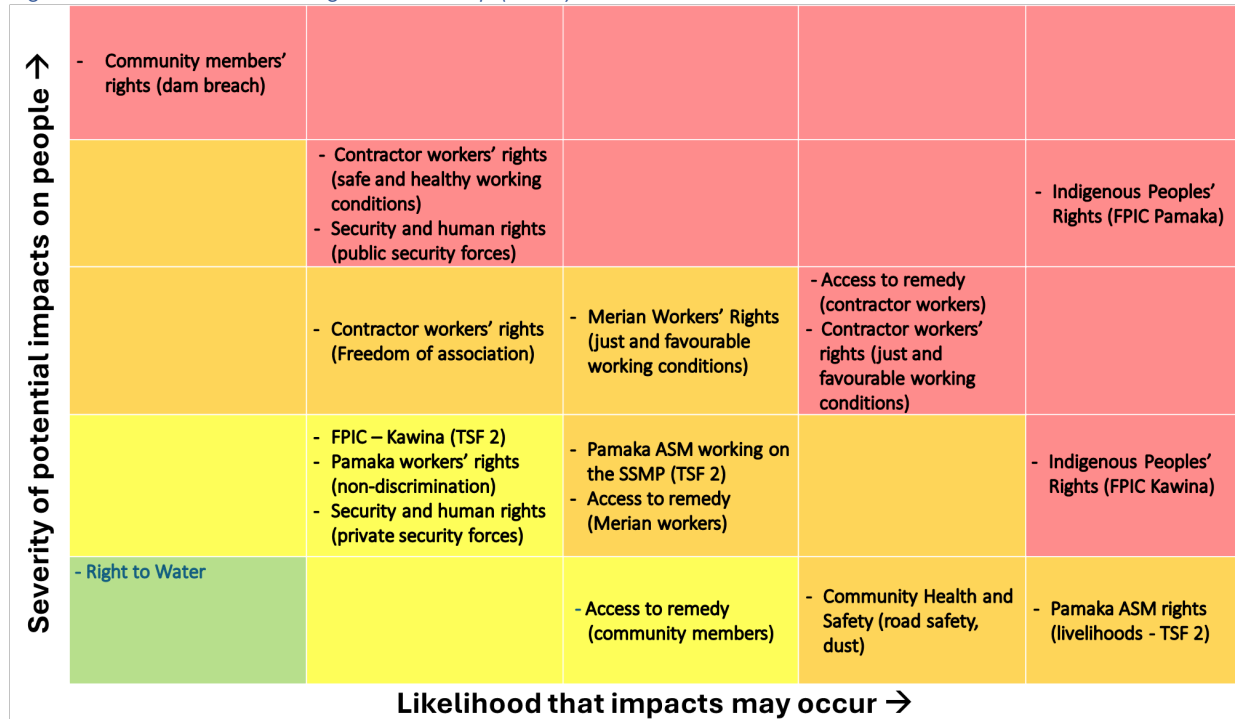
Table 7 – Color coding for heatmap

Colour Code for Human Rights Ratings		
Colour	Priority	Comments
<b>Red</b>	High	<ul style="list-style-type: none"> <li>Should be the main focus of the Human Rights Action Plan and will involve the most investment in time, energy and resources.</li> <li>Often salient issues in the red zone are not caused by the company, and therefore a strategic approach is needed for building and using leverage with third parties.</li> <li>Salient issues in the red zone should also be tracked in the company's enterprise risk management system.</li> </ul>
<b>Orange</b>	Medium	<ul style="list-style-type: none"> <li>Still should be tracked systematically in the Human Rights Action Plan.</li> <li>Normally the implementation of existing (and new) mitigation measures, including stakeholder engagement and grievance mechanisms, is sufficient to manage the salient issues from a human rights perspective.</li> </ul>
<b>Yellow</b>	Low	<ul style="list-style-type: none"> <li>Lowest priority for the Human Rights Action Plan.</li> <li>Should review these salient issues regularly to see if underlying environmental, social, community or workforce issues could be leading to human rights risks or impacts.</li> </ul>
<b>Green</b>		<ul style="list-style-type: none"> <li>Identifies the rights that are positively impacted as a result of Merian's activities and relationships.</li> </ul>

Merian's Human Rights Heat Map is presented below. More information about the methodology and criteria for the heat map are provided in Appendix B. The heat map includes only the human rights issues from the table of the full spectrum of human rights risks above that have been prioritized as salient in the human rights risk and impact assessment.

As is noted above, there have been recent developments in the adoption of legislation on child labour and forced labour in company supply chains in the USA, Canada and the EU. Child and forced labour were assessed, but were not found to be areas of high risk at Merian and, therefore, do not appear in the Human Rights Heat Map. However, due to the importance of the issues of child and forced labour, and as the standards for HRDD in supply chains evolve, it is important that Merian continues to be vigilant of these issues and monitors its supply chain for impacts relating to child and forced labour.

Figure 3: Merian's Human Rights Heat Map (2024)

**Legend for Heat Map**

Cause	<b>Bold font</b>
Contribution	Regular font
Linkage	<i>Italics</i>



## **5. Discussion of Human Rights Risks and Impacts**

This chapter of the report discusses the assessment of each salient human rights issue for Merian as identified and prioritized based on the methodology above, together with the findings in the Human Rights Heat Map.

For each salient human rights issue, there is a discussion of the international, regional and Newmont human rights standards relevant to each actual or potential impact, followed by a discussion of the actual or potential impacts at Merian. The salient issues are discussed in the following order:

## 5.1 Indigenous Peoples Rights

- 5.1.1 Indigenous Peoples Rights – FPIC and the Right to Benefits from Natural Development on Traditional Lands and Territories (Pamaka)
- 5.1.2 Indigenous Peoples Rights – Rights to Water and an Adequate Standard of Living
- 5.1.3 Indigenous Peoples Rights – FPIC and the Right to Benefits from Natural Development on Traditional Lands and Territories (Kawina)
- 5.1.4 Indigenous Peoples Rights – TSF-2 (Pamaka ASM)

## 5.2 Workers' Rights

- 5.2.1 Safe and Healthy Working Conditions (Contractor Workers)
- 5.2.2 Freedom of Association (Contractor Workers)
- 5.2.3 Freedom from Discrimination (Merian Employees)
- 5.2.4 Just and Favourable Working Conditions (Contractor Workers and Merian Employees)

## 5.3 Community Health and Safety

- 5.3.1 Community Health and Safety – Road Safety

## 5.4 Security and Human Rights

- 5.4.1 Security and Human Rights – Interactions with Public Security Forces
- 5.4.2 Security and Human Rights – Interactions with Private Security Forces

## 5.5 Grievance Mechanisms

- 5.5.1 Access to Remedy: Merian Employees
- 5.5.2 Access to Remedy: Contractor Workers
- 5.5.3 Access to Remedy: Community Members

The actual and potential impacts in each subsection are discussed under Observations and Findings, arranged as follows:

- Current Merian Practice;
- Stakeholder Feedback;
- Analysis (Key Findings);
- Human Rights Risk Rating; and
- Recommendations.

## 5.1. Indigenous Peoples Rights



## Introduction

The rights of Indigenous Peoples are often implicated when mining and extractive industries operate within or near Indigenous or Tribal territories. The Merian mining complex is located on land that Newmont recognizes as being traditionally owned by two Maroon tribes: the Pamaka and the Kawina, which is why Indigenous Peoples Rights has been prioritized as a salient human rights issue.

## Key Human Rights and Standards

### *International and Regional Standards*

The rights of Indigenous Peoples is a unique area of business and human rights law that has evolved over time. The international standards place a responsibility on companies to provide positive benefits, rather than simply avoiding or mitigating negative impacts.

The key international standard relating to Indigenous Peoples is the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). It provides the following:

- Indigenous Peoples enjoy the protection of all human rights and fundamental freedoms as recognized in the Charter of the United Nations and the Universal Declaration of Human Rights.
- Protection of the collective rights of Indigenous Peoples to self determination;<sup>21</sup> land, territories and resources which they have traditionally owned or occupied;<sup>22</sup> culture and cultural heritage; and to cultural life, including the right to practice cultural traditions and customs.<sup>23</sup>
- Protection of the rights of Indigenous Peoples to enjoy all workers' rights protected by international and domestic laws, including the right not to be discriminated against in employment or salary (these rights are also protected in the ILO Convention No. 169 on Indigenous and Tribal Peoples).<sup>24</sup>
- Protection of the right of Indigenous Peoples to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.<sup>25</sup>

<sup>21</sup> Article 18 of the UNDRIP

<sup>22</sup> Article 26 of the UNDRIP

<sup>23</sup> Articles 11 and 31 of the UNDRIP.

<sup>24</sup> Article 17 of the UNDRIP

<sup>25</sup> Article 26 of the UNDRIP





Free Prior and Informed Consent (FPIC) is a mechanism to safeguard Indigenous and Tribal Peoples human rights, including their rights over traditionally used and occupied lands and resources. FPIC is best expressed as a human rights norm that is based on a combination of the rights to information; participation; and traditional lands and territories. The operationalization of FPIC by state and corporate actors provides a framework through which to recognize and respect those rights.<sup>26</sup>

The scope of FPIC includes rights to consultation, participation and to lands and resources. Article 18 of the UNDRIP protects the right of Indigenous Peoples to participate in decision-making in matters which would affect their rights. Participation means more than just consultation. Participation means that Indigenous Peoples should be able to decide their own priorities for the process of development, and exercise control over their own economic, social and cultural development.<sup>27</sup>

If a project is likely to have a significant, direct impact on Indigenous Peoples lives, or land, territories or resources, then consent is required. The question of the level of effective participation that must be given to Indigenous Peoples is a function of the nature and content of the rights and activities in question. This has been referred to as a 'sliding scale approach' and means that the issue of FPIC is linked to the nature and impacts that the project will have on Indigenous Peoples rights. When assessing the impact that a project will have on Indigenous Peoples rights, the nature, scale, duration and long-term impact of the project, such as damage to community lands or harm to the community's cultural integrity, must be considered.<sup>28</sup>

Agreements concluded pursuant to achieving FPIC should include detailed statements of the project, its duration and the potential impacts on Indigenous Peoples; provisions for mitigation, assessment, and reimbursement for any damages to resources; statements of indemnification of Indigenous Peoples for injuries caused to others on their lands; methods and venues for dispute resolution; detailed benefit-sharing arrangements (including investment, revenue sharing, employment and infrastructure); and a timetable of deliverables, including opportunities to negotiate continuing terms and licences.<sup>29</sup>

As a dynamic process, the implementation of FPIC should also be monitored and evaluated regularly. Agreements on consent should include mechanisms for periodic, participatory

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<sup>26</sup> Report on Lessons Learned from the Merian Mine Prepared by an Expert Advisory Panel, organized by RESOLVE (2017) (Report of the Merian Expert Advisory Panel), p. 1.

<sup>27</sup> UN Expert Mechanism on Indigenous Peoples, Report on Free, Prior and Informed Consent: A Human Rights-Based Approach, p. 5-6, available at <https://www.ohchr.org/en/documents/thematic-reports/free-prior-and-informed-consent-human-rights-based-approach-study-expert>.

<sup>28</sup> Ibid, p. 10.

<sup>29</sup> Ibid, p. 12.

monitoring with participation of the peoples concerned to continue to improve their effectiveness. They should also include accessible recourse mechanisms for disputes and grievances, devised with the effective participation of Indigenous Peoples.<sup>30</sup>

In the absence of FPIC, the UNDRIP provides that Indigenous Peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged.<sup>31</sup>

The ICMM has recently published its revised Position Statement on Indigenous Peoples.<sup>32</sup> It reinforces ICMM members' commitment to respect the rights of Indigenous Peoples. It states the intention to obtain agreement for impacts from activities on the rights of Indigenous Peoples, obtained through human rights due diligence and early engagement, and setting out the equitable terms by which impacts may occur and be mitigated. It also recognises that there may be circumstances in which agreement is not obtained and sets out the process that ICMM members will take in this instance.

The text box below contains relevant extracts from the ICMM Position Statement.

#### **ICMM Position Statement: Indigenous Peoples**

The ICMM recognises that to achieve outcomes consistent with the commitments in this Position Statement, the participation of a range of parties is essential. States have a fundamental role to play in protecting Indigenous Peoples' rights, including in ways that may limit companies' involvement. Decisions about whether projects can initially proceed are State decisions. States have the duty to consult Indigenous Peoples in order to obtain their free, and informed consent prior to the approval of any projects affecting them, in accordance with the United Nations' Declaration on the Rights of Indigenous Peoples (UNDRIP).

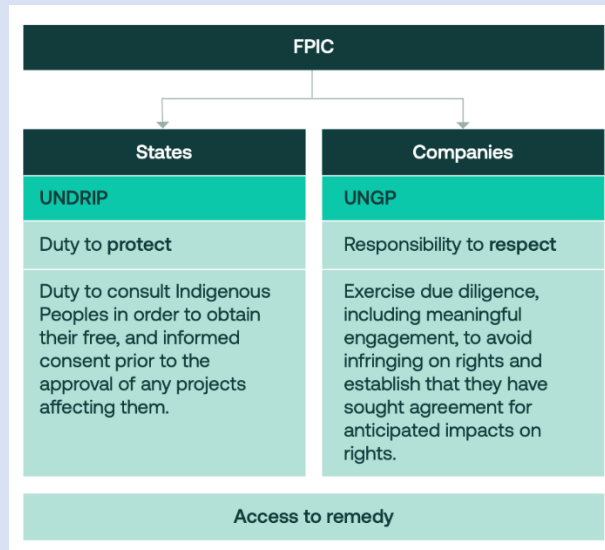
At the same time, it is the responsibility of mining companies to respect Indigenous Peoples rights, by exercising human rights due diligence, including meaningful consultation and engagement, to avoid infringing on these rights, and, accordingly, establish that they have sought the consent of affected Indigenous Peoples for anticipated impacts on their rights.

<sup>30</sup> Ibid.

<sup>31</sup> In addition to the UNDRIP, IFC Performance Standard 7 provides guidance on implementation of the UNDRIP. It requires companies that have Indigenous Peoples within a project's area of influence to obtain FPIC from affected Indigenous Peoples when (a) it plans to locate a project or commercially develop natural resources on lands traditionally owned by, or under the customary use of, Indigenous and Tribal Peoples, and where adverse impacts can be expected, (b) relocate an Indigenous community; or (c) it embarks on a project that may have unavoidable, significant impacts on critical cultural heritage of Indigenous and Tribal Peoples.

<sup>32</sup> ICMM Position Statement on Indigenous Peoples, 8 August 2024, available at <https://www.icmm.com/en-gb/our-principles/position-statements/indigenous-peoples>.

Regardless of how States meet their commitments, or where they fail to do so, the independent responsibility for companies to conduct due diligence and establish that they respect the rights of Indigenous Peoples remains.



#### Key Recognition Statements:

- Indigenous Peoples in many regions of the world have been historically disadvantaged and may often still experience discrimination, high levels of poverty and other forms of political and social disadvantage.
- Indigenous Peoples often have profound and distinct connections with their lands, territories, waters, coastal seas and other resources. These connections are tied to their physical, spiritual, cultural and economic wellbeing. As traditional owners and custodians of lands, territories and natural resources, Indigenous Peoples are vital partners in the conservation, restoration and sustainable use of nature. Their knowledge, cultures and traditional practices underpin equitable development and sustainable management of the environment.
- Mining and metals projects can have both positive and negative impacts on Indigenous Peoples. Some projects that affect the lands and territories of Indigenous Peoples have been developed without their prior engagement or agreement about how potential impacts are to be managed. In some cases, this absence of engagement has occurred historically on projects that member companies did not initially develop, but from which they now benefit. The mining industry has a role to play in supporting reconciliation with Indigenous Peoples, by recognizing past events that have impacted Indigenous Peoples' rights and, where appropriate, taking actions to contribute to addressing ongoing impacts.
- Free, prior and informed consent (FPIC) is a human rights norm derived from various foundational rights vested in Indigenous Peoples, and it operates as a process that safeguards Indigenous Peoples'

substantive rights, including their rights to lands, resources and cultural heritage. Through due diligence processes that are guided by the principles of FPIC, Indigenous Peoples can meaningfully participate in decision-making and freely agree, or not agree, to anticipated impacts on their rights and to the terms under which those impacts will be managed. Maintaining agreement is an ongoing mutual responsibility. Indigenous Peoples have the right to withdraw their agreement if there is non-compliance with the established terms or a change in the extent of the impacts on their rights.

- Companies have a responsibility to respect Indigenous Peoples' rights, in accordance with the UNGP. This responsibility includes implementing appropriate decision-making processes – for undertaking human rights due diligence, engagement and agreement-making where relevant – early and throughout the lifecycle of a project. Human rights due diligence and agreement-making allow companies, in collaboration with Indigenous Peoples, to take actions to prevent or mitigate potential adverse impacts. Applying the principles of FPIC can enable agreement for activities that may impact Indigenous Peoples' rights. The agreement-making process can also identify opportunities for benefits that are aligned with Indigenous Peoples' aspirations for social and economic development. These may include equitable economic benefits as well as those that are not solely financial, and that catalyze long-term sustainable development and strengthen self-determination.

#### **Key Commitments:**

- Respect Indigenous Peoples' rights by embedding measures across governance and management processes to avoid infringing Indigenous Peoples' rights, and to adequately address potential adverse impacts to rights from mining and mining-related projects. This includes developing and implementing policy commitments and promoting cross-cultural understanding and awareness through relevant educational programmes to meet the responsibility to respect Indigenous Peoples' rights. It also includes supporting efforts for reconciliation with Indigenous Peoples and the advancement of the exercise of their rights, where appropriate.
- Carry out due diligence to identify, prevent, mitigate and account for possible adverse impacts on Indigenous Peoples' rights. Due diligence processes should include the early and comprehensive identification of and meaningful engagement with Indigenous Peoples who may be affected by a project. The process should respect Indigenous Peoples' right to participate in decision-making on matters that affect them and be guided by the principles of FPIC. Due diligence should also seek to prevent or mitigate potential adverse impacts on Indigenous Peoples' rights that may be caused or contributed to by companies or directly linked to their operations, products or services by their business relationships. Due diligence should be ongoing, recognizing that the risks to Indigenous Peoples' rights may change over time as a company's operations and/or operating context evolves.
- Obtain agreement with affected Indigenous Peoples demonstrating their consent to anticipated impacts to their land or other rights, and setting out the terms by which impacts may occur and be managed. In accordance with the principles of FPIC, agreement should be achieved through informed and meaningful engagement and good faith negotiation, through means that advance inter-cultural understanding and that facilitate freely giving or withholding agreement. The agreement should include, at a minimum, demonstration of consent to anticipated impacts, mitigation measures developed through the due diligence process, and a redress mechanism for potential infringements

of the agreement or of Indigenous Peoples' rights. It is expected that the agreement be faithfully implemented, with ongoing monitoring supporting the effective realization of the terms of the agreement (and conditions therein). When a project is to be developed within Indigenous Peoples' lands or territories, or otherwise with substantial anticipated impacts on their rights, the agreement should also include benefit sharing.

- Where potential impacts include the relocation of Indigenous Peoples from their lands or territories, or significant impacts to their critical cultural heritage, companies will explore feasible alternatives to project design in order to avoid such impacts.
- If relocation and/or significant impacts on critical cultural heritage are unavoidable, companies will obtain an agreement demonstrating the consent of affected Indigenous Peoples in accordance with this Commitment.
- Enable benefit sharing that reflects and is aligned with Indigenous Peoples' aspirations for social and economic development. Benefit sharing should be equitably distributed and facilitate positive outcomes that extend beyond the life of operations.

At the regional level, the Inter-American Court of Human Rights has affirmed the collective rights of the Indigenous and Tribal Peoples of Suriname (including the Maroon tribes) in three separate judgments dating back to 2005.<sup>33</sup> The impact of these judgments is that Maroon tribes and other Indigenous groups in Suriname have the same rights in relation to traditionally occupied land and resources as other Indigenous Peoples in the Americas.

There are a range of organisations representing Tribal Peoples rights in Suriname, including the Association of Indigenous Village Chiefs in Suriname (VIDS), the Association of Saamaka Traditional Authorities (VSG) and the Organisation of Kaliña and Lokono in Marowijne (KLIM). The primary objectives of these organisations are to promote the rights of Indigenous and Tribal Peoples in Suriname, secure recognition of collective land rights, strengthen the traditional authority of Indigenous Peoples and improve the socio-economic position of Indigenous Peoples in Suriname.<sup>34</sup>

<sup>33</sup> Report on Lessons Learned from the Merian Mine Prepared by an Expert Advisory Panel, organized by RESOLVE (2017) (Report of the Merian Expert Advisory Panel), p. 5. The findings were made in *Moiwana Village v. Suriname*, Judgment of 15 June 2005, Inter-Am Ct. H.R., (Ser. C) No. 124 (2005), *13 Saramaka People v. Suriname*, Judgment of 28 November 2007, Inter-Am Ct. H.R., (Ser. C) No. 172 (2007), and *14 Kaliña and Lokono Peoples v. Suriname*, Judgment of 15 November 2015, Inter-Am Ct. H.R., (Ser. C) No. 309 (2015).

<sup>34</sup> VIDS website: [Home - VIDS](http://www.vids.org), see also Forest Peoples Programme website: <https://www.forestpeoples.org/en/regions/south-central-america/suriname>.

### *Surinamese Laws*

In 2007, Suriname voted in favour of the UNDRIP, but it has not yet ratified the declaration. The country is not a party to the ILO Convention No. 169 on Indigenous and Tribal Peoples. Article 41 of the Constitution provides that the State has an inalienable right to control natural resources and that they should be used for the economic, social and cultural development of the State.

The GoS does not formally recognize the customary land and resource rights of any Maroon or other Indigenous tribes in Suriname. However, the GoS has taken the following steps towards formal legal recognition of the collective rights of the Indigenous and Tribal Peoples in Suriname:

- In 2016 and 2017 respectively, two Presidential Commissions on Land Rights were established and culminated in the drafting of a Roadmap for the process to legal recognition of the collective land rights of Indigenous and Tribal Peoples in Suriname.
- In 2018, the Management Team and the Legislative Proposals Committee, Demarcation Committee and Awareness Committee were installed, each composed of representatives of the GoS and Indigenous and Tribal Peoples.<sup>35</sup>
- In 2019, a bill on the Collective Rights of Indigenous and Tribal Peoples (the Bill) was presented to Parliament for discussion. The Bill and Explanatory Memorandum together address the principles of inclusion, status, role, responsibilities of Indigenous and Tribal Peoples and FPIC. The Bill was withdrawn and reviewed by the current GoS (without communication of the withdrawal to the Indigenous and Tribal representatives who had participated in the process up to that point). The amended Bill has been approved by the Council of Ministers and is now at the State Council before (re)submission to Parliament.<sup>36</sup>
- Indigenous Peoples have a strong cultural and spiritual connection to the environment. The Environmental Act in Suriname has recently been replaced with the Environmental Framework Act (2020), which is intended to develop a policy and environmental strategy in the context of the sustainable development of Suriname, and create a balance between economic growth and environmental protection. The National Environmental Authority (NMA) has replaced the National Institute for Environment and Development in Suriname (NIMOS), the former environmental regulator. The new Environment Framework Act ensures that FPIC is applied in decision-making processes affecting land traditionally owned by Indigenous and Tribal Peoples.

<sup>35</sup> Universal Periodic Review Suriname, 2021, p. 16-17, available at <https://www.ohchr.org/en/hr-bodies/upr/sr-index>.

<sup>36</sup> Ibid.

- A bill on Sustainable Nature Management (2018) provides for the inclusion of Indigenous and Tribal Peoples on various occasions, for example in the establishment of protected areas.
- The Mining Decree (1986, last amended in 1997) requires applications for mining exploration licenses to include a list of all Tribal Villages located in or near the proposed concession.<sup>37</sup>

A recent court judgment found that the GoS is prohibited from granting land occupied by Indigenous People to developers without obtaining FPIC.<sup>38</sup> The ruling suggests a movement towards greater protections for Indigenous Peoples rights in Suriname.

### *Newmont Standards*

The Newmont Indigenous Peoples Standard affirms that the company recognizes the unique rights, culture and history of Indigenous Peoples. It acknowledges and respects traditional land ownership and uses and commits to obtaining FPIC from Indigenous Peoples when a project is located on land they traditionally own or use and is likely to impact them.

## 2016 Human Rights Impact Assessment

*Table 7 – 2016 HRIA Findings and Recommendations related to the Rights of Indigenous Peoples*

Issues relating to the rights of Indigenous Peoples in the 2016 HRIA	
<p><u>Key Findings</u></p> <ul style="list-style-type: none"> <li>• <u>Pamaka</u> consent for Merian was never provided.</li> <li>• ASM removed from the Merian concession in 2010 were never identified or mapped.</li> <li>• No Livelihood Restoration Plan (LRP) has been provided by Newmont.</li> <li>• The Pamaka Traditional Authorities feel isolated from information.</li> <li>• The legitimacy of the Pamaka Negotiation Committee is compromised.</li> <li>• Low educational levels put Pamaka people at a disadvantage for employment opportunities.</li> </ul>	<p><u>Key Recommendations</u></p> <ul style="list-style-type: none"> <li>• Implement the terms of the June 2016 Co-operation agreement with the Pamaka.</li> <li>• Provide minable land for ASM as well as other job-creation activities for the Pamaka.</li> <li>• Provide support to for inter-Pamaka dialogue.</li> <li>• Develop and implement engagement programs to retain Pamaka support.</li> <li>• Solidify contractual agreements with the Pamaka.</li> <li>• Consider implementing biodiversity offsets.</li> <li>• Conduct money management training for the Pamaka communities.</li> <li>• Address perceived conflict of interest of POC members.</li> <li>• Implement a Livelihood Restoration Plan (LRP).</li> </ul>

<sup>37</sup> Universal Periodic Review Suriname, 2021, p. 17, available at <https://www.ohchr.org/en/hr-bodies/upr/sr-index>

<sup>38</sup> Business and Human Rights Resource Centre, available at [Suriname: Court approves injunction filed on behalf of twelve Indigenous and maroon groups stating that the government cannot grant land without consent - Business & Human Rights Resource Centre \(business-humanrights.org\)](https://www.business-humanrights.org/en/latest/news-and-events/press-releases/detail/12/2021/06/12-suriname-court-approves-injunction-filed-on-behalf-of-twelve-indigenous-and-maroon-groups-stating-that-the-government-cannot-grant-land-without-consent).



