

# BHP

## **Crime Prevention Manual** **Law 20.393**

**December 2024**

## 1. Introduction

In accordance with the principles, values and guidelines established by **BHP Chile** or indistinctly the "Company", workers must act in accordance with the laws, internal guidelines of the Company, and the interests and objectives of the Company. To achieve these goals, Senior Management authorized the implementation of a **Crime Prevention Model** (hereinafter "**MPD**"), which through this **Crime Prevention Manual** (hereinafter "**Manual**"), establishes the operations and guidelines of the various activities consolidated in BHP Chile for the prevention of the commission of crimes, and especially those contemplated in Law No. 20,393 on the Criminal Liability of Legal Entities (hereinafter "**Law No. 20,393**") and all its subsequent amendments.

In accordance with Law No. 20,393, BHP Chile may be liable for crimes committed within the framework of its activity or for crimes committed with the intervention of a natural person who holds a position, function, position in the Company and/or third parties who provide services by managing their affairs before third parties. with or without their representation.

The objective of the MPD is not only to deter the commission of crimes, but very especially, to comply with the duties of management and supervision of the Company in Chile in this matter and thus prevent the perpetration of a criminal act from being favored or facilitated by the lack of effective implementation of an adequate crime prevention model.

It is important to note that the crimes contemplated in Law No. 20,393 and its subsequent amendments could also generate individual liability for those who execute them or participate in any way in the acts constituting a crime.

## 2. Objective

The main objectives of this document can be summarized as follows:

- i. To set out in a simplified form all the elements considered by the MPD under the provisions of Law No. 20,393 for BHP Chile.
- ii. Establish a mechanism for the prevention and mitigation of the risks of crime to which BHP Chile is exposed.
- iii. Distribute the activities and responsibilities related to the MPD in a clear and efficient manner, ensuring effective risk management.

## 3. Scope

This Manual is applicable to all workers, suppliers and business partners of BHP Chile. The scope includes owners, controllers, senior management, managers, executives, employees, temporary staff, contractors, subcontractors and advisors of BHP Chile, as well as all those who perform functions for it, regardless of the quality, form or modality of work or contract under which they provide their services (hereinafter, the "Recipients of the Manual" or the "Recipients").

For the purposes of this Manual, the following companies are considered to be part of BHP Chile: BHP Chile Inc.; Minera Escondida Ltda.; Compañía Minera Cerro Colorado Ltda.; Minera Spence S.A. and other Chilean trading companies controlled by BHP.

## 4. Crimes contemplated in Law No. 20,393

According to Law No. 20,393, the crimes for which the legal entity can respond are enshrined in its article No. 1, which was updated by Law No. 21,595 on Economic Crimes.

Law No. 21,595 divides and groups economic crimes into four categories:

**First Category:** crimes considered as "economic", regardless of the circumstances in which they are committed.

**Second Category:** crimes that in order to be considered "economic" must meet one of the two requirements:

That the act is perpetrated in the exercise of a position, function or position in a company.

That the act is carried out for economic or other benefit for a company.

**Third Category:** crimes that, in order to be considered "economic", must have been committed by a public employee, either as the perpetrator, inducer or accomplice and in compliance with one of the following requirements:

Intervention of a person in the exercise of a position or position in a company.

The act is perpetrated for economic or other benefit to a company.

**Fourth Category:** includes the crimes of Receipt and Money Laundering and Money Laundering, which will be considered as "economic" when their base crime is one of those contemplated in the First, Second or Third categories.

The following are the main categories of crimes contemplated in Law No. 20,393 that are applicable to the Company:

i. **Environmental Crimes:**

It includes behaviors or activities in which, intentionally, accidentally, or negligently, damage or endanger the environment. These crimes cover a wide range of actions such as the contamination of bodies of water, land, soil or air, emission of polluting gases, damage to flora and fauna, among others.

ii. **Bribery of a Public Official:**

It refers to offering, giving or consenting to give any benefit, whether economic or otherwise, to a national or foreign public official, to which he or she is not entitled based on his or her position. This act could be to make the employee act, stop acting or influence another public employee to obtain an advantage for himself or a third party, or commit an official crime (such as tax fraud), regardless of whether the initiative corresponds to the individual or the public employee.

