

HUMAN RIGHTS WORKING GROUP



Responsible Investment
Association Australasia



Meeting #1 2024 Post Meeting Papers

Via Zoom – Thursday 29 February 2024, 12:00pm to 1:30pm AEST / 2.00pm to 3:30pm NZST

Contents

Meeting minutes

Action Register

Attendees

Attachments

- 1) Meeting Slide Deck
- 2) StockWatch Report

Minutes

Item	Action required
1. Welcome Chair – Måns Carlsson OAM (Ausbil) <ul style="list-style-type: none">o Acknowledgement of Countryo Minutes from last meetingo Principles of Participation	Submit any amendments to the Minutes to Noa Godsell (Working Groups Officer)
2. Special presentation and Q&A - Regulatory changes in relation to labour rights and the workplace Sam Ramsay - Senior Lawyer, Positive Duty, Compliance & Enforcement Team at The Australian Human Rights Commission <ul style="list-style-type: none">• In December 2022, a new positive duty to eradicate instances of sex discrimination and harassment within the workplace was introduced through the Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Act 2022 (Cth) (the Act), an amendment to the Sex Discrimination Act 1984 (SDA).• One of the main components of these amendments include updates to the responsibilities of a person conducting a business or undertaking (PCBU) and the consequences for failing to comply. These amendments have given the Australian Human Rights Commission new functions and powers to monitor and assess compliance with the positive duty.	For more information, please contact Samantha Ramsay (HRC) Please also see: Fact Sheet: Respect@Work – Changes to the SDA AHRC

- Response to a report, including potential convictions, will be required of the AHRC if and when a PCBU is found to be acting in a way where a reasonable person might feel offended, humiliate, or intimidated by the behaviour in question. It is important to note expectations applied to organisations and businesses will take a reasonable and proportionate approach to account for factors for example, that could include the company's size, nature, circumstances, and access to resources.
- Any approach to combating the unlawful behaviours covered by the positive duty should follow the AHRC's Guiding principles which include a human rights approach to solving conflict, actively involving those affected by the incident in consultations respectfully, advancing gender equity, acknowledging intersectionality, and prioritising a person centered, trauma informed response to the issue. PCBUs can refer to the [AHRCs Seven Standards for complying with the positive duty](#) as a guide for tailoring their organisation or business towards eliminating the unlawful conduct and satisfy the positive duty.
- As of the 12th of December 2023, the AHRC can conduct a compliance enquiry to ensure that a PCBU are meeting the requirements of the SDA. Should a violation be discovered the AHRC will issue a Compliance notice outlining what the PCBU must rectify to avoid federal legal action. Under these new reforms, the AHRC, if a PCBU is found in violation of the SDA, have the power to initiate the following responses amongst others: Applying to the federal court for a PCBU to comply with a compliance notice, Compelling a PCBU to hand over relevant documents for inquiries or risk the repercussions of a lack of compliance, recommend relevant criminal penalties based on the misconduct, and the ability to publicise the fact that an enquiry is taking place should they deem it appropriate.
- Compliance and enforcement priorities will be published soon.

Dr Meredith Nash - Director, Sexual Harassment & Gendered Violence and KPMG's national lead at Respect@Work.

- The Respect@Work act is part of a broader equality movement looking to respond to sex-based discrimination. This means that the regulatory landscape is having to evolve to include ESG issues like pay gaps and transparency. We are seeing this within law reformation, the introduction of new laws and the introduction of new ways of enforcing these updated laws.
- It is important for investors and PCBUs to understand the range of risks involved with a lack of compliance. These can be broken down into 4 main categories: Operational, Financial, Reputation, and Governance Risks.
- To avoid these consequences, PCBUs and Investors are encouraged to align themselves with leading practices rather than aiming to meet the minimum standards. Leading practices in this field have included those that incorporate the understanding of Intersectionality, organisational justice, partnership, collaboration, and consultation.
- Some of the main challenges when working towards eliminating sexual harassment in the workplace is the fact that preventative measures for sex-based harassment are not well understood. It is important that while we are designing these preventative methods, we are not only looking towards leading practices globally but also co-designing these systems with the people they are intended to protect.
- We need to remember that under reporting is an extreme issue within this field and the low number of reports cannot be used to justify or