Issues relating to the rights of Indigenous Peoples in the 2016 HRIA	
<ul style="list-style-type: none"> <li>Some Pamaka employees perceive they have been subjected to dismissive and unequal treatment.</li> <li>Surgold has made public commitments to train local residents in literacy, numeracy and job skills.</li> <li>Surgold has faced delays in meeting its education and skills training commitments. Delays have contributed to distrust of the company and pose risks to social license to operate.</li> </ul>	<ul style="list-style-type: none"> <li>Expand Pamaka training programs for non-employees and junior employees as well as contractor employees.</li> <li>Implement Newmont's standards and systems for managing workplace respectfulness, tailored to the Surgold context.</li> <li>Build on existing work experience initiatives to transition Pamaka employees with heavy equipment training to operations-relevant training.</li> <li>Develop training across departments (i.e. allow mobility from kitchen jobs to operator jobs) to potentially facilitate advancement within the company.</li> <li>Investigate barriers to career path advancement for women and Pamaka people (e.g. maternity leave policies, working hours, perceived disrespect, etc.).</li> </ul>

#### 5.1.1 Indigenous Peoples Rights – FPIC and the Right to Benefits from Natural Development on Traditional Lands and Territories (Pamaka)

Newmont recognizes the Pamaka as the traditional land rights holders of the land on which the Merian mine is situated. Prior to the construction of Merian, the Pamaka were working as artisanal and small-scale gold miners (ASM) on the customary land, called Gowtu Bergi.

Pamaka ASM were also evicted from Gowtu Bergi to enable the construction of the Merian mine.<sup>39</sup> This issue is flagged as important because of the actual impacts that the Merian operation has on the rights of the Pamaka in relation to traditionally owned land.

Newmont (previously Surgold, LLC) obtained the Right of Exploration for Merian in 2004, three years before the UNDRIP was adopted by the UN General Assembly. Construction of the mine commenced in 2014, and commercial production commenced in 2016. While Newmont was granted the exploration and mining rights for Merian without obtaining FPIC from the Pamaka, as is currently required by international (and Newmont) standards,<sup>40</sup> the standards for Indigenous Peoples rights have evolved substantially in the last twenty years, with FPIC becoming an increasingly important requirement for mining operations located on traditionally owned land.

<sup>39</sup> Ibid.

<sup>40</sup> Report of the Merian Expert Advisory Panel, p. 2

## Key Human Rights Standards

In the absence of FPIC, companies have the duty to remedy impacts on the rights of Indigenous Peoples to meet the intent of FPIC over time. The UNDRIP provides that this can be achieved through restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which have been occupied, used or damaged. If prior consent it not obtained, it can be remediated through a consent agreement concluded after a project has gone into operation. Further, FPIC is a dynamic process and implementation thereof should be monitored and evaluated regularly.

## Observations and Findings

Newmont entered into a formal Cooperation Agreement with the Pamaka in 2016, in terms of which they would enjoy preferential recruitment and procurement opportunities at Merian. The Community Development Fund (CDF) which was envisaged in the Mineral Agreement was also established to facilitate sustainable benefits and opportunities for the Pamaka community. The executing body of the Cooperation Agreement, the Duurzame Ontwikkeling Pamaka (DOP), mandated by the Traditional Authorities, was established to coordinate the implementation of the Pamaka Cooperation Agreement.

The Pamaka Cooperation Agreement provides the following:

- The Preferential Employment Method for Pamaka people: All departments are committed to first consider candidates from the Pamaka Human Resources Database (where relevant to local skills), before looking elsewhere in Suriname and the rest of the world to fill positions.
- The Pamaka Personal Development (PPD) Program (which is part of a larger company training effort to promote safe operations and build employee capabilities at all levels and in all departments of the organization): The goal of the PPD Program is to provide Pamaka employees access to assessments and training programs designed to support advancement in the company and movement from jobs of unskilled labor positions to higher level positions. The Pamaka Cooperation agreement stipulates that all Pamaka employees have an Individual Development Plan (IDP).
- The Preferential Procurement Method: Newmont must consult the database of registered Pamaka businesses (Qualified Vendors) prior to any tender process, to ensure their inclusion as suppliers or contractors to the mine, as appropriate. Newmont will provide guidance to all Qualified Vendors on how to meet the quality standards and will also provide assistance to ensure that the Qualified Vendor has an understanding of Newmont's business requirements.

- The Small-Scale Mining Method: Newmont commits to provide assistance to Pamaka ASM affected by Merian operations by working to develop safer and more environmentally responsible small-scale mining, and by helping Pamaka ASM obtain formal mining rights from the GoS.
- Facilitation of access to the Mining Reserve for Pamaka ASM: Newmont undertook to conduct an exploration program in the Mining Reserve that would include sampling and mapping of gold occurrences, in order to identify potential opportunities for ASM. Newmont agreed to provide logistical and administrative support to any Pamaka ASM who is interested in applying for a small-scale mining right within the Mining Reserve, as provided in the Mining Law.
- If Newmont determines that the potential for small-scale mining within the Mining Reserve is low, the company will work with the GoS to identify alternative areas suitable for Pamaka ASM. Once such area had been identified, Newmont will also provide logistical and administrative support to any Pamaka ASM who is interested in applying for a small-scale mining right within such area, as provided in the Mining Law.

In 2016, Newmont commissioned an independent expert advisory panel to review its on-the-ground practices at Merian and provide advice about how the company could better align with FPIC principles in the future. The expert advisory panel made the following key findings:

- While the Cooperation Agreement did include preferential employment and procurement for the Pamaka, infrastructure improvement and maintenance, a complaints and grievance mechanism, community development funding, and several other benefits, it did not go far enough to create a truly equitable benefit-sharing agreement that reflects the customary ownership interests of the Pamaka.
- The Cooperation Agreement constitutes what could be described as a ‘good neighbour agreement’; that is, a general set of development benefits that any local community would be in a position to secure.
- The Pamaka may have consented to community development projects on their territories, but they did not have an opportunity to consent to resource development, or to negotiate to secure tangible benefits from the project in exchange for access to their land holding.<sup>41</sup>

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<sup>41</sup> Ibid, p. 18.

### *Current Merian practice*

- **There is good management of the rights to culture of the Kawina community.** While on site, the assessment team observed the broadcast of a case study relating to the chance find of an old railway track while clearing bush for laying water pipes. The bush clearing was halted pending an investigation into the railway track. The Kawina communities were engaged on the issue throughout the process.
- **Cultural awareness training is also provided to Merian workers.** Merian has recently updated the cultural awareness training and is in the process of rolling out the training to leaders and selected teams.
- **Merian has made a concerted effort to fulfil its obligations under the Cooperation Agreement:**
  - **Establishment of the CDF.** The CDF comprises representatives from Merian, the GOS and the Pamaka community. Merian has been making annual financial contributions to the CDF to the effect of USD 1 per ounce produced and sold.
  - **Establishment of the Pamaka Mining Reserve (SSMP)** to provide an alternative concession on which Pamaka ASM can work. The 3000-hectare concession has been identified and an exploration license has been granted in favour of the Pamaka ASM Cooperative. Merian is carrying out exploration of the concession to assess the viability of carrying out ASM activities on the concession.
  - **Rollout of the Pamaka ASM Livelihood Action Plan (LAP).** The objective of the ASM LAP is to contribute to generating stable and sustainable income for Pamaka communities by supporting development and improvement of economic activities through the promotion of responsible mining and the development of alternative livelihoods. In 2023, Merian commissioned a study to identify alternative livelihoods with high development potential in the Pamaka area. The study concluded that feasible alternative business opportunities lie in plantain cultivation; couac (cassava flour) production; and ginger, poultry and watermelon cultivation, but that only 9 of 83 Pamaka ASM showed willingness to explore an alternative livelihood.
  - **Efforts to provide preferential recruitment opportunities to Pamaka people,** where possible, given existing experience and skills levels. At present, the Merian mine directly employs 264 Pamaka employees, which is roughly 17.7% of the workforce. Pamaka job-seekers apply to the company and are subsequently vetted by the DOP to determine that they qualify as Pamaka. When confirmed, they are included in a database. Candidates are interviewed by Merian when positions become available.

- **Provision of procurement opportunities to Pamaka ASM** to work on short-term contracts in land rehabilitation and earth works projects at Merian.

In addition, Merian has some ongoing contracts with local companies to supply eggs, vegetables, bed linen and other services. These contracts are relatively modest and cumulatively constitute less than 1% of the overall procurement value.

- **Ongoing training and development opportunities for Pamaka workers**, particularly female workers, to create opportunities for employment in other departments (e.g. Operations). In addition to training opportunities specifically focused on Pamaka employees, the Learning and Development function also provides a range of general skill building programs (computer skills, language training) available to any employee.
- **Ongoing engagement with the Pamaka communities** on a range of issues, including the implementation of the Cooperation Agreement;
- **Entry into a Support Agreement with the DOP**, in terms of which Merian provides logistical, technical and financial support to the DOP in the operation and administration of an office in Paramaribo and in the execution of activities associated with the implementation of the engagement plan.
- **Obtaining FPIC prior to carrying out any new exploration activities.** Prior to any presence in the field (including taking samples), Merian management engages the Traditional Authorities and the community to requests consent for any planned exploration activities. The response of the Paramount Chief (and his Council) is typically captured on video, as the request for a written agreement would culturally not be appropriate.

#### *Stakeholder feedback*

- **Confirmation that FPIC was never asked for and never granted at the outset.** Pamaka leaders, including Traditional Authorities, confirmed that the Pamaka were never given the opportunity to provide, or withhold, consent to the Merian operation. When the Paramount Chief (Granman) was approached regarding the removal of Pamaka ASM from Gowtu Bergi to make way for construction of the mine, he sought to avoid a potential confrontation with public security forces, rather than provide consent to the mining operation.
- **Eviction of ASM from Gowtu Bergi has permanently impacted Pamaka livelihoods.** Engagement with Pamaka stakeholders (ASM and Traditional Authorities) revealed a deep and lingering unease with Merian that it acquired Pamaka land without consent, leaving them with limited areas to work. ASM stakeholders pointed out that many ASM had to move out

of the area following Merian's arrival and that, as a consequence, services previously present in (notably) Langatabikie ceased to exist. While some ASM appreciate the opportunity to mine on the SSMP, they do not believe the ore body holds sufficient gold to offset the loss in livelihood that resulted from being deprived of access to Gowtu Bergi. Many ASM who previously worked at Gowtu Bergi have left the area.

- **Merian perceived as not following through on commitments.** While some Pamaka stakeholders view their relationship with Merian as positive, and recognize that Newmont recognized the Pamaka as traditional landowners whilst the GoS did not, the majority of stakeholders report a breakdown of trust between Merian and the Pamaka Communities because the company has not fulfilled its promises as outlined in the Cooperation Agreement as described above. The primary complaints from Pamaka community leaders and members relate to poor functioning of the CDF, the delayed promise of providing alternative land to ASM, limited preferential local employment opportunities and minimal local procurement opportunities.
- **Community Development Fund no longer working as intended.** A series of misunderstandings, events and disputes among (and sometimes within) the DOP, the Traditional Authorities and the CDF Board has resulted in the suspension of the work of the CDF. Feedback from the parties involved attributes this breakdown to a range of factors. Although not directly a human rights impact (as production continues, Newmont continues to contribute to the Fund), the failure to implement community projects means that Pamaka communities are not receiving the benefits they are entitled to. At the same time, community projects unilaterally put in place by Merian that are outside of the CDF structure are implemented without any problems and to the satisfaction of communities.
- **Concerns about deterioration in the relationship between Merian and Pamaka communities.** Some Traditional Authorities noted a deterioration in the communication between them and Merian over the past year. For example, quarterly meetings that they used to have with Merian no longer take place and they observed that the new General Manager has still not been formally introduced to the Pamaka community, as was practice in the past. The frustrations of the Pamaka community culminated in a peaceful protest in 2022, when they blocked the road leading to the mine for three days. Pamaka community leaders perceive that Merian handled this protest poorly in not addressing the root causes of the conflict. Merian managers confirm that formal relations with Traditional Authorities (as a group) are challenging and attribute this in part to internal Pamaka dynamics. Newmont management points out that ongoing informal engagement with communities as well as with individual Traditional Leaders remains cordial.
- **Preferential local contracting opportunities perceived as inadequate.** Stakeholder feedback focused on the perception that Merian is not meeting its obligation to provide preferential

procurement opportunities to the Pamaka, as most contracts are implemented by larger outside contractors even when local suppliers could provide the services. Several Newmont managers noted that Merian indeed does not consistently apply preferential treatment to local contractors. Observations during the site visit confirmed that various manual labor contracts were implemented by large non-local contractors.

- **Right to benefits through (well-paying) employment opportunities.** Newmont management states that it has challenges finding sufficient numbers of qualified Pamaka workers. Given the relatively low education levels among the Pamaka, most work in entry-level positions. For example, the Camps department comprises 80% Pamaka workers, and about 18% of the total Merian workforce comprises Pamaka workers. Still, stakeholder feedback was that many Pamaka workers feel that their only point of entry into Merian is through the Camps department, even if they have the qualifications to work elsewhere. At present, none of the Pamaka employees have an Individual Development Plan, as prescribed in the Pamaka Agreement, which contributes to a sense among the Pamaka that their right to better-paying jobs is not fully fulfilled. Newmont's Human Resources department recognizes the opportunity to take a more comprehensive approach towards Pamaka workforce development.

#### *Analysis (Key Findings)*

- **Merian is falling short of meeting its commitments under the Pamaka Cooperation Agreement.** Although FPIC was not obtained initially, Merian has been trying to remediate the impacts on the Pamaka people and achieve the intent of FPIC through the Pamaka Cooperation Agreement. Whereas measures have been taken to attract Pamaka workers and to enable some of them to grow within the organization, efforts related to local procurement in particular are not consistent with Merian's commitment in the Pamaka Cooperation Agreement. For example, a local procurement officer was hired only 2 years ago. The company lacks a comprehensive local content strategy (for employment as well as procurement), which is contrary to the intent of the Cooperation Agreement and the right to benefits from natural development on traditional lands and territories for the Pamaka people.
- **Within Merian, limited internal awareness exists about the right to benefits from natural development on traditional lands and territories that the Pamaka have by virtue of their status as Indigenous Peoples hosting a mining operation, and the corresponding obligations that Merian has to respect these rights.** While Merian management is broadly aware of its responsibilities in terms of the Pamaka Cooperation Agreement, feedback from Merian managers demonstrated that there is no overall, company-wide awareness of the benefits from natural development on traditional lands and territories that the Pamaka have



by virtue of their status as Indigenous Peoples. For example, internal policies have not been fully aligned with the Pamaka Cooperation Agreement, notably with regard to local procurement. As noted above, contracts are still going to trusted external contractors (even for contracts that require low skill levels) without consideration of involving Pamaka contractors.

- **An ongoing effort is needed to address Pamaka intergroup dynamics linked to Merian.** Relationships among the DOP, TAs, the CDF and Merian are multilayered, complex and informed by personality clashes, urban vs. local Pamaka perspectives, leadership styles, self-interest and miscommunication. Many of these aspects are outside of Merian's control, and the company is very diligent to ensure it acts in a respectful and appropriate manner. From a human rights perspective, it would be important to address the intergroup dynamics, as internal fragmentation is denying the Pamaka the opportunity to fully exercise their right to obtain benefits from Merian's presence.
- **Lack of specificity in the Cooperation Agreement leaves Merian vulnerable to unmet expectations.** The perception that Merian does not keep its commitments as stated in the Pamaka Cooperation Agreement logically flows from a lack of specificity, as these commitments were defined only in general terms, inevitably leading to expectations for "more."
- **The entrepreneurial qualities of ASM (and thus opportunities for remediating the impact on livelihoods) are not sufficiently recognized.** Merian states it wants to work with local people who have an entrepreneurial spirit. The project also has a responsibility towards Pamaka ASM related to its infringement on the rights associated with traditional livelihoods. At the same time, there is a large group of small-scale miners who are specialized in services Merian requires, such as land clearing and earth moving. Merian has implemented a pilot project working with ASM which was, by all accounts, successful and demonstrated their capability. However, major non-local contractors still perform jobs that could be contracted to local providers. This leaves Merian vulnerable to accusations that it does not allow the Pamaka to benefit from the opportunities the Merian presence provides.

### Risk Rating

#### *Human Rights Risk Level and Relation to Merian*



There is a medium-high severity (4) and high likelihood (5) of human rights risk, as Newmont did not obtain FPIC from the Pamaka for the construction and operation of Merian. This has impacts on their rights to lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired, as well as their rights to benefit from natural resource development on their traditional lands and territories.

### Relationship (Cause, Contribution or Linkage)

Merian is causing the impact, as policies and current practices are not systematically aligned with the Pamaka right to as detailed in the Pamaka Cooperation Agreement.

### Recommendations

- 1. Clarify and reaffirm mandates/expectations of the DOP, the CDF Board and Merian, and detail the communication procedures.** Engagement with the DOP, the CDF Board and Merian staff showed that there is an opportunity to provide more clarity about their respective roles and mandates vis-à-vis the Pamaka Cooperation Agreement as well as related to community projects. In addition, the DOP claims that it does not receive all information required to adequately verify whether the Cooperation Agreement is being properly implemented. Unpacking local dynamics by an external facilitator would be a good first step towards the development of a conflict resolution strategy.
- 2. Provide the Pamaka Traditional Authorities and its delegate body access to independent legal advice.** This has been a Resolve recommendation and would allow the Pamaka Traditional Authorities to perceive there are in a better position to advocate for their rights.
- 3. Use the mandatory review process of the Cooperation Agreement to agree on details.** As long as the agreement is defined in general terms, it will be open to interpretation and, thus, debate. This includes an agreement on local content targets, procedures, roles and responsibilities as well as rules for engagement.
- 4. Develop a pro-active and local business development strategy including:**
  - a. An internal opportunities assessment
  - b. An external opportunities assessment (including challenges that current providers experience)
  - c. An institutional survey
  - d. Programmatic capacity-building in the following three categories: a) administrative management; b) quality of work; and c) meeting Newmont requirements
- 5. Develop a comprehensive local procurement strategy including:**
  - a. Development of a Local Procurement Policy.
  - b. Contractual language for large contractors to use with local contractors (as subcontractors or JV partners, to train local contractors, to accept apprentices, etc.).
  - c. Modify requirements and procedures designed to cater to local providers (including splitting up larger contracts into smaller pieces).
  - d. Ring-fence contracts for local contractors (provided their financial proposal meets Newmont conditions). Even better, take a “first right of refusal” approach.

## 6. Increase opportunities for vertical mobility for Pamaka workers

- a. This could include training for (mostly Camp department) employees to start a career in a different department, much like that currently provided to become an operator.
- b. Provide Individual Development Plans for Pamaka employees with leadership potential (in first instance). Develop a tool to assess leadership qualities. The provision of IDPs to Pamaka employees is a commitment made in the Pamaka Cooperation Agreement.

## 7. Develop human rights awareness for the Merian Extended Leadership Team (MELT).

Ensure that Merian's Extended Leadership Team (MELT) have access to relevant information to engage the Pamaka (and the Kawina) in a manner that supports the principles of FPIC including knowledge about Indigenous Rights as well as having a comprehensive understanding of the past and present human rights impacts of the Merian mine. Such an effort would include a focus on explaining that compliance with the Pamaka Cooperation Agreement is a 'need to do' rather than a 'nice to do.'

### 5.1.2 Indigenous Peoples Rights – Right to Water and to an Adequate Standard of Living

The average annual rainfall in Suriname is 2,200 millimetres. The country has two wet seasons: a major wet season between May and July and a minor wet season from November to January. There are two short dry seasons: from February to April and from August to December.<sup>42</sup> The historically high rainfall in Suriname has made the country susceptible to flooding. However, the country experienced an extreme drought in the last quarter of 2023.<sup>43</sup>

Historically, ASM has been an important source of income for the Pamaka people in Suriname and, while there is no legislation to regulate the ASM sector specifically, it is permitted in terms of the 1986 Mining Decree.<sup>44</sup>

<sup>42</sup> World Bank Climate Change Knowledge Portal: Suriname, available at <https://climateknowledgeportal.worldbank.org/country/suriname/climate-data-historical#:~:text=Average%20annual%20rainfall%20is%202%2C200,region%20receives%202%2C500%20%2D%203%2C000%20mm>.

<sup>43</sup> As reported by the UN Caribbean in a report dated 16 February 2024, available at <https://caribbean.un.org/en/261496-access-clean-water-indigenous-suriname-village-kwamalasamutu-rehabilitated>. The assessment team heard from many stakeholders about the drought and saw the impact thereof, particularly on the Maroni River (border between Suriname and French Guyana), which, the team was advised, is lower than it has been in previous years.

<sup>44</sup> Suriname acceded to the Minamata Convention in 2018, which stipulates that countries with large ASM sectors that use mercury should take steps to reduce or eliminate the use of mercury in ASM. The GoS is taking steps to fulfill its obligations under the Minamata Convention through the adoption of the First National Action Plan on Artisanal and Small-Scale Gold Mining in Suriname (2023).

## Key Human Rights Standards

In addition to the rights of Indigenous Peoples to land, territories and resources which they have traditionally owned or occupied, as set out in the UNDRIP, the UN General Assembly in 2022 recognized the right to a clean, healthy and sustainable environment.<sup>45</sup> This right includes access to safe water and is linked to climate change, as the rise in global temperatures is worsening water shortages.<sup>46</sup>

Article 25 of the Universal Declaration on Human Rights and Article 11 of the International Covenant on Economic, Social and Cultural Rights protect the right to an adequate standard of living. The right to work and to secure the means for living a dignified life is also protected in Article 6 of the Additional Protocol to the American Convention on Human Rights.

The human right to water includes different components related to availability, accessibility, quality and safety, acceptability and affordability.<sup>47</sup> In particular, the availability of water must be sufficient and continuous for personal and domestic uses. Where there is a scarcity of water, it could have an impact on the right to an adequate standard of living.

This means that Merian must ensure that, in addition to preventing or mitigating impacts on the right to water, its operations do not have an adverse impact on access to water required for the Pamaka ASM to carry out work and earn a living.

In order to prevent adverse impacts on community members' rights to water and an adequate standard of living, companies are required to manage water responsibly and avoid or minimize and control the release of hazardous materials into the environment.<sup>48</sup>

## Key Newmont Standards

Tailings management is incorporated into the Newmont Sustainability and Stakeholder Engagement Policy, which contains a commitment to conforming to the Global Industry Standard for Tailings Management (GISTM).

With regard to water stewardship, the Sustainability and Stakeholder Engagement Policy acknowledges access to clean water as a human right and states that Newmont is committed to

<sup>45</sup> UNGA, The human right to a clean, healthy and sustainable environment, A/RES/76/300 (28 July 2022).

<sup>46</sup> UN Office of the High Commissioner for Human Rights: What is the Right to a Healthy Environment? Information Note, pages 5 and 9.

<sup>47</sup> In this regard, see Part II of the Shift Guidance for Companies on Respecting the Human Rights to Water and Sanitation, available at <https://shiftproject.org/resource/guidance-for-companies-on-respecting-the-human-rights-to-water-and-sanitation/>.

<sup>48</sup> IFC Performance Standard 3, paragraphs 9 and 13, IFC Performance Standard 4, paragraph 7.



strong governance, transparent reporting and responsible water management. The Water Management Standard details the requirements for proactively managing water throughout the mine lifecycle and protecting human health, beneficial use and the environment. It specifies that sites must develop a water management plan using an integrated watershed approach.

## Observations and Findings

### *Current Merian Practice*

- **Environment and Social Monitoring and Management Plan (ESMMP) in place.** The ESMMP states that the central goal of Merian's water monitoring program is reducing negative impacts on water quality and quantity as a result of mining processes. The ESMMP sets out that the quality of both groundwater (through seepage from the TSF) and surface water will be monitored to minimize potential negative impacts on water quality by the Merian operation. Monitoring of surface water quantity is also undertaken to monitor surface water stream flows.
- **Water discharge In line with the GISTM requirements.** Merian protects human health and the environment from cyanide and waste streams by treating water that is discharged from the process plant into the TSF, following the Effluent Treatment Plan for removal of metals, cyanide and ammonia. The treated water is then discharged into the Treated Water Storage Reservoir, where it is released in a controlled manner to ambient surface water sources.
- **Water monitoring procedures made public.** Section 2.5 of the 2022 Merian Annual Environmental and Social Report that was submitted to NIMOS describes the water monitoring procedures that have been undertaken at Merian since 2005.
- **Community consultation prior to additional water intake for the plant.** During the recent drought, Merian sought to draw water from a nearby creek for use in the processing plant. Prior to commencing with any bush-clearing to lay pipes, Merian engaged with the community members who rely on the same creek for water, to agree on the amount of water that would be drawn and to ensure that this would not have adverse impacts on their right to water.
- **Emergency provision of potable water to Pamaka communities during floods and extreme drought.** Each year, the islands on which most Pamaka communities are located are flooded due to high water levels in the Marowijne River, affecting residents' access to potable water. In such cases, Merian has made potable water available to community members.

### Stakeholder Feedback

- **Recognition that the Merian approach related to water is adequate.** Some Pamaka community stakeholders noted that Merian had provided access to potable water during emergency situations and that the quality of drinking water in local rivers is affected mostly by ASM activities upstream. The perception exists among some ASM that Merian is occasionally ‘flooding’ their area (following heavy rains), which is a perception the Merian ASM team aims to correct.

### Analysis (Key Findings)

- **Water-related impacts are managed well from a human rights perspective.** In light of the changing weather patterns in Suriname, it will be important that Merian monitors the impact the operation may have on the quality of groundwater and surface water. Continued monitoring of the water systems will assist with making contingency plans in the event of drought<sup>49</sup>.

### Risk Rating

#### Human Rights Risk Level and Relation to Merian



Assessed as having a positive human impact on the right to water by providing humanitarian assistance in times of crisis.

### Recommendations

#### 1. Continue to implement the Environment and Social Monitoring and Management Plan.

##### 5.1.3 Indigenous Peoples Rights – FPIC and the Right to Traditional Land and Benefits (Kawina)

The Kawina are recognized by Newmont as the holders of traditional land rights to the land on which Merian’s processing plant and the existing TSF are located, as well as the land on which the TSF-2 will be constructed. However, during the Environmental and Social Impact Assessment (ESIA) that was conducted for the Merian project in 2013, the Kawina had not been identified as

<sup>49</sup> Suriname faced a drought during the April visit of the assessment team, and water related issues were reviewed against that background. Rains arrived, later than normal, before the second visit of the assessment team.



traditional landowners. Accordingly, FPIC was neither sought nor obtained from the Kawina prior to the construction of the Merian mine.

The Kawina were forced to flee their communities during the Interior war in Suriname (1986 to 1992). Only a few Kawina (2 to 5 people) have permanently returned to their land after the war. The majority are living in Paramaribo and visit the Kawina communities during holidays and special occasions.

This issue is of high importance because of the actual impacts that the Merian operation has on the rights of the Kawina in relation to traditionally owned land, as well as the potential impact that Merian could have on their rights if FPIC is not obtained for the TSF-2.<sup>50</sup>

### Key Human Rights Standards

International standards provide that FPIC is triggered when a project impacts lands and natural resources subject to traditional ownership or under customary use; and/or when a project has impacts on critical cultural heritage. IFC Performance Standard 7 provides that if a project requires the relocation of Indigenous Peoples from communally held lands and natural resources, it may not proceed without obtaining FPIC. IFC Performance Standard 7 also requires FPIC to be obtained when specific portions of land or aspects of a project traverse Indigenous Peoples land (as is the case for the land on which Merian's processing plant and the existing TSF are located, and the land for the proposed TSF-2).<sup>51</sup> As is noted above, the 'sliding scale approach' means that the issue of FPIC is linked to the nature and impacts that the project will have on Indigenous Peoples rights.