Thus, according to the law, for the commission of this crime it is necessary that one of the intervening subjects be a public employee.

iii. **Bribery between private parties:**

This crime comprises two hypotheses: a) when an employee requests and/or accepts; or b) when an employee or agent gives, offers or consents to give an employee or agent an economic or other benefit (for himself or a third party), in both cases in order to favor or for having favored an offeror over others. In both hypotheses, the "improper payment" or "bribe" seeks to favor the hiring of one bidder over another.

iv. **Money Laundering:**

They are acts that seek to hide or disguise the nature, origin, location, ownership or control of illegally obtained money and/or goods. It involves introducing assets of illicit origin into the economy, giving them the appearance of legality by using legal activities, which allows criminals and criminal organizations to disguise the illegal origin of their product, without jeopardizing their source of income. Generally, the basic crimes of money laundering are illicit drug trafficking, terrorism, arms trafficking, human trafficking, embezzlement of public funds, kidnapping, among others.

It is important to bear in mind that, even if the subject does not know the illicit origin of the assets, he will incur in the crime of money laundering when he should have known about it and due to a lack of care that was required of him he did not do so.

v. **Crimes against life, health and physical integrity:**

They are behaviors that endanger or damage people's health, life and well-being.

vi. **Crimes against Labor and Social Security Regulations:**

These are illegal behaviors that violate laws and regulations aimed at protecting workers' rights and ensuring compliance with social security obligations, such as avoiding the evasion of social security contributions, non-payment of wages and/or benefits and any other action that implies a violation of labor and social security regulations.

vii. **Financing of Terrorism:**

It corresponds to an activity carried out by a natural or legal person, who, by any means, direct or indirect, requests, collects and/or delivers contributions of any kind, with the purpose of being used to facilitate any conduct classified as terrorist. Such contribution may be in kind, money or collaboration in some way with terrorist activities.

viii. **Financial Crimes:**

This type of crime encompasses the improper management of financial resources, the failure to comply with both regulations and laws, and also the obtaining of illicit economic benefits. They aim to affect the financial system or the stock market.

ix. **Fraud:**

It corresponds to a deceptive or dishonest action carried out with the intention of obtaining personal gain or harming others. In legal terms, fraud encompasses deception, forgery, manipulation, and any other illicit means to obtain undue profit or cause harm to third parties.

x. **Crimes related to Free Competition:**

It refers to those behaviors or acts that seek to restrict, impede or distort competition in the markets, harming economic well-being, such as collusion, unfair competition, among others.

xi. **Intellectual / Industrial Property Crimes:**

Intellectual and Industrial Property protects the creations and products of the human mind, whether they come from the artistic, scientific, literary or industrial fields. Their owners, creators and inventors will enjoy legal rights regarding control and exclusivity over their works or inventions, which allows them not only to benefit economically from them, but also encourages innovation and

creation. Therefore, this type of crime will include all types of acts or conduct that infringe or violate these rights.

xii. **Customs Offences:**

These are illegal behaviors related to the entry, exit, transit or possession of goods in the Chilean customs territory, in order to evade the payment of taxes and customs duties, as well as to violate the rules established by the customs authority.

xiii. **Computer Crimes:**

These are those crimes in which, intentionally, accidentally or negligently, either through the use of computer and/or communication tools, both computer systems and their data are damaged or put at risk. Within this type of crime, we can find illicit access to computer systems, illicit interception of the transmission or emission of data from a computer system, abuse of devices, phishing, among others.

## 5. Crime Prevention Model ("MPD")

In accordance with the provisions of Law No. 20,393 that establishes criminal liability for legal entities, BHP Chile has voluntarily determined the implementation of a Crime Prevention Model (MPD). This includes a preventive and supervisory system, which, through various activities of control over business processes or activities, seeks to prevent the commission of the crimes indicated in Law 20,393 on Criminal Liability of Legal Persons, and its amendments. The MPD considers the following elements:

- Identification of activities or processes that involve a risk of criminal conduct.
- Establishment of protocols and procedures to both prevent and detect criminal conduct, which will be communicated to all BHP Chile workers.
- Assignment of one or more subjects responsible for the application of these protocols, endowed with means and powers of management and supervision.
- Implementation of secure reporting channels and internal sanctions in case of non-compliance.
- Provision of periodic evaluations by independent third parties and mechanisms for improvement or updating.