For more information, please contact [Dr Meredith Nash \(KPMG\)](#)

<p>underprioritize responses or the implementation of measures to addressing sex-based harassment.</p>	
<p>3. Industry and Working Group updates</p> <p>StockWatch Report - Phil Sloane (ISS ESG)</p> <ul style="list-style-type: none"> The StockWatch report provides an update on the recent human rights controversies including Justice For Myanmar's Report criticizing ALS' mining in Myanmar, Rio Tinto's payment of backdated royalties to an Aboriginal group in the Pilbara, as reported by The General Gumala Foundation's 2023 annual report and The Federal Court's dismissal a legal challenge by Tiwi Islanders against Santos's \$5.7 billion Barossa offshore gas project, allowing construction of the pipeline to proceed. For more information, read the full StockWatch Report attached below. 	<p>For more information, please contact Phil Sloane (ISS ESG)</p>
<p>4. SubGroup and Updates</p> <p>Digital Tech and Human Rights Mark Lyster, Lyster & Associates</p> <ul style="list-style-type: none"> Over the past two months RIAA's SubWorking group for the Digital Tech and Human Rights toolkit have developed 52 pages of content that has been sent off to several external parties for review. Whilst we are still receiving feedback, the initial responses suggest condensing the tool kit and highlight the focus on AI. Next month it will be available for an another external review which is in line with RIAA's plan to launch the tool kit as part of our 2024 conference in May. <p>Armed Conflict Toolkit – Kate Turner (First Sentier Investors)</p> <ul style="list-style-type: none"> As a part of the subgroup, a small team engaged in a conversation with The Heartland initiative. This was intended to help brainstorm how to support investors in addressing risks related to armed conflict. There are resources available to help inform these decisions but some of the lists cannot be relied upon comprehensively. An idea was to proactively identify CAHRA, however this can still have a gap as it usually becomes available after the conflict started. We will continue to think about how we can work through this. Please feel free to reach out if you would like to get involved. 	<p>For information, Please Contact Iess Rowe (RIAA)</p> <p>For more information, please contact Kate Turner (First Sentier)</p>
<p>5.Other Business and Updates</p> <p>Modern Slavery Update - Måns Carlsson OAM (Chair)</p> <ul style="list-style-type: none"> At the moment, there are calls for the NZ bill combating Modern Slavery to be more robust. Whilst there have been productive conversations in the past, unfortunately modern slavery is not a part of The 100 day plan. Conversations around the European Commission proposal for regulation to ban products made using forced Labor, including child Labor, within the European Union (EU) internal market continue. The Modern Slavery Act 2018 (MSA) was developed to combat Modern Slavery in Australian but very few companies to date have reported any identified cases of modern slavery. The statutory review took place in 	<p>For more information, Please contact Noa Godsell (RIAA)</p>

<p>2023, including 30 recommendations however, we don't currently know which of those recommendations will be taken up and implemented.</p> <p>Working Group Plans for 2024 – Jess Rowe (RIAA)</p> <ul style="list-style-type: none"> The DTHR Toolkit is the HRWG's Key output for the first part of the year. RIAA and the HRWG would like to explore ways that we can continue to support the Conflict SubGroup in 2024. Please note a survey will be sent out late April/early May to collect advise from the WG's on how RIAA can ensure WG Meetings are as valuable to our members as possible. <p>Update on RIAA's Policy Work - Nayanisha Samarakoon, RIAA</p> <ul style="list-style-type: none"> RIAA met with a director in the Human Trafficking and Modern Slavery Division of the Attorney-General's Department to discuss the status of the Modern Slavery Act review. Went to Aotearoa NZ and met with Ministries to build relationships and ensure modern slavery in particular is back on the agenda. The EU met and decided to take the corporate sustainability due diligence directive (CSDDD) off the table due to some last-minute proposals. Please note that this has been an ongoing discussion over several years and is subject to change.) off the table due to some last-minute proposals. Please note that this has been an ongoing discussion over several years and is subject to change. RIAA's research consumer report is being released on the 18th of March. 	<p>For more information, Please Contact Nayanisha Samarakoon (RIAA)</p>
<p>6.Closing remarks - Måns Carlsson OAM (Chair) Next Meeting - Thursday 30 May - Register HERE</p>	<p>For noting</p>