The actual or potential impact that Merian has on land traditionally owned by the Kawina people relates to the land and natural resources only. No Kawina people will need to be resettled to make way for the TSF-2 (the ASM camp is used by Pamaka and Brazilian ASM) and, with regard to the cultural rights of the Kawina, a recent archaeological study of the TSF-2 footprint commissioned by Merian found that there are no archaeological sites or sites of relevance for cultural heritage in the area.<sup>52</sup>

### Observations and Findings

#### *Current Merian practice*

- **Negotiations with the Kawina have been ongoing for some years.** The Kawina Onderhandelings Committee (KOC) was established to negotiate the terms of a benefit-

<sup>50</sup> In this regard, see the Human Rights Assessment of the TSF-2, included in Appendix C of this report.

<sup>51</sup> Articles 19 and 32 of the UNDRIP, Guidance Note 28 (GN28.) on IFC Performance Standard 7.

<sup>52</sup> Social Impact Assessment (SIA) for the ESIA for the TSF-2, section 1.7.



sharing agreement with the Kawina, similar to the Pamaka Cooperation Agreement. Negotiations with the KOC started in earnest in late 2021 and have not yet resulted in an agreement. This delay is largely due to Kawina requests for Newmont to provide significant amenities for the Kawina communities (road access, medical support, education, communication, etc.). Merian considers these requests to be both unrealistic and not sustainable.

- **Support and Reimbursement Agreement.** In order to facilitate negotiations regarding a benefit-sharing agreement, Merian entered into a Support and Reimbursement Agreement with the Kawina Community to provide financial and/or in-kind support to the Kawina Community for community activities, including activities undertaken by the KOC in connection with the (potential) cooperation agreement. The support Newmont provides includes quarterly food packages for the Captains, quarterly inconvenience fees to the Captains and the Gramman, monthly payments to the members of the KOC and payment on the lease of the KOC office in Paramaribo.
- **FPIC requirement for TSF-2.** There is ongoing engagement with the Kawina regarding the TSF-2 with a view to obtaining FPIC from them prior to construction of the TSF-2 commences.

#### *Stakeholder Feedback*

- **Constructive and positive relations between Merian and the Kawina people.** Traditional Authorities and community members point out that they appreciate the Newmont position of recognizing the Kawina as traditional landowners. They also point out the support provided by Merian during the negotiations and the ease by which community representatives have access to the company.
- **Community concern about the slow progress of the negotiations.** During various meetings, Kawina stakeholders expressed frustration with the perceived slow progress in the negotiations between Merian and the Kawina Negotiations Committee (KOC). Several members noted they receive limited information from their own people and wish to see the Kawina taking a more pragmatic approach that could lead to finalizing a benefit agreement with Merian.

#### *Analysis (Key Findings)*

- **The Kawina community is aware of their rights, including FPIC.** A discussion with a large delegation (19 people) of Kawina representatives, including Traditional Authorities, identified that the Kawina community is relatively well-informed about potential project impacts, such as the unlikely event of a catastrophic dam failure, as well as about their rights being

recognized by Merian as Indigenous Peoples. This includes an awareness of the right to provide or withhold consent.

- **FPIC for TSF-2 may become a critical path issue.** The GISTM and Newmont requirement for the Kawina to provide consent for the TSF-2 has a human rights impact (risk to people) but at this point also a social risk (risk to the business), as FPIC might become a critical path issue. Given the slow pace of reaching an agreement with the Kawina on the larger Merian project, there is the risk that FPIC for TSF-2 may not be obtained in time to meet regulatory timelines. This highlights the urgency to finalize negotiations with the Kawina.
- **Negotiations with the Kawina are position-based rather than rights-based.** From a social performance perspective (as opposed to a human rights perspective), discussions between the KOC and Merian focus on positions rather than interests, which might partly explain the lack of progress in the negotiations. In addition, payment of KOC members, as well as support packages to TAs, by Merian may feed a perception that the company is rich and should be able to meet KOC demands. There are also reportedly allegations that such support measures are considered to be pay-offs made to decision-makers.
- **Merian can be linked to how compensation for the Moengotapoe community forest is used.** The proposed TSF-2 area partly overlaps with the community forest of Moengotapoe Village. Merian intends to compensate the community for the loss of the economic value of the forest. Proceeds from the use of a community forest (e.g. logging) legally should be used for community projects that the GoS is not able to pay for. Community forests are typically registered in the name of the Captain. Experiences from other parts in Suriname show the risk of misappropriation of proceeds related to community forests, to which Merian potentially could be linked.

## Risk Rating

### *Human Rights Risk Level and Relation to Merian*

In light of the low numbers of people living on the land traditionally owned by the Kawina, there is a low-medium severity (2) and high likelihood (5) that Merian did not obtain FPIC from the Kawina for construction and operation of its facilities, which has impacts on their rights to lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired, as well as their rights to benefit from natural resource development on their traditional lands and territories.

The risk is assessed as medium/low likelihood (2) and medium/low severity (2) that Newmont will not obtain FPIC from the Kawina for the construction and operation of the TSF-2, and still

goes ahead with construction, which has potential impacts on the Kawina's rights to lands, territories and resources that they have traditionally owned, occupied or otherwise used or acquired, as well as their rights to benefit from natural resource development on their traditional lands and territories. This impact is assessed as relatively low, as engagement with the Kawina is ongoing and both parties are keen to seek a mutually positive outcome.

#### Relationship (Cause, Contribution or Linkage)

Newmont could cause an impact on the rights of the Kawina. The company's actions also could be linked to the Kawina right to benefit from development if compensation measures do not benefit the larger community.

#### Recommendations

1. **Design a strategy for negotiations with the KOC around underlying Kawina rights and interests** as opposed to negotiating around positions. An independent mediator with expertise in interest-based negotiations could facilitate this. Especially the focus on contributing to the community vision to re-establish their villages is important, both as an opportunity to further the cultural heritage rights of the community as well as from a practical perspective on that employment and contracting opportunities for the Kawina are limited in this phase of the project.
2. **Ensure the agreement is explicit about a) engagement protocols; b) benefits; and c) preserving cultural rights.** Taking such an approach reduces the possibility of a "transactional" relationship in the future and emphasizes the importance of maintaining a long-term cordial relationship. Also any agreement that includes benefits should focus on things that are collective in nature (such as the rebuilding of Kawina communities) as that is what Indigenous peoples rights are trying to preserve.
3. **Obtain consent for development of the TSF-2 prior to commencing construction activities.**
4. **Ensure procedures are in place to ensure that compensation for timber concession #167 to Moengotapoe Village contributes to the development of the wider community rather than specific individuals.**

#### 5.1.4 Indigenous Peoples Rights – TSF-2 (Pamaka ASM)

The potential impacts on the rights of Pamaka ASM in relation to the TSF-2 were addressed under the salient issue of land, livelihoods and resettlement in the HRIA for the TSF-2. Appendix C provides a summary table of the Human Rights Risks Assessment whereas Appendix D provides

the full report. This summarises the salient human rights issues that were identified, and the corresponding recommendations that were made in the assessment.

The ESIA for the TSF-2 identified the following impacts on Pamaka people as a result of the construction of the TSF-2. These impacts consist of two salient issues that are separately placed on the Heat Map.

- A) There is a Pamaka ASM camp on the edge of the TSF-2 footprint which will need to relocate to make way for the TSF-2. The Pamaka Land Boss, who currently receives royalties from the ASM camp, will lose the income from ASM, as well as access to the resource.
- B) The TSF-2 footprint overlaps with the Pamaka Mining Reserve (SSMP), and, although no gold exploration has been done in the overlapping area yet, it could lead to economic displacement for the Pamaka ASM who move to work there in the future

These two impacts will result in physical and economic displacement for the Pamaka ASM camp, the Pamaka Land Boss and the Pamaka ASM working on the SSMP.

### Key Human Rights Standards

In addition to the UNDRIP's protection of the right of Indigenous Peoples to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired, international law protects the right to an adequate standard of living. IFC Performance Standard 5 outlines the fact that involuntary resettlement involves both physical and economic displacement.<sup>53</sup> This is also reflected in Newmont's Land Acquisition and Involuntary Resettlement Standard.

### Observations and Findings

#### *Current Merian practice*

- **Newmont has demonstrated conformance to international guidance and recognized best practice frameworks governing land, livelihoods and resettlement** through the provision of support to the SSMP and the rollout of the Pamaka ASM LAP (discussed above under 5.1.1). Also the Newmont Standard on Land Acquisition and Involuntary Resettlement is aligned with international standards such as IFC PS5.

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<sup>53</sup> IFC Performance Standard 5, paragraph 1.

### Stakeholder Feedback

- **Pamaka ASM do not believe that the ore body on the SSMP holds sufficient gold to offset the loss of livelihoods** that occurred as a result of no longer having access to Gowtu Bergi.

### Analysis (Key Findings)

- **Merian does recognize the rights of the ASM currently working in the proposed TSF-2 area** and the need to address potential economic (and possibly physical) displacement in case the miners remain in their current location.
- **Risk of forced eviction is low but should be considered.** The assessment team did not speak with the ASM in the proposed TSF-2 area. However, interviews conducted during the ESIA for the TSF-2 indicate that ASM group is aware of their rights and may wait for a Merian resettlement offer. Against this background, the risk of forced eviction is deemed low. Forced eviction is a serious human rights impact.
- **The presence of gold-bearing ore in the SSMP area overlapping with the proposed TSF-2 needs to be clarified with a sense of urgency to reduce to risk of potential human rights impacts.** Ongoing lack of clarity could potentially have a cascading effect not only on the right to an adequate standard of living but also could undermine the right to benefit from extraction of natural resources. As well, since Merian was instrumental in securing the Pamaka Mining Reserve, the possibility of laying claim on part of the SSMP without knowing if it concerns gold-bearing ore would undermine the relation between ASM and Merian.

### Risk Rating

#### Human Rights Risk Level and Relation to Merian



In light of the remediability of the impact on the livelihoods of the Pamaka ASM camp and the Land Boss, there is a low severity (1) and high likelihood (5) that the construction of the TSF-2 will impact on their rights to lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

With regard to the potential impact on the Pamaka ASM who may move to work on the SSMP, and in light of the uncertainty as to whether the part of the SSMP that overlaps with the footprint of the TSF-2 has gold-bearing ore, there is a low-medium severity (2) with a medium likelihood (3) that the construction of the TSF-2 will impact on the right of the Pamaka ASM to benefit from land which they have traditionally owned.

### Relationship (Cause, Contribution or Linkage)

Newmont could cause adverse impacts on Indigenous peoples rights and the right to an adequate standard of living if it fails to compensate for income currently derived from small-scale mining activities that is lost due to construction of the TSF-2. It also could cause a negative impact on Indigenous peoples rights to benefit from land which they have traditionally owned if it uses part of the Pamaka Mining Reserve for the construction of the TSF-2, when it is not yet clear if this land contains gold-bearing ore.

### Recommendations

- **Agree with the SSMP to explore the TSF-2 area that overlaps with the Pamaka Mining Reserve, to determine whether gold-bearing ore exists, prior to the start of construction.**
- **Once government approval is obtained for TSF-2, engage with the Pamaka ASM camps that will need to be relocated, to provide alternative land or conduct other livelihood restoration activities.**
- **Determine if the drafting of a Resettlement Action Plan (RAP) is required.** Engage with the Pamaka Land Boss regarding the impact of the economic displacement due to the relocation of the ASM camp on the edge of the footprint of the TSF-2 and, if needed, develop a compensation strategy for the loss of the income earned from ASM and loss of access to the resource.

## 5.2. Workers' Rights





## Introduction

Workers' rights are a key component of human rights for businesses, which is why it has been prioritized as a salient human rights issue. Two categories of workers that are important internal stakeholders in any company are discussed in this chapter of the report: workers who are direct employees of the company, and contractor workers.

## Key Human Rights and Standards

### *International and Regional Standards*

The UNGPs state that companies must respect the core labor rights contained in the ILO Declaration on the Fundamental Principles and Rights at Work, which include safe and healthy working conditions, freedom from discrimination, freedom from harassment, freedom from child and forced labour, and freedom of association.<sup>54</sup> Article 23 of the Universal Declaration of Human Rights and Article 7 of the International Covenant on Economic, Social and Cultural Rights protect the right to just and favourable working conditions, which includes remuneration that provides a decent living for workers and their families and decent camp conditions.

At a regional level, Article 7 of the Additional Protocol to the American Convention on Human Rights protects the right to just, equitable and satisfactory conditions of work, which includes remuneration that guarantees, as a minimum, to all workers, dignified and decent living conditions and equal wages for equal work, as well as safety and hygiene at work.

Freedom of association is protected, at a regional level, in Article 16 of the American Convention on Human Rights.

The UNGPs also state that companies must identify and address any actual or potential human rights risks with which they may be involved through their own activities, or as a result of their business relationships, which includes the rights of contractor workers.<sup>55</sup>

ICMM Principle 3 sets out the responsibility for companies to respect the human rights of workers by: not employing child or forced labour; avoiding human trafficking; not assigning hazardous/dangerous work to those under 18; eliminating all forms of harassment and discrimination; respecting freedom of association and collective bargaining; providing equitable remuneration; and providing an appropriate mechanism to address workers grievances.

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<sup>54</sup> The ILO recently added safe and healthy working conditions to the ILO Declaration of Fundamental Principles and Rights at Work in July 2022.

<sup>55</sup> Principle 18 of the UNGPs.

### *Surinamese Law*

The Constitution of the Republic of Suriname protects workers' right to freedom of association.

The Labor Act (1963) and the Occupational Safety and Health Act (1947) set out the requirements and regulations for workplace health and safety. The labor laws regulate hours of work and workplace injuries, and they prohibit child labor and anti-union activities. A minimum-wage law sets the minimum wage<sup>56</sup> above the poverty income level. As will be discussed below, under 'just and favourable working conditions,' paying just above the poverty income level does not necessarily equate to a living wage. The Government of Suriname is the largest employer in Suriname, and it deems the labor laws to be binding on private employees but not on civil servants.<sup>57</sup>

The latest Universal Periodic Review of Suriname (UPR) (2021) noted that there is unequal access to economic opportunities between men and women in Suriname and that there is a disproportionately high unemployment rate among women, particularly rural women, Maroon women and other Indigenous women. Furthermore, women hold primarily low-paying jobs and are under-represented in managerial positions. There was a call on the GoS to amend article 28 of the Constitution to ensure that it incorporates the principle of equal pay for men and women for equal work.<sup>58</sup>

In 2022, the National Assembly passed the Equal Treatment in Employment in the Workplace Act, which prohibits employment discrimination based on birth, sex, sexual orientation, race, language, religious origin, education, political beliefs, economic position, or any other status. Authorities have enforced the law, but discrimination in employment continues to be reported based on disability, gender, sexual orientation, gender identity, and HIV or AIDS status.<sup>59</sup> The National Assembly also passed a law against Violence and Sexual Harassment in the Workplace, which applies to the private sector only.<sup>60</sup>

With regard to the protection of personal information in Suriname, the bill for the Privacy Protection Act and Personal Data (Privacy Bill) was presented to the Suriname National Assembly in 2018 and was considered by the Committee of Rapporteurs in 2021. The Committee had several questions and sought feedback on the Bill. Since then, there has been no further progress and the Privacy Bill remains under consideration in the National Assembly.

<sup>56</sup> As of April 1, 2024, the minimum wage in Suriname is SDR 49.12 per hour.

<sup>57</sup> US Department of State 2022 Country Report on Human Rights Practices: Suriname, p. 19, available at: <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/suriname/>.

<sup>58</sup> Universal Periodic Review Suriname, 2021, p. 7, 11 to 12, available at <https://www.ohchr.org/en/hr-bodies/upr/sr-index>.

<sup>59</sup> US Department of State 2022 Country Report on Human Rights Practices: Suriname, p. 11, available at: <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/suriname/>.

<sup>60</sup> Ibid.

### *Newmont Standards*

The Newmont Human Rights Standard commits to respecting the human rights of direct employees and contractor workers on site. It also contains a procedure for carrying out human rights due diligence on business relationships in the supply chain. Newmont's Supplier Code of Conduct sets the minimum standard with which contractors must comply and requires suppliers to respect internationally proclaimed human rights, including workers' rights, a term that encompasses worker health and safety and freedom of association.

In its People Policy, Newmont commits to treating all people with respect, making employment decisions fairly, and promoting an inclusive work environment where diversity is valued. In addition, Newmont commits to the success of all of its employees, with a focus on training and development, performance and talent management.

The Newmont Standard of Conduct and Non-Discriminatory Treatment in Employment commits to non-discriminatory treatment in employment decisions (with exceptions made in targets developed through local agreements for the employment of local residents) and to maintaining a work environment free of discrimination. The Newmont Global Diversity and Inclusion Standard aims to achieve a workplace environment that is inclusive and diverse, through the development of a Global Inclusion and Diversity Strategy.

At site level, the HRMP commits to respecting the human rights of contractor workers and to managing risks in the supply chain. It also assigns functions to the Supply Chain Manager to ensure: a) a risk-based approach in management and safeguarding of all contractors and contractor workers' human rights; b) that human rights frameworks, such as due-diligence processes, are used as part of supplier risk management; and c) that all suppliers contractually adhere to addressing human rights impacts as part of their service provision.

The HRMP also contains provisions for contractor management that include:

- The inclusion of appropriate human rights clauses in all standard contract templates used for new vendors and when contracts of existing vendors are up for renewal.
- Human rights contract provisions will include respecting the fundamental human rights and freedoms to which each person is entitled, consistent with human rights as defined by the Universal Declaration of Human Rights. Human rights provisions will also include the requirement that Merian be notified if a vendor becomes aware of any human rights issues related to its activities with Newmont.
- In the event that Merian becomes aware of a human rights issue in its supply chain, it will request that the relevant vendor conduct an investigation and develop an action plan for

implementation to address the issue. Merian will notify the vendor that it may be subject to a variety of legal implications associated with such issue, including potential termination of the agreement in question.

- A core value on site at Merian is to ‘speak up’ if anyone notices a situation that could be unsafe.

## 2016 Human Rights Impact Assessment

*Table 8 – 2016 HRIA Findings and Recommendations related to the (contractors) worker rights*

<b>Issues relating to the rights of (contractor) employees in the 2016 HRIA</b>	
<p><b><u>Key Findings</u></b></p> <ul style="list-style-type: none"> <li>• New mothers who are (contractor) employees have work schedules that make breastfeeding non-viable</li> <li>• The development of the Merian clinic results in access to free treatment for Surgold employees and contractors</li> <li>• Limited visibility of Merian as to how contract employees are being paid, if they receive pay slips or if working conditions meet Newmont Standards</li> <li>• The majority (53%) of women employed by Surgold are minimum wage earners</li> <li>• Newmont developed guidance to support implementation of its Human Rights Standard, which includes considerations of whether the company’s decisions could prevent union activity.</li> </ul>	<p><b><u>Key Recommendations</u></b></p> <ul style="list-style-type: none"> <li>• Consider supporting affordable access to infant-appropriate food sources</li> <li>• Increase workers’ access to on-site clinicians and to healthcare providers in Paramaribo</li> <li>• Conduct a living wage study to evaluate salaries for unskilled positions</li> <li>• Develop oversight mechanisms regarding housing, transportation, rest, and wages for employees and contractors.</li> <li>• Pro-actively recruit female employees and encourage them to pursue training</li> <li>• Evaluate workforce employment contracts for potential risks to unionization</li> </ul>

### 5.2.1. Contractor Workers’ Rights – Safe and healthy working conditions

#### Key Human Rights Standards

As noted above, having safe and healthy conditions of work is a core labor right in terms of the ILO Declaration on the Fundamental Principles and Rights at Work. The right to a safe and healthy working environment encompasses both physical and mental health. Unsafe working conditions can create risk factors for mental health, known as psychosocial risks, and can be related to specific characteristics of the workplace, corporate culture or the working environment.



Psychosocial risks can also cause or exacerbate physical health conditions. Factors that can undermine mental and physical health include inadequate and insecure pay, job insecurity and harassment in the workplace.<sup>61</sup>

ICMM Principle 5 sets out the responsibility of companies to implement practices aimed at continually safeguarding physical and psychological health and safety in the workplace, and to provide workers with training in accordance with their responsibilities for physical and psychological health and safety.

The right to safe and healthy working conditions is protected in Article 7 of the Additional Protocol to the American Convention on Human Rights. The right to just, equitable and satisfactory conditions of work includes safety and hygiene at work and stability of employment.

### Key Newmont Standards

Maintaining a safe and healthy working environment is a top priority for Newmont, supported by the goal of zero harm. The Supplier Code of Conduct, which requires contractors to comply with all applicable site and workplace policies, standards and procedures, requires contractors to protect the health and wellbeing of their workers.

### Observations and Findings

#### *Current Merian practice*

- **Standardized Goods, Services and Purchase Agreements include human rights clauses.** These require contractors and suppliers to respect fundamental human rights protected in the Universal Declaration of Human Rights and to not engage in child or forced labor. Agreements also require contractors and suppliers to comply with Newmont Policies and Standards. However, they do not mention the core ILO labor rights or specify that contractor and supplier workers' should also be respected.
- **Merian conducts human rights risk assessments of contractors and suppliers in its supply chain** as part of its onboarding process through prequalification surveys. Other contractors and suppliers working in high human rights risk categories (e.g. janitorial, transport, waste management) are also monitored for human rights risks. Merian provides online training to contractors and suppliers that are categorized as high risk from a human rights perspective, to mitigate any impacts. A database is maintained to monitor and track the mitigation measures put in place for high-risk contractors and suppliers.

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<sup>61</sup> ILO/WHO Joint Policy Brief: Mental Health and Work (2022), p.4, available at <https://www.ilo.org/publications/mental-health-work>.

- **The Contractor Safety Plan Procedure requires all contractors to develop a safety plan for each project** in consultation with the Contract Owner. In cases where contracts extend for more than one year, the plan must be reviewed annually by the Contract Owner to ensure all changes are captured and that workers have access to the most up-to-date work instructions (i.e. procedures) from the Newmont site.
- **All contractors are given a copy of the Newmont health and safety standards** and all contractor workers receive health and safety training prior to commencing work on site.
- **An external Safety Culture Review is conducted every two years**, and monthly health and safety meetings are held with contractors.
- **A focus on the health of workers both during and after employment.** The Occupational Health Programme, which applies to contractors, requires contractors to monitor their workers' fitness for work by conducting medical assessments pre-employment, periodic assessments during employment, and on leaving employment. They are required to provide these records to Newmont on request.

#### *Stakeholder Feedback*

- **No consistent application of the Contractor Safety Plan Procedure.** Merian management explained that contractor workers are supervised by the various departments under which they are contracted to work, but that the Contractor Safety Plan Procedure is inconsistently applied by Contract Owners to monitoring compliance with Newmont health and safety standards.
- **Fear of retaliation.** Most workers (both contractor workers and direct Newmont employees) that were interviewed expressed a fear of retaliation for speaking up, occasionally even where it concerns safety issues (this was mentioned by contractor staff only). Whereas contractor employees noted that retaliation could manifest itself in the loss of employment, Newmont employees said retaliation often was more subtle and less overt. When asked, several interviewees said their fear of retaliation affects their sense of well-being/mental health.

#### *Analysis (Key Findings)*

- **There are concerns about the impact of smaller policies that cumulatively have an impact on (contractor) employee well-being.** In various discussions with both contractor workers and workers directly employed by Merian, several people mentioned examples that identified, in their words, “the absence of a trusted environment.” Examples varied from a

general fear of retaliation, particularly among contractor workers, for raising an issue, concern or grievance, to being reprimanded for being transparent about grievances associated with the department, to the stringent application of security measures such as the recently halted practice of carrying out periodic polygraph testing on private security guards. The issue of the polygraph approach was notably brought up by Newmont employees (rather than by the contract workers themselves), who noted that this practice affected their sense of working in a trusted environment, even though the practice does not directly affect them.

- **Monitoring of the (mental) health status notably of contractor employees would benefit from reinforcement.** The policy framework for monitoring contractor compliance with Newmont's health and safety standards is in place, but there is an opportunity to monitor the implementation of the policy more consistently.

#### Risk Rating

##### *Human Rights Risk Level and Relation to Merian*

There is a medium-high severity (4) but low likelihood (2) of potential adverse impacts on contractor workers' right to safe and healthy working conditions.

#### Relationship (Cause, Contribution or Linkage)

Newmont could contribute to adverse impacts on contractor workers' right to safe and healthy working conditions if it fails to exercise appropriate due diligence of contractors in its supply chain—including in terms of monitoring of safety and occupational health practices. As it strengthens its monitoring and corrective actions on these aspects, impacts are more likely to be perceived as directly linked to any adverse impacts.

#### Recommendations

1. **Reinforce human rights clauses in Standardized Goods, Services and Purchase Agreements by specifically including protection of key labour rights** (living wage, ability to speak up without fear of retaliation, need for all employees to have contracts, be paid on time, the possibility for Merian to monitor compliance, etc.)
2. **Maintain/strengthen ongoing health and safety monitoring efforts, especially related to contractor activities.** Staff trained in health and safety monitoring should also be training in assessing mental health and broader well-being related aspects in order to identify any other possible impact on workers' rights.



3. **Include wellness and labor related elements into the Contractor (Health and Safety) Management Plan.** Deliberately and explicitly including such provisions in the Management Plan means that these aspects will be reviewed during audits whereas they currently may be overlooked.
4. **Reinforce the message (e.g. during inductions) that contractor staff has the right to speak up if they encounter unsafe situations.** The message should also include options for staff how and where to lodge a complaint in case they perceive they are not listened to, or experience retaliation.
5. **Solicit suggestions from employees and contractor employees (e.g. through the Health and Safety Committee) to maintain a ‘trusted’ work environment.**

#### 5.2.2. Contractor Workers’ and Workers’ (Direct Merian Employees) Rights – Just and favourable working conditions

##### Key Human Rights Standards

As noted above, international and regional standards protect the right to just and favourable working conditions. The scope of the right to just and favourable working conditions includes reasonable working hours, remuneration, annual leave and housing conditions. Based on stakeholder feedback, two aspects of the right to just and favourable working conditions have been prioritised: the right to fair wages and remuneration that provides workers with a decent living for workers and their families,<sup>62</sup> and the right to decent living conditions.

