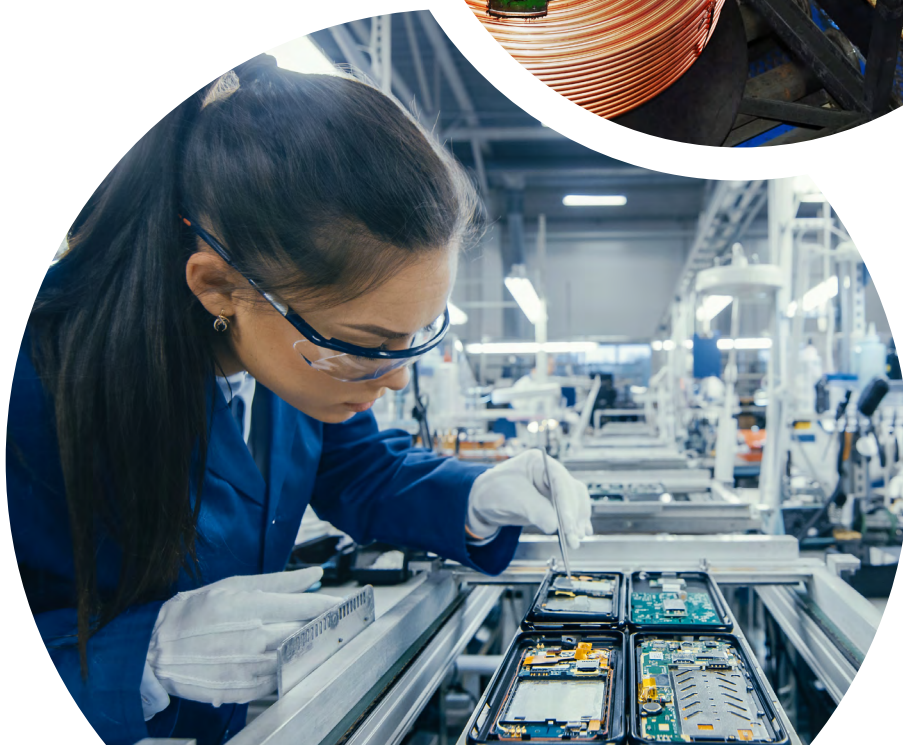# RISK READINESS ASSESSMENT CRITERIA GUIDE

Version 3.0

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Disclaimer

This publication, prepared by the Responsible Minerals Initiative (RMI) and the Copper Mark, is intended for general guidance on matters of interest only and does not constitute professional advice. No representation or warranty (express or implied) is given as to the accuracy or completeness of the information contained in this publication; and, to the extent permitted by law, the Copper Mark and the RMI, their members (if applicable), employees, partners and agents do not accept or assume any liability, responsibility or duty of care for any consequence of anyone acting, or refraining to act, in reliance on the information contained in this publication or for any decision based on it.

The Responsible Minerals Initiative (RMI) serves as an umbrella organization for the voice of progressive industry to support responsible mineral production, processing and sourcing. The RMI's flagship Responsible Minerals Assurance Process (RMAP) offers companies and their suppliers an independent, third-party assessment that determines which companies can be verified as having systems in place to responsibly source all minerals in line with current global standards; RMAP participants are required to complete the RRA. The RMI also convenes stakeholders to continually shape industry dialogue and practices. Working with its partners and stakeholders, the RMI promotes business practices that improve regulatory preparedness, align with international frameworks, and support industry and stakeholder expectations.

The Copper Mark is a credible assurance framework to promote responsible production practices in the copper, molybdenum, nickel and zinc industries and the commitment of such industries to the green transition.

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Background

The Risk Readiness Assessment (RRA) Criteria is a tool of the RMI, offered to promote a common understanding of due diligence practices and a means to consistently assess environmental, social and governance (ESG) risks in mineral supply chains.

The RRA Criteria Guide is designed to serve as a guidance document complementing the Criteria by offering context, clarifications, and references to current industry practice and regulatory requirements. The RMI has collaborated with the Copper Mark to revise this Criteria Guide. This Criteria Guide is a joint publication of the RMI and the Copper Mark. By issuing the joint Criteria Guide, the RMI and the Copper Mark aim to ensure that the RRA Criteria are consistently interpreted, implemented and assessed across the minerals and metals covered by both organizations.