BHP Chile has appointed Crime Prevention Officers to design, implement and supervise the MPD in conjunction with the administration. Given the complexity and large number of crime categories, it has been defined that there are **two Crime Prevention Officers** (the "EPDs"), responsible for supervising and coordinating specific risk areas related to crime categories:

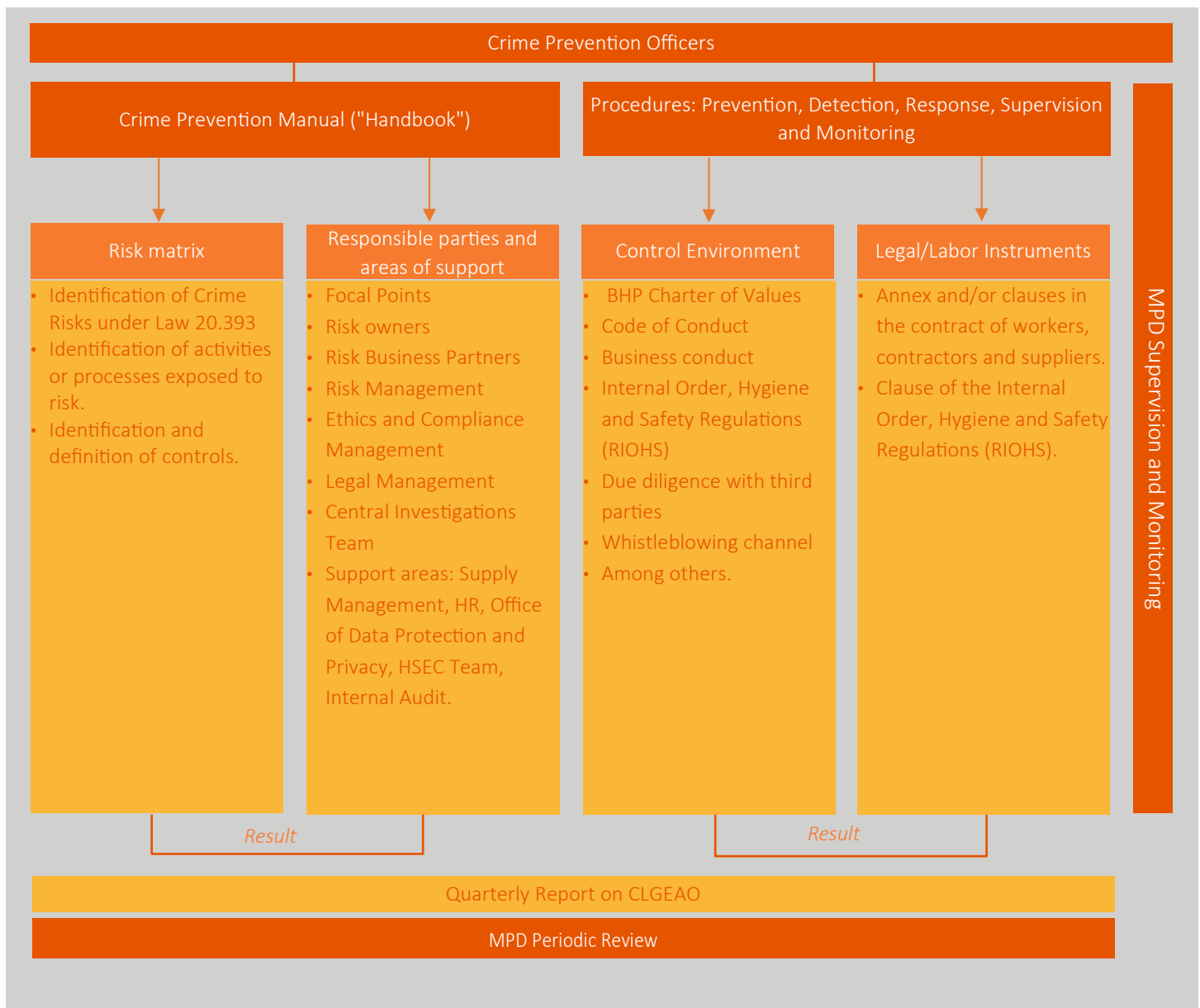
- a) Manager Compliance Minerals America – EPD Ethics & Compliance, will be the EPD for the crimes of: Corruption (Bribery, Bribery and other corrupt conduct), Money Laundering, Financing of Terrorism and Crimes related to Free Competition.
- b) Head of Legal Commercial Chile – EPD Legal, will be the EPD for the other categories of crimes including: Environmental Crimes, Crimes against life, health and physical integrity, against Labor and Social Security Regulations, Financial Crimes, Customs, Intellectual / Industrial Property Crimes and Computer Crimes, among others.