Action Register

Ref	Action	Delegation	Status
New			
11/24	Next Meeting - Thursday 30 May - Register HERE	All	Pending
10/24	Submit any amendments to the Minutes to Noa Godsell (RIAA)	All	Pending
9/24	Contact Jess Rowe (RIAA) or Måns Carlsson OAM (Chair) with any inputs on the working work plan for 2024	All	Pending
8/24	For more information on RIAA's Policy Work, please contact Nayanisha Samarakoon (RIAA)	All	Pending
7/24	For more information on the 2024 Working Groups or the RIAA conference, please contact Noa Godsell (RIAA)	All	Pending
6/24	Reform Armed Conflict Sub-Working group	Kate Turner (First Sentier)	Pending
5/24	For more information on the Armed Conflict Toolkit, please contact Kate Turner (First Sentier)	All	Pending

4/24	For more information on the Digital Tech and Human Rights Toolkit, please contact Jess Rowe (RIAA)	All	Pending
3/24	For more information on the stock watch report, please contact Phil Sloane (ISS ESG)	All	Pending
2/24	For more information on regulatory changes in relation to labour rights and the workplace, please contact Dr Meredith Nash (KPMG)	All	Pending
1/24	For more information on regulatory changes in relation to labour rights and the workplace, please contact Samantha Ramsay (HRC)	All	Pending

Attendees (106)

	Last Name	First Name	Company
1	Welsh-Rose	Danielle	abrdn
2	Purnell	Venn	Active Super
3	Coffey	Megan	Adamantem Capital
4	Chun	Suk Yun	AMP - Platforms
5	Morrison	Janelle	Ausbil Investment Management
6	Carlsson	Måns	Ausbil Investment Management
7	Thorpe	Kana	Straight Up
8	Dafter	Emily	Australian Retirement Trust
9	Parkes	Antonia	AustralianSuper
10	Chen	Shirley	Aviva Investors Pacific Pty Ltd
11	McDonald	Liza	Aware Super
12	Ballard	Suzanne	CBA
13	Karayol	Kutlu	Cbus
14	O'Meara	Charlotte	Challenger Limited
15	Jones	Alice	Devon Funds Management
16	Pagadala	Tejaswi	DFA Australia Limited
17	He	Shirley	Equisuper
18	Mah	Claudia	Ethical Investment Services
19	House	Mayleah	Ethical Partners Funds Management
20	Ban	Courtney	EY
21	Turner	Kate	First Sentier Investors
22	Cardaci	Marie	Frontier Advisors Pty Ltd
23	Radisich	Jackie	Future Super
24	Hill	Sarah	HESTA
25	Fisher	Michael	IFM Investors (IFM)
26	Leske	Julia	ISS ESG
27	Sloane	Phil	ISS ESG
28	Thompson	Madeline	Jarden
29	Nash	Dr Meredith	KPMG Australia
30	Mcculloch	Emma	KPMG Australia
31	Lapham	Kirsten	KPMG Australia
32	Rachele	Lauren	KPMG Australia
33	Monsur	Mishwaza	KPMG Australia
34	Ariyawansa	Sayomi	KPMG Australia
35	Livingston	Gemma	KPMG New Zealand
36	Lyster	Mark	Lyster & Associates / Edge Impact
37	Stanley	Anita	Macquarie