Purpose

The RRA is a voluntary set of 33 criteria that serve as a common standard of reference for ESG due diligence practices in mineral supply chains.

The RRA aims to support companies in mineral supply chains to achieve the following:

- Responsibly manage ESG issues associated with their operations and supply chains
- Define requirements against which their ESG due diligence practices can be assessed
- Communicate their ESG performance to customers, suppliers, investors, and other internal and external stakeholders.

The RRA Criteria Guide is a set of verifiable requirements that can be used as a self-assessment or for which conformance can be assessed by an independent third-party.

Scope

The RRA Criteria address ESG issues associated with mining, processing, and manufacturing in the upstream and downstream of mineral supply chains. The following aspects are covered:

Governance

Governance criteria are crosscutting and constitute sets of practices that underpin the effective implementation of any social and environmental criterion.
Governance criteria include core aspects of due diligence systems and practices that enable accountability and predictability.

Social

Social criteria refer to the respect and enhancement of the human rights and labor rights of workers, communities, and other affected stakeholders in line with internationally recognized frameworks.

Environment

Environmental criteria address alignment with global climate goals and circularity principles as well as the implementation of environmental management practices informed by the mitigation strategy.

Applicability

The RRA defines criteria and requirements for the management of ESG issues that apply to Sites that operate in minerals and metals production, from mine, through metal processors (e.g., smelters and refiners) to downstream companies (e.g., fabricators, manufacturers, recyclers).

The RRA Criteria and Criteria Guide are designed to be mineral-agnostic and applicable across any mineral supply chain.

Some criteria may not be *applicable* to certain operations, depending on their nature or position in the value chain. Criteria applicability is summarized in the table below:

APPLICABILITY			
Supply chain level	**Upstream**		**Downstream**
Criterion	**Mining and co-located metal processing (e.g. smelting, refining, roasting)**	**Stand-alone metal processing (e.g. smelting, refining and roasting)**	**Downstream processing, manufacturing and recycling**
1. Management Systems	Yes	Yes	Yes
2. Risk Assessments	Yes	Yes	Yes
3. Business Integrity	Yes	Yes	Yes
4. Revenue Transparency	Yes	X	X
5. Legal Compliance	Yes	Yes	Yes
6. Sustainability Reporting	Yes	Yes	Yes
7. Grievance Mechanism	Yes	Yes	Yes
8. Stakeholder Engagement	Yes	Yes	Yes

9. Mine Closure & Reclamation	Yes	X	X
10. Responsible Supply Chains	Yes	Yes	Yes
11. No Child Labor	Yes	Yes	Yes
12. No Forced Labor	Yes	Yes	Yes
13. Freedom of Association and Collective Bargaining	Yes	Yes	Yes
14. Non-Discrimination and Harassment	Yes	Yes	Yes
15. Diversity, Equity and Inclusion	Yes	Yes	Yes
16. Employment Terms	Yes	Yes	Yes
17. Occupational Health & Safety	Yes	Yes	Yes
18. Emergency Preparedness	Yes	Yes	Yes
19. Community Health & Safety	Yes	Yes	Yes
20. Community Development	Yes	X	X
21. Artisanal & Small-Scale Mining (ASM)	Yes	Yes	Yes
22. Security & Human Rights	Yes	Yes	X
23. Indigenous Peoples' Rights	Yes	X	X
24. Land Acquisition & Resettlement	Yes	X	X
25. Cultural Heritage	Yes	X	X
26. Climate Action	Yes	Yes	Yes
27. Greenhouse Gas Emissions' Reductions	Yes	Yes	Yes
28. Water Stewardship	Yes	Yes	Yes

29. Waste Management	Yes	Yes	Yes
30. Circular Economy	Yes	Yes	Yes
31. Tailings Management	Yes	X	X
32. Biodiversity and Productive Land	Yes	Yes	Yes
33. Pollution	Yes	Yes	Yes

A more specific breakdown of applicability at the individual Criterion level is contained in RRA Criteria Guide chapters. Those provide explanations for the following:

- Criterion requirements that are applicable exclusively to upstream or downstream operations
- Requirements to be met to demonstrate that a Criterion is not applicable given nature of operations, location or position in the supply chain. Where a claim is made that a Criterion is not applicable this should be verifiable. Unless otherwise specified, all requirements are applicable.

Version

This is Version 3 of the RRA.

