

31 January 2021

**Response to invitation from the Business and Human Rights Resource Centre to respond to the article *NFI loses Rio Tinto account as misclassification liability grows***

On 7 December 2020, Port Innovations published an [article](#) '*NFI loses Rio Tinto account as misclassification liability grows*', concerning the employment classification of drivers for port trucking companies in California. The article refers to port drayage services provided to Rio Tinto by Cal Cartage Express and NFI Industries.

Rio Tinto requires all our suppliers to comply with our [Supplier Code of Conduct](#) and [The Way We Work](#) at all times. The Supplier Code of Conduct sets out our expectations of suppliers (and their subsidiaries and sub-contractors) with respect to key issues such as human rights, including requiring that all work must be freely chosen and completed without the use of forced or compulsory labour.

We investigated allegations relating to port drayage services provided by Cal Cartage Express and NFI Industries, including an independent on-site audit that entailed extensive interviews with independent drivers, and an external legal review to identify any potential breaches of our Supplier Code of Conduct and The Way We Work. The investigation did not identify any issues that warranted Rio Tinto's contract with Cal Cartage Express and NFI Industries being terminated.

As part of our regular contract renewal process, Rio Tinto undertook a competitive tender for drayage services for our Boron operations in 2019. The tender process included a requirement for bidders to acknowledge and comply with our Supplier Code of Conduct and The Way We Work. As a result of this competitive tender process, Rio Tinto selected a new provider for our Boron-related drayage services.