EPDs shall hold office for a period of three years, and may be renewed for periods of equal duration. Likewise, the EPDs will have sufficient means and powers to carry out their work, which translates into:

- Autonomy with respect to the Management of BHP Chile for the purpose of accessing and reporting directly to the Compliance, Legal, Governance, External Affairs Officer ("CLGEAO") and to the higher executive levels in order to report and be accountable for its management.
- Annual budgetary resources, as well as sufficient personnel to carry out the implementation, operation and review of the MPD in accordance with the Law.
- Absolute access to all the information necessary for the proper performance of their functions, and to which they can have access in accordance with the law.
- Basic and adequate infrastructure for the proper performance of their role and responsibilities, that is, technological tools and physical infrastructure

Below you will find a graphical representation of the MPD:

**Graph 1:** BHP Chile Crime Prevention Model



## 5.1. Control Environment

It is the set of documents and culture, including the ethical values of the organization, that form the basis on which the Crime Prevention System is supported, since it facilitates its structure and operation.

In this sense, the actions of the directors, executives, managers, collaborators and recipients of the Manual must always conform to the values, policies, standards and procedures established in the following documents, which may include others:

- Our Values Charter
- Code of Business Conduct.
- BHP Chile's Crime Prevention Manual
- Internal Order, Hygiene and Safety Regulations.
- Crime Risk Matrix.
- Policies and Procedures defined to support the initiatives implemented to mitigate the risks identified in the Crime Risk Matrix.
- Contractual Clauses.
- Monitoring and Supervision.
- Training Plan aimed at BHP Chile workers and collaborators.
- Integrity@BHP.

It is absolutely forbidden for any director, executive, manager, collaborator or Recipients of the Manual, to plan, develop or practice directly or indirectly, individually or jointly, any type of initiative or activity, which has the purpose of obtaining any benefit or advantage in favor of the Company that constitutes a crime under Law No. 20,393. The headquarters shall ensure that the provisions indicated in this Manual are continuously disseminated to their employees and their compliance.

## 5.2. Prevention Activities

The objective of the prevention activities is to prevent infractions or violations of the MPD and to avoid the commission of the crimes indicated in Law No. 20,393. Effective prevention will make it possible to avoid improper conduct or omissions. Among these activities we find:

### 5.2.1. Risk Matrix

The EPDs shall ensure the correct and timely identification of the activities or processes of greatest risk or exposure to the commission of the crimes contained in Law No. 20,393, which shall be documented in a Risk Matrix. The purpose of the Risk Matrix will be to evaluate the existing risks in the Company's different processes, in order to estimate their impact and probability of occurrence, evaluate the existing controls and determine the processes that must be improved along with eventual remediations.

Once the controls have been identified and evaluated, the EPDs will supervise and coordinate the creation, updating or improvement of specific policies, protocols and/or procedures in order to prevent and/or detect the commission of crimes.

### 5.2.2. MPD Training and Outreach

The EPDs will ensure the implementation of annual training programs whose purpose will be:

- Train employees and collaborators regarding the operation of the MPD in the Company.
- Induction of new employees and collaborators in the contents and scope of the MPD, as well as Law 20,393.

