

KEBIJAKAN HAK ASASI MANUSIA DAN MASYARAKAT ADAT

PT Bukit Asam Tbk (PTBA) berkomitmen untuk menghormati Hak Asasi Manusia (HAM) serta kepentingan, budaya, adat istiadat serta nilai-nilai pegawai dan pemangku kepentingan dengan mengacu pada :

- Undang-Undang Dasar Negara Republik Indonesia 1945
- Undang-Undang No. 39 Tahun 1999 tentang Hak Asasi Manusia
- Undang-Undang No. 13 Tahun 2003 tentang Ketenagakerjaan beserta perubahannya dalam Undang-undang No. 11 Tahun 2020 tentang Cipta Kerja
- Undang-Undang No 6 tahun 2023 tentang penetapan peraturan pemerintah pengganti Undang-Undang No 2 Tahun 2022 tentang cipta kerja menjadi undang-undang
- Peraturan Presiden RI No. 53 Tahun 2021 tentang Rencana Aksi Nasional Hak Asasi Manusia Tahun 2021-2025 (Lembaran Negara RI Tahun 2021 No. 35)
- Perjanjian Kerja Bersama Periode 2023-2025 antara PTBA dengan Serikat Pegawai (SPBA)
- Keputusan Bersama Dewan Komisaris dan Direksi PTBA No. 07/SK/PTBA-DEKOM/2021 dan No. 408A/01000/2021 Tentang Pedoman Perilaku dan Etika Bisnis PTBA (*Code of Conduct*)
- Prinsip-Prinsip *The United Nations Guiding Principles on Business and Human Rights* (UNGPR), *The United Nations Global Compact* (UNGC), *The United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP), dan *The United Nations Development Programme* (UNDP) *Social and Environmental Standards* oleh Perserikatan Bangsa-Bangsa
- *The Voluntary Principles on Security and Human Rights* (VPSHR)
- *The International Council on Mining and Metals (ICMM) Indigenous Peoples and Mining Position Statement*
- Persetujuan Atas Dasar Informasi di Awal Tanpa Paksaan (PADIATAPA) / *Free, Prior and Informed Consent* (FPIC) oleh *World Wildlife Fund* (WWF)
- *The International Council on Mining and Metals (ICMM) Indigenous Peoples and Mining Position Statement*
- Prinsip-prinsip Hak-hak Mendasar di Tempat Kerja berdasarkan Konvensi Inti International Labour Organization (ILO) yang telah diratifikasi oleh Pemerintah Indonesia.

Adapun komitmen PTBA untuk mewujudkan dan menjamin terlindunginya HAM di sepanjang rantai nilai Perusahaan dan para pemangku kepentingan, sebagai berikut:

1. Menghindari aktivitas yang dapat menimbulkan dampak buruk terhadap HAM di seluruh unit operasi, dan berkomitmen untuk mengurangi atau memperbaiki segala dampak yang mungkin terjadi, serta secara konsisten melakukan pemantauan dan pelaporan dampak bisnis terhadap HAM. Implementasi komitmen ini mencakup berbagai aspek dan tidak terbatas pada:
 - a. Menghindari terjadinya *involuntary resettlement / physical displacement / economic displacement* dari masyarakat di sepanjang rantai nilai perusahaan. Apabila tidak dapat dihindari, Perusahaan wajib menerapkan mitigasi dan pemulihan kondisi fisik maupun ekonomi bagi masyarakat terdampak, serta pemantauan dan evaluasi yang memadai.
 - b. Melakukan penanganan keamanan terhadap pegawai dan aset secara konsisten serta menghindari dampak terhadap hak pihak lainnya.