38	Gow	Grace	Macquarie Asset Management
39	Krizanovic	Amy	Magellan Group
40	Azeem	Ayesha	Maple-Brown Abbott Limited
41	Pringle	Emma	Maple-Brown Abbott Limited
42	Stamp	Timothy	Mercer Australia
43	Reid	Jillian	Mercer Investments (Australia) Limited
44	Panayi	Frida	Metrics Credit Partners
45	O'Hanlon	Grace	Milford Asset Management
46	Tinkler	Rachel	Mint Asset Management
47	Brown	Emerson	MSCI ESG Research (Australia) Pty Limited
48	OKindo	Lillian	NAB
49	Bissett	Rosemary	NATIONAL AUSTRALIA BANK LIMITED (NAB)
50	Williams	Terina	New Zealand Superannuation Fund
51	Whittaker	David	Northcape Capital Pty Ltd
52	Leung	Carmen	Pendalgrouop
53	Solomon	Lauren	Perpetual
54	Bailey	Julia	Platinum Asset Management
55	Halliwell	Louise	PwC Australia
56	Auld	Sonia	QIC
57	Mackenzie	Conlan	Rest Super
58	Marotta	Isabella	RIAA
59	Parker	Estelle	RIAA
60	Godsell	Noa	RIAA
61	Tso	Ada	RIAA
62	Doyle Galovic	Briony	RIAA
63	Rowe	Jess	RIAA
64	Samarakoon	Nayanisha	RIAA
65	Brook	Anne-Marie	Rights Intelligence Ltd
66	Liu	Pai	Schroders Investment Management Australia Limited
67	Stratton	Shanti	Sustainalytics Australia Pty Ltd
68	Sheehan	Geoff	Teachers Mutual Bank Limited
69	Bodnar	Catherine	Trust Investment Management Limited
70	Curtis	Abi	UNPRI
71	Cotton	Deborah	UTS Business School

Human Rights Working Group Meeting #1

Thursday 29 February



Human Rights Working Group Meeting #1



Måns Carlsson OAM

Head of ESG at Ausbil Investment Management Limited, RIAA Board Member, and
Chair of RIAA's HRWG

Purpose

The HRWG is a forum for members to:

- exchange information and resources
- update on members' activity
- collaborate on policy and research, implementation and advocacy opportunities on matters relating to human rights relevant to investors, researchers and advisers.

All this is aimed at building members' understanding and capabilities for assessing and respecting human rights, mitigating risks in investment and strengthening the companies in which funds are invested.

RIAA Working Group – Principles

- Confidentiality
- No self-promotion
- Declaration of conflicts of interest
- Representation
- Collaboration between members
- Positive change in practice / policy
- Not engage in or discuss competitively sensitive information
- Apolitical

Introduction to the new RIAA Working Groups Team



Jessica Rowe (she/her)

Manager of Working Groups



Noa Godsell (they/them)

Project Officer – Working Groups



Special Presentation and Q&A: Respect at Work Act New Legislation and what does this mean for investors



Samantha Ramsay

Senior Lawyer, Positive Duty, Compliance & Enforcement Team at The Australian Human Rights Commission



Dr Meredith Nash

Director – Sexual Harassment & Gendered Violence and KPMG's national lead for Respect@Work

Industry Updates

- **StockWatch Report**

(Phil Sloane, ISS ESG)

Subgroup Updates

- **Digital Tech and Human Rights**

(Mark Lyster, Lyster & Associates)

- **Armed Conflict**

(Kate Turner, First Sentier Investors)

Other Business and Updates

- **Anti-Slavery Commissioner Update**

(Måns Carlsson OAM, Chair)

- **Working Group Plans for 2024**

(Måns Carlsson OAM, Chair)

- **Update on RIAA's Policy Work**

(Nayanisha Samarakoon, RIAA)

Other Business and Updates

- **Anti-Slavery Commissioner Update**

(Måns Carlsson OAM, Chair)

- **Working Group Plans for 2024**

(Måns Carlsson OAM, Chair)

- **Update on RIAA's Policy Work**

(Nayanisha Samarakoon, RIAA)

RIAA CONFERENCE AUSTRALIA 2024

Navigating the race through ESG
growth and tightening regulations



1 & 2 May | ICC Sydney

Early bird
ends
29 February



Working Group Member Portal

All Working Group meeting minutes and recordings are uploaded to the RIAA Member Portal.