Article 7(b) of the International Covenant on Economic, Social and Cultural Rights includes safe and healthy working conditions as part of the right to just and favourable conditions of work. The enjoyment of the right to just and favourable conditions of work is a prerequisite for, and result of, the enjoyment of the other core ILO labor rights, for example, the right to the highest

<sup>62</sup> General comment No. 23 (2016) on the right to just and favourable conditions of work (article 7 of the International Covenant on Economic, Social and Cultural Rights), paragraphs 2 and 4, available at <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovLCuW1a0Szab0oXTdlmnsJZVQfoUYY19kME5pOgRbao%2BukB1Kzn1MMnQL24FFvtlIdk%2F%2FR%2FF0GthE%2BTiGSATb%2BUa3WMs0%2F%2BfvfQFg02%2BY%2FTVuqU>.

attainable standard of physical and mental health, by avoiding occupational accidents and disease.<sup>63</sup>

The right to just and favourable working conditions also includes decent living conditions. The ILO Workers' Housing Recommendation, 1961 (No. 115) states that the objective in providing worker housing should be to ensure "adequate and decent housing accommodation and a suitable living environment" for workers.<sup>64</sup> This includes upkeep, improvement and modernization of housing and related community facilities.<sup>65</sup>

Worker housing should also meet certain minimum standards, including "structural safety and reasonable levels of decency, hygiene and comfort."<sup>66</sup> This includes, for example, a separate bed for each worker, reasonably comfortable bedding materials, adequate ventilation to ensure sufficient movement of air in all conditions of weather and climate, adequate supply of safe, potable water, adequate sanitary facilities, common dining rooms, canteens or mess rooms, appropriately situated and furnished laundry facilities, reasonable access to telephone or other modes of communication, and rest and recreation rooms.<sup>67</sup>

There is a minimum wage law in Suriname, and the minimum wage increased from SRD35 (USD1.00) per hour to SRD49.12 (USD1.53) per hour as from April 1, 2024. The increase in the minimum wage may not account for the high rates of inflation Suriname has experienced in the last few years.

### Key Newmont Standards

In 2022, Newmont initiated a process with BSR, an independent sustainability group<sup>68</sup> to determine a living wage, to be updated on an annual basis for all countries where Newmont operates. Newmont's Ghana operations have already utilized this data through the implementation of a living wage requirement for contractor workers.

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<sup>63</sup> General comment No. 23 (2016) on the right to just and favourable conditions of work (article 7 of the International Covenant on Economic, Social and Cultural Rights), paragraph 1, available at <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovLCuW1a0Szab0oXTdImnsJZZVQfoUYY19kME5pOqRbao%2BukB1Kzn1MMnQL24FFvtIldk%2F%2FR%2FF0GthE%2BTiGSATb%2BUa3WMs0%2F%2BfvfQFg02%2BY%2FTVuqU>.

<sup>64</sup> ILO Workers' Housing Recommendation, 1961 (No. 115) General Principles, Part II, paragraph 2.

<sup>65</sup> Ibid, paragraph 3.

<sup>66</sup> Ibid, paragraph 19.

<sup>67</sup> ILO Workers' Housing Recommendation, 1961 (No. 115) General Considerations, Part 1, paragraph 7.

<sup>68</sup> See Respecting Human Rights: Our Approach, p. 18, available at [Respecting Human Rights: Our Approach \(q4cdn.com\)](https://www.newmont.com/respecting-human-rights-our-approach).



The Newmont Supplier Code of Conduct requires suppliers to respect internationally proclaimed human rights, including the labor rights of their employees. They are also expected to ensure timely payments of salary and benefits to any employees and subcontractors.

In Newmont's 2023 Human Rights Saliency Assessment, labor rights are identified as a salient issue, with contractor workers included as key stakeholders at risk of adverse impacts on their right to just and favourable working conditions.

The Newmont Business Integrity Policy requires all those engaged in activities on behalf of Newmont to work honestly and in the best interests of the Company, to avoid corruption and bribery of any kind, and to ensure compliance with various relevant legal requirements. The Code of Conduct provides that all stakeholders can anonymously report unsafe and unethical behaviour of employees directly through the Integrity Helpline.

#### Observations and Findings: Contractor Workers' right to just and favourable working conditions

##### *Current Merian practice*

- **Consolidation of accommodation.** In response to ongoing complaints about living conditions at Merian, especially related to the room sharing arrangement for workers in lower-level positions, Newmont is in the process of constructing 720 new single rooms for Newmont workers and contractor workers. Only two contractors will maintain their own camp.
- **Camp Audits.** In 2022, Newmont carried out an audit of the camps of the main contractors to assess whether the living conditions met Newmont standards, which reportedly led to changes related to living quarters, mostly improving safety aspects of the camp.
- **Some contracts stipulate minimum salary requirements.** For example, minimum salaries for private security guard salaries are specified in the contract with the security provider. This provider also provides the department with a monthly report that includes salaries paid and issues raised by private security employees.

##### *Stakeholder Feedback*

- **Contractor worker salaries have reportedly not kept up with inflation.** Contractor workers are paid lower salaries than Newmont workers, and they are not always paid in a timely way or in full. Further, while Newmont ensures that salaries paid to its workers keep up with inflation, the same is not guaranteed for contractor worker salaries, thereby potentially impacting the take-home living wage of workers.

- **Some reported incidents of inadequate working conditions.** Feedback from Newmont and contractor workers acknowledged that working conditions for Newmont employees are (very) good and substantially better than for contractor and subcontractor employees. Some contractor and subcontractor workers mentioned the following human rights impacts with regard to just and favorable working conditions:
  - Some employees report they do not have a contract; and
  - Others state they do not receive a salary slip or any verification to determine if they are adequately paid.
- **Below living wage payments.** Some Merian managers recognize the possibility that some contractors would pay less than a living wage to their workers and subcontractors. Especially when the contract involves a lump-sum amount, Newmont management has no visibility on a detailed breakdown of salary costs. Some contractors state that they pay their workers as low as 54 SRD per hour, which is above the minimum wage but not a living wage.
- **There are some allegations that the provision of sexual favors can lead to more favorable schedules.** For example, there are some instances where female contractor workers who are willing to provide services to male decision-makers have a higher chance of being called back for a next rotation. The assessment team was unable to validate these allegations based on factual evidence, but they were corroborated by both male and female contractor workers.

#### *Analysis (Key Findings)*

- **Once a contractor is on-boarded by Procurement and handed over to the end user, there is less rigorous monitoring of the contractor.** Discussions with Merian management signalled a gap in contractor monitoring during the transition from due diligence/on-boarding by the Procurement department to the end user department. Whereas the human rights lens is integrated during the on-boarding process, this is less pronounced once the contractor is handed over to the end-user department. This is one reason to explain why, despite the human rights lens integrated during the on-boarding process, just and favorable working conditions may be impacted once contractors are on-boarded.
- **Living conditions on site have greatly improved due to new accommodation.** The construction of new accommodation for workers on site will help ensure contractor living conditions are improved, in line with ILO standards.
- **There is an increased risk that the working conditions of contractors' employees are impacted when it concerns lump-sum contracts.** Because a lumpsum contract does not allow Merian contract owners to review budget line items such as salary levels per category employee, the risk of salary payment below a living wage is a heightened risk.

- **The lowest wage paid by some contractors and subcontractors is likely below a living wage.** Although the assessment did not find any evidence of workers getting paid less than minimum wage of SRD 49.12 per hour, the wages paid by some contractors are just above the minimum wage and most likely well below the living wage for Suriname. There is an opportunity to adopt the practice from the Ghana operations and extend the minimum wage requirement to contractors.
- **The degree of vulnerability of workers is influenced by several predictable factors:**
  - Employer: Newmont, a contractor, or a subcontractor? Newmont workers are least vulnerable, subcontractors are most vulnerable.
  - Gender: female workers are reportedly more vulnerable to sexual harassment.
  - Income levels: low-level positions can be an indication of the urgency of keeping a job and, thus, to be more vulnerable to impacts.
  - Contract status: workers perceive that the probation period adds another layer of vulnerability.
  - Presence of a potential advocate: does the person have access to Union representatives or is he/she hired through a temping agency?

These criteria signal that female workers hired via a temping agency by subcontractors to execute low-paying jobs with no job security and during their probation period constitute one of the most vulnerable groups.

#### Risk Rating

##### *Human Rights Risk Level and Relation to Merian*



There is a medium severity (3) and high likelihood (4) of adverse impacts on contractor workers' right to just and favourable working conditions, by not paying living wages to all contractor employees, through the possibility of harassment, or otherwise.

#### Relationship (Cause, Contribution or Linkage)

Merian could contribute to adverse impacts on contractor workers' right to just and favourable working conditions if it fails to exercise appropriate monitoring of contractors in its supply chain with regard to living conditions in contractor camps and to ensure that living wages are paid, contractor staff have contracts, and no sexual favors are requested. As Merian strengthens its monitoring of these aspects, it is more likely to be perceived as directly linked to any adverse impacts.

## Recommendations

1. **Increase the rigor in monitoring just and favorable working conditions for contractor workers.** Use the Contractor Safety Plan to expand monitoring of contractor compliance with Newmont health and safety standards to other areas of workers' rights, including just and favourable working conditions.
2. **Develop a specific monitoring approach for the most vulnerable contractor employees.** For example, Merian could apply the various vulnerability criteria to screen contractor employees and check in with such employees on a regular basis. Consider establishing a quarterly contractor monitoring program where the Human Resources function interviews contractor workers to ensure that contractor requirements are met (e.g. Ghana practice).
3. **Consider establishing a confidante person for contractor employees.** Such a person would be a trusted individual for contract workers to approach in cases where they feel their rights are impacted (e.g, maybe a role for a contact point in Human Resources or BI&C).
4. **Incorporate living wage requirements in Terms and Conditions of contracts.** Such a requirement would allow Merian to check the salary slips of contractor workers on a regular basis to verify that agreed minimum salaries are indeed paid to workers.
5. **Explain key worker rights to contractor and subcontractor employees during the induction.** Key information would include information about the living wage employees should expect, how to report harassment claims or other grievances, etc.

## Observations and Findings: Workers' (directly employed by Merian) right to just and favourable working conditions

As noted above, "safe and healthy working conditions" includes both mental and physical safety. Psychosocial risks in the workplace include specific characteristics of the workplace that can undermine mental and physical health and cause adverse impacts on workers' rights.<sup>69</sup> Corporate culture can impact the workers' mental well-being, and workers need to feel that they are working in a safe environment.

<sup>69</sup> ILO/WHO Joint Policy Brief: Mental Health and Work (2022), p.4, available at <https://www.ilo.org/publications/mental-health-work>.

In this way, the right to just and favourable conditions of work also extends to employment status and dismissals. To ensure that companies do not adversely impact workers' rights to just and favourable conditions of work, dismissals must be conducted in a fair manner that provides adequate procedural safeguards and compensation where appropriate. Company disciplinary measures must ensure respect for employees' mental, emotional and physical well-being, and appropriate and progressive disciplinary measures should be adopted, starting with verbal or written warnings before taking serious measures such as suspension or termination.<sup>70</sup>

Disciplinary measures are necessary and legitimate. Human rights standards requires companies to ensure that due process is followed in any disciplinary procedure. Companies should not engage in physical or mental coercion or other abusive measures to seek information from employees when investigating suspicions of misconduct. Further, workers should have the opportunity to defend themselves in disciplinary procedures, which should include prior notice of the allegations, an opportunity to question other employees or management, adequate union (or other) representation, and a fair hearing. An exception to this is when the company cannot reasonably be expected to provide such an opportunity (e.g. the worker's presence on company property presents a serious threat of danger to other employees). Finally, workers should have a right of appeal if they are dissatisfied with the outcome of the disciplinary proceedings.<sup>71</sup>

#### *Current Merian Practice*

- The Newmont Integrity Helpline provides for investigating and resolving cases relating to Code of Conduct violations. All complaints lodged with the Newmont Integrity Helpline are channelled to and addressed by the corporate BI&C team for centralized and independent assessment.
- Workers who are the subject of a BI&C investigation may be suspended with pay and sent home pending the investigation, to avoid possible interference with the investigation process as well as to protect co-workers.
- Depending on the outcome of the BI&C investigation, Merian may apply disciplinary measures, which could include suspension without pay.

#### *Stakeholder Feedback*

- **Concern about the mental health impacts of being stigmatized as a result of being under BI&C investigation.** The assessment team heard from a range of stakeholders working in all

<sup>70</sup> The Danish Institute for Human Rights: The Human Rights Compliance Assessment Tool for Human Resources, sections 2.1.3 and 2.7.13.

<sup>71</sup> Ibid. See also the ILO Termination of Employment Convention, 1982 (No. 158).



levels of the operation that the summary suspension of workers involved in a Newmont BI&C investigation can lead to negative impacts on the mental health of the individual worker, as well as on other workers who fear becoming the subject of such an investigation. Various employees explained that Suriname has a small population, and Merian is one of the largest private employers. Most Merian workers are known to the general population, and most people live in Paramaribo and surrounding urban areas. If a Merian worker is suspended from work due to a BI&C investigation, the stigma attached to this suspension can reportedly have negative impacts on their mental health.

### *Analysis (Key Findings)*

- **Suspension with pay during an investigation can have profound impacts on the accused.** In the event of a workplace investigations, employees and contractors can be suspended with pay for prolonged periods of time pending the investigation outcome. This creates a psychological impact, also when the investigation finds no evidence for the allegation. As one employee noted, “Once you are under investigation, you are a marked person for your family and your colleagues, even if you are cleared following the investigation.” Although the approach directly impacts few people, it indirectly affects many others, who express the opinion that it negatively affects the culture of the organization and their right to a just and favorable working environment.
- **The rights of the complainant need to be balanced with the rights of the accused.** It is important that the Newmont BI&C investigations are carried out according to good practice to balance the rights of the complainant with the rights of the accused person. The main challenge with the current approach is the prolonged investigation period during which the accused is suspended (with pay) but kept in limbo, which can have an impact on a worker’s mental health.

### *Risk Rating*

#### *Human Rights Risk Level and Relation to Merian*

Medium severity (3) and medium likelihood (3) of adverse impacts on workers’ right to just and favourable working conditions, for example by suspending (contractor) employees for prolonged periods of time during workplace investigations. Although the approach directly impacts few people, it indirectly affects many others who express the perception that it negatively affects the culture of the organization and their right to a favorable working environment.

### Relationship (Cause, Contribution or Linkage)

Newmont could cause adverse impacts on workers' right to just and favourable working conditions if it has policies or procedures that impact workers' privacy rights and due process rights.

### Recommendations

1. **Conduct a rapid assessment to determine if suspension is required.** Depending on the allegation, not all BI&C investigations may warrant an extended suspension. For example, if the employee or worker does not pose a risk to his or her colleagues, the right to just and favorable working conditions of the accused need to be considered. One option would be to conduct a rapid assessment to determine within 48 hours if suspension is warranted or, alternatively, if the employee or worker can remain on the job pending the investigation.
2. **Assess if suspension without pay as a disciplinary action can be replaced with another (less visible) disciplinary action.** Given the potentially emotionally "loaded" implications of an absence with or without pay, Merian could consider looking into disciplinary actions that would potentially be less damaging emotionally.

#### 5.2.3. Workers' Rights – Freedom of association

As noted above, international and regional standards and Surinamese law protect freedom of association. Linked to freedom of association is the right to collective bargaining, which allows workers to negotiate their working conditions freely with their employers. Freedom of association is also recognized as a basic human right in the Universal Declaration of Human Rights.

From a workers' rights perspective, the right to freely form or join organizations that promote and defend workers' rights, combined with the right to collective bargaining, are important pre-conditions for realizing other core labor rights, including just and favourable conditions of work. Union membership, combined with the bargaining power of the union, can contribute to improvements in wages and working conditions.

### Observations and Findings

#### *Current Merian Practice*

- There is a union for direct Newmont workers at Merian. Apart from the employees of the private security provider at Merian, contractor workers do not have union representation.

- Monthly meetings take place between Union representatives and the Merian Human Resources department to discuss ongoing matters, including grievances and complaints put forward by workers to the Union.

#### *Stakeholder Feedback*

- **Contract employees lack a trusted forum to discuss work-related issues with their management.** They feel that no one stands up for them and that they have very little recourse for raising issues, concerns or grievances without retaliation.
- **Unionization is discouraged by some contractors and subcontractors.** Some contractor employees note that when they brought up unionization within their own organization, feedback from their management was negative.
- **Other forms of contract worker–employee dialogue exist.** Some of the bigger contractors have a weekly “townhall” meeting with site-based leadership and a quarterly meeting with the company leadership. During such meetings, issues are reportedly brought up, mostly related to working conditions, access to WiFi, etc. However, fundamental aspects that normally are part of a collective bargaining agreement (such as wages, benefits, disciplinary issues) and not discussed during such meetings.

#### *Analysis (Key Findings)*

- **Relations between the Union and Merian appear to be cordial and ongoing.**
- **Non-unionized contract workers have varying degrees of access to management to collectively discuss work-related matters.** Contract workers without access to union representation or another form of workers’ committee are vulnerable to potential impacts on all of their internationally recognized labor rights.

#### *Risk Rating*

##### *Human Rights Risk Level and Relation to Merian*



Medium severity (3) and low likelihood (2) of adverse impacts on contractor workers’ right to freedom of association. Newmont itself respects unionization, and some contractors are unionized, whereas employees from other contractors say they are discouraged from unionizing.

### Relationship (Cause, Contribution or Linkage)

Newmont could contribute to adverse impacts on contractor workers' right to freedom of association if it fails to exercise appropriate due diligence of contractors in its supply chain, for example by not using its leverage over contractors. Based on the leverage applied through the supplier human rights training, in which the importance of freedom of association is discussed and contractors are encouraged to allow for unionization, the relationship should be assessed as directly linked.

### Recommendations

1. **Continue to demonstrate the use of leverage by engaging with contractor employees as well as with contractors to determine options for collective engagement between employees and management.**
2. **During annual SRIM sessions, discuss the Supplier Code of Conduct.** Following the SRIM session, Merian could request contractors to acknowledge (in writing) the Code of Conduct
3. **Consider developing a Training of Trainers module for contractors.** Such module could be used by contractors to inform their own staff, for example during toolbox meetings. Attendance lists of training sessions would allow contractors to demonstrate compliance with Newmont expectations.
4. **If unionization of contractor employees is not the preferred option, ensure the presence of a credible Workers' Committee.** Such a committee would take part in processes such as grievance resolution procedures and disciplinary hearings, as well as ensure management response to issues raised by staff.
5. **Where possible, attend Workers' Committee meetings as an observer.** In the event such Worker Committees are established, the Merian end-user (or his/her delegate) could occasionally attend meetings to ensure such meetings happen and are effective.
6. **Establish a mechanism to track continuous improvement of each contractor.** Given the Merian effort to educate contractors and raise their awareness, better tracking of progress would allow Merian to think about options to apply additional leverage (or support) on those contractors that are not able to demonstrate progress.



#### 5.2.4. Workers' (Direct Merian Employees) Rights – Freedom from discrimination

As noted above, freedom from discrimination is protected by international and regional standards and Surinamese laws.

The issue of freedom from discrimination has been prioritized due to the increasing attention on issues related to diversity, equity and inclusion in the workplace. Furthermore, there is increasing recognition that women in the mining industry face significant challenges related to enduring stereotypes about the types of roles they can undertake in the workforce.

##### Observations and Findings

As noted in the introduction above, there is unequal access to economic opportunities between men and women in Suriname, and there is a disproportionately high unemployment rate among women, particularly rural women, Maroon women and other Indigenous women.<sup>72</sup> Further, the GoS has recently passed the Equal Treatment in Employment in the Workplace Act, which prohibits employment discrimination based on birth, sex, sexual orientation, race, language, religious origin, education, political beliefs, economic position, or any other status. The National Assembly also passed a law against Violence and Sexual Harassment in the Workplace, which applies to the private sector only.<sup>73</sup>

Further, as noted above, under Indigenous Peoples Rights, the Pamaka Cooperation Agreement sets out a method for preferential recruitment of Pamaka workers. This includes the PPD Program, which is aimed at providing Pamaka employees access to assessments and training programs designed to support advancement in the company and movement from unskilled labor positions to higher level positions.

##### Current Merian Practice

- **Inclusion, Diversity and Equity Plan (I&D Action Plan) is in place.** The plan sets the following goals to create an inclusive environment where employees have the opportunity to contribute, develop and work together:
  - Increase representation and retention of women in our operations through education and awareness – internal and external;

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<sup>72</sup> Universal Periodic Review Suriname, 2021, p. 7, 11 to 12, available at <https://www.ohchr.org/en/hr-bodies/upr/sr-index>.

<sup>73</sup> Ibid.

- Identify and remove symbols and behaviors of exclusion, such as eliminating exclusive job titles (e.g. foreman); make female hygiene products available in selected mobile/field restrooms; and set up a lactation room in the Paramaribo office;
  - Develop leadership skills that will support the expectations for a welcoming, safe, healthy and equitable workplace;
  - Drive commitment and accountability by meeting regularly with the site leadership team to discuss progress, reinforce accountability, and address concerns; and
  - Enhance cultural awareness by implementing updated cultural awareness training for leaders and selected teams. The I&D Action Plan also commits to implementing plans to increase awareness among students of career options for women in mining.
- **Efforts to increase female representation.** The I&D Action Plan commits to the following actions to increase female representation:
  - Implement the apprenticeship program for female and Pamaka internal candidates to learn maintenance skills so as to qualify for technician roles (electrical & maintenance);
  - Ensure that succession plans for all senior roles (105+) have at least one female candidate identified; and
  - Encourage inclusion and diversity in contractor workers by obtaining commitments to I&D actions from at least the top 5 business partners on site.
- **The I&D Action Plan includes actions relating to the retention of Pamaka and female workers.** These include establishing a buddy system teaming up new female and Pamaka hires; deciding on and implementing an alternative roster that is more acceptable to working mothers; developing an Individual Development Plan (IDP) for all women in operations; and incorporating inclusion, diversity and equality messages and progress in communications.
- **Anti-sexual harassment procedure is being developed.** The Human Resources department is drafting a procedure regarding sexual harassment to align with the new law in Suriname that requires companies to have a committee to address issues relating to sexual harassment.
- **Specific training for Pamaka workers to enter the Operations Department.** The Operations Department has a system whereby it provides training to Pamaka workers to make them eligible for operator positions in that department when these become available. Candidates for entry into the Operator Pool for Pamaka are selected by the Human Resources department and training is conducted by the Learning and Development department (which falls under Human Resources).
- **Preferential hiring of Pamaka employees.** The Camps department provides most jobs available to Pamaka community members. Entry-level jobs especially are reserved for Pamaka workers, and the DOP validates that applicants who note down they are of Pamaka

descent indeed are Pamaka. The Camps department provides training to build the skills and capacity of Pamaka workers, many of whom have a low level of education. The Camps department also works to ensure that Pamaka workers are given access to further skills development and training for career progression.

- **Progressive Pathway Policy.** All departments are part of the Progressive Pathway Policy which indicates career progression within a department. Some departments have initiated a process whereby all workers have an Individual Development Plan.

#### *Stakeholder Feedback*

- **Perceived discrimination against Pamaka employees.** As is noted above in the section on Indigenous Peoples Rights, the perception exists that Pamaka workers are discriminated against, particularly in accessing training opportunities and promotions. Female Pamaka workers, in particular, feel that the only roles available to them in the mining industry are in housekeeping. Unity, the Pamaka workers' committee, sent a memorandum to Human Resources in 2022 detailing their grievances. They have had both collective and individual meetings with Human Resources to discuss the issues, but they do not feel that their grievances have been resolved or that their working environment has improved.
- **Lingering perception of favouritism based on ethnic background.** Merian workers belong to different ethnic groups, and there is a perception that the Progressive Pathway Policy is not rolled out equally and that job promotions within departments are based on ethnicity. There is also a perception that there is discrimination against hourly workers in terms of access to training and career development.

#### *Analysis (Key Finding)*

- **Perceptions of discrimination are widespread among Pamaka employees, which Merian acknowledges and investigates as required.** The factual accuracy of these perceptions needs to be investigated on an ongoing basis, if only to provide opportunities to clarify internal procedures that are perceived as discriminatory.
- **Employment related messaging still is challenging.** There still is a degree of confusion/misunderstanding about Pamaka employment related issues, despite multiple efforts by the Human Resources function and the Social Performance function to clarify that job of a temporary nature means employment ends at the end of a job, or that being selected for the Operator Pool does not imply entitlement to a job. These misunderstandings are stubborn and are sometimes used as 'evidence' of discriminatory practices.



- **Various investigations concluded that claims related to discrimination could not be substantiated.** Merian management is aware of allegations about perceived discrimination against Pamaka and other workers, as several Newmont Integrity Helpline cases have been filed related to this topic. Various investigations did not reveal a sufficiently factual basis for the allegations.
- **The Operator Pool is well received by Pamaka workers.** Feedback from the Operations managers as well as Pamaka employees signal that the opportunity to train Pamaka employees in the Camps department become operators is welcomed. Several employees state they wish to see such efforts scaled up for other departments as well in order to improve the chances for Pamaka employees to grow in the organization.

### Risk rating

#### *Human Rights Risk Level and Relation to Merian*



Medium-low severity (2) and medium-low likelihood (2) of adverse impacts on Pamaka workers' right to freedom from discrimination. The low risk rating is based on the fact that Merian has recognized the risk and has conducted repeated investigations by Newmont about the factual nature of allegations, however these have not yielded substantiated evidence of impact.

### Relationship (Cause, Contribution or Linkage)

Newmont could cause adverse impacts on workers' rights to freedom from discrimination if it carries out discriminatory employment or promotion policies and practices. As there may be a high degree of perceived impacts (rather than actual impacts), it is important to communicate and educate employees about how hiring and promotion processes are conducted in a fair and non-discriminatory manner.

### Recommendations

1. **Make requirements and selection criteria for entry into the Operator Pool and other job promotions transparent and available to all workers.** This would minimize allegations that promotions or training opportunities are offered unequally. The development of the online staff portal to access employment related information would serve a useful purpose in this respect.
2. **Work towards replicating the Operator Pool for Pamaka workers for other departments.** For example, some Pamaka workers have expressed interest in furthering their career in the Exploration department or in the laboratory.



3. **Continue to explain that temporary jobs by their very nature end and that retrenchment does not constitute discrimination.**
4. **Work towards implementing Individual Development Plans for all Pamaka, with a view to rolling it out for all hourly workers.**

### 5.3. Community Health and Safety



## Introduction

Road safety and dust are often associated with mining operations and are important issues for community members living around a mine, which is why this issue has been prioritized as a salient human rights issue. Community members living close to or in the inundation area of a TSF may also be impacted in the event that there is a dam breach.

This chapter is arranged with a discussion of the international, regional and Newmont standards in relation to community health and safety, followed by a discussion of the actual or potential impact on community members' rights.

## Key Human Rights and Standards

### *International and Regional Standards*

International law protects a broad range of civil, political, economic, social and cultural rights of community members, including the rights to life, liberty and security of the person; and the right to health.<sup>74</sup>

At the regional level, the right to life is protected in Article 4 of the American Convention on Human Rights, and the right to health is protected in Article 10 of the Additional Protocol to the American Convention on Human Rights.