In order to disseminate the concepts indicated in the Company's MPD among all employees and collaborators, EPDs must:

- To communicate to all directors, executives, managers and collaborators of the Company about the implementation of the Model, as well as the modifications and/or updates thereof.
- Manage the publication and dissemination of the MPD on the Company's corporate website and intranet, as well as through any other suitable means, as appropriate.

## 5.3. Screening Activities

### 5.3.1. Whistleblowing Channel: Integrity@BHP

The Company has a whistleblowing channel called Integrity@BHP available to all its employees, collaborators, customers, suppliers and third parties who wish to make complaints about possible violations of the MPD and Law No. 20,393, as well as report violations of the Code of Business Conduct.

Any act that has the character of a crime must be reported to the Integrity@BHP complaints channel. It is the responsibility of all employees, collaborators and subjects considered in the scope of the MPD to support the detection process, delivering all relevant information and in a timely manner, on irregularities that they were aware of or witnessed.

The channel is available through the following link:  
<https://secure.ethicspoint.com/domain/media/en/gui/23435/index.html>

The investigations will be received by the Central Ethics and Research team and the EPDs will take cognizance of them, to the extent that their intervention is necessary.

Investigations will always comply with all legal requirements, and will always respect the rights of those involved. Among its principles are transparency, confidentiality, anonymity, prohibition of any act of retaliation against those who execute complaints in good faith, and objectivity in the treatment and analysis of the background information received

### 5.3.2. Continuous Monitoring and Audits

The monitoring and auditing process consists of verifying compliance and effectiveness of MPD controls.

The EPDs will review each time lawsuits, fines, infractions and/or any legal action or supervisory activity involving BHP occur in any crime scenario related to Law No. 20,393, in order to detect non-compliance with the MPD and analyze the necessary measures for their treatment.



## 5.4. Response measures

The response activities seek to establish resolutions, corrective actions, disciplinary measures or sanctions for those who fail to comply with the MPD, or when violations of the crimes indicated in Law No. 20,393 are found.

Response activities include, but are not limited to, the following:

- i. **Review controls and implement improvements:** EPDs will ensure the evaluation of the risks and control activities transgressed in each sanctioned case, in order to establish new control activities or improvements in activities where the control does not operate effectively or the design is not indicated. The responsibility for the implementation of corrective actions will be of the corresponding functional area.

EPDs shall evaluate the results of internal or external audits and investigations in order to identify any relevant observations with respect to the MPD's control system.

- ii. **Disciplinary sanctions:** The Company will apply disciplinary measures in the event of non-compliance with crime prevention policies and procedures and in the event of the determination of the commission of any of the crimes stipulated in Law No. 20,393, considering the following:
  - Sanctions shall be consistent with the Company's internal procedures.
  - Sanctions should be applicable to all individuals involved, i.e. they should be universal and uniform.
  - Sanctions must be proportional to the offense committed.
- iii. **Complaint to the courts:** Upon the identification of an act that could be characterized as a crime under Law 20,393, the EPDs will evaluate the possibility of carrying out complaint actions before the Police or the Public Prosecutor's Office, in order to execute legal actions against those who are responsible, with the criminal and civil sanctions established by the Courts of Justice in accordance with current legislation.

## 5.5. Monitoring, review, and continuous improvement.

The EPDs shall establish methods for the effective supervision of the Crime Prevention Model, in order to identify and correct its failures, as well as modify it in accordance with the change in conditions that the Company may eventually face.

The Crime Prevention Officers may require audits to be carried out on various aspects of the operation of the Crime Prevention Model and must be aware of any change that occurs in the internal and/or external environment of the Company, in order to update or modify the Model as required.

The Company will conduct periodic evaluations of its Crime Prevention Model, which will be executed by independent third parties. The results of these evaluations will be taken into consideration to refine and update the Crime Prevention Model.

## Roles and responsibilities in the MPD governance structure

Responsibilities within the **MPD** are distributed among key functional areas, ensuring clarity in roles and risk management according to exposed processes, prevention, detection, response, as well as supervision and monitoring and reporting flow.

### 5.6. Crime Prevention Officers ("EPDs")

**EPDs (EPD Ethics & Compliance and EPD Legal)** supervise and coordinate activities according to their area of responsibility and category of crime risks:

- a) **Manager Compliance Minerals America – EPD Ethics & Compliance**, will be the EPD for the crimes of: Corruption (Bribery, Bribery and other corrupt conduct), Money Laundering, Financing of Terrorism and Crimes related to Free Competition.
- b) **Head of Legal Commercial Chile – EPD Legal**, will be the EPD for the other categories of crimes including: Environmental Crimes, Crimes against life, health and physical integrity, against Labor and Social Security Regulations, Financial Crimes, Customs, Intellectual / Industrial Property Crimes and Computer Crimes, among others.

They report directly to the Senior Management of the BHP Group (CLGEAO) and have among their main functions:

- i. Carry out supervision, coordination and prevention activities in relation to the effective operation of the MPD.
- ii. Analyze and support the periodic evaluation of the risks of committing the crimes of Law No. 20,393.
- iii. It will support business units in the implementation of controls that mitigate the risks of committing the crimes of Law 20,393.
- iv. They will carry out training and dissemination activities in relation to the risk group(s) for which they are responsible.
- v. It will recommend in the process of inclusion of compliance clauses (Law No. 20,393) in the various contracts entered into with third parties.
- vi. They will report on their management at least quarterly or when circumstances warrant it to the Senior Management of the BHP group (CLGEAO) on the status of the MPD and issues within their competence.
- vii. They will recommend in the process of inclusion of compliance clauses (Law No. 20,393) in employment contracts and in the Company's Internal Order, Hygiene and Safety Regulations.
- viii. Receive information from the Response & Investigations Team about complaints filed for non-compliance with the MPD or commission of an unlawful act.
- ix. Establish monitoring and auditing processes, where appropriate, to confirm compliance with MPD activities, identify gaps, and determine action plans for closing them.

### 5.7. Functional Areas (Focal Points):

- i. They will carry out periodic risk assessments and controls in relation to the risk group(s) for which they are responsible.

- ii. Review, update, monitor and ensure compliance with risk policies and procedures in relation to the risk group(s) for which they are responsible.
- iii. Monitor compliance with policies and regulations in relation to the risk group(s) for which they are responsible.
- iv. They will carry out training and dissemination activities in relation to the risk group(s) for which they are responsible.
- v. They will decide and implement immediate actions, with the Ethics and Investigations team providing relevant support and information (maintaining confidentiality).
- vi. They will review with the EPDs potential failures, weaknesses and opportunities for improvement in internal controls in the event of non-compliance with the MPD.
- vii. On a quarterly basis, they shall effectively communicate and report risks and mitigation actions to EPDs with respect to risk management and controls in relation to the risk group(s) for which they are responsible.

## 5.8. Risk Owners

- i. They will identify, assess and manage risks in the context of their daily activities.
- ii. They will implement controls and preventive measures to mitigate risks and ensure compliance with established policies and regulations.
- iii. They will monitor the effectiveness of the controls in place and follow up regularly to ensure that they are being applied correctly. This involves reviewing and analyzing key risk and performance indicators to identify any deviations or weaknesses in controls and take corrective actions in a timely manner.
- iv. Work in coordination with Focal Points to keep them informed of the risk management for which they are responsible.

## 5.9. Risk Business Partners (Gerencia de Riesgos)

- i. They will oversee and support the risk management carried out by the first line of defence.
- ii. They will establish risk management policies and procedures.
- iii. They will provide guidance and training in risk management.
- iv. They will carry out periodic risk assessments and controls.
- v. They will monitor compliance with policies and regulations.
- vi. They will report and communicate the results of risk assessments and controls to the Focal Points.

## 5.10. Ethics and Research Management

- i. The Ethics and Research Management will receive and classify the complaints received through the complaints channel and will assign one or more responsible for the investigation in accordance with the provisions of BHP's internal procedures.
- ii. The Ethics and Research Management will identify and communicate immediate threats to the Legal and Compliance areas, when appropriate.

