Oxfam's top three recommendations for mining companies during the COVID-19 crisis

The current crisis has taken a major economic toll on the mining sector, with mineral prices falling precipitously. At the same time, for workers and community members living near mine sites the COVID-19 crisis presents extraordinary health and safety risks.

Some governments have declared mining an essential service, justifying their continued operation based on the economic importance of the sector or its contribution to supply chains. As companies put additional safety measures in place, practices vary across the sector. They have never faced a global pandemic and there's no playbook.

Regardless of the location of their operations, all mining companies must take immediate action to implement the below recommendations. Mining industry associations like ICMM should adopt these measures for their members.

1. KEEP MINING **COMMUNITIES SAFE** AND **CIVIC SPACE OPEN**

Mining often occurs in remote locations distant from health care facilities and inhabited by indigenous or other marginalized communities who face particularly high risks in the current pandemic. High levels of malnutrition and pre-existing health conditions make indigenous communities more vulnerable to the coronavirus. Some indigenous communities have closed their borders or requested that government put limits on fly-in fly-out workers.

Human rights and environmental defenders next to mines face even more elevated risks during the pandemic. Activists isolated at home make for easier targets, especially with lax law enforcement and limited public circulation. Women human rights defenders face unique and heightened risks, including gender-based violence. In Colombia, three activists were killed within just one week after the government implemented local quarantine measures. In Niger, activists and human rights defenders have been harassed and temporarily detained.

Some mining companies have previously expressed alarm at the rise in attacks on human rights defenders over recent years, and their support for an active and open civic space where critics are able to express opinions without fear of reprisal. Companies have a duty to respect human rights, but there is also a strong business case to do so. By creating space for open and ongoing dialogue with communities, companies reduce the risk of social conflict and create a more stable operating environment.

To keep mining communities safe and civic space open, mining companies should:

- **REQUIRE STAFF TO REFRAIN FROM CONTACT WITH LOCAL COMMUNITY MEMBERS WHILE LOCAL OR NATIONAL QUARANTINE MEASURES ARE IN PLACE.** Prior to rotation of staff, suppliers, or contractors onto or away from the site, they must receive a negative COVID-19 test. This includes staff leaving the site to provide humanitarian relief to communities, which should be organized in close coordination with local health officials and community leaders. Companies must respect indigenous community border closures. If COVID-19 transmission from mine sites to communities occurs, companies must implement rapid response plans in coordination with local health authorities and community leaders.

- **PAUSE NEW EXPLORATION IN COUNTRIES FORCED TO IMPOSE STRICT QUARANTINE MEASURES AS A RESULT OF WIDESPREAD COVID-19.** These should not be brought back online until the health risks to mining company staff and local communities have decreased enough for the quarantine measures to be lifted. Projects should not go forward without effective community consultation and consent processes, which would be unsafe in the context of the pandemic.

- **ESTABLISH PROTOCOLS FOR PROVIDING EMERGENCY MEDICAL RESPONSE AND TRANSPORTATION OF COMMUNITY MEMBERS WITH SEVERE COVID-19 SYMPTOMS TO MEDICAL FACILITIES, AND FOR RESPONDING TO ENVIRONMENTAL EMERGENCIES DURING COVID-19.** Given the likely surge in demand related to COVID-19, companies should make health facilities and services used by managers and workers available to local communities. Environmental emergency protocols must be adapted to mitigate risk of transmission.

- **ADOPT PUBLIC POLICY COMMITMENT PROHIBITING REPRISALS AGAINST COMMUNITY MEMBERS AND ACTIVISTS IN OPPOSITION TO MINING DEVELOPMENT.** Companies should proactively assess risks to activities and human rights defenders during the pandemic and should develop preventative measures accordingly.

2. ENSURE **WORKERS** ARE **HEALTHY**

Mine workers live and work in crowded conditions and often share equipment, transportation, and even showering facilities, making social distancing extremely challenging. Some suffer from preexisting pulmonary conditions as a result of their work, making them particularly vulnerable. Mining unions have begun to sound the alarm on inadequate health and safety measures in the context of COVID-19, and South Africa's Association of Mine Workers and Construction Union recently filed a court case demanding that government institute regulations to ensure worker safety during the crisis. Worldwide, stress from the pandemic coupled with stay-at-home orders has intensified and increased violence against women and girls.