As part of the human rights due-diligence process, companies must ensure that they evaluate the human rights risks and potential impacts that their operations may have on the communities within their area of influence.<sup>75</sup> In particular, in the context of the construction of a TSF, companies must ensure adequate emergency response planning and preparedness in the event of a dam breach.<sup>76</sup>

### *Newmont Standards*

The Newmont Approach to Health, Safety and Security Policy commits to safeguarding the health, safety and security of communities through a Global Risk Management System. Newmont partners with its contractors to ensure they meet the company's stringent health, safety and security requirements and objectives. The Newmont Human Rights Standard commits to respecting the rights of the communities in which they operate.

<sup>74</sup> Article 3 of the Universal Declaration of Human Rights, Article 6 of the International Covenant on Civil and Political Rights and Article 12 of the International Covenant on Economic, Social and Cultural Rights.

<sup>75</sup> IFC Performance Standard 4, paragraph 5.

<sup>76</sup> IFC Performance Standard 1, paragraph 20 and IFC Performance Standard 4, paragraph 11.

The Newmont Supplier Code of Conduct states that it expects its suppliers to assess the potential impact of their proposed work on neighbouring communities, integrate mitigation measures into their work plans, and ensure that those measures are appropriately budgeted.

Newmont recognizes the importance of responsible mining, specifically around tailings management. Newmont's approach to tailings management aligns with the Global Industry Standard on Tailing Management's (GISTM) core principles to achieve the ultimate goal of zero harm to people and the environment, which include strong corporate governance, effective risk management, transparency, accountability, and continuous improvement and innovation. The GISTM has a strong human rights component and an important deliverable of the current HRDD process is a dedicated HRIA on TSF-2 (see Appendix D).

## 2016 Human Rights Impact Assessment

*Table 9 – 2016 HRIA Findings and Recommendations related to the rights of community members*

<b>Issues relating to the rights of community members in the 2016 HRIA</b>	
<p><u><b>Key Findings</b></u></p> <ul style="list-style-type: none"> <li>• Community awareness of mining-related health and environmental risks is low</li> <li>• Ongoing watershed restoration could affect water access to ASM</li> <li>• Fear and confusion around Surgold's water management program affects local perceptions of charitable actions.</li> </ul>	<p><u><b>Key Recommendations</b></u></p> <ul style="list-style-type: none"> <li>• Develop community health and safety-related awareness modules</li> <li>• Develop presentations and dialog opportunities to engage with communities about mine developments on an ongoing basis.</li> <li>• Expand the CR Department's mercury-free mining program</li> <li>• A mine water management module was proposed at the time of assessment but not drafted. Such a module should be established and implemented.</li> </ul>

### 5.3.1. Community Health and Safety – Road Safety and Dust (TCR Communities)

All of the staff and supplies for Merian are transported to and from the mine along the access road from Moengo to the site. It is a dirt road, and the dust caused by the traffic impacts the Transport Corridor (TCR) Communities living along the road, particularly during the dry season.

## Observations and Findings

In addition to dust, the traffic along the access road poses a risk of traffic accidents. In this regard, it is noteworthy that a contractor fuel truck overturned on the road leading up to the mine in



early 2024, resulting in a fuel spill near a creek. Newmont managed to contain the spill and cleared the area affected by it.

#### *Current Merian Practice*

- **Technical speed reduction and monitoring equipment.** Merian has implemented the In-Vehicle Security System (IVSS) for all Newmont vehicles driving to and from the site, as well as on site. The IVSS system tracks and monitors the speed at which vehicles travel along the access road and all roads within the mining concession. Drivers are notified if they are driving above a set speed limit, and notification is sent to the driver's supervisor. Contractor vehicles transporting staff to and from the mine have to drive in convoy and during specific hours of the day.
- **Dust-suppression efforts.** Merian has an ongoing dust-suppression program, which employs water trucks, on site and along the access road from Moengo.
- **Road signs.** Merian has built speed bumps along the access road and has installed signs warning drivers to reduce speed.
- **Contractual clauses.** As noted above, Newmont policy requires contractors and subcontractors to adhere to Newmont driving standards.
- **Traffic management efforts.** For example, as much as possible, the transportation of higher risk cargo (e.g. cyanide, heavy equipment) occurs in a convoy, accompanied by safety cars.

#### *Stakeholder Feedback*

- **TCR Communities consistently complain about the driving behavior of (some) contractors.** While Newmont vehicles do not speed, contractor vehicles often drive to and from the mine at speed, leaving dust in their wake that settles in their homes and on their crops. Some community members point out that driving behaviour changes from contractor to contractor, and they point out that some contractors are notoriously non-compliant with speed limits and driving behavior.
- **Dust affects water quality at some TRC community members' homes.** During the rainy season, community members harvest rainwater from their homes' roofs for domestic use. Dust that accumulates on their roofs contaminates the rainwater they harvest and impacts the quality of the water available for domestic use.

### Analysis (Key Findings)

- **When speed reduction and monitoring equipment is used, it is effective.** The assessment team observed the operation of the IVSS system during the site visits and the effectiveness of the system on managing the speed at which Newmont vehicles are driven. Installing the IVSS system on contractor vehicles used to transport staff to and from the site is also an effective way to ensure that staff are transported safely, with minimal risk of accidents and dust creation along the access road from Moengo to the site.
- **Contractor compliance with Newmont transportation policies and safe driving standards remains inconsistent.** Despite the presence of policies and standards, the assessment team observed that contractor vehicles and the speeds at which they drive are not monitored as strictly as those of Newmont vehicles. The speed of some contractor vehicles was well beyond Newmont-approved speed limits. Some drivers working for contractors explain that some drivers are paid by the trip and thus have less incentive to stick to speed limits.
- **Current dust suppression levels are inadequate.** For example, a SIA traffic study conducted in the 2024 (related to the TSF-2 project) showed dust levels in the transportation corridors roughly twice the WHO standard on air quality.

### Risk Rating

#### Human Rights Risk Level and Relation to Merian

Low severity (1) and medium-high likelihood (4) of adverse impacts on the TCR community members' right to life, health and an adequate standard of living, mostly as a result of traffic-induced impacts (affecting crops and water wells) and the unsafe driving behavior of some contractors.

### Relationship (Cause, Contribution or Linkage)

Newmont could contribute to adverse impacts on the TCR Community members' rights if it fails to exercise appropriate due diligence of contractors in its supply chain. As it strengthens its due diligence on these aspects, it is more likely to be perceived as directly linked to any adverse impacts.

### Recommendations

1. **Ensure that all contractors' vehicles that work on a regular basis for the project have speed-regulating equipment (such as IVSS) that can be activated.** Such requirements need to be linked to contractor monitoring plans for transportation companies.



2. **Consider reviewing contractor incentive structures for drivers (paid per hour vs. paid per trip) and integrate this in the T&Cs of contracts.**
3. **Monitor contractors and subcontractors to ensure compliance with Newmont driving standards.**
4. **Implement dust suppression efforts that allow dust levels within the TCR to meet WHO standards for air quality**

#### 5.3.2. Community Health and Safety – TSF-2 (Dam Breach)

International law protects the rights to life, health and an adequate standard of living.<sup>77</sup> These rights require companies to ensure that they evaluate the risks and impacts that their operations may have on the communities within their area of influence.<sup>78</sup> In particular, in the context of the construction of a TSF, companies must ensure adequate emergency response planning and preparedness in the event of a dam breach.<sup>79</sup>

As is noted above, Newmont is committed to compliance with the GISTM. Principle 1 of the GISTM contains the human rights criteria for tailings management. It requires companies to “demonstrate respect for human rights in accordance with the UNGPs, conduct human rights due diligence to inform management decisions throughout the tailings facility lifecycle and address the human rights risks of tailings facility credible failure scenarios.”

This HRDD process included a specific HRIA that was done on the TSF-2, which is why this issue is prioritized from a human rights perspective.

The ESIA for the TSF-2 identifies one ASM groups working to the east of the TSF-2 footprint as being at risk in the event of a dam breach. In addition, the Kawina villages and areas of religious, cultural and historic importance would be flooded. The risks associated with a dam breach are increased if a breach coincides with heavy rainfall. Appendix C provides a summary of the human rights risks assessment for TSF-2.

#### Observations and Findings

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<sup>77</sup> Articles 5 and 25 of the Universal Declaration of Human Rights and Article 12 of the International Covenant on Economic, Social and Cultural Rights.

<sup>78</sup> IFC Performance Standard 4, paragraph 5.

<sup>79</sup> IFC Performance Standard 1, paragraph 20 and IFC Performance Standard 4, paragraph 11.

### *Current Merian Practice*

- **Independent annual reviews of the TSF-1 are conducted** by the Annual Tailings Review Board and an Independent Dam Safety Review is conducted every five years, the last being conducted in 2023.
- **Ongoing engagements are held with the Kawina and affected ASM Groups** on the TSF-2, the possibility of a dam breach, and emergency preparedness in the event of a dam breach.
- **A Dam Breach Analysis is being prepared** for the TSF-2.
- **Desktop-based emergency evacuation drills with the Kawina and affected ASM groups** have been held.
- **The existing emergency preparedness plans for the TSF-1 are being updated for the TSF-2.**

### *Stakeholder Feedback*

- **The Kawina people are aware of the potential impact of a dam breach** and have been engaged on emergency preparedness in the event of a dam breach.

### *Analysis (Key Findings)*

- **From a human rights perspective, the construction of the TSF-2 has expedited awareness and preparation efforts for both TSF-1 and TSF-2 as well as the work that needs to be done to comply with GISTM requirements.**

### *Risk Rating*

#### *Human Rights Risk Level and Relation to Merian*



There is a potential high severity (5) and low likelihood (1) of adverse impacts on the rights of the ASM groups and the Kawina people in relation to a dam breach.

### *Relationship (Cause, Contribution or Linkage)*

Merian could cause adverse impacts on the rights of the ASM groups and the Kawina people in the event of a dam breach.

## Recommendations

- 1. Establish a warning mechanism (sirens, phones) to be deployed in case of a dam breach, particularly for the Kawina, who may be difficult to contact.**
- 2. Conduct live emergency evacuation drills with the Kawina and affected ASM groups.**

*Additional recommendations are provided in the human rights assessment for TSF-2 in Appendix*

#### 5.4. Security and Human Rights



## Introduction

Security is a salient human rights issue for most mining companies when operating in higher risk jurisdictions, due to a variety of risks to their employees and assets. Security management operations usually include mobilizing both public and private security forces. Mining companies can exercise a certain level of control over the conduct of private security guards but less so over the conduct of public security forces, which can lead to impacts on community members' rights. Furthermore, the interactions between public security forces and community members can have more severe impacts due to the fact that they are armed.

Issues related to security and human rights are considered cross-cutting issues because there may be risks or impacts to a variety of stakeholders, including workers and community members. Cross-cutting issues need to be managed in a cross-functional manner with the support of various departments.

## Key Human Rights and Standards

### *International and Regional Standards*

The right to life, liberty and security of person is protected in international instruments. The basic principles of human rights law are that no person shall be arbitrarily deprived of life, subjected to torture or to cruel, inhuman or degrading treatment or punishment or be deprived of their liberty and security of person.<sup>80</sup> At a regional level, the American Convention on Human Rights protects the right to life, in Article 4, and the right to humane treatment, in Article 5.

International guidance relevant to the protection of human rights in the context of business interactions with public and private security forces is provided in the Voluntary Principles on Security and Human Rights (VPSHR), the International Code of Conduct for Private Security Providers (ICoCA) and the IFC Performance Standard 4 on Community Health, Safety and Security.

ICMM Principle 3 sets out the responsibility of companies to implement, based on risk, a human rights and security approach consistent with the Voluntary Principles on Security and Human Rights.

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<sup>80</sup> Article 3 of the Universal Declaration of Human Rights and Articles 6(1), 7 and 9 of the International Covenant on Civil and Political Rights.

### Newmont Standards

Newmont is a signatory to the VPSHR, and the Newmont Human Rights Standard commits sites to act in accordance with the VPSHR and to respect international law principles pertaining to human rights. The Newmont Sustainability and Stakeholder Engagement Policy contains a commitment to the implementation of the VPSHR through proactive engagement and training of personnel.

### 2016 Human Rights Impact Assessment

*Table 10 – 2016 HRIA Findings and Recommendations related to security and human rights*

Issues relating to security and human rights discussed in the 2016 HRIA	
<p><u>Key Findings</u></p> <ul style="list-style-type: none"> <li>There is a potential risk to the security of person related to third-party security providers as well as incursions by artisanal miners</li> </ul>	<p><u>Key Recommendations</u></p> <ul style="list-style-type: none"> <li>Conduct a security risk assessment</li> <li>Ensure alignment of Newmont's security practices with the Voluntary Principles</li> <li>Agree on an MoU with the military for its on-site presence guarding explosives</li> <li>Develop a closure plan which includes provisions to address security risks associated with ASM entering the site once the mine has closed.</li> </ul>

#### 5.4.1. Security and Human Rights – Interactions with Public Security Forces

Law enforcement services in Suriname are provided by the Korps Politie Suriname (KPS). The Commission for the Coordination of the Small-Scale Gold Mining Sector (OGS) is a multidisciplinary entity that includes the police and the military, the Tax Agency and Central Intelligence and Security Service and the Labor Ministry. Its primary goal is to register previously unregistered small-scale gold miners. The OGS assists Newmont's security operations at Merian.

### Observations and Findings

#### Current Merian Practice

- Pro-active and gradual approach towards removal of ASM in the buffer zone.** There are 18 OGS members on site who assist primarily with ASM activities when they encroach on the buffer zone. If ASM camps start to operate within the buffer zone, the OGS are mobilized. They give the ASM 72 hours' notice that they must vacate the area. If needed, the OGS and

Merian provide assistance with moving the ASM equipment to another area. Members of OGS are responsible for dealing with pit intrusions, and the military is also on standby to assist.

- **MoUs with security providers aligned with the VPSHRs.** Newmont has a Memorandum of Understanding (MoU) with the OGS that includes compliance with the VPSHR as an underlying principle. The Merian Security Department provides OGS members with annual VPSHR training. OGS members are supported by the Police and they escort arrested persons to the nearest police station. No one is detained on site. There are no reports of youth being arrested. Merian has also concluded an MoU with the Surinamese Police (KPS) which also includes compliance with the VPSHR as an underlying principle. The project is working towards concluding an MoU with the military.
- **As per the terms of the MoU, training is provided to the private and public security forces.** According to the Newmont 2022 VPSHR Plenary Report, Merian is considered a higher risk operating site and records that VPSHR training was carried out for 100% of the security personnel on site: 15 training sessions were conducted totalling 45 hours of training, given to 22 internal Merian Security Department personnel, 18 public security providers and 146 private security providers.

#### *Stakeholder Feedback*

- **Relations with ASM are improving.** Merian managers acknowledge that, historically, Merian's relationship with ASM working close to the mine site was difficult. There was a violent interaction with ASM in 2021 involving the OGS and the military. However, the relationship with ASM has since improved and was described as "cordial." The ASM Department conducts regular surveys of ASM camps to monitor their location. Feedback from ASM confirms the relatively good relations between Merian and ASM.
- **The risk of altercations still exists.** The last altercation between ASM and the OGS was reportedly in October 2023. Members of the OGS were also mobilized to monitor the Pamaka community protest in 2022 where the road leading to the mine was blocked.

#### *Analysis (Key Findings)*

- **Human Rights risks associated with the involvement of public security forces appear well managed,** using the framework of the VPSHR including establishing an MoU and conducting training with the relevant public security forces; KPS and OGS. An MoU with the military has been prepared but is not yet signed. The combination of having a pro-active ASM engagement strategy and program with an immediate, but phased and predictable, security approach has



not led to any altercations with ASM that might have resulted in human rights impacts. In the context of Suriname, this should be considered an achievement.

- **The potential human rights–related risks associated with the use of public security forces remains present**, particularly with the military as they are not subject to an MoU and have not yet received VPSHR training from Merian. Some ASM are deeply disappointed in Merian’s ability to provide them with promised contracting opportunities. Some have established companies, taken out loans to ensure their equipment meets Newmont’s safety qualifications, and hired staff, only to find out they do not have access to contracts. In other cases, the Merian exploration team is implementing a drilling campaign in areas currently used by Pamaka ASM. Community leaders have pointed out that the language on internal WhatsApp channels is “heating up.” This implies that the company cannot take the current cordial relations with the ASM for granted and must continue to implement the VPSHR diligently to mitigate the potential for human rights impacts if there are violent interactions between ASM and public security forces.
- **The Memorandum of Understanding (MoU) and VPSHR training material meet good practice criteria.** As part of the HRDD process, the MoUs with OGS and KPS and the VPSHR training materials have been reviewed. They align closely with good practices for the VPSHR.

### Risk Rating

#### *Human Rights Risk Level and Relation to Merian*



High severity (4) and low-medium likelihood (2) of adverse impacts on workers’, contractors’, and community members’ rights to life, liberty and security of the person. Given the current mitigation measures put in place (including ongoing engagement with ASM), the likelihood is assessed as relatively low.

### Relationship (Cause, Contribution or Linkage)

Newmont could be linked to adverse impacts on workers’, contractors’, and community members’ rights to life, liberty and security of the person if it fails to exercise appropriate due diligence with public security providers by implementing the VPSHR through engagement with public security providers (and documented in an MoU).

### Recommendations

1. **Continue to provide refresher training on the VPSHR to the OGS and KPS.** Consider enhancing the VPSHR training related to more case scenarios related to key risk activities (e.g. interactions with ASM).
2. **Continue to seek ways to conclude an MoU with the military.**
3. **Maintain ongoing security approach with regard to ASM engagement.** This includes the use of the Merian ASM team members as a ‘face’ of the organization in relation with ASM. Only if the ASM team is not able to address an issue, the OGS will accompany them and, where appropriate, apply a gradual approach (e.g. in case of removal of equipment).
4. **Maintain the ASM program** (e.g. loans, workforce pool, contract opportunities, alternative land) to minimize the risk that ASM stop collaborating with Merian and seek a more confrontational approach, potentially leading to an altercation with public security providers.

#### 5.4.2. Security and Human Rights – Interactions with Private Security Forces

One of the developments since the 2016 HRIA is that Merian has changed its private security provider. The mandate of the private security provider is to secure the mine concession, which includes entry and exit from the mine and security within the concession fence. Security guards are not armed, and they do not conduct security operations beyond the concession fence.

#### Observations and Findings

##### *Current Merian Practice*

- **Annual VPSHR training is provided to private security guards.** The Merian site has 115 private security guards, whereas there are 15 guards at Sabajo.<sup>81</sup> Security guards work according to a code of conduct set out in the Security Management Plan. Merian provides private security guards with annual VPSHR training.
- **Daily engagement between the Merian security department and the security provider.** The security company holds daily meetings with the Merian Security Department to discuss incidents, procedures and protocols. The security company also provides monthly reporting to Merian on the conduct of security guards, updates on disciplinary proceedings and a monthly action plan for improvement.

##### *Stakeholder Feedback*

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<sup>81</sup> Sabajo is a resource where Newmont has been conducting exploration activities.

- **Limited engagement between private security and ASM.** Guards confirm they have limited interaction with ASM, and they are not involved in security operations around pit intrusions.
- **Cordial conduct of private security guards.** Feedback from managers, employees and community members did not point to any unfavorable behavior or conduct of guards.

#### *Analysis (Key Findings)*

- **In light of the limited mandate of the private security provider, there is a reduced risk of adverse impacts** on workers' and contractor workers' rights to life, liberty and security of the person in relation to the conduct of private security guards.

#### *Risk Rating*

##### *Human Rights Risk Level and Relation to Merian*



There is a low-medium severity (2) and low-medium likelihood (2) of adverse impacts on workers' and contractor workers' rights to life, liberty and security of the person. The fact that guards are unarmed and have a limited mandate within the concession supports a lower human rights risk profile compared with public security forces.

#### *Relationship (Cause, Contribution or Linkage)*

Merian could contribute to adverse impacts on workers' and contractor workers' rights to life, liberty and security of the person if it fails to exercise appropriate due diligence as to Security Alliance. As it strengthens its due diligence on these aspects, it is more likely to be perceived as being directly linked to any adverse impacts.

#### *Recommendations*

1. **Continue with existing measures in place to manage and monitor the security provider and continue to provide VPSHR training.**

## 5.5. Grievance Mechanism



## Introduction

Grievance mechanisms have been prioritized as a salient human rights issue, given the importance of access to remedy as part of the overall framework for business and human rights.

Similar to security and human rights, the issue of access to remedy and grievance mechanisms is considered a cross-cutting issue because there may be risks or impacts to a variety of stakeholders, including workers and community members. As noted above, cross-cutting issues need to be managed in a cross-functional manner with the support of various departments.

## Key Human Rights and Standards

### *International Standards*

International standards provide that everyone has a right to an effective remedy by a competent institution when their rights are violated.<sup>82</sup> Access to remedy (including grievance mechanisms) is one of the fundamental pillars of the Protect, Respect and Remedy framework that underpins the UNGPs. Currently, there is a great deal of attention on the issue of remedy for business-related human rights abuses and an expectation that the effectiveness of company grievance mechanisms must be improved in terms of both process and outcomes.

In this regard, Principle 31 of the UNGPs clarifies that company grievance mechanisms should align with the effectiveness criteria outlined in the following textbox.

#### **UNGP Effectiveness Criteria for Grievance Mechanisms**

To ensure their effectiveness, non-judicial grievance mechanisms should be:

- (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 time frame for each stage, and clarity on the types of process and outcome available and means of monitoring implementation;

<sup>82</sup> Universal Declaration on Human Rights, Articles 7 and 8; International Covenant on Civil and Political Rights, Article 2.

(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;

(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.

Effective grievance mechanisms for workers and community members should include specialized procedures for addressing sensitive grievances, particularly related to sexual harassment and gender-based violence. These include supports and safeguards for complainants as well as due-process protections for individuals accused of misconduct as well as any witnesses or complainant representatives. Furthermore, public commitments to non-retaliation for raising grievances will support proactive and effective grievance management.

In addition to providing access to remedy to stakeholders, grievance mechanisms contribute to ongoing HRDD by providing information about issues and trends that should be addressed to avoid recurrence. Monitoring of grievance data allows a company to respond to issues or concerns before they escalate into grievances (including human rights grievances), which can in turn contribute to continuous improvement in an operation. In this sense, an effective grievance mechanism is one that is used regularly by stakeholders. Companies should be curious if stakeholders are not using a grievance mechanism, as it could be an indication that it is not effective.

ICMM Principle 3 sets out that, in addition to undertaking HRDD, companies are expected to provide for or cooperate in processes to enable the remediation of adverse human rights impacts that they have caused or contributed to.

### *Newmont Standards*

The Newmont Human Rights Standard and the Stakeholder Relationship Management Standard require sites to maintain community grievance mechanisms consistent with the UNGPs.

The Newmont People Policy commits to investigating workplace complaints, protecting complainants who wish to make anonymous complaints, and prohibiting retaliation against workers for raising complaints or grievances. Ensuring that workers have access to remedy is an important part of preventing or mitigating impacts on workers' rights.

Newmont policy requires contractors to comply with its standards, which include requirements for contractors to respect their workers' rights, including access to remedy.

### *2016 Human Rights Impact Assessment*

*Table 11 – 2016 HRIA Findings and Recommendations related to grievance mechanisms*

<b>Issues relating to access to remedy and grievance mechanisms in the 2016 HRIA</b>	
<p><u><b>Key Findings</b></u></p> <ul style="list-style-type: none"> <li>• A general lack of awareness among local communities about the grievance mechanism</li> <li>• Employees working for a Surinamese contractor hired by Surgold, do not generally enjoy working conditions comparable to Surgold employees.</li> </ul>	<p><u><b>Key Recommendations</b></u></p> <ul style="list-style-type: none"> <li>• Promote the community grievance procedure among the Pamaka</li> <li>• Investigate reasons for the limited use of the employee grievance mechanism</li> </ul>

#### 5.5.1. Access to Remedy: Employees

### *Observations and Findings*

#### *Current Merian Practice*

- **Multiple mechanisms.** Merian employees have access to remedy via three access points:
  - Merian has one formal employee grievance mechanism, described in the Collective Labor Agreement (Article 3.8). This mechanism is accessible for complaints brought forward by the Union during their monthly meeting with Merian's Human Resources department. These grievances are registered by the HR department.
  - Employees can contact the HR Business Partner assigned to each department. This is a more informal channel to resolve grievances.
  - Employees can also contact the Newmont Integrity Helpline, which subsequently determines whether a case should be escalated and subjected to an independent



BI&C investigation or, alternatively, referred to the site-based Human Resources function or other functions for further resolution.

- **Informal mechanisms to address issues.** In addition, employees can informally raise issues in daily pre-start meetings, town hall meetings, or during “coffee time with the GM.” However, these options do not require a company response and are not registered.

#### *Stakeholder Feedback*

- **The grievance mechanism for Unionized staff is effective.** Management of cases brought forward to Merian’s Human Resources function by the Union are reportedly handled professionally and satisfactorily, as reported by both Merian employees and Union representatives.
- **Lack of clarity as to what grievance mechanism to use for what purpose.** A general lack of clarity exists among Merian employees (including senior level managers) about what mechanism should be accessed for what type of grievance. Several non-unionized staff members note it is not clear to them what formal mechanism exists for grievances that are not Code of Conduct–related and say they would directly contact the Human Resources function, not knowing if this is the correct procedure.
- **Limited trust in the mechanisms via the HR Business Partners or the Newmont Integrity Helpline.** Several employees stated that HR Business Partners does not always yield a rigorous investigation and approach they were hoping for. Perceptions related to the Helpline are based on an understanding that the Helpline assures anonymity. However, many employees (and contractor employees) say they are surprised when they subsequently are contacted by the site HR function and their supervisor to address the issue – functions or individuals they had hoped to avoid by using the Helpline.

#### *Analysis (Key Findings)*

- **Grievance mechanisms available to employees have yet to meet the effectiveness criteria of the UNGP.**
  - The current formal HR mechanism is mostly accessible to grievances brought forward by the Union. The CLA stipulates that a dispute resolution mechanism needs to be in place but does not stipulate how this should be implemented and what it should look like.<sup>83</sup>

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<sup>83</sup> UNGP Principle 29 states “Operational-level grievance mechanisms can be important complements to wider stakeholder engagement and collective bargaining processes, but cannot substitute for either. They should not be

- The mechanism to address grievances informally via the Business Partners is not documented and not fully aligned with the effectiveness criteria in the UNGP.
- The Integrity Helpline is primarily designed to “manage the assessment, investigation and oversight of situations that may represent a breach of our Code of Conduct.”<sup>84</sup> In some cases this could result in the provision of remedy to those who used the Helpline, yet this is not its primary purpose. By design, the Helpline is not intended to meet the UNGP effectiveness criteria. It should be viewed as an accountability mechanism complementary to internal grievance mechanisms.