KEBIJAKAN HAK ASASI MANUSIA DAN MASYARAKAT ADAT

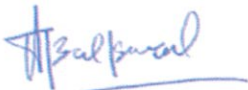
- c. Menghormati hak-hak pegawai dengan tidak mempekerjakan pegawai di bawah umur maupun pekerja paksa, menghindari perdagangan manusia, tidak memberikan akses pekerjaan yang berbahaya bagi orang dibawah 18 tahun, menghilangkan diskriminasi dan pelecehan, menghormati kebebasan berserikat, kebebasan untuk berbicara dan melakukan perundingan, jam kerja maksimum/waktu lembur, remunerasi dan upah minimum, memberikan kesempatan yang sama serta menghormati ibu hamil dan ibu menyusui.
2. Menghormati dan memastikan hak-hak masyarakat adat dihormati, dan prinsip-prinsip ILO diintegrasikan dalam semua aspek kegiatan perusahaan untuk menciptakan dampak positif pada kehidupan masyarakat adat. Implementasi komitmen ini mencakup berbagai aspek dan tidak terbatas pada:
 - a. Menghormati hak, kepentingan, aspirasi, sejarah, budaya dan sumber pendapatan yang mempengaruhi tanah, wilayah dan sumber daya alam masyarakat adat. Jika terdapat dampak kepada masyarakat adat, Perusahaan akan melaksanakan mitigasi dan memberikan manfaat yang berkelanjutan bagi masyarakat adat yang terdampak, serta melibatkan para pemangku kepentingan untuk memberikan masukan dan umpan balik.
 - b. Mengupayakan atau menghormati hak atas Persetujuan Atas Dasar Informasi di Awal Tanpa Paksaan (PADIATAPA) / *Free, Prior and Informed Consent (FPIC)* oleh *World Wildlife Fund (WWF)*.
 - c. Mengakui dan menghormati sifat unik dan HAM masyarakat adat, suku dan penduduk asli atas tanah, wilayah, sumber daya, struktur organisasi, ekonomi dan sosial mereka dan hak untuk konsultasi tanpa paksaan dengan itikad baik dan dengan tujuan untuk memperoleh pemahaman dan persetujuan sehubungan dengan tindakan mitigasi yang diusulkan.
 - d. Melindungi kawasan yang sensitif secara budaya serta mendukung pembangunan dan pengembangan sosial dan ekonomi serta pemenuhan hak untuk mempertahankan kebiasaan dan praktik sosial, ekonomi, dan budaya masyarakat adat.
 - e. Membangun hubungan yang erat, keterlibatan yang kuat, dan mengupayakan keterwakilan dan partisipasi efektif masyarakat adat yang terpengaruh proyek dan aset Perusahaan, berdasarkan prinsip-prinsip rasa hormat, kepekaan budaya, integritas, tanggung jawab, transparansi, itikad baik, dan non-diskriminasi.
3. Melaksanakan uji tuntas (*due diligence*) HAM secara berkelanjutan dan melakukan penilaian HAM berbasis risiko dalam pengambilan keputusan strategis Perusahaan diantaranya terkait kondisi kerja, diskriminasi pegawai, kesehatan dan keselamatan, keamanan, hak masyarakat adat dan kelompok rentan, menilai dampak potensial dari aktivitas Perusahaan terhadap HAM sebelum melakukan aktivitas atau hubungan bisnis baru, mengambil tindakan pencegahan dan mitigasi yang tepat, memantau efektivitas tindakan yang diambil, dan mengkomunikasikan langkah-langkah yang diambil dalam rangka mencegah atau mengurangi dampak negatif terhadap HAM yang terkait langsung dengan operasi, produk, atau layanan yang diberikan melalui hubungan bisnis dengan pemasok atau entitas publik yang terkait langsung dengan kegiatan operasi Perusahaan.
4. Menyediakan sarana penyampaian keluhan atau *Grievance Mechanism* yang berlaku bagi para pegawai, kontraktor, pemangku kepentingan maupun masyarakat adat untuk menyampaikan dan menyelesaikan keluhan terkait HAM. Adapun mekanismenya tidak berarti menghilangkan hak setiap pihak untuk dapat melaporkan keluhan melalui Aparat Penegak Hukum/Lembaga Pembela HAM.
5. Melaksanakan proses rekrutmen, pembinaan karir, pengembangan kompetensi, penilaian kinerja dan pengupahan secara obyektif, profesional, dan tanpa diskriminasi sebagaimana dijelaskan di atas dengan memperhatikan kepentingan Perusahaan dan menghormati ketentuan yang berlaku.
6. Menolak segala jenis diskriminasi terhadap pelanggan dan pengguna produk dan layanan Perusahaan. Menghormati hak privasi pelanggan melalui upaya-upaya untuk melindungi dan menggunakan data pribadi yang diberikan kepada Perusahaan sesuai ketentuan.
7. Menjamin hak pegawai, tanpa perbedaan apapun, untuk berorganisasi dengan mendirikan atau tidak mendirikan dan bergabung atau tidak bergabung dengan serikat pegawai, atas pilihan mereka sendiri tanpa pengaruh pihak lain.