## 5.11. Response & Investigations Team:

- i. Plan the investigation of complaints as they are entitled to under the procedure set out in BHP's internal policies and the BHP Response & Investigations Framework.
- ii. They will conduct investigations and establish the facts and results (category A reports).
- iii. Provide up-to-date information to interested parties, maintaining confidentiality (e.g., updates, whistleblower, witnesses/informants, stakeholders, and respondents).
- iv. They will communicate objective conclusions based on the research work to stakeholders, as well as any organisational learning derived from the research to relevant areas.

## 5.12. Support Teams

Depending on the operation of the MPD, the activities to be carried out by each responsible area will be the following, being only a representative and not exhaustive list:

### 5.12.1. Risk Management Management

- i. It will facilitate the application of BHP's risk methodology to support risk assessment processes related to the crimes contemplated in Law No. 20,393 and related laws.
- ii. It will facilitate risk workshops with the involvement of functional experts, their control owners and risk owners.

### 5.12.2. Supply and HR Management

- i. It will ensure the inclusion of compliance clauses in the contracts (Law No. 20,393) that BHP Chile enters into with its workers and/or third parties.
- ii. They will provide the information required by the Crime Prevention Officers for the exercise of their functions in relation to the implementation and execution of the MPD.
- iii. Support in the implementation of controls for the gaps identified as a result of the investigations and/or audits carried out in relation to the MPD or any new risk identified.
- iv. It will support the coordination of the dissemination activities of the Crime Prevention Model carried out by the EPD.
- v. They will bear the definition and application of disciplinary measures derived from the investigations.

### 5.12.3. All collaborators and third parties

- i. They will be fully aware of the content of this Manual, especially those behaviors that are prohibited and could be classified as one of the crimes of Law 20,393.
- ii. They will participate in the training and training to which they are summoned.
- iii. They will report immediately if they become aware of any fact or act that could constitute a crime.
- iv. They will comply with the provisions of the company's Crime Prevention Model.
- v. They will provide the information required by the EPDs for the exercise of their functions in relation to the implementation, operation, and effectiveness of the MPD.
- vi. They will consult with the EPDs in case of any doubts or need for advice.

## 6. Administrative Sanctions

It is the responsibility of all BHP employees to be aware of the contents of the MPD and must abide by its guidelines at all times. EPDs will monitor compliance with this Manual and will also implement verification standards.

Failure to comply with the provisions of this Manual by employees may be considered cause for sanctions that can range from a verbal warning to dismissal.

In each personal folder of the employee, said breach will be part of it. In the case of advisors, contractors or suppliers, non-compliance with the terms of this Manual will also be cause for immediate termination of the contract that remains in force.

Employees must report violations observed in the Crime Prevention Model to their supervisors and to the EPDs through the reporting mechanism, established and reported in this Manual.

BHP employees should be aware that they may be subject to internal investigations if there is any indication or a complaint has been received that involves non-compliance with any BHP internal law or regulation. Employees must cooperate fully in the internal investigation procedures that are carried out within the framework of MPD. The policies and procedures indicated in this Manual, in the Code of Business Conduct and in the other documents in which the MPD is supported are mandatory and are incorporated into the tasks assigned to each one. Therefore, non-compliance includes the sanctions provided for in the Internal Regulations on Order, Hygiene and Safety, without prejudice to the corresponding civil and criminal sanctions.

The same obligation of collaboration will be required of BHP Chile's advisors, suppliers and contractors, which will be confirmed in the respective contracts or agreements that may be signed in this regard.

This Manual does not replace the prudence and good judgment that both employees and collaborators of the Company must take into account at all times in the performance of their functions.

Any doubts regarding the interpretation and application of this Manual, or the way in which some situations not specifically described should be resolved, should be brought to the attention of the EPDs.

## 7. Validity and updating

This Crime Prevention Manual will be effective immediately upon its official publication by BHP Chile.

In addition, this Manual must be permanently controlled and reviewed annually, as of its entry into force, by the Crime Prevention Officers, proposing the necessary changes both in form and substance depending on the circumstances and needs faced by the Company or the regulatory changes that may affect Law No. 20,393.

**BHP**