*Table 12 – Differences between Helplines and Grievance procedures<sup>85</sup>*

Whistleblowing or Help Lines	Grievance Procedures
<ul style="list-style-type: none"> <li>• Risk to others – whistleblowing is about raising concerns relating to wrongdoing, risk or malpractice that you witness in the workplace which affects others.</li> <li>• Process – there is no set process for investigating whistleblowing concerns. There is also no right to be accompanied to a meeting with your employer to discuss your concerns.</li> <li>• Confidentiality – your employer should respect your wish for confidentiality.</li> <li>• Outcome – you may never know the outcome of a whistleblowing concern. For example, if your employer investigates the behaviour of another individual and disciplines them as a result, that would be confidential information between the employer and that other individual.</li> <li>• Appeal – there is no general right to appeal if you are unhappy with how your employer deals with your whistleblowing concerns. However, you can request an appeal.</li> </ul>	<ul style="list-style-type: none"> <li>• Risk to self – grievances typically relate to how you, specifically, are being treated rather than relating to the treatment of others.</li> <li>• Risk to self – grievances may be raised about various issues, including: things you are asked to do as part of your job; breaches by your employer of your employment rights / your contract of employment, or the way you are personally being treated at work.</li> <li>• Process – an independent public body typically sets out a guideline in relation to discipline and grievance procedures.</li> <li>• Support – you have the right to be accompanied at a grievance hearing if the complaint is about your employer breaching a term of your employment contract.</li> <li>• Outcome – grievances result in a legal determination (decision) on the issue that you raise. The procedure provides for employees to be given the outcome of their grievance (e.g. an apology, a payment due or a change to the working practices).</li> <li>• Appeal – you should be given the opportunity to appeal should you feel dissatisfied with the outcome.</li> </ul>

- **The current mechanisms provide limited data or trend analysis that would inform decision making.** This is in part because of the largely informal way of handling grievances through the

used to undermine the role of legitimate trade unions in addressing labour-related disputes, nor to preclude access to judicial or other non-judicial grievance mechanisms.”

<sup>84</sup> Newmont Powerpoint Presentation Extracts – Integrity Helpline

<sup>85</sup> Adapted from <https://protect-advice.org.uk/what-is-whistleblowing/>

HR Business Partners and the likelihood that many grievances are underreported. It also means that the current employee grievance mechanism might be ineffective in contributing to ongoing HRDD and preventing recurrence of issues or grievances.

- **There is significant confusion regarding what mechanism to use for what purpose and how each mechanism works.** In particular, it is not understood that non-escalated cases lodged via the Integrity Helpline are deferred to site-based departments and, thus, may no longer be confidential to the degree assumed by the complainant. This undermines the legitimacy of the mechanisms.

#### Risk Rating

##### *Human Rights Risk Level and Relation to Merian*

Medium severity (3) and low-medium likelihood (2) of adverse impacts on workers' right of access to remedy.

#### Relationship (Cause, Contribution or Linkage)

Merian could cause adverse impacts on workers' right of access to remedy if it fails to ensure they have access to a grievance mechanism that is aligned with the effectiveness criteria provided in the UNGPs

#### Recommendations

1. **Align the formal employee grievance mechanism with the UNGP effectiveness criteria.** The mechanism should serve as the main vehicle for addressing employee-related grievances, unless these are clear violations of the Code of Conduct, in which case grievances are escalated to the BI&C department. To their credit, the Human Resources function has indicated it intends to develop a mechanism before the end of 2024 or to update the existing employee grievance mechanism as described in the CLA. If the Human Resources department decides to develop a separate grievance mechanism, care should be taken that a revised mechanism does not undermine the mechanism described in the CLA. Merian should ensure to work with Union representatives and workers to strengthen the mechanism described in the CLA align with the UNGPs, or alternatively, ensure that a mechanism for non-unionized employees does not impede on the mechanism described in the CLA.
2. **Promote the grievance mechanisms** and (a) explain the different mechanisms and access points available and their intended users; (b) emphasizes the safeguards in the mechanisms and the commitment to non-retaliation; and (c) clarify that the objective of the mechanisms

is to provide remedy and continuously improve Merian and its contractors' operations rather than to find fault.

3. **Ensure full confidentiality of non-escalated cases lodged via the Integrity Helpline.** Rather than automatically deferring non-escalated cases to the most appropriate functional department, ask permission from the complainant to do so (possibly as an anonymous grievance) and inform complainants about other options available to them to file and address their grievance.

#### 5.5.2. Access to Remedy: Contractor Workers

Ensuring that contractor workers have access to remedy is an important part of ensuring that contractor workers' rights are not adversely impacted.

#### Observations and Findings

##### *Current Merian Practice*

- **Human rights and grievance clauses integrated in Supplier Code of Conduct.** As is noted above under contractor workers' rights, Merian's standardized Goods, Services and Purchase Agreements include human rights clauses requiring contractors and suppliers to respect fundamental human rights protected in the Universal Declaration of Human Rights and to not engage in child or forced labor. They also require contractors and suppliers to comply with Newmont Policies and Standards. The Supplier Code of Conduct states that Suppliers should seek to address any complaints or grievances within their supply chain expeditiously (and within a maximum of 30 days) but does not specify how to do this.
- **Integrity Helpline is accessible to contractor workers.** They may lodge a grievance with the Newmont Integrity Helpline through BI&C, but it is only available for grievances relating to Code of Conduct–related matters or related human rights impacts, such as discrimination. When the BI&C function determines that the case is not related to the Code of Conduct (a so-called "non-escalated case") the case is forwarded to the appropriate function at Merian such as the Human Resources or Security departments, at which point contractor employees are contacted often together with the representatives of the companies they work for, and whom they had assumed they would avoid engaging with.

### *Stakeholder Feedback*

- **Contractor workers fear retaliation for raising a grievance.** Whereas they say that their company lacks a formal mechanism, many say they would refrain from bringing up grievances informally as well. Most contract workers state that colleagues who lodged complaints were called back to the city and never returned to the site.
- **Contract workers feel vulnerable without the backing of a union.** Many workers say they envy Merian staff, who can express concerns through the Union. Other than the private security company contracted by Merian, no other contractor is unionized.

### *Analysis (Key Findings)*

- **Few Merian contractors other than the security contractor (who is unionized) have an effective grievance mechanism for their employees.** None of the contractor workers engaged during the assessment other than private security guards had access to a grievance mechanism through their employer and in accordance with the Newmont Supplier Code of Conduct.
- **Contractor workers have little access to remedy, which has likely resulted in the systemic underreporting of grievances.** The Merian employee and community grievance mechanisms are not readily accessible to manage contractor grievances, and the Integrity Helpline is only available for specific cases. This, coupled with the lack of union representation, leaves contractor workers vulnerable to adverse impacts on other core labor rights and likely leads to a systematic underreporting of grievances.
- **Contract workers perceive that the various grievance mechanisms they used have not maintained confidentiality to the degree that was assumed by the workers.** Many contract workers are aware of the Integrity Helpline but do not know what to use the Helpline for, or do not trust the Helpline. Similar to Merian employees, several employees mentioned that they heard that the Helpline is not as confidential as they assumed and that complainants were retaliated against. Whether this is factually accurate or not, many workers say it restrains them from using the mechanism. Notable exceptions are employees of the security contractor, who reportedly used the Helpline. This is the same contractor that also is unionized and, thus, provides better protection for workers against retaliation.
- **Contractors mistakenly still see grievances as something negative rather than a stakeholder relation improvement tool.** Rather than seeing complaints and grievances as an effective early-warning mechanism or an aid to improved worker relations, interviews with contractor and subcontractors employees indicate that many contractors still regard grievances as something that should be avoided and that reflect negatively on the company. As well,

Merian currently does not insist on contractors having their own mechanism or to report on numbers and types of grievances.

### Risk Rating

#### *Human Rights Risk Level and Relation to Merian*



Medium severity (3) and medium-high likelihood (4) of adverse impacts on contractor workers' right of access to remedy, as many contractor workers state they do not use any mechanism currently out of concerns about potential retaliation.

### Relationship (Cause, Contribution or Linkage)

Merian could contribute to adverse impacts on contractor workers' right to access to remedy if it fails to ensure contractor workers have access to remedy. As it strengthens its efforts to mitigate impacts (human rights due diligence), the company is more likely to be perceived as being directly linked to any adverse impacts.

### Recommendations

1. **Enforce the Supplier Code of Conduct by including a contractual requirement that requires contractors to have their own grievance mechanisms aligned with the UNGPs and seek to address complaints or grievances within 30 days.** Merian should offer capacity building training and templates for such a procedure to contractors to ensure that these mechanisms are implemented as consistently as possible.
2. **Provide capacity building for suppliers on effective grievance mechanisms, including providing training and templates.**
3. **Conduct periodic spot checks (e.g. every quarter) by the human rights lead to ensure that contractor grievance mechanisms are used and are effective.** Feedback to contractors could be used as an opportunity to guide contractors how to improve their mechanisms. The mechanics and the effective implementation of this approach will need to be determined by the HRWG.
4. **Promote contractor access to the Newmont Integrity Helpline and Community Complaints and Grievance Mechanism;** (a) explain the different mechanisms and access points available and their intended users; (b) emphasizes the safeguards in the mechanisms and the commitment to non-retaliation and (c) clarify that the objective of the mechanisms is to provide remedy and continuously improve Merian and its contractors' operations rather than to find fault.

### 5.5.3. Access to Remedy: Community members

As noted above, mining operations can have impacts on local community members' rights, and companies are required to prevent or mitigate adverse impacts. Ensuring that community members have access to remedy is important to remedy adverse impacts as well as to prevent or mitigate recurrence of grievances.

#### Observations and Findings

##### *Current Merian Practice*

- **Merian has a Complaints and Grievances Resolution Standard Operating Procedure in place.** The Merian Complaints Grievances Management and Resolution Plan (CGM) defines the processes that must be followed when written or verbal complaints/grievances are received from local communities, to ensure they are managed in a culturally sensitive, timely and consistent manner and to ensure corrective actions are taken where appropriate to promote confidence and positive relationships between Merian and local stakeholders.

The CGM stipulates three tiers of grievance:

- Tier 1: Complaints that can be resolved between Merian and the complainant;
- Tier 2: Complaints that cannot be resolved directly between Merian and the complainant and which require the involvement of a third party other than the judicial system; and
- Tier 3: Complaints that require recourse through the judicial system.

Grievance data is tracked in Enablon, including complainant satisfaction with the procedure.

- **Grievance-related data is tracked and analyzed.** Grievance data from 2023 shows that 19 grievances were lodged by community members. None related to human rights grievances. The most frequent grievance related to late payments to contractors for services rendered to Merian. Only one grievance was escalated to tier 2, and the rest were resolved as tier 1 grievances. Most grievances were resolved in under ten days.
- **Public feedback on performance.** The Social Responsibility department holds quarterly engagements with community members to report on the performance of the CGM and solicits feedback how it can improve the CGM.
- **Root-cause analysis conducted.** In case of repeat complaints, Merian conducts a root-cause analysis involving cross-departmental participation, which has led to changes in policies.



### Stakeholder Feedback

- **Some reluctance among community members to use the mechanism.** Community members showed high awareness of the CGM, but some have been reluctant to lodge a formal grievance with Merian, for example about late payment to local suppliers. They explain that a formal complaint might upset their Merian customer (e.g. the kitchen) and could lead to retaliation in the form of ending the contract. Hence, such complainants circumvent the formal system and complain directly to the internal department they engage with.

### Analysis (Key Findings)

- **The community grievance mechanism is compliant with the UNGP effectiveness criteria.** Merian's efforts to maintain awareness of the mechanism, quarterly feedback to communities about Merian's performance, as well as root-cause analysis of repeat grievances should be commended. Table 13 provides a high-level assessment of the CGM against the UNGP effectiveness criteria for operational grievance mechanisms.

*Table 13 – CGM assessment against the effectiveness criteria in the UNGPs*

Effectiveness Criteria	Assessment Findings
1. Legitimate	<ul style="list-style-type: none"> <li>• The CGM receives grievances on an ongoing and regular basis</li> <li>• Community members say they would use the mechanism if needed</li> <li>• Complainants whom have used the mechanism to complain say the felt the grievance was respectfully dealt with</li> </ul>
2. Accessible	<ul style="list-style-type: none"> <li>• The mechanism has multiple access point</li> <li>• Community relations offers visits communities on a (bi-weekly) basis to inquire about complaints and grievances</li> <li>• Community members say they are well aware of the existence of the CGM and how to access it</li> </ul>
3. Predictable	<ul style="list-style-type: none"> <li>• The mechanism has a strict timeline (per step) which is also linked to a corporate KPI</li> <li>• Community members are aware of the various steps of the mechanism</li> </ul>
4. Equitable	<ul style="list-style-type: none"> <li>• The mechanism does not impede on the right to pursue other (legal) manners</li> <li>• Complainants are free to bring friends or family members to support them during registration or investigation</li> </ul>
5. Transparent	<ul style="list-style-type: none"> <li>• Merian provides feedback to communities on a quarterly basis including the changes in policy the company has made as a result of the grievances</li> </ul>
6. Rights Compatible	<ul style="list-style-type: none"> <li>• Grievance outcomes are verified against the risk of impacting human rights</li> </ul>

Effectiveness Criteria	Assessment Findings
7. A source of continuous learning	<ul style="list-style-type: none"> <li>Merian conducts x-departmental root cause analysis for repeat grievances (e.g. late payment to community contractors) or for significant grievances (e.g. ASM contractors complaining about the lack of local contracting opportunities)</li> </ul>
8. Based on engagement and dialogue	<ul style="list-style-type: none"> <li>Investigation outcomes are discussed with complainants rather than announced</li> </ul>

### Risk Rating

#### Human Rights Risk Level and Relation to Merian

Low severity (1) and medium likelihood (3) of adverse impacts on community members' right of access to remedy. The mechanism largely meets UNGP effectiveness criteria and is used by community members.

### Relationship (Cause, Contribution or Linkage)

Merian could cause adverse impacts on community members' right of access to remedy if community members are reluctant to access the grievance mechanism.

### Recommendations

- 1. Consider changing the name of the complaints and grievance mechanism.** Using a local Sranan Tongo name along the lines of "speak to us" or "we listen" might counter the prevalent assumption that grievances should be avoided.
- 2. Promote the mechanism as a tool for continuous improvement and explain the commitment of top management to non-retaliation.**
- 3. Reorganize the information recorded such that Merian is able to "know and show" its approach is aligned with the UNGPs.** For example, it would be important to better track what changes Merian has made to address repeat grievances (to meet the continuous improvement criteria) or to document that the resolution discussion was indeed based on dialogue and engagement.



## **6. Governance of Merian's Ongoing HRDD Approach**

The UNGPs require companies to implement a system of ongoing HRDD to manage their salient human rights issues continuously. In other words, conducting a human rights assessment is only part of the corporate responsibility to respect human rights.

The key pillars of a robust system of governance for ongoing HRDD comprise a stand-alone Human Rights Policy, a cross-functional Human Rights Committee (the HRWG), and a Human Rights Action Plan that is updated on a regular basis under the oversight of senior management and the Board of Directors.

Merian has put the following practices in place:

- It has a Human Rights Management Plan in place that details the overall approach to human rights management.
- A Human Rights Working Group (HRWG) meets quarterly and has cross-departmental participation. The HRWG is currently chaired by the Social Performance department in the absence of a designated human rights function.
- The HRWG is still in an early stage of development. It follows the risk definitions (likelihood and consequence) to assess human rights risk (to the business) as opposed to using the likelihood and severity definitions to assess risk to people.
- A human rights action plan exists, populated with some recommended actions from the 2016 HRIA. The plan has not yet been updated with recommendations based on more recent findings.

#### Recommendations for Governance for HRDD

1. **Appoint a Human Rights Coordinator or Manager.** To support the effectiveness of the HRWG and implementation of the Human Rights Action Plan, Merian would benefit from the appointment of a Human Rights Coordinator. Such a coordinator would not only chair the quarterly HRWG meetings but would also serve as an internal resource person, provide internal training and awareness and be responsible for a whole-of-business approach toward human rights. Ideally the person should directly report to the General Manager to avoid being siloed in the SP, HR or Security department.
2. **Regularly update the Heat Map** Human rights impacts assess risk to *people* rather than risk to the *business* (which is what ‘social risk’ refers to). Aligned with this definition, use a heat map to assess priorities for addressing the human rights impact, as opposed to using the Enterprise risk register.

3. **Use the HRWG meeting to conduct ongoing human rights due diligence.** For example, each meeting could be used to:
  - Identify potential new human rights impacts (e.g. using a checklist for each department)
  - Integrate new actions in the Human Rights Action Plan when new impacts have been identified
  - Track progress of the implementation of the Human Rights Action Plan as well as changes in human rights impacts
  - Communicate these changes to internal (e.g. Enterprise) and external stakeholders through materials/progress reports prepared for the HRWG to support internal and external communications.
4. **Establish a Contractor Management Committee as a sub-group of the HRWG.** Such a committee would serve the following purposes:
  - To serve as a resource mechanism for contractor employee–related grievances.
  - To ensure contractor employees are trained on workers’ rights. This means they could review the content of the training provided by the contractor itself or, alternatively, ensure such training is provided otherwise.
  - Support and monitor the living wage implementation.
  - Identify high-risk contractors and develop strategies for monitoring such contractors

# APPENDICES

## Appendix A: Human Rights Action Plan

*Once recommendations are validated these will be integrated into the framework along with the actions already taken by Merian to address salient issues.*

The Human Rights Action Plan Framework consolidates the findings and recommendations included in the HRDD report and is organized according to the different components of HRDD, based on the UNGPs.

The Framework is to be reviewed and validated by Merian and then adopted as its Human Rights Action Plan for 2024. **The internal version of the Human Rights Action Plan should assign responsibilities and timelines for the agreed actions.** Subsequently, KPIs can be developed for the agreed actions and the internal and external reporting and communications plan can be developed. It is recommended that the Human Rights Action Plan should be reviewed and updated on an annual basis.

Salient Human Rights	Assessment	Integration	Action	Tracking and Communication
	•	•	•	•
	•	•	•	•
	•	•	•	•
	•	•	•	•
	•	•	•	•
	•	•	•	•
	•	•	•	•
	•	•	•	•
	•	•	•	•
	•	•	•	•
	•	•	•	•
	•	•	•	•
	•	•	•	•
	•	•	•	•



## Appendix B: Criteria for Severity and Likelihood

### Severity

According to the UNGPs, **severity** is based on **scale** (gravity) of impact; **scope** (number) of the affected stakeholders; and **irremediability** (limits on ability to restore those affected to a situation equivalent to their situation before the adverse impact).

There is not an exact science for determining severity, but the following are some considerations:

- Not all the criteria need to be present to create a severe impact. For example, a major and irremediable impact on a single person may still be severe (e.g. a fatality).
- Some human rights impacts are considered to be inherently severe or egregious (e.g. it's hard to imagine a minor impact on freedom in a case of torture or forced labor).
- Other human rights impacts are interconnected and thus may have more severe impacts (e.g. infringement on trade union rights may affect other workers' rights, or resettlement has an impact on a range of human rights).

### Likelihood

**Likelihood** is the second factor for assessing human rights impacts and placing them on the heat map. According to the UNGPs, severity is the dominant consideration – hence the greater number of red squares on the human rights heat map, including for some low-likelihood impacts.

Factors that are considered when assessing likelihood:

- Gaps in national laws, policy and implementation/enforcement tend to increase the likelihood of impacts.
- Corruption also can increase the likelihood of impacts by weakening accountability and the rule of law.
- Poverty increases the likelihood of impacts on a range of human rights.
- Certain types of operations/business activities have a higher likelihood of impacts (e.g. ASM, agriculture, informal businesses, etc.).

Other factors that affect both severity and likelihood:

- **Vulnerability** of individuals and groups can make them both more likely to experience adverse impacts and to experience those adverse impacts more severely than others.
- **Mitigation** measures can reduce both the likelihood of an impact occurring, as well as the potential severity of the impact.

### Cause, Contribution and Linkage

The Human Rights Heat Map includes the human rights risks and impacts that can be *associated* with Newmont's operations. However, according to the UNGPs, Newmont's responsibility to prevent, mitigate or remediate the impacts will differ depending on whether the company "causes, contributes to, or is directly linked" to the impact.

The following table summarizes the distinctions between cause, contribution and linkage.<sup>86</sup>

Overview of Cause / Contribution / Linkage			
<i>If a company is...</i>	<i>Causing an impact</i>	<i>Contributing to an impact</i>	<i>Linked to an impact</i>
<i>Then it should...</i>	Prevent or mitigate the impact	Prevent or mitigate its contribution to the impact	
<i>And...</i>		Use or increase its leverage with other responsible parties to prevent or mitigate the impact	Use or increase its leverage with other responsible parties to prevent or mitigate the impact
<i>And...</i>	Remediate the harm of the impact	Contribute to remediating the harm of the impact to the extent of its contribution	No responsibility to remediate, but the company may choose to do so
<i>Example</i>	A mining company causes an impact when it does not pay its workers in accordance with national and international standards	A mining company contributes to an impact when it provides materials to public security forces that are used to harm community members	A mining company is linked to an impact when an activity such as ASM is undertaken on its concession without its permission

<sup>86</sup> The table is based on a summary of the UNGPs and subsequent materials developed by Shift, the leading centre of expertise on the UNGPs. Further information about current interpretations of cause, contribution and linkage can be found in "OHCHR response to request from BankTrack for advice regarding the application of the UN Guiding Principles on Business and Human Rights in the context of the banking sector," accessed at: <http://www.ohchr.org/Documents/Issues/Business/InterpretationGuidingPrinciples.pdf>

For a number of the salient human rights issues on the Human Rights Heat Map, it is important to note that Merian is not directly causing the potential impacts.

However, whether Merian can be seen as contributing to the impact (versus being linked) is a fact-specific inquiry that relates to whether it is actively incentivizing, passively permitting certain activities by third parties, and/or failing to exercise sufficient control over third parties. In particular, if there are impacts that are known or easily predictable, a company may contribute to those impacts if it does not conduct adequate due diligence and implement appropriate controls over third parties.

It is important to note that the assessment of cause, contribution or linkage may change over time. It is also important to highlight that, from a reputational perspective, external stakeholders rarely make these nuanced distinctions about cause, contribution and linkage and may blame a company for “complicity” in all impacts associated with its operations.

For Merian, as for many other companies, the appropriate response to issues to which it is contributing or is directly linked to should be the same: use or increase your leverage with other responsible parties to prevent or mitigate the impacts. According to the UNGPs, the key strategies for exercising and increasing leverage are capacity-building and working with others. Therefore, for some of Merian’s salient issues that are more systemic or intractable in nature, the suggested mitigation strategy will involve raising awareness, engagement and collaboration with other actors—including other companies in Suriname and relevant government departments.

Finally, it is worth highlighting that the other companies and government departments with whom Merian should work on its salient issues also have their own duties and responsibilities to promote and/or respect human rights according to the UNGPs. Therefore, as general awareness around business and human rights increases globally, it should be easier to find national and international allies to work collaboratively around the more complex, systemic human rights issues that are beyond the full control of any one actor.

## Appendix C: Summary Table of Human Rights Assessment of TSF-2

Salient Issue	Potential Human Rights Impacts	Additional recommendations from a human rights perspective
Indigenous Peoples Rights	<ul style="list-style-type: none"> <li>Rights of the Kawina and FPIC.</li> <li>The right of Indigenous Peoples to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.</li> <li>The right of Indigenous Peoples to benefit from natural resource development on their traditional lands and territories.</li> </ul>	<ul style="list-style-type: none"> <li>Ensure FPIC from the Kawina is achieved for the TSF-2 before construction commences.</li> <li>Internally, expedite the development and implementation of a local procurement and employment strategy for TSF-2 based on the Right to Benefits for the Kawina people.</li> <li>Ensure procedures are in place to ensure that compensation for timber concession # 167 to Moengotapoe Village contribute to the development of the wider community rather than to specific individuals.</li> </ul>
	<ul style="list-style-type: none"> <li>Cultural Rights</li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>
Community Members' Rights	<ul style="list-style-type: none"> <li>Right to information and consultation</li> </ul>	<ul style="list-style-type: none"> <li>Ensure that engagement efforts provide regular and ongoing updates on the progress of the TSF-2 activities, impacts and mitigation measures.</li> <li>Seek feedback from stakeholders impacted by the TSF-2 on decisions that may have a bearing on public safety and the integrity of the TSF-2.</li> </ul>
Community Health and Safety	<ul style="list-style-type: none"> <li>Right to life, liberty and security of the person (dam breach)</li> </ul>	<ul style="list-style-type: none"> <li>Establish a warning mechanism (sirens, phones) in case of a dam breach particularly for the Kawina who may be difficult to contact.</li> <li>Conduct live emergency evacuation drills with the Kawina and affected ASM groups.</li> </ul>
	<ul style="list-style-type: none"> <li>Right to health</li> <li>Right to life, liberty and security of the person (Road safety, dust)</li> </ul>	<ul style="list-style-type: none"> <li>Monitor contractors and subcontractors to ensure compliance with Newmont driving standards.</li> </ul>
Environment and Human Rights	<ul style="list-style-type: none"> <li>Right to a clean, healthy and sustainable environment</li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>
Land, livelihoods and resettlement	<ul style="list-style-type: none"> <li>The right to own property (alone or in association with others)</li> <li>The right of Indigenous Peoples to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.</li> </ul>	<ul style="list-style-type: none"> <li>Engage with the Pamaka Land Boss regarding the impact of the economic displacement due to the relocation of the ASM camp on the edge of the footprint of the TSF-2 and, if needed, develop a compensation strategy for the loss of the income earned from ASM and loss of access to the resource.</li> <li>Include negotiations around preferential procurement and employment for the Kawina during ongoing engagements to secure FPIC for the TSF-2.</li> </ul>

Salient Issue	Potential Human Rights Impacts	Additional recommendations from a human rights perspective
	<ul style="list-style-type: none"> <li>The right to an adequate standard of living (SSMP)</li> </ul>	<ul style="list-style-type: none"> <li>Agree with the Small Scale Mining Pamaka (SSMP) cooperation to explore the TSF-2 area that overlaps with the Pamaka Mining Reserve to determine whether gold-bearing ore exists, prior to the start of construction.</li> </ul>
Contractor workers' rights	<ul style="list-style-type: none"> <li>Right to safe and healthy working conditions</li> <li>Right to just and favorable working conditions</li> <li>Right to freedom of association</li> </ul>	<ul style="list-style-type: none"> <li>Ensure that all tender documents include a specific wage, exceeding the official minimal wage, below which contractors cannot pay.</li> <li>Include wellness and labor related elements into the Contractor (Health and Safety) Management Plan.</li> <li>Develop a contractor monitoring plan to ensure Newmont policies and employee well-being standards are followed.</li> <li>Develop a specific monitoring approach for the most vulnerable contractor employees (subcontractors, female, low-skilled/low-income jobs, probation period, hired through labor broker/temp agency; the more factors apply, the more vulnerable the individual).</li> </ul>
Access to remedy	<ul style="list-style-type: none"> <li>Right of access to remedy (community members)</li> </ul>	<ul style="list-style-type: none"> <li>In engagement efforts with the Kawina people, Pamaka small-scale miners and other stakeholders impacted by the TSF-2, emphasize that the grievance mechanism is available to address TSF related grievances.</li> <li>Review the Complaints and Grievance Mechanism to ensure alignment with the effectiveness criteria.</li> </ul>
	<ul style="list-style-type: none"> <li>Right of access to remedy (contractor workers)</li> </ul>	<ul style="list-style-type: none"> <li>Enforce the Supplier Code of Conduct by including a contractual requirement that requires contractors to have their own grievance mechanisms and seek to address complaints or grievances within 30 days.</li> <li>Provide capacity building for suppliers on effective grievance mechanisms, including providing training and templates.</li> <li>Conduct periodic spot checks (e.g. every quarter) by the human rights lead to ensure that contractor grievance mechanisms are used and are effective. Feedback to contractors could be used as an opportunity to guide contractors how to improve their mechanisms</li> <li>Promote contractor access to the Newmont Integrity Helpline and Community Complaints and Grievance Mechanism. Explain clearly what mechanism can be used for what type of grievance.</li> <li>In cases where contractor workers report to Newmont and not to their employer directly, work with related functions to ensure non-escalated cases are treated with confidentiality and respect for the rightsholder.</li> </ul>

## Appendix D: Human Rights Assessment of TSF-2



Newmont Mining  
Human Rights Assessment of the Tailings Storage  
Facility Expansion (TSF-2)  
Merian Mine - Suriname

August 2024

Luc Zandvliet  
Lloyd Lipsett  
Georgina Jephson

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## Introduction

It is projected that the capacity of the existing Tailings Storage Facility at Merian (TSF-1) will be reached in 2027, and Newmont Suriname has plans to construct the TSF-2 to accommodate future tailings from the mine. Once construction of the TSF-2 is complete, the TSF-1 will be closed.

This report contains the results of a Human Rights Assessment (HRA) conducted on the Tailings Storage Facility Expansion (TSF-2) at the Merian gold mine. The HRA forms part of a broader Human Rights Due Diligence (HRDD) Process and Human Rights Impact Assessment (HRIA) Update for the whole Merian gold mining operation. The HRDD and HRIA Update are aligned with the UN Guiding Principles on Business and Human Rights (UNGPs) and consider all human rights risks associated with the operations at Merian. The focus of the HRA is on the human rights risks related to the TSF-2.

The HRA is also part of the broader Environmental and Social Impact Assessment (ESIA) that is being conducted for the TSF-2 at Merian. The HRA therefore integrates the environmental and social risks identified in the ESIA, together with the mitigation measures recommended therein. The human rights risks identified in the HRA have been aligned with the ESIA risks. Where the ESIA has not identified an environmental or social risk identified in the HRA, additional recommendations for mitigation measures have been made from a human rights perspective.

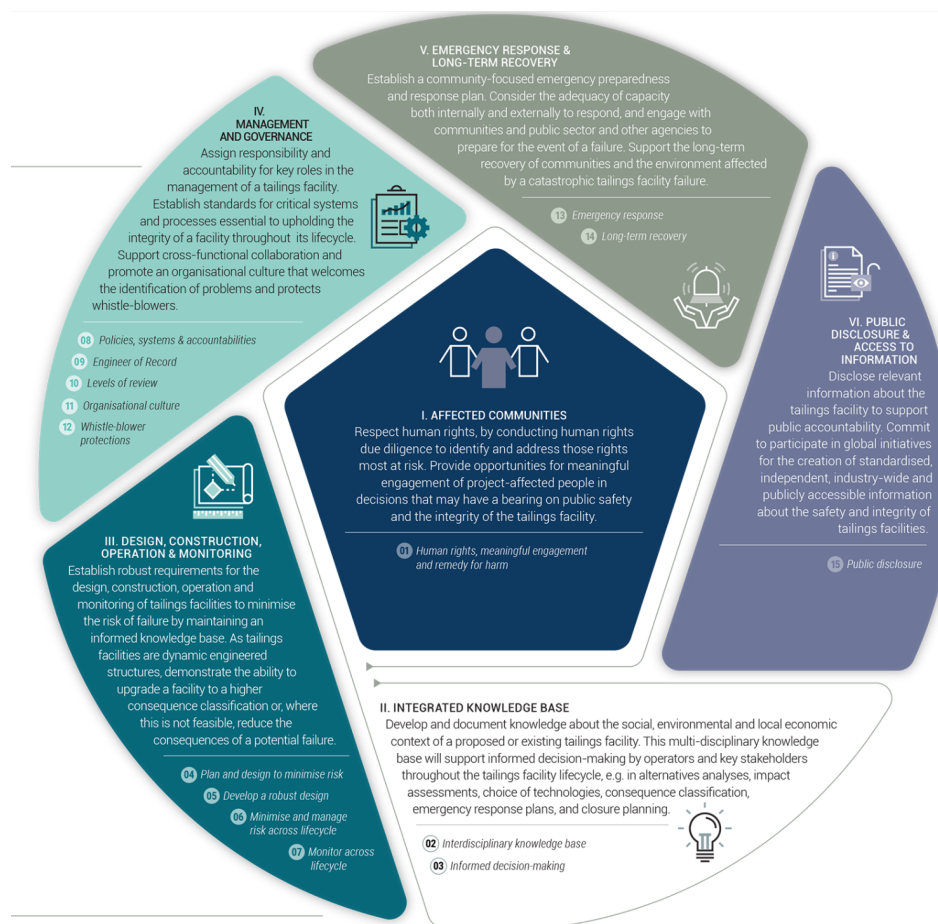
## Methodology for the Human Rights Assessment

The methodology for the HRA was based on interviews with key managers and other stakeholders held during the site visit for the HRIA Update complemented by a review of other assessments conducted for the ESIA. In addition to the UNGPs, the HRA is based on the relevant standards and principles in the Global Industry Standard for Tailings Management (GISTM).<sup>87</sup>

The GISTM contains 15 principles and corresponding requirements which operators must put in place to demonstrate compliance with the Standard. The focus of the HRA is on GISTM Principle 1 which requires operators to respect the rights of project-affected people and meaningfully engage them at all phases of the tailings facility lifecycle, including closure. The graphic below shows that respect for human rights is at the centre of the GISTM.

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<sup>87</sup> The objective of GISTM is to strengthen current practices in the mining industry by integrating social, environmental, and technical considerations in tailings management from site selection, design and construction, through management and monitoring, to closure and post-closure. The GISTM is available at <https://globaltailingsreview.org/global-industry-standard/>.



The HRA involved the following steps:

- A screening of the full spectrum of potential human rights risks and impacts associated with the TSF-2 in accordance with the UNGPs.
- Review of data collected during consultation and participation with affected stakeholders (“rights-holders”) and responsible parties (“duty-bearers”) during the site visit for the HRIA Update and the ESIA. Specific engagements were also held with key managers involved in the TSF-2 planning and construction.
- Based on these inputs, the following table provides an overview of the key human rights risks and impacts that were considered through the screening process.

Human Rights Risks and Impacts Considered in the HRA		
Merian Workers’ Rights	Contract Workers’ Rights	Community Members’ Rights
<ul style="list-style-type: none"> <li>• Safe and healthy working conditions</li> <li>• Just and favourable working</li> </ul>	<ul style="list-style-type: none"> <li>• Safe and healthy working conditions</li> <li>• Freedom from child labour</li> </ul>	<ul style="list-style-type: none"> <li>• Indigenous Peoples rights</li> <li>• Community health and safety</li> </ul>

Human Rights Risks and Impacts Considered in the HRA		
Merian Workers' Rights	Contract Workers' Rights	Community Members' Rights
<ul style="list-style-type: none"> <li>• conditions</li> <li>• Freedom from harassment</li> <li>• Non-discrimination</li> <li>• Freedom of association</li> <li>• Safe and healthy working conditions</li> </ul>	<ul style="list-style-type: none"> <li>• Just and favourable working conditions</li> <li>• Freedom from harassment</li> <li>• Non-discrimination</li> <li>• Freedom of association</li> </ul>	<ul style="list-style-type: none"> <li>• Human rights and the environment</li> <li>• Land-related rights</li> <li>• Right to an adequate standard of living</li> </ul>
Cross-cutting Issues for Workers and Community Members		
<ul style="list-style-type: none"> <li>• Grievance mechanisms and access to remedy</li> <li>• Security and human rights</li> </ul>		

- After the initial screening of potential human rights risks and impacts, the HRA focuses on the prioritization of salient human rights issues based on the UNGPs criteria of severity and likelihood of adverse impacts on affected stakeholders. The assessment also considers the modalities through which Merian is associated with potential human rights impacts (cause, contribution or direct linkage) in order to understand the appropriate responses according to the UNGPs.
- After the prioritization of the salient human rights issues for the TSF-2, a review was conducted of the environmental and social risks identified, and the corresponding mitigation measures recommended, in the ESIA.
- The assessment team has aligned the environmental and social risks identified in the ESIA (2024) with the salient human rights issues identified in the HRA, and has made additional recommendations for mitigation measures, where appropriate. The assessment team has also added other human rights risks that were not identified in the ESIA (2024), with recommendations for mitigation measures to fulfill the requirements for ongoing HRDD in the UNGPs and the GISTM.

## TSF2 Human Rights Ratings

In terms of the substantive focus of the HRA, several “salient human rights issues” related to the TSF-2 were identified and prioritized through the assessment phase. Salient human rights issues refer to the areas where there are the greatest risks to people based on the likelihood and severity of potential adverse impacts on their human rights.

The table below contains the human rights risks identified in the HRA, a reference to where they are addressed in the ESIA with the corresponding mitigation measures, and additional mitigation measures recommended from a human rights perspective (where appropriate).

Further information relating to the salient human rights issues for TSF-2 will be available in the forthcoming report on the HRDD and HRIA Update Report for the entire operation at Merian.

Table 1: Human Rights Ratings and Mitigation Measures

The table below sets out the salient human rights issues for the TSF-2 as they have been prioritized in the Human Rights Heat Map in section 2 below. As is explained further in the main HRIA Update report, the risks for the TSF-2 were prioritised in line with the UNGPs criteria for severity and likelihood of adverse impacts on human rights.

The colours in the heat map are used to prioritise actions in a principled manner (based on the severity and likelihood of adverse impacts on human rights). As severity is the primary consideration, the Human Rights Heat Map has more red squares than a typical heat map. This is to remind management to have a systematic focus on the areas of the most significant human rights risk.

Colour Code for Human Rights Ratings		
Colour	Priority	Comments
Red	High	<ul style="list-style-type: none"> <li>Should be the main focus of the Human Rights Action Plan and will involve the most investment in time, energy and resources.</li> <li>Often salient issues in the red zone are not caused by the company and therefore there needs to be a strategy approach for building and using leverage with third parties.</li> <li>Salient issues in the red zone should also be tracked in the company's enterprise risk management system.</li> </ul>
Orange	Medium	<ul style="list-style-type: none"> <li>Still should be tracked systematically in the Human Rights Action Plan.</li> <li>Normally the implementation of existing (and new) mitigation measures, including stakeholder engagement and grievance mechanisms, is sufficient to manage the salient issues from a human rights perspective.</li> </ul>
Yellow	Low	<ul style="list-style-type: none"> <li>Lowest priority for the Human Rights Action Plan.</li> <li>Should review these salient issues regularly to see if underlying environmental, social, community or workforce issues could be leading to human rights risks or impacts.</li> </ul>

### Salient Human Rights Issues associated with TSF-2

Salient Issue	Potential Human Rights Impacts	ESIA Reference: Chapter and Mitigation Measures	Human Rights Rating	Additional recommendations from a human rights perspective
Indigenous Peoples Rights	<ul style="list-style-type: none"> <li>Rights of the Kawina and FPIC.</li> <li>The right of Indigenous Peoples to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.</li> <li>The right of Indigenous Peoples to benefit from natural resource development on their traditional lands and territories.</li> </ul>	<ul style="list-style-type: none"> <li>Chapter 6, section 6.2.5.7</li> </ul>		<ul style="list-style-type: none"> <li>Ensure FPIC from the Kawina is achieved for the TSF-2 before construction commences.</li> <li>Internally, expedite the development and implementation of a local procurement and employment strategy for TSF-2 based on the Right to Benefits for the Kawina people.</li> <li>Ensure procedures are in place to ensure that compensation for timber concession # 167 to Moengotapoe Village contribute to the development of the wider community rather than to specific individuals.</li> </ul>
	<ul style="list-style-type: none"> <li>Cultural rights</li> </ul>	<ul style="list-style-type: none"> <li>Chapter 6, section 6.2.5.11</li> </ul>		
Community Members' Rights	<ul style="list-style-type: none"> <li>Right to information and consultation</li> </ul>	<ul style="list-style-type: none"> <li>Chapter 8, section 8.3</li> </ul>		<ul style="list-style-type: none"> <li>Ensure that engagement efforts provide regular and ongoing updates on the progress of the TSF-2 activities, impacts and mitigation measures.</li> <li>Seek feedback from stakeholders impacted by the TSF-2 on decisions that may have a bearing on public safety and the integrity of the TSF-2.</li> </ul>

## Salient Human Rights Issues associated with TSF-2

Salient Issue	Potential Human Rights Impacts	ESIA Reference: Chapter and Mitigation Measures	Human Rights Rating	Additional recommendations from a human rights perspective
Community Health and Safety	<ul style="list-style-type: none"> <li>Right to life, liberty and security of the person (dam breach)</li> </ul>	<ul style="list-style-type: none"> <li>Chapter 6, section 6.4.2.5</li> </ul>		<ul style="list-style-type: none"> <li>Establish a warning mechanism (sirens, phones) in case of a dam breach particularly for the Kawina who may be difficult to contact.</li> <li>Conduct live emergency evacuation drills with the Kawina and affected ASM groups.</li> </ul>
	<ul style="list-style-type: none"> <li>Right to health</li> <li>Right to life, liberty and security of the person (Road safety, dust)</li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>		<ul style="list-style-type: none"> <li>Monitor contractors and subcontractors to ensure compliance with Newmont driving standards.</li> </ul>
Environment and Human Rights	<ul style="list-style-type: none"> <li>Right to a clean, healthy and sustainable environment</li> </ul>	<ul style="list-style-type: none"> <li>Chapter 6, Section 6.4.2.5</li> </ul>		
Land, livelihoods and resettlement	<ul style="list-style-type: none"> <li>The right to own property (alone or in association with others)</li> <li>The right of Indigenous Peoples to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.</li> </ul>	<ul style="list-style-type: none"> <li>Chapter 6, section 6.2.5.7</li> </ul>		<ul style="list-style-type: none"> <li>Engage with the Pamaka Land Boss regarding the impact of the economic displacement due to the relocation of the ASM camp on the edge of the footprint of the TSF-2 and, if needed, develop a compensation strategy for the loss of the income earned from ASM and loss of access to the resource.</li> <li>Include negotiations around preferential procurement and employment for the Kawina during ongoing engagements to secure FPIC for the TSF-2.</li> </ul>
	<ul style="list-style-type: none"> <li>The right to an adequate standard of living (ASM)</li> </ul>	<ul style="list-style-type: none"> <li>Chapter 6, section 6.2.5.8</li> </ul>		
	<ul style="list-style-type: none"> <li>The right to an adequate standard of living (SSMP)</li> </ul>	<ul style="list-style-type: none"> <li>Chapter 6, section 6.2.5.7</li> </ul>		<ul style="list-style-type: none"> <li>Agree with the Small Scale Mining Pamaka (SSMP) cooperation to explore the TSF-2 area</li> </ul>

## Salient Human Rights Issues associated with TSF-2

Salient Issue	Potential Human Rights Impacts	ESIA Reference: Chapter and Mitigation Measures	Human Rights Rating	Additional recommendations from a human rights perspective
				that overlaps with the Pamaka Mining Reserve to determine whether gold-bearing ore exists, prior to the start of construction.
Contractor workers' rights	<ul style="list-style-type: none"> <li>• Right to safe and healthy working conditions</li> <li>• Right to just and favorable working conditions</li> <li>• Right to freedom of association</li> </ul>	<ul style="list-style-type: none"> <li>• Chapter 6, Section 6.2.5.4</li> </ul>		<ul style="list-style-type: none"> <li>• Ensure that all tender documents include a specific wage, exceeding the official minimum wage, below which contractors cannot pay.</li> <li>• Include wellness and labor related elements into the Contractor (Health and Safety) Management Plan.</li> <li>• Develop a contractor monitoring plan to ensure Newmont policies and employee well-being standards are followed.</li> <li>• Develop a specific monitoring approach for the most vulnerable contractor employees (subcontractors, female, low-skilled/low-income jobs, probation period, hired through labor broker/temp agency; the more factors apply, the more vulnerable the individual).</li> </ul>
Access to remedy	<ul style="list-style-type: none"> <li>• Right of access to remedy (community members)</li> </ul>	<ul style="list-style-type: none"> <li>• Chapter 8, section 8.5</li> </ul>		<ul style="list-style-type: none"> <li>• In engagement efforts with the Kawina people, Pamaka small-scale miners and other stakeholders impacted by the TSF-2, emphasize that the grievance mechanism is available to address TSF related grievances.</li> <li>• Review the Complaints and Grievance Mechanism to ensure alignment with the effectiveness criteria.</li> </ul>

## Salient Human Rights Issues associated with TSF-2

Salient Issue	Potential Human Rights Impacts	ESIA Reference: Chapter and Mitigation Measures	Human Rights Rating	Additional recommendations from a human rights perspective
	<ul style="list-style-type: none"> <li>Right of access to remedy (contractor workers)</li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>		<ul style="list-style-type: none"> <li>Enforce the Supplier Code of Conduct by including a contractual requirement that requires contractors to have their own grievance mechanisms and seek to address complaints or grievances within 30 days.</li> <li>Provide capacity building for suppliers on effective grievance mechanisms, including providing training and templates.</li> <li>Conduct periodic spot checks (e.g. every quarter) by the human rights lead to ensure that contractor grievance mechanisms are used and are effective. Feedback to contractors could be used as an opportunity to guide contractors how to improve their mechanisms</li> <li>Promote contractor access to the Newmont Integrity Helpline and Community Complaints and Grievance Mechanism. Explain clearly what mechanism can be used for what type of grievance.</li> <li>In cases where contractor workers report to Newmont and not to their employer directly, work with related functions to ensure non-escalated cases are treated with confidentiality and respect for the rightsholder.</li> </ul>



## Global Industry Standard for Tailings Management: Principle 1

As noted above, Principle 1 of the GISTM contains the human rights criteria for tailings management. The four requirements that must be met for compliance with Principle 1 are discussed below, with reference to the salient human rights issues associated with the TSF-2 identified in the HRA.

### GISTM Requirement 1.1

#### **GISTM Principle 1, Requirement 1.1**

Demonstrate respect for human rights in accordance with the United Nations Guiding Principles on Business and Human Rights (UNGPs), conduct human rights due diligence to inform management decisions throughout the *tailings facility lifecycle* and address the human rights risks of *tailings facility credible failure scenarios*.

Newmont Suriname has demonstrated respect for human rights in accordance with the UNGPs through the following:

- A policy commitment to respect human rights and establish a Human Rights Management plan.
- Previous HRIA conducted in 2016.
- ESIA and Social Baseline Study (SIA) conducted for the TSF-2, including this HRA, which is part of a broader HRDD process and HRIA Update conducted at Merian in 2024.
- The forthcoming report on the HRDD Process and HRIA Update will include a risk assessment and prioritisation of salient human rights issues at Merian based on the UNGPs.
- Update of existing management plans and dam breach analyses for the TSF-2.

#### 1.1.1 Indigenous Peoples Rights

The human rights risks and the key actions taken by Newmont, together with the relevant mitigation measures in relation to the rights of Indigenous Peoples are discussed under GISTM requirement 1.2 below.

### 1.1.2 Community Members' Rights: Right to Information and Consultation

The human rights risks and the key actions taken by Newmont, together with the relevant mitigation measures in relation to community members' right to information and consultation are discussed under GISTM requirement 1.3 below.

### 1.1.3 Community Health and Safety

#### Key international human rights references

- Articles 3 and 25 of the Universal Declaration of Human Rights
- Article 12 of the International Covenant on Economic, Social and Cultural Rights
- IFC Performance Standard 1, paragraphs 20 to 21 on Emergency Preparedness
- IFC Performance Standard 4 on Community Health, Safety and Security
- ICMM Principles 3 and 5

#### *Dam Breach*

International law protects the rights to life, health and an adequate standard of living.<sup>88</sup> These rights require companies to ensure that they evaluate the risks and impacts that their operations may have on the communities within their area of influence.<sup>89</sup> In particular, in the context of the construction of a TSF, companies must ensure adequate emergency response planning and preparedness in the event of a dam breach.<sup>90</sup>

The ESIA identifies two ASM groups working to the east of the TSF-2 footprint as being at risk in the event of a dam breach. In addition, the Kawina villages and areas of religious, cultural and historic importance, would be flooded. The risks associated with a dam breach are increased if a breach coincides with heavy rainfall.

Newmont has demonstrated conformance to international guidance and recognised best practice frameworks governing emergency preparedness by:

- The Annual Tailings Review Board conducts independent annual reviews of the TSF-1, and an independent Dam Safety Review is conducted every five years, with the last one being conducted in 2023.

<sup>88</sup> Articles 5 and 25 of the Universal Declaration of Human Rights and Article 12 of the International Covenant on Economic, Social and Cultural Rights.

<sup>89</sup> IFC Performance Standard 4, paragraph 5.

<sup>90</sup> IFC Performance Standard 1, paragraph 20 and IFC Performance Standard 4, paragraph 11.

- Holding ongoing engagements with the Kawina and affected ASM groups on the TSF-2, the possibility of a dam breach and emergency preparedness in the event of a dam breach.
- Preparing a Dam Breach Analysis for the TSF-2.
- Desktop-based emergency evacuation drills with the Kawina and affected ASM groups.
- Updating existing emergency preparedness plans for the TSF-1 for the TSF-2.

Additional recommendations:

- Establish a warning mechanism (sirens, phones) in case of a dam breach particularly for the Kawina who may be difficult to contact.
- Conduct live emergency evacuation drills with the Kawina and affected ASM groups.

*Road Safety and Dust*

The ESIA has identified potential impacts on the Transport Corridor (TCR) Communities related to road safety and dust on the Langatabiki during the construction of the TSF-2. Whilst these impacts may not be significantly heightened as a result of the construction of the TSF-2, they have been identified as salient human right issues in the HRIA Update in the context of community health and safety and contractor monitoring.

In this regard, it is noteworthy that a contractor fuel truck overturned on the road leading up to the mine in early 2024, resulting in a spill which Newmont cleared up. Stakeholder feedback from the TCR Communities was that, whilst Newmont vehicles do not speed, contractor vehicles often drive fast, leaving dust in their wake which settles in their homes, in water wells used for drinking water, and on their crops. The dust impacts are exacerbated during the dry season.

Newmont has demonstrated conformance to international guidance and recognised best practice frameworks governing emergency preparedness by:

- Implementing the In-Vehicle Security System (IVSS) for all Newmont vehicles and employees driving to and from site, as well as on site.
- Sprinkling water on the road to suppress dust during the dry season.
- Implementation of speed bumps and instructions for vehicles to reduce speed.
- Requiring contractors and subcontractors to adhere to Newmont driving standards.

#### Additional recommendations:

- Monitor contractors and subcontractors to ensure compliance with Newmont driving standards.

### 1.1.4 Environment and Human Rights

#### **Key international human rights references**

- UN General Assembly Resolution A/76/L.75 recognizes the human right to a clean, healthy and sustainable environment
- IFC Performance Standards 3 and 4
- ICMM Principle 6

In 2022, the UN General Assembly recognised the right to a clean, healthy and sustainable environment. The right includes access to safe water and healthy ecosystems. Companies are required to avoid or minimise and control the release of hazardous materials into the environment.<sup>91</sup>

The ESIA has identified the following impacts in the event of a TSF-2 dam breach:

- The Kawina villages and areas of religious, cultural and historic importance are all in the inundation zone.
- Two ASM groups working to the east of the TSF-2 footprint are in the inundation zone.
- Impacts to the existing environment due to inundation by tailings, including vegetation and terrestrial habitats, terrestrial wildlife, aquatic species and aquatic resources, groundwater quality and surface water quality in the inundation zone and downstream. This will have an impact on the Kawina who use the area for cultural/ritual gatherings, planting, fishing, hunting, gathering of medicinal plants and other non-timber forest products.

Newmont has demonstrated conformance to international guidance and recognised best practice frameworks governing environmental management of the TSF-2 by:

- Preparing a Dam Breach Analysis for the TSF-2.
- Updating existing emergency preparedness plans for the TSF-1 for the TSF-2.

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<sup>91</sup> IFC Performance Standard 3, paragraph 13, IFC Performance Standard 4, paragraph 7.

- Ongoing engagements with the Kawina communities and small-scale miners regarding the TSF-2, potential impacts and emergency preparedness.
- Desktop emergency evacuation drills with the Kawina and affected ASM groups.

### 1.1.5 Land, Livelihoods and Resettlement

#### Key international human rights references

- Articles 17 and 25 of the Universal Declaration of Human Rights
- Article 26 of the UN Declaration on the Rights of Indigenous Peoples
- IFC Performance Standard 5 on Land Acquisition and Involuntary Resettlement

International law protects the right to own property as an individual, as well as in association with others.<sup>92</sup> It also protects the right to an adequate standard of living.<sup>93</sup> Involuntary resettlement includes both physical and economic displacement.<sup>94</sup> In particular, Indigenous Peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.<sup>95</sup>

The ESIA has identified the following cases of physical and economic displacement as a result of the construction of the TSF-2:

- The ASM camp on the edge of the TSF-2 footprint will need to relocate, leading to both physical and economic displacement;
- The Pamaka Land Boss who currently receives royalties from the ASM camp on the edge of the TSF-2 footprint will be economically displaced, as he will lose income from ASM as well as access to the resource;
- The TSF-2 footprint overlaps with the Pamaka Mining Reserve (SSMP) and, although no gold exploration has been done in the overlapping area yet, it could lead to economic displacement for the Pamaka small-scale miners who move to work there in the future; and
- The TSF2-footprint overlaps partially with the Moengotapoe community timber concession, amounting to economic displacement.<sup>96</sup>

<sup>92</sup> Article 17 of the Universal Declaration of Human Rights.

<sup>93</sup> Article 25 of the Universal Declaration of Human Rights.

<sup>94</sup> IFC Performance Standard 5, paragraph 1.

<sup>95</sup> Article 26 of the UN Declaration on the Rights of Indigenous Peoples.

<sup>96</sup> The TSF-2 footprint also overlaps with the Dennebos Suriname (DBS) commercial logging concession. Newmont has entered into negotiations with DBS with a view to entering into a commercial agreement to compensate the company for any commercial loss it suffers as a result of the construction of the TSF-2.