Existing RRA reports against Version 2 will maintain their validity until the end of the cycles established by the RMI and the Copper Mark in their respective systems.

Development

Version 1 of the RRA, released in 2017, was based on a set of benchmarked industry norms derived from more than 50 commonly used voluntary sustainability standards (VSS). It highlights good management practice for 31 environmental, social and governance risk areas.

Version 2 of the RRA, released in 2020, was reviewed using the RMI's Risk Readiness Assessment Review Process. The review included an update of the benchmarked industry norms as well as the development of the first joint Criteria Guide of the RMI and the Copper Mark.

Version 3 of the RRA is the result of a two-year process of revision started in June 2021, designed to conform to the RMI's and the Copper Mark's standard setting processes. It included several elements:

- Benchmarking against industry norms derived from VSS
- **Consultations** with a Technical Committee composed of individuals with technical knowledge and expertise in standards development, auditing, mineral supply chains, and / or ESG issues
- A formal and transparent process of stakeholder engagement guided by the ISEAL Standard-Setting Code of Good Practice Version 6.0, Section 5, resulting in 2 rounds of public consultations
- Ad hoc consultations with industry representatives and subject matter experts.

The main changes to the RRA from V2 to V3 are the following:
- Revised Criteria formulation and thorough revision of requirements for enhanced alignment with recognized international frameworks and due diligence expectations articulated in regulations
- New or substantially amended Criteria: 1 Management System, 2 Risk Assessment, 6 Sustainability Reporting, 10 Responsible Supply Chains, 15 Diversity, Equity and Inclusion, 16 Employment Terms, 26 Climate Action, 27 Greenhouse Gas Emissions Reduction
- Revised structure and unbundling of the requirements to increase consistency and auditability

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- Expanded applicability of the criteria to downstream companies
- Updated glossary.

Reference frameworks

International frameworks of responsible business conduct and accepted industry standards and methodologies have informed this revision of the RRA. Each RRA Criterion includes a *Key References* section which outlines the resources that have informed the formulation of the Criterion requirements.

The following references were used in the revision of the RRA:

- OECD Guidelines for Multinational Enterprises on Responsible Business Conduct, 2023 Edition
- OECD Due Diligence Guidance for Responsible Business Conduct, 2018 Edition
- OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas, Third Edition
- United Nations Guiding Principles for Business and Human Rights
- The Corporate Responsibility to Respect Human Rights, An Interpretative Guide
- ILO Fundamental Conventions:
  - Forced Labor Convention, 1930 (No. 29)
  - Abolition of Forced Labor Convention, 1957 (No. 105)
  - Minimum Age Convention, 1973 (No. 138)
  - Worst Forms of Child Labor Convention, 1999 (No. 182)
  - Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)
  - Right to Organize and Collective Bargaining Convention, 1949 (No. 98)
  - Equal Remuneration Convention, 1951 (No. 100)
  - Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
  - Occupational Safety and Health Convention, 1981 (No. 155)

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- The Voluntary Principles on Security and Human Rights

- ISO 14001: 2015 Environmental Management System

- ISO 45001: Health and Safety Management

- Paris Agreement, 2015

- GHG Protocol

- Global Industry Standard on Tailings Management

Sites are not required to adopt a specific third-party standard unless stated in the core requirements in the relevant criterion.

How to use this document

Each criterion chapter is structured as follows:

- Criterion, which is a concise formulation of a Site's expected level of performance

- Implementation, which is divided into two sections:

  o Interpretative Guidelines: this provides explanation regarding the interpretation of the requirements depending on the operations, size, location, or function in the value chain; and

  o Core Requirements: this formulates auditable due diligence requirements against the Criterion.

- References, which are divided into three sections:

  o Internationally Recognized Frameworks, which have informed the formulation of the requirements and can aid in their interpretation

  o International Conventions and Treaties, which Sites should be aware of; and

  o Additional Reading, which lists useful literature for additional context and guidance when implementing the Criterion.

All text in bold (for example downstream) is defined in the Glossary.

Performance Determination

A rating is attributed to each of the RRA Criteria based on an assessment of performance against the requirements outlined for each Criterion.
The assessment will evaluate the following:

- *Availability* is a management system (including policies, procedures or processes, responsibilities and resources, governance) in place and conforms to the requirements outlined in the Criterion
- *Effectiveness* are due diligence practices outlined in the Criterion implemented and achieving the intended outcomes in terms of identification, prevention, mitigation and remediation of the risks and impacts in scope of the Criterion.

