

6. Recommendations

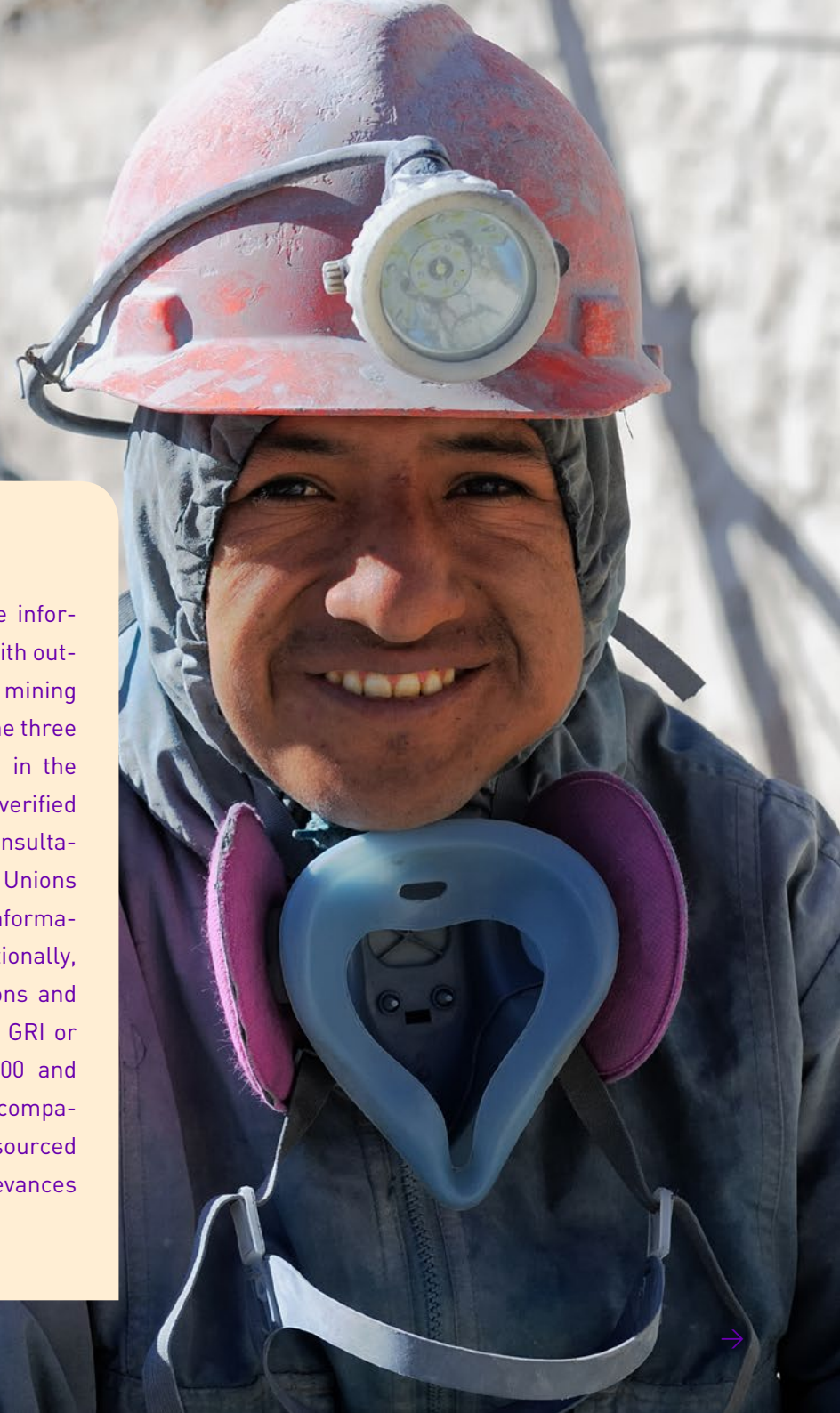
Based on the information described above and the key findings of the study, we have formulated a number of recommendations for the different actors in the value chain. Ultimately, we are convinced that the solution lies in a joint approach, but responsibilities must be clearly defined.

Recommendation 1:

Transparency with regard to the number of workers and outsourced workers and their respective working conditions within the supply chain must be increased so that stakeholders in the supply chain can hold each other accountable for proper use of outsourcing in the mining value chain. This is a responsibility for all companies involved in the value chain, as well as end-users, traders, and mining companies. Multi-stakeholder initiatives, such as the Dutch International RBC Agreement for the Metals Sector, are good examples to follow. Companies, government, NGOs, and trade unions should work together to identify and address risks in the metals supply chains and collectively set up company due diligence practices.

Recommendation 2:

Set up specific data portals to make information regarding the risks involved with outsourcing and workers' rights in the mining sector publicly available for each of the three countries. The information gathered in the data portals should be validated and verified by trade unions and stakeholder consultations with subcontracted workers. Unions should actively monitor and collect information and make this available. Additionally, standard setters, industry associations and international reporting systems, like GRI or international certifications (ISO 14000 and others), should require accredited companies to provide information on outsourced workers and receive and look for grievances on this topic.



Recommendation 3:

Insist on better monitoring systems regarding the improper use of outsourcing by national agencies, such as the labour inspectorate. Provide training for recognizing these situations. Establish a monitoring module for companies to register workers based on the employment status, i.e., direct workers, temporary workers, and subcontracted workers. This will give national agencies more options and create more transparency in the monitoring process. The Domestic Advisory Groups of the trade agreement with the EU, which Peru and Colombia are part of, should also be included in the monitoring systems.

Recommendation 4:

Mining companies should take responsibility for establishing a providers protocol to prevent improper outsourcing. These protocols need to clearly describe ways of recognizing improper outsourcing. Buyers should take responsibility by demanding equal labour rights and conditions for all workers through their purchasing practices, supplier contracts, and Code of Conduct.

Recommendation 5:

The concept of outsourcing is tied to the concept of solidarity between the main company that outsources their labour and the contracting company or temporary service company. If labour rights are violated, both the contracting company and the contracted company need to be responsible for these acts and not shield themselves. Setting up a complaints mechanism on illegal and improper subcontracting will allow legal remediation actions and access to remedies and improvements within the supply chain.

Recommendation 6:

Mining companies must ensure that freedom of association is respected by the providers they work with. Mining companies should engage directly with (the trade unions of) outsourced workers who work for the company. When no trade union is present, the company should ask for someone to represent the subcontracted workers. Whenever possible, conditions and rights negotiated in Collective Bargaining Agreements - CBAs – should be concluded for both outsourced and direct employees, with both groups identified as entitled workers.

Recommendation 7:

Within the guidelines of the OECD, specific guidelines should be drawn up on how the improper use of outsourcing can be recognized and how freedom of association can be guaranteed for outsourced workers.

Recommendation 8:

All mining standards and industry associations should include requirements in their standards for mining companies to i) subcontract services in line with national legislation, ii) only for technical specialist and temporary tasks, iii) request suppliers to uphold the same labour rights upheld by the mining company.