Access the portal using your Glue Up credentials here:



Working Group Meetings

Nature Working Group #1, Friday 15 March - 12pm – 1.00pm AEDT / 2pm – 3.00pm NZDT

Aotearoa Collaborative Working Group – Thursday 21 March 9am – 10.30am AEDT/11am – 12.30pm NZDT (hybrid event, in-person at Mercer Auckland office & online)

First Nations Peoples' Rights Working Group #2, Thursday 16 May - 12pm – 1.30pm AEST / 2pm – 3.30pm NZST

Human Rights Working Group #2, Thurs 30 May - 12pm – 1.30pm AEST / 2pm – 3.30pm NZST

View full list of [RIAA's events here](#).



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Recent human rights controversies – Update

ALS Limited

A report by Justice For Myanmar alleges that Australian mining companies operating in Myanmar support the ruling military junta, providing it with legitimacy and financial backing. Companies listed in the report include Valentis, Cornerstone Resources, Knight Piésold, PanAust, Asia Pacific Mining Limited, Access Resources Asia and ASX listed Australian Laboratory Services. The report calls for sanctions on these companies and their associates, accusing them of financing the junta's atrocities. Activists and civil society organizations urge international action against these companies, while the Australian government emphasizes the importance of respecting human rights but refrains from commenting on potential sanctions. Myanmar's National Unity Government seeks to cut off funds to the junta, while the regime appears indifferent to economic sanctions. [[Radio Free Asia, 30/01/2024](#)] [[Justice for Myanmar, 30/01/2024](#)]

Rio Tinto Limited

Rio Tinto has paid \$125 million in backdated royalty payments to an Aboriginal group in the Pilbara, as reported by The General Gumala Foundation's 2023 annual report. This payment, made in December 2022, followed years of negotiations after Rio admitted historical underpayments in royalty payments under its Yandi land use agreement. Further payments are expected as negotiations continue to modernize the agreement. The negotiations have incurred significant legal costs for the Gumala Aboriginal Corporation (GAC). Rio Tinto confirmed the payment and expressed its commitment to engaging with Traditional Owner partners to modernize existing agreements. Rio's payment reflects its efforts to improve relationships with First Nations groups after the Juukan Gorge incident and its recent agreements with other Aboriginal corporations. [[The West Australian, 03/01/2024](#)] [[National Indigenous Time, 04/01/2024](#)]

Santos Limited

The Federal Court has dismissed a legal challenge by Tiwi Islanders against Santos's \$5.7 billion Barossa offshore gas project, allowing construction of the pipeline to proceed. Justice Natalie Charlesworth lifted a temporary injunction, stating that evidence presented by the applicants did not broadly represent the beliefs of affected Tiwi people and there was insufficient evidence to support claims of risks to underwater sacred sites and cultural heritage. The ruling follows a previous decision overturning a drilling permit due to inadequate consultation with Tiwi traditional owners. Despite Santos welcoming the court's decision, Tiwi representatives expressed disappointment, emphasizing their commitment to protecting their sea country. The ruling has led to discussions about regulations governing consultation for offshore petroleum projects. Santos is working through the process for recouping its legal costs following the failed court bid but has stated that it will not seek costs from Tiwi Islanders'. [[The Guardian, 15/01/2024](#)] [[ABC News, 15/01/2024](#)] [[ABC News, 02/02/2024](#)]