Newmont has demonstrated conformance to international guidance and recognised best practice frameworks governing land, livelihoods and resettlement:

- Newmont is providing support to the SSMP and implementing the Pamaka Livelihood Restoration Plan.
- Newmont will engage with the residents of the Kawina village Moengotapoe to assess use of the community timber concession and, if needed, develop a compensation strategy for the partial loss of the timber concession.
- There are two approaches that Newmont has proposed to manage timber available within the parts of the Moengotapoe community logging concession overlapping with TSF-2:
  - Newmont will cut trees for concession holders and will provide timber back to them; or
  - Newmont will compensate for the timber available within the concessions overlapping TSF2 and other areas needed for TSF2 construction.<sup>97</sup>

Additional recommendations:

- Agree with the SSMP to explore the TSF-2 area that overlaps with the Pamaka Mining Reserve to determine whether gold-bearing ore exists, prior to the start of construction.
- Engage with the Pamaka Land Boss regarding the impact of the economic displacement due to the relocation of the ASM camp on the edge of the footprint of the TSF-2 and, if needed, develop a compensation strategy for the loss of the income earned from ASM and loss of access to the resource.
- Include negotiations around preferential procurement and employment for the Kawina during ongoing engagements to secure FPIC for the TSF-2.

### 1.1.6 Contractor Workers' Rights

**Key international human rights references**

**General**

- UNGPs, Principles 13(b) and 17(a)
- IFC Performance Standard 2, paragraphs 24-26

<sup>97</sup> ESIA, section 6.2.5.7: Change in Land Use.

### **Safe and healthy working conditions**

- Article 2(e) of the ILO Declaration on Fundamental Principles and Rights at Work
- Articles 4, 5 and 13 of ILO Occupational Health and Safety and the Working Environment Convention C155
- IFC Performance Standard 2, paragraph 23 (Occupational Health and Safety)
- ICM Principle 5

### **Just and favourable working conditions**

- Article 23 of the Universal Declaration of Human Rights
- Articles 7 and 11 of the International Covenant on Economic, Social and Cultural Rights
- Article 11 of the Convention on the Elimination of All Discrimination Against Women

### **Freedom of Association**

- Articles 20(1) and 23(4) of the Universal Declaration of Human Rights
- Articles 21 and 22 of the International Covenant on Civil and Political Rights
- Article 8 of the International Covenant on Economic, Social and Cultural Rights
- Article 2(a) of the ILO Declaration on Fundamental Principles and Rights at Work
- Articles 2-5 of the ILO Freedom of Association and Protection of the Right to Organize Convention C87
- IFC Performance Standard 2, paragraphs 13-14 (Workers' Organizations)

The UNGPs require companies to assess the human rights risks that they may cause or contribute to through their own activities, or which may be directly linked to its operations, products or services by its business relationships.<sup>98</sup> This requires companies to identify, prevent and mitigate risks in their supply chain, which includes contractor workers' rights. Safe and healthy working conditions and freedom of association are core ILO labour rights,<sup>99</sup> and the right to just and favourable working conditions is a fundamental human right in the Universal Declaration on Human Rights.<sup>100</sup>

The ESIA identified the risks posed to the workforce associated with the TSF-2, including risks to the health and safety, freedom of association and just and favourable working conditions. The ESIA concludes that, with the mitigation measures that Newmont intends to put in place, the impact significance of the risk posed to the workforce is negligible. There is no indication that foreign workers will be used during the construction of the TSF-2 other than in managerial positions.

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<sup>98</sup> UNGPs, Principle 17(a).

<sup>99</sup> Articles 2(a) and 2(e) of the ILO Declaration on Fundamental Principles and Rights at Work.

<sup>100</sup> Article 23 of the Universal Declaration of Human Rights.

From a human rights perspective, the following findings have been made in the HRIA Update:<sup>101</sup>

- Human rights, particularly workers' rights and access to remedy need to be bolstered in Newmont's contracts.
- A uniform approach to contractor monitoring for compliance with all Newmont's standards (in addition to the Newmont health and safety standards) needs to be implemented company wide.

Additional recommendations:

- Ensure that all tender documents include a specific wage, exceeding the official minimum wage, below which contractors cannot pay.
- Include wellness and labor related elements into the Contractor (Health and Safety) Management Plan.
- Develop a contractor monitoring plan to ensure Newmont policies and employee well-being standards are followed.
- Develop a specific monitoring approach for the most vulnerable subcontractor employees.

### 1.1.7 Access to Remedy

The human rights risks and the key actions taken by Newmont, together with the relevant mitigation measures in relation to access to remedy are discussed under GISTM requirement 1.4 below.

## GISTM Requirement 1.2

### **GISTM Principle 1, Requirement 1.2**

Where a new *tailings facility* may impact the rights of Indigenous or tribal Peoples, including their land and resource rights and their right to self-determination, work to obtain and maintain *Free Prior and Informed Consent (FPIC)* by demonstrating conformance to international guidance and recognised *best practice* frameworks.

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<sup>101</sup> There will be additional information on this issue in the forthcoming HRIA Update report.



### 1.2.1 Indigenous Peoples

#### Key international human rights references

- The UN Declaration on the Rights of Indigenous Peoples
- IFC Performance Standard 7
- International Labour Organization Convention No. 169 on Indigenous and Tribal Peoples
- ICMM Principle 3

International law recognises the rights of Indigenous Peoples to land and resources,<sup>102</sup> culture<sup>103</sup> and health.<sup>104</sup> These rights are often implicated when mining and extractive industries operate within or near Indigenous or tribal territories. IFC Performance Standard 7 requires companies which have Indigenous Peoples within a project's area of influence to obtain the Free Prior and Informed Consent (FPIC) of affected Indigenous Peoples when (a) it plans to locate a project or commercially develop natural resources on lands traditionally owned by, or under the customary use of, Indigenous and tribal Peoples, and where adverse impacts can be expected, (b) relocate an Indigenous community; or (c) it embarks on a project that may have unavoidable, significant impacts on critical cultural heritage of Indigenous and tribal Peoples.<sup>105</sup>

The Kawina are recognized by Newmont as the traditional land rightsholders of the land on which the existing TSF is located, as well as the land on which the TSF-2 will be constructed.<sup>106</sup> Whilst there is no evidence that the TSF-2 footprint is or has been used by the Kawina for traditional livelihood activities (none of the traditional villages are permanently inhabited), the TSF-2 footprint overlaps with the community forest concession of Moengotapoe, one of the Kawina villages. Further, Kawina people are increasingly rebuilding houses and other infrastructure, and returning to the villages for weekends, holidays and special occasions.<sup>107</sup>

Newmont Suriname has demonstrated conformance to international guidance and recognised best practice frameworks governing the rights of Indigenous Peoples:

- Regarding the rights of the Kawina to land, there are ongoing engagements with the broader Kawina community about the TSF-2, the Emergency Response Plan and the potential impacts thereof (including the impacts of a potential dam breach).

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<sup>102</sup> The UN Declaration on the Rights of Indigenous Peoples, Article 26.

<sup>103</sup> Ibid, Article 11.

<sup>104</sup> Ibid, Article 21.

<sup>105</sup> The right is also protected in Article 10 of the UN Declaration on the Rights of Indigenous Peoples. See also the Guidance Note on IFC Performance Standard 7 which sets out the requirements for FPIC on linear projects that traverse both non-Indigenous and Indigenous Peoples lands.

<sup>106</sup> Ibid, section 1.2.

<sup>107</sup> Ibid, sections 1.3 and 1.4.1.

- The engagements held with the Kawina to date have been focused on providing information to the broader communities with a view to securing FPIC from the Kawina before construction of the TSF-2 commences.
- There are also ongoing negotiations with the Kawina Negotiating Committee (KOC) regarding the entry into a Benefit Sharing Agreement with the Kawina in relation to the impacts that the Merian operation has on Kawina land.<sup>108</sup>
- Newmont Suriname has not held specific engagements with the village of Moengotapoe regarding the community forest concession yet. These engagements will commence once the necessary government approvals have been granted.
- As is noted above, there are two approaches that Newmont Suriname has proposed to manage timber available within the parts of the concessions overlapping with TSF2:
  - Newmont will cut trees for concession holders and will provide timber back to them; or
  - Newmont will compensate for the timber available within the concessions overlapping TSF2 and other areas needed for TSF2 construction.<sup>109</sup>
- Regarding the cultural rights of the Kawina, Newmont Suriname recently commissioned a full archaeological study of the TSF-2 footprint which found that there are no archaeological sites or sites of relevance for cultural heritage in the area.<sup>110</sup>
- There are, however, many sites of cultural heritage and archaeological relevance in the TSF-2 inundation zone, which would be impacted in the event of a dam breach. These are listed in table 3 of the SIA, in section 1.7.

#### Additional recommendations:

- Ensure FPIC from the Kawina is achieved for the TSF-2 before construction commences.
- Internally, expedite the development and implementation of a local procurement and employment strategy for TSF-2 based on the Right to Benefits for the Kawina people.

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<sup>108</sup> The Merian right of Exploitation is also located on the traditional land of the Pamaka, but the TSF-2 will not impact the Pamaka communities. Newmont Suriname did not obtain FPIC from the Pamaka prior to commencing mining operations. The report of the Independent Expert Advisory Panel (Resolve, 2017) found that the Co-Operation Agreement entered into with the Pamaka in 2016 constitutes a 'good neighbour agreement' and does not constitute FPIC. The report on the broader HRDD process and HRIA Update will contain more detail on FPIC, the human rights risks associated with the Pamaka and recommendations for mitigations.

<sup>109</sup> ESIA, section 6.2.5.7: Change in Land Use.

<sup>110</sup> SIA, section 1.7.

- Ensure procedures are in place to ensure that compensation for timber concession # 167 to Moengotapoe Village contribute to the development of the wider community rather than to specific individuals.

## GISTM Requirement 1.3

### GISTM Principle 1, Requirement 1.3

Demonstrate that *project-affected people* are *meaningfully engaged* throughout the *tailings facility lifecycle* in building the *knowledge base* and in decisions that may have a bearing on public safety and the integrity of the *tailings facility*. The *Operator* shall share information to support this process.

### 1.3.1 Right to Information and Consultation

#### Key international human rights references

- Article 19 of the Universal Declaration of Human Rights
- Article 19 of the International Covenant on Civil and Political Rights
- IFC Performance Standard 1, paras. 25 – 36
- ICMM Principles 3 and 10
- ICMM Community Development Toolkit Tool 4: Partnership Assessment

International law protects the right to information and consultation.<sup>111</sup> It is an important cross-cutting right which supports the realisation of all other rights relating to community health, safety and well-being. A proactive stakeholder engagement strategy also supports ongoing management of social and environmental risks.<sup>112</sup>

The construction and operation of the TSF-2 will impact the rights of the Kawina, ASM (there is an ASM camp on the edge of the TSF-2 footprint and there are two ASM camps which could be affected in the event of a dam breach) and the Transport Corridor (TCR) Communities (communities living along the Langatabiki road, the main transport corridor to the mine and the construction site for the TSF-2).

Newmont has demonstrated conformance to international guidance and recognised best practice frameworks governing the right to information and consultation by:

<sup>111</sup> Article 19 of the Universal Declaration of Human Rights, Article 19 of the International Covenant on Civil and Political Rights.

<sup>112</sup> IFC Performance Standard 1, paragraph 25.

- Holding ongoing engagements and public consultations with the Kawina, ASM and TCR Communities about the TSF-2 and the potential impacts thereof.
- Conducting community site visits for the planning and construction of the TSF-2.

Stakeholder feedback from a Kawina man recorded in the SIA was that there are concerns around the long-term impacts that a dam breach could have on the environment, on which the Kawina depend for their livelihoods.

Additional recommendations:

- Ensure that engagement efforts provide regular and ongoing updates on the progress of the TSF-2 activities, impacts and mitigation measures.
- Seek feedback from stakeholders impacted by the TSF-2 on decisions that may have a bearing on public safety and the integrity of the TSF-2.

## GISTM Requirement 1.4

### **GISTM Principle 1, Requirement 1.4**

Establish an effective operational-level, non-judicial *grievance* mechanism that addresses complaints and *grievances* of *project-affected people* relating to the *tailings facility*, and provide remedy in accordance with the UNGP.

### 1.4.1 Access to Remedy

#### **Key international human rights references**

- Articles 7 and 8 of the Universal Declaration of Human Rights
- Article 2 of the International Covenant on Civil and Political Rights
- Principles 26, 27, 29 and 31 of the UN Guiding Principles for Business and Human Rights
- IFC Performance Standard 1, para. 35
- IFC Performance Standard 2, paragraph 20
- ICMM Community Development Toolkit Tool 5: Grievance Mechanism

Access to remedy (including grievance mechanisms) is one of the fundamental pillars of the Protect, Respect and Remedy framework that underpins the UNGPs. Currently, there is a great deal of attention on the issue of remedy for business-related human rights abuses and an

expectation that the effectiveness of company grievance mechanisms must be improved both in terms of process and outcomes.

In this regard, the UNGPs have clarified that company grievance mechanisms should align with the effectiveness criteria outlined in the following textbox.

#### **UNGP Effectiveness Criteria for Grievance Mechanisms**

In order to ensure their effectiveness, non-judicial grievance mechanisms should be:

- (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 time frame 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;
- (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.

In addition to providing access to remedy to stakeholders, grievance mechanisms are an important stakeholder engagement tool: grievance data assists with providing information about regular and / or ongoing issues, concerns and grievances. Monitoring of grievance data allows a company to respond to issues or concerns before they escalate into grievances (including human rights grievances); which can in turn contribute to continuous improvement in an operation.

The ESIA notes that the Newmont Complaints and Grievance Mechanism is available to community members, whilst Newmont employees have access to the human resources

mechanism either through the Union or by consulting a designated business partner of the Human Resources function. Although the Newmont Integrity Helpline is available to employees, contractors and third parties, contractor employees say they either are not aware of the mechanism, or they are aware but fear retaliation if they were to use the Integrity Helpline. In particular, contractor employees say they assume that lodging a complaint via the Integrity Helpline is handled on a confidential basis. However, when the BI&C function determines that the case is not related to the Code of Conduct (a so-called “non-escalated case”) the case is forwarded to the appropriate function at Merian such as the Human Resources or Security departments, at which point contractor employees are contacted often together with the representatives of the companies they work for, and whom they had assumed they would avoid engaging with. As a result, many contractor staff say they have no confidence in the Integrity Helpline. From a human rights perspective, it is important that all contractor and subcontractor workers have access to remedy as part of their rights.<sup>113</sup>

#### Additional recommendations:

- In engagement efforts with the Kawina people, small-scale miners and other stakeholders impacted by the TSF-2, emphasize that the grievance mechanism is available to address TSF related grievances.
- Require contractors (as a contractual requirement and aligned with Supplier Code of Conduct) to develop their own grievance mechanism that is aligned with the UNGP effectiveness criteria and to demonstrate that it is being implemented by providing information about grievances on a regular basis. Merian could offer capacity building training and templates for such a procedure to contractors.
- Conduct quarterly spot checks by the human rights lead to ensure that contractor grievance mechanisms are used and are effective. Feedback to contractors could be used as an opportunity to guide contractors on how to improve their mechanism.
- Promote contractor awareness and access to the Newmont Integrity Helpline and Community Complaints and Grievance Mechanism. In particular, explain what channel can be used for what type of grievance.
- In cases where contractor workers report to Newmont and not to their employer directly, work with related functions to ensure non-escalated cases are treated with confidentiality and respect for the rightsholder.
- Consider using the Complaints and Grievances Committee of the Community Grievance Mechanism as a recourse mechanism for contractor workers’ grievances.

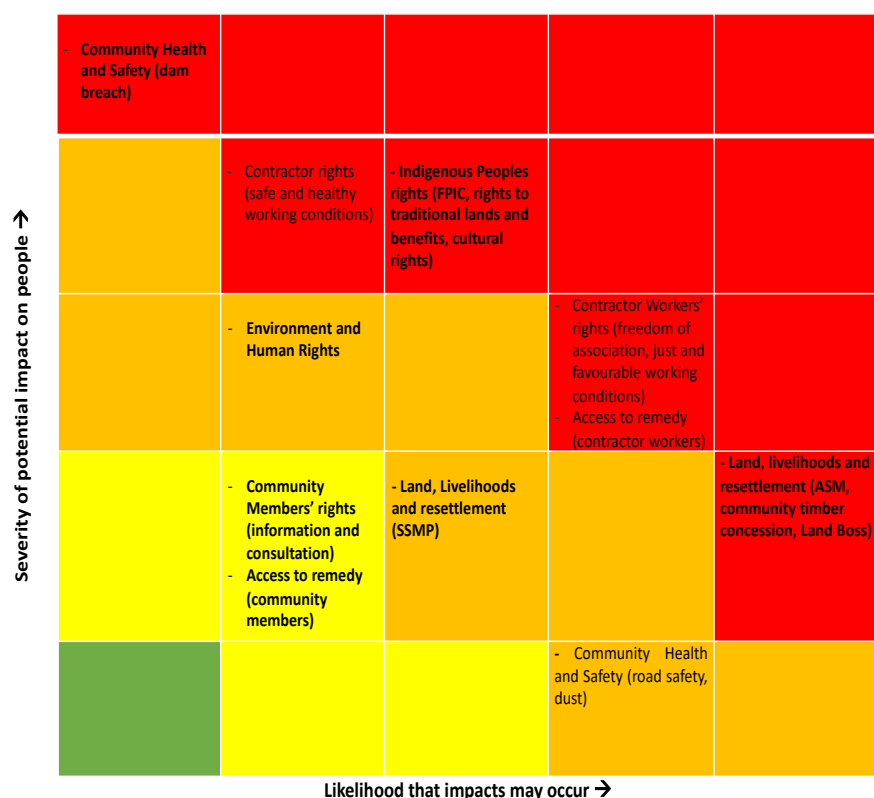
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<sup>113</sup> More detail on this issue will be included in the forthcoming HRIA Update report.

## Human Rights Heat Map

The purpose of a Human Rights Heat Map is to help prioritize the salient human rights issues associated with the TSF-2 for ongoing HRDD. “Salient human rights issues” is the terminology used in the UNGPs to indicate the priority human rights issues for a business based on an assessment of the most severe and likely adverse human rights impacts on affected stakeholders. Further information on the criteria for severity and likelihood and the distinctions between cause, contribution and linkage will be in the forthcoming HRDD and HRIA Update report.



This section presents the Human Rights Heat Map that was developed in consultation with Merian managers for the HRA of the TSF-2.






### Legend for Heat Map



Cause	<b>Bold font</b>
Contribution	Regular font
Linkage	<i>Italics</i>



The table below contains an explanation of the risk ratings in the heat map, Newmont's involvement in the potential impact (cause, contribution or direct linkage) and any additional recommendations for impact mitigation from a human rights perspective.




Human Rights Risks or Impacts	Risk Ratings (Severity and Likelihood)	Relationship (Cause, Contribution or Direct Linkage)	Additional Recommendations from a human rights perspective
Indigenous Peoples rights (FPIC, rights to traditional lands, benefits and culture)	 <p>Rights of the Kawina to FPIC, traditional lands and resources, benefits and culture: the likelihood of impacts to the Kawina and their rights as Indigenous Peoples in relation to the TSF-2 are medium and the potential severity of impacts on their rights is medium to high, as the TSF-2 footprint overlaps with Kawina traditional land and cultural and religious sites. The scope of potential impact is large, given the number of people potentially impacted. Whilst the rights to benefits may be remedied with compensation, FPIC from the Kawina must be secured in advance of the construction of the TSF-2 to avoid escalating the risk of impact into a severe category.</p>	Newmont can cause the impacts on the rights of the Kawina as Indigenous People.	<ul style="list-style-type: none"> <li>• Ensure FPIC from the Kawina is achieved for the TSF-2 before construction commences.</li> <li>• Internally, expedite the development and implementation of a local procurement and employment strategy for TSF-2 based on the Right to Benefits for the Kawina people.</li> <li>• Ensure procedures are in place to ensure that compensation for timber concession # 167 to Moengotapoe Village contribute to the development of the wider community rather than to specific individuals.</li> </ul>
Community members' rights (information and consultation)	 <p>Community members' right to information and consultation: there is a low to medium likelihood of impacts to community members' right to information and consultation and the potential severity of the impact on their rights is low to medium. The scope of impacts is large, given the number of community members</p>	Newmont can cause the impacts on the community members' right to information and consultation.	<ul style="list-style-type: none"> <li>• Ensure that engagement efforts provide regular and ongoing updates on the progress of the TSF-2 activities, impacts and mitigation measures.</li> <li>• Seek feedback from stakeholders impacted by the TSF-2 on decisions that may have a bearing on public safety and the integrity of the TSF-2.</li> </ul>



	potentially impacted by the construction of the TSF-2 and any impact are remediable.		
Community health and safety (dam breach)	 <p>The right to life, liberty and security of the person: there is a low likelihood of impacts to community members' right to life, liberty and security of the person in the event of a dam breach, but the severity of a potential impact is high. The scope of the impact is low, as only a few community members (including small-scale miners) live in the inundation zone. Depending on the impact, it may be difficult or impossible to remediate.</p>	Newmont can cause the impacts on the community members' right to life, liberty and security of the person.	<ul style="list-style-type: none"> <li>Establish a warning mechanism (sirens, phones) in case of a dam breach particularly for the Kawina who may be difficult to contact.</li> <li>Conduct live emergency evacuation drills with the Kawina and affected ASM groups.</li> </ul>
Community health and safety (road safety, dust)	 <p>The rights to health and to safety, liberty and security of the person: there is a medium to high likelihood of impacts to the TCR community members' rights to health and to safety, liberty and security of the person, given the recent fuel truck incident and dust levels on the Langatabiki road caused by contractor vehicles. The potential severity of impacts is low. The scope of the impact is medium, as there are not many people living in the TCR communities. The potential impact is remediable.</p>	Newmont contributes to the risks and impacts on the TCR community members' rights to health and to safety, liberty and security of the person caused by contractor and subcontractor vehicles.	<ul style="list-style-type: none"> <li>Monitor contractors and subcontractors to ensure compliance with Newmont driving standards.</li> </ul>
Environment and human rights	 <p>The right to a clean, healthy and sustainable environment: the likelihood of</p>	Newmont can cause the impacts on community members' right to a clean,	

	<p>impacts to community members' right to a clean, healthy and sustainable environment is medium given the mitigation measures in place, and the severity of potential impacts is medium. The scope of impacts is small, given the low numbers of people living in the inundation zone of the TSF-2. Depending on the nature of the potential impacts, they may be difficult to remediate, particularly in the short-term.</p>	<p>healthy and sustainable environment.</p>	
Land, livelihoods and resettlement	 <p>The right to an adequate standard of living: the likelihood of impacts to small-scale miners' right to an adequate standard of living is high, given that the ASM camp will need to relocate. The severity of the potential impact is low to medium, and the scope is small, given the number of people impacted. The impact is remediable.</p>	<p>Newmont can cause the impacts on small-scale miners' rights to an adequate standard of living.</p>	
	 <p>The right of Indigenous Peoples to traditional lands, territories resources and benefits: the likelihood of impacts to the right of the Pamaka Land Boss and the Moengotapoe community to traditional lands, territories, resources and benefits is high, given that they will be economically displaced. The severity of the potential impact is low to medium, and the scope is small, given the number of people impacted. The impact is remediable.</p>	<p>Newmont can cause the impacts on the right Pamaka Land Boss and the Moengotapoe community to traditional lands and territories and resources.</p>	<ul style="list-style-type: none"> <li>Engage with the Pamaka Land Boss regarding the impact of the economic displacement due to the relocation of the ASM camp on the edge of the footprint of the TSF-2 and, if needed, develop a compensation strategy for the loss of the income earned from ASM and loss of access to the resource.</li> <li>Include negotiations around preferential procurement and employment for the Kawina during</li> </ul>

			ongoing engagements to secure FPIC for the TSF-2.
	 <p>The right to an adequate standard of living: the likelihood of potential impacts to the rights of Pamaka small-scale miners who may work on the SSMP concession in the future to an adequate standard of living is medium, and the potential severity of the impact is low to medium. It is difficult to determine the scope of the potential impact, as there is no ASM on the footprint of the TSF-2 that overlaps with the SSMP concession. The impact is remediable.</p>	Newmont can cause the potential impact to the rights of Pamaka small-scale miners to an adequate standard of living.	<ul style="list-style-type: none"> <li>• Agree with the SSMP to explore the TSF-2 area that overlaps with the Pamaka Mining reserve to determine whether gold-bearing ore exists, prior to the start of construction.</li> </ul>
Contractor workers' rights	 <p>The rights to just and favourable working conditions and freedom of association: the likelihood of impacts to contractor workers' rights to just and favourable working conditions and to freedom of association is medium to high, and the potential severity of the impact is medium. The scope of the potential impact is large, given that the TSF-2 will be constructed by contractor workers (migrant labor other than technical experts will be used). The impact is remediable.</p>	Newmont can contribute to the potential impact on the rights of contractor workers to just and favourable working conditions and to freedom of association.	<ul style="list-style-type: none"> <li>• Ensure that the provision of a living wage for contractor workers is contractually required.</li> <li>• Include wellness and labor related elements into the Contractor (Health and Safety) management plan.</li> <li>• Develop a contractor monitoring plan to ensure Newmont policies and employee well-being standards are followed.</li> <li>• Develop a specific monitoring approach for the most vulnerable subcontractor employees (subcontractors, female, low income jobs, probation period, hired through temp agency; the factors apply, the more vulnerable the individual).</li> </ul>

	 <p>The right to safe and healthy working conditions: the likelihood of impacts to contractor workers' right to safe and healthy working conditions is low to medium, but the severity of a potential impact is medium to high. The scope of the potential impact is large, given that the TSF-2 will be constructed by contractor workers. Depending on the nature of the impact, it may be difficult to remediate.</p>	Newmont can contribute to the potential impact on the right of contractor workers to safe and health working conditions.	
Access to remedy (community members)	 <p>The right of access to remedy: the likelihood of impacts to community members' right of access to remedy is low and the severity of a potential impact is low. The scope of the potential impact is large, given the number of community members impacted by the TSF-2, but any potential impact is remediable.</p>	Newmont can cause the potential impact on community members' right of access to remedy.	<ul style="list-style-type: none"> <li>• In engagement efforts with the Kawina people, small scale miners and other stakeholders impacted by the TSF-2, emphasize that the grievance mechanism is available to address TSF related grievances.</li> <li>• Review the Complaints and Grievance Mechanism to ensure alignment with the effectiveness criteria.</li> </ul>
Access to remedy (contractor workers)	 <p>The right of access to remedy: the likelihood of impacts to the right of contractor workers to access remedy is medium to high and the potential severity of the impact is medium. The scope of the potential impact is large, given that the TSF-2 will be constructed by contractor workers, and the impact is remediable.</p>	Newmont can contribute to the potential impact on contractor workers' right of access to remedy.	<ul style="list-style-type: none"> <li>• Ensure that contractor employees have access to a trusted (Newmont or third party) grievance mechanism.</li> <li>• Review the worker and contractor worker grievance mechanisms to ensure alignment with the effectiveness criteria.</li> </ul>