KEBIJAKAN HAK ASASI MANUSIA DAN MASYARAKAT ADAT

8. Melakukan upaya penyelidikan, penyelesaian dan tindak lanjut pemulihan jika terjadi pelanggaran terhadap HAM, merujuk pada pedoman yang diakui secara internasional, peraturan perundang-undangan, maupun kebijakan yang berlaku serta pemberian sanksi seringan-ringannya teguran tertulis dan seberat beratnya pemutusan hubungan kerja.
9. Melakukan pendekatan HAM berbasis risiko sebagai berikut :
 - a. Menumbuhkan budaya menghormati HAM di antara pegawai PTBA, dengan menciptakan lingkungan kerja yang menghargai prinsip-prinsip HAM, menghormati keragaman dengan pengelolaan SDM tanpa membedakan etnis, ras, kebangsaan, warna kulit, agama, jenis kelamin, usia, disabilitas, serta menerapkan regulasi untuk mencegah pelanggaran HAM.
 - b. Mempertahankan tempat kerja yang aman, sehat, dan produktif serta mengatasi dan memperbaiki berbagai risiko kecelakaan, cedera, dan kesehatan yang teridentifikasi.
 - c. Mengkomunikasikan dan memberikan pelatihan tentang kebijakan HAM sebagai bagian dari program *on-boarding* pegawai dan kontraktor.

Kebijakan ini dikomunikasikan, didokumentasikan, serta ditinjau secara berkala dan menjadi tanggung jawab pegawai, mitra, pelanggan, dan seluruh pemangku kepentingan yang terkait dengan bisnis PT Bukit Asam Tbk untuk memastikan penerapan kebijakan ini sesuai dengan sasaran dan upaya perbaikan secara berkelanjutan.

Tanjung Enim, 14 Desember 2024



Arsal Ismail
Direktur Utama



HUMAN RIGHTS POLICY AND INDIGENOUS PEOPLE

PT Bukit Asam Tbk (PTBA) is committed to respect Human Rights (HR) as well as the interests, culture, customs and values of employees and stakeholders referring to:

- The 1945 Constitution of the Republic of Indonesia
- Law number 39 of 1999 concerning Human Rights
- Law number 13 of 2003 concerning Employment and its amendments to Law Number 11 of 2020 concerning human settlements
- Law Number 6 of 2023 concerning the stipulation of government regulations in lieu of Law Number 2 of 2022 concerning human settlements into law
- RI's Presidential Regulation Number 53 of 2021 concerning the Action Plan of National Human Rights for 2021-2025 (State Gazette of the Republic of Indonesia 2021 Number 35)
- Collective Labor Agreement for the 2023-2025 Period between PTBA and the Employees' Union (SPBA)
- Joint Decree of the Board of Commissioners and Directors of PTBA Number 07/SK/PTBA-DEKOM/2021 and Number 40BA/01000/2021 Concerning PTBA's Code of Conduct and Business Ethics (Code of Conduct)
- Principles of The United Nations Guiding Principles on Business and Human Rights (UNGPs), The United Nations Global Compact (UNGC), The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), dan The United Nations Development Programme (UNDP) Social and Environmental Standards by United Nations
- The Voluntary Principles on Security and Human Rights (VPSHR)
- The International Council on Mining and Metals (ICMM) Indigenous Peoples and Mining Position Statement
- Free, Prior and Informed Consent (FPIC) by World Wildlife Fund (WWF)
- The International Council on Mining and Metals (ICMM) Indigenous Peoples and Mining Position Statement
- Principles of Fundamental Rights at Work based on the Core Conventions of the International Labor Organization (ILO) ratified by the Government of Indonesia.

PTBA's commitments to realize and ensure the protection of human rights throughout the Company's value chain and its stakeholders are as follows:

1. Avoiding activities having a negative impact on human rights in all operating units, and committing to reduce or correct any impacts that may occur, as well as consistently monitoring and reporting business impacts on human rights. Implementation of this commitment covers various aspects and is not limited to:
 - a. Avoiding involuntary resettlement/physical displacement/economic displacement from communities along the company's value chain. If it cannot be avoided, the Company must implement mitigation and restore physical and financial conditions for affected communities, as well as adequate monitoring and evaluation.
 - b. Consistently handle security for employees and assets and avoid impacts on the rights of other parties.
 - c. Respect employee rights not employing underage employees or forced labor, avoiding human trafficking, not providing access to dangerous work for people under 18 years, eliminating discrimination and harassment, respecting freedom of association, freedom to speak and negotiate, maximum/overtime working hours, remuneration and minimum wages, providing equal opportunities and respecting pregnant and breastfeeding mothers.