Overall performance evaluation is based on an aggregation of the rating attributed to each Criterion. The aggregation results in an overall performance determination, while the rating of each Criterion provides a path for continual improvement.

The RMI and the Copper Mark will make available additional guidance on performance evaluation.

Assurance

The RRA Criteria and requirements are designed for use by the RMI in order to understand and assess a facility's ESG due diligence practices and for the Copper Mark to assure the performance of its participants.

Details on the assurance process, validity rules and associated claims are specified in the procedures of the respective organizations.

Acknowledgments

The RMI and the Copper Mark would like to acknowledge the time, effort, expertise and dedication of the RRA Technical Committee. As a group, they provided invaluable input during the revision process, which greatly strengthened the final product. In providing input, they acted in an advisory capacity and neither the individuals concerned, nor their respective organizations, have endorsed this standard.

Members of the multi-stakeholder RRA Technical Committee include the following:

- Andreina Hines, Apple
- Jatinder Verma, Apple
- Rachelle Jackson, Arche Advisors
- Vanessa Germonpre, Aurubis
- Mark Ali, BHP
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Two members of the RRA Technical Committee wished to remain anonymous.

2023 RISK READINESS ASSESSMENT CRITERIA

GOVERNANCE	
TOPIC	**CRITERIA**
1. **Management System**	Implement a corporate or site-level management system for the effective prevention, mitigation and remedy of risks and impacts related to environment, social, and governance (ESG) issues.
2. **Risk Assessment**	Conduct a risk assessment for the identification and prioritization of environmental, social and governance (ESG) issues.
3. **Business Integrity**	Implement high standards of business integrity through the prohibition and effective prevention of bribery, money laundering, and anti-competitive behavior.
4. **Revenue Transparency**	Demonstrate corporate transparency and accountability through the public disclosure of all material payments to governments of taxes, royalties, signature bonuses, and all other forms of payments or benefits and support the Extractive Industries Transparency Initiative (EITI).
5. **Legal Compliance**	Implement high standards of business conduct through compliance with applicable national regulatory requirements, applicable cross-jurisdictional obligations and international law.
6. **Sustainability Reporting**	Enable corporate transparency and accountability and promote informed decision-making through the publication of annual reports on material, environmental, social and governance ESG issues.
7. **Grievance Mechanism**	Respect the rights of adversely affected stakeholders' access to remedy, through the implementation or participation in an

		operational-level grievance mechanism aligned with the United Nations Guiding Principles on Business and Human Rights (UNGPs).
8.	**Stakeholder Engagement**	Enable stakeholders' early and continued participation in decisions that affect their health, well-being, safety, livelihoods, communities, and environment, through the implementation of an inclusive and meaningful engagement process.
9.	**Mine Closure & Reclamation**	Ensure the long-term environmental, economic and social stability of mining communities through the implementation of a system to manage and monitor mine closure and reclamation, and the allocation of financial provisions for mining reclamation, closure, and post-closure activities.
10.	**Responsible Supply Chains**	Respect regulatory requirements and promote responsible business conduct in supply chains through the implementation of corporate or site-level, comprehensive, integrated, iterative, and risk-based due diligence.
SOCIAL		
TOPIC		**CRITERIA**
11.	**No Child Labor**	Prohibit, prevent and remedy the employment of children below the age of 15, and ensure that young workers below the age of 18 are not exposed to the worst forms of child labor, including hazardous work.
12.	**No Forced Labor**	Prohibit, prevent and remedy forced labor in any form, including but not limited to, bonded (including debt bondage) or indentured labor, involuntary or exploitative prison labor, slavery or trafficking of person and adhere to international principles of responsible recruitment.