Even with inadequate public data on the numbers of COVID-19 cases at mine sites, reports to date are startling. In Peru, the Antamina mining project suspended production after more than 200 workers tested positive for COVID-19. In mid-April, United States Assistant Secretary of Labor for Mine Safety and Health David Zatezalo reported receiving calls "almost every day" from mining companies alerting him to planned temporary mine shut downs as a result of COVID-19 cases.

Considering this challenging context, mining companies must heed government and international guidelines and decrees with respect to this pandemic, including the International Labor Organization's COVID-19 standards. Labor unions and workers must be consulted on safety and health aspects of their work, in line with ILO requirements. To ensure workers are healthy, mining companies should:

- **IMPLEMENT SOCIAL DISTANCING MEASURES AND PROVIDE ALL STAFF WITH ADEQUATE PERSONAL PROTECTIVE EQUIPMENT (E.G. MASKS AND GLOVES APPROPRIATE TO AND SIZED FOR ALL GENDERS) AND SANITATION AND CLEANING SUPPLIES.** Gatherings should be of no more than 10 people, with 6 feet of distance between them, and mine workers should not be asked to work without protective equipment. Health screenings should be conducted daily (including temperature checks).

- **ENSURE PAID SICK LEAVE AND FAMILY AND MEDICAL LEAVE FOR ALL MINE WORKERS.** Companies should also ensure that worker health services extend to mental health and stress-management and should reinforce preventative and complaints mechanisms. Companies should also continue to pay quarantined workers and should also pay the costs of COVID-19 tests for workers and their families.

- **PRESERVE JOBS.** Companies should retain their workforces to the maximum extent possible, even when operations are temporarily suspended, and support their suppliers and subcontractors by honoring contracts and limiting adverse impacts on indirect employment.

3. FOCUS ON TRANSPARENCY, FISCAL STABILITY, AND GOOD GOVERNANCE

Some companies have sought to pursue tax breaks or regulatory relief due to COVID-19 price impacts or operational challenges. While there may be valid rationale for some targeted support such as temporary deferment of taxes, excessive tax breaks risk depriving states and localities of funds desperately needed to confront the pandemic. Recognizing this, some mining companies in a less precarious financial position have sought to provide support to governments and communities to address the crisis. For example, mining giants Newmont and Rio Tinto created global community support funds of $20 million and $25 million respectively, and Barrick gave $530,000 to the Zambian government for COVID-19 response. To promote transparency, fiscal stability and good governance, mining companies should:
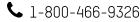
Publicly disclose information on cases of COVID-19 on mine sites, as well as corporate social responsibility investments to address the crisis. Any such investments should take into consideration gender and socio-economic inequalities among beneficiaries as well as the gender-differentiated impacts of the pandemic. Investment initiatives should be coordinated with relevant national and local government agencies and monitoring measures put into place. Mining companies should consider donations of sanitation, food supplies, and PPE to neighboring communities in need, ensuring full compliance with health sector guidelines and coordination with local government and community leaders.

- **CONSIDER PRE-PAYING TAXES, ROYALTIES, AND OTHER PLANNED GOVERNMENT PAYMENTS RELATED TO MINES THAT CONTINUE TO OPERATE SAFELY.** Governments can use the revenue now to respond proactively to the COVID-19 crisis and forgo the revenue later on when needs are less urgent. Although the global mining sector has taken a significant economic hit from the pandemic, the impact varies among commodities, and the value of gold has actually increased.

- **ENGAGE COOPERATIVELY AND TRANSPARENTLY WITH GOVERNMENTS IN PURSUIT OF WIN-WIN SOLUTIONS FOR THE SHORT-TERM.** Any request for fiscal support from governments during the pandemic should be narrowly defined, linked to the crisis, limited in scope and duration, and publicly disclosed. Companies should prioritize requests for deferment of tax responsibilities rather than request direct government support or tax breaks. If companies decide that financial support is necessary, they should either request interest-bearing loans or offer governments providing that support an equity stake in the project. Fiscal policy changes, whether for a sector or project, should be subject to parliamentary scrutiny and discussions of fiscal support in forums like EITI is encouraged. They should commit to responsible corporate tax practice, to not paying out dividends, engaging in share buy-backs, handing out executive bonuses, and to limiting the repatriation of profits in the short-term.

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