HUMAN RIGHTS POLICY AND INDIGENOUS PEOPLE

2. *Respecting and ensuring that the rights of indigenous peoples are respected, and that ILO's principles are integrated into all aspects of the company's activities to create a positive impact on the lives of indigenous peoples. Implementation of this commitment covers various aspects and is not limited to:*
 - a. *Respect the rights, interests, aspirations, history, culture and sources of income affecting the lands, territories and natural resources of indigenous peoples. If there is an impact on indigenous communities, the Company shall implement mitigation and provide sustainable benefits for affected indigenous communities, as well as involve stakeholders to provide input and feedback.*
 - b. *Strive or respect the Free, Prior and Informed Consent (FPIC) by World Wildlife Fund (WWF).*
 - c. *Recognize and respect the unique nature and human rights of indigenous peoples, tribes and indigenous peoples over their lands, territories, resources, organizational, economic and social structures and the rights to free consultation in good faith and with the aim of obtaining the understanding and agreement in relation to the mitigation measures proposed.*
 - d. *Protect culturally sensitive areas and support social and economic development and construction as well as fulfill the rights to maintain the social, economic and cultural customs and practices of indigenous peoples.*
 - e. *Build close relationships, strong involvement, and seek effective representation and participation of indigenous communities affected by the Company's projects and assets, based on the principles of respect, cultural sensitivity, integrity, responsibility, transparency, good faith, and non-discrimination.*
3. *Carrying out due diligence of human rights on an ongoing basis and carrying out risk-based human rights assessments in making strategic decisions for the Company, including those related to working conditions, employee discrimination, health and safety, security, rights of indigenous peoples and vulnerable groups, assessing the potential impact of the Company's activities on human rights before undertaking new business activities or relationships, taking appropriate preventive and mitigating actions, monitoring the effectiveness of actions taken, and communicating steps taken in order to prevent or reduce negative impacts on human rights directly related to operations, products or services provided through business relationships with suppliers or public entities directly related to the Company's operational activities.*
4. *Providing a means of submitting complaints or a Grievance Mechanism that applies to employees, contractors, stakeholders and indigenous communities to convey and resolve complaints related to human rights. The mechanism does not mean eliminating the rights of each party to report complaints through Law Enforcement Officials/Human Rights Defense Institutions.*
5. *Carrying out the recruitment process, career development, competency development, performance assessment and remuneration objectively, professionally and without discrimination as explained above by taking into account the Company's interests and respecting applicable regulations.*
6. *Rejecting all types of discrimination against customers and users of the Company's products and services. Respecting customer's privacy rights through efforts to protect and use personal data provided to the Company in accordance with provisions.*
7. *Taking action to guarantee the right of employees, without any distinction, to organize establishing or not establishing and joining or not joining an employee union, of their own choice without influence by other parties.*
8. *Carrying out efforts to investigate, resolve and follow up recovery if violations of human rights occur, referring to internationally recognized guidelines, laws and regulations and applicable policies as well as providing sanctions as light as a written warning and as heavy as termination of employment.*

HUMAN RIGHTS POLICY AND INDIGENOUS PEOPLE

9. Taking a risk-based human rights approach as follows:

- a. Fostering a culture of respect for human rights among PTBA employees, creating a work environment that respects principles of human rights, respecting diversity managing human resources without distinction of ethnicity, race, nationality, skin color, religion, gender, age, disability, as well as implementing regulations to prevent violations of human rights.
- b. Maintaining a safe, healthy and productive workplace and addressing and correcting various identified accident, injury and health risks.
- c. Communicating and providing various trainings on human rights policies as part of on-boarding programs for employees and contractors.

This policy is communicated, documented and reviewed periodically and is the responsibility of employees, partners, customers and all stakeholders related to the PT Bukit Asam Tbk's business to ensure that the implementation of this policy is in accordance with targets and continuous improvement efforts.

Tanjung Enim, December 14th 2024



Arsal Ismail
President Director