13. **Freedom of Association and Collective Bargaining**	Respect workers' rights of freedom of association, to collective bargaining, and to engage in peaceful assembly, prevent and remedy adverse impact.
14. **Non-Discrimination and Harassment**	Respect workers' rights to equality of opportunity and treatment and prohibit, prevent and remedy workplace discrimination and harassment.
15. **Diversity, Equity and Inclusion**	Promote diversity, equality and inclusion by ensuring equity for all persons in the workplace, respecting the diversity of all workers, and fostering an organizational culture of inclusivity and respect for fundamental rights and dignity.
16. **Employment Terms**	Respect workers' rights to fair and decent employment terms, prevent and remedy adverse impact.
17. **Occupational Health & Safety**	Respect workers' rights to healthy working and living conditions, provide all workers with the means and conditions for safe and healthy work, and prevent and remedy adverse impact
18. **Emergency Preparedness**	Respect the right of workers and stakeholders to keep themselves and other safe in the event of an emergency, by implementing a system to manage emergency responses, prevent and remedy adverse impact.
19. **Community Health & Safety**	Respect communities' rights to healthy and safe living conditions through the implementation of a system to prevent health and safety risks and remedy adverse impact.

20. **Community Development**	Contribute to economic and social development of affected communities through the implementation of a system to positively contribute to meet community needs.
21. **Artisanal & Small-Scale Mining**	Respect the human rights, create economic opportunities and contribute to the formalization and professionalization of artisanal and small-scale mining operations (ASM) where it is safe, and legally and/or legitimately possible.
22. **Security & Human Rights**	Implement a system to prevent and mitigate risks to human rights related to the conduct of private and public security forces, and remedy adverse impact.
23. **Indigenous Peoples' Rights**	Respect Indigenous Peoples' rights, including the right to free, prior, and informed consent and engage in an inclusive, transparent, respectful and culturally appropriate manner to prevent adverse impacts and create benefits for Indigenous Peoples.
24. **Land Acquisition & Resettlement**	Respect land rights, prevent involuntary resettlements and physical and economic displacement and, where that is not possible, provide fair compensation, restore or improve the livelihoods and standards of living of displaced people.
25. **Cultural Heritage**	Respect the cultural rights of affected stakeholders through the implementation of a system to prevent, and remedy adverse impact to cultural heritage.
ENVIRONMENT	
TOPIC	**CRITERIA**
26. **Climate Action**	Contribute to the goals of the Paris Agreement to curb global temperature rising to 1.5°C above pre-industrial levels through

		the implementation of a corporate or site-level, comprehensive, integrated climate-change mitigation and adaptation strategy.
27.	Greenhouse Gas Emissions' Reductions	Avoid, minimize, and compensate for scope 1, 2 and relevant scope 3 emissions through the definition of science-based goals and targets in line with the Paris Agreement.
28.	Water Stewardship	Avoid, minimize, rectify, and compensate for adverse impacts on water balance, flow quality, and access and needs of other water users and wildlife from operational activities.
29.	Waste Management	Avoid, minimize and recover all types of waste, including hazardous waste.
30.	Circular Economy	Promote a circular economy through the collection, reuse and recycling of materials at Sites, the reduction of waste and increased resource efficiency.
31.	Tailings Management	Avoid, minimize, rectify, and compensate for adverse impacts from tailings through the implementation of a system to manage on-land tailings in line with internationally recognized frameworks and good practice.
32.	Biodiversity and Productive Land	Avoid, minimize, restore or replace, and compensate for adverse impacts on biodiversity, soil and productive land, commit to a no-net loss and consider a net gain of biodiversity.
33.	Pollution	Avoid, minimize, rectify, and compensate for adverse impacts on human health and the environment caused by pollution from the introduction of poisonous and harmful substances to air, land, and water and from noise, light, and visual pollution.

CRITERION 1: Management System

> **Implement a corporate or site-level management system for the effective prevention, mitigation and remedy of risks and impacts related to environment, social, and governance (ESG) issues.**

I.   Implementation:

a. Interpretative Guidance

Relevance

Management systems are relevant for all Sites and all operational activities. The breadth and depth of management systems will vary. **System**s should be proportional to the size and complexity of the **Site**. Fit-for-purpose management systems at large industrial Sites with multiple operational activities and processes and employing thousands of **workers**, will be significantly more complicated and require a higher degree of formalization and more staff to operate than systems designed for small and medium-sized Sites with few core operational activities.

Corporate versus Site-level

Sites' ESG management systems may be at corporate or site-level; which means management systems may be designed and developed specifically for and by Sites, or Sites may participate in and apply the policies, procedures and practices of corporate management systems governed by a parent company or group.

Standalone or aggregated management systems

Sites may implement several stand-alone, topic-specific management systems or combine several topics into one or a few management systems. Although processes and responsibilities for the implