International Labor Affairs Bureau
US Department of Labor
USA

We appreciate the opportunity to review the index. We commend you on this effort and look forward to the release of the index. Below, please find our comments. If you have any questions, please contact Pilar Velasquez (Velasquez.pilar@dol.gov).

1. **Mine-site indicators (page 24)**. We propose the following:
    a) *Indicator MS 2: Local employment* could be broadened and include working conditions. That way this indicator would measure local employment opportunities and working conditions, and align with the sub-indicators related to working conditions.
    b) *An indicator on hours of work* to comply with ILO Convention No. 1 on Hours of Work (Industry), which applies to mining and fits into the criteria identified for this category of indicators based on page 11:
        o Is the indicator applicable to all mine types, all commodities, and all geographies? Yes.
        o Is the indicator useful as a proxy indicator of wider company responsibility and wider mine-site level performance? Yes. Mine workers working excessive schedules has negative implications for occupational safety and health. It is also a sign of poor labor practices overall and frequently correlates with poor labor relations (i.e., employer hostility to free and independent unions).
        o Is the information provided by the indicator important to local stakeholders? Yes. Mine workers and their families (key local stakeholders) are directly impacted by excessive working schedules.
        o Is the indicator objectively verifiable? Yes. Employers are legally required to keep records of each employees' hours of work in nearly (if not all) countries in the world. A failure to maintain such records would itself be an indicator of potentially abusive practices.
        o Does the indicator allow progress to be measured over time, with longitudinal tracking of improvement? Yes. Periodic requests for information and/or audits on working hours would allow tracking improvement (or worsening) of working hours. There are several different options of how working hours could be tracked:
            • Average hours worked per hour and per day: This has the advantage of tracking smaller increments of progress, but does not do a great job of reflecting individual abuses.
            • Number of instances of hours worked in excess of ILO-established per hour and per day limits: This has the advantage of capturing all abuses, but doesn't track smaller increments of progress since it is built around the binary measurement of compliance/non-compliance with ILO standards.
            • Some sort of combined measurement or "score" that combines the above two indicators (or similar ones).

2. **E.6. 1. (Elimination of forced labor and child labor), page 28.** There is evidence that child labor, commercial sexual exploitation of children and women, human trafficking, and forced labor sometimes occur in areas or communities near mine sites, so we suggest adding "address" after "prevent" and "in areas or communities around mine sites" after "its mines." Depending on baseline information, the distance between mine sites and areas or communities could be determined. Indicator E.6.1. could read as:

"The company works to prevent and address all forms of forced, compulsory, trafficked, and child labour in its mine sites, areas or communities around mines sites, and its supply chains."

Adding "addressing" and "areas or communities around mines sites" better reflects the narrative included on page 59.

3. **D.8.S. (Artisanal and small-scale mining), page 51.** Given that children, youth, and women are engaged in artisanal and small-scale mining, it would be helpful to clarify this in the narrative. We suggest adding "including children and women" after 20-30 million.

4. **E. Working conditions/Living Wage, pages 55-69.** We suggest renaming sub-indicator "Living Wage" with "Living Wage and Reasonable Hours of Work" to include hours of work, which is noticeably absent from the working conditions indicators.
    o   Mining workers are particularly vulnerable to abusive working schedules, as mines usually run continuously through the night and workers string together long shifts to make ends meet with low wages. Excessive work schedules present dangerous occupational safety and health risks due to, e.g., fatigued workers causing or failing to avoid workplace accidents and unsafe increases in exposure to the high concentration of airborne contaminants in mines.

    o   The indicator could be measured against compliance with ILO Convention No. 1 on Hours of Work (Industry), which applies to mining. The Convention establishes that working hours shall not exceed 8 per day and 48 per week, except:

        •   When an agreement has been reached by employers' and workers' organizations, the Convention allows working hours of up to 9 hours a day.
        •   Where persons are employed in shifts, the 8/day and 48/week limits are to be assessed based on averages over a three-week period.

5. **Index Resources.** As you continue to develop the index, we consider developing a section with resources that could be useful for mining companies. For example, the U.S. Department of Labor (USDOL) produces reports on child labor and forced labor, funds technical assistance projects to address child labor in mining, and has tools to promote responsible businesses as follows:

    a) **Child labor and forced labor reports**
        o   *Findings on the Worst Forms of Child Labor*, an annual report mandated by the U.S. Trade and Development Act of 2000 (TDA), which focuses on governments' efforts to address child labor. The 2015 report includes profiles for 134 countries and territories; in some of these countries, child labor in mining is prevalent.
        o   List of Goods Produced with Child Labor or Forced Labor, a report mandated by the Trafficking Victims Protection and Reauthorization Act (TVPRA) of 2005 and subsequent reauthorizations, which is published every other year. The 2016 TVPRA List comprises 139 goods from 75 countries; 29 of these goods are mined/quarried.
        o   List of Products Produced by Forced or Indentured Child Labor, a report required by Executive Order (EO) 13126 of 1999. The most recent EO List, published in 2014, includes 35 products from 26 countries that DOL has reason to believe are produced by forced or indentured child labor; 9 of these products are minerals and other mined/quarried materials.

b) **Technical Assistance**
  o DOL has funded [projects](#) to address child labor in mining in Africa, Asia, and Latin America. It is currently funding three child-labor projects that focus on artisanal and small-scale mining:
    ▪ A [project](#) to combat child labor and improve working conditions in gold mining that includes activities at the country and global levels. At the country level, the project carries out activities in Ghana and the Philippines, which include the development of tools to increase transparency and monitoring of child labor and working conditions in gold mining supply chains. At the global level, the project promotes networks and exchange of good practices.
    ▪ A [project in Colombia](#) that combats child labor in coal and gold mining. This project strengthens national policies to combat child labor in the mining sector; provides educational and livelihood services to children and households vulnerable to child labor; and improves governmental capacity to identify and address violations of child labor and occupational safety and health laws in artisanal and small-scale mining. This project includes a mine-formalization component.
    ▪ A [project in Burkina Faso](#)to combat child labor in cotton production and gold mining. This project provides educational and livelihoods services to children and households vulnerable to child labor in gold mining and cotton production; raises awareness of child labor; and increases institutional capacity to address child labor.
c) **Tools**
  o [Toolkit for Responsible Businesses](#): contains best-practice guidance for companies on developing strong social compliance systems to reduce child labor and forced labor in their supply chains. The toolkit presents eight modules ranging from stakeholder engagement to code of conduct provisions; from auditing to remediation to reporting. Companies that are new to social compliance can work through the eight modules in order; more experienced companies can select modules based on their continuous improvement goals.
  o *Sweat and Toil* App: contains over 1,000 pages of research from all three of DOL's reports (mentioned above). *Sweat & Toil* helps you easily sort data by region, country, assessment level, good, and type of exploitation – all without needing an internet connection! You can download the free App on the iTunes or Google Play store and access the data behind the App on our website: http://developer.dol.gov/others/sweat-and-toil.

In addition, the resources section could include information about multi-stakeholder initiatives and dialogues to address issues included in the index, such as [Valor Minero Alliance](#) in Chile, Colombia's [mining roundtable](#), and dialogues supported by the [International Institute for Environment and Development](#) in Ghana and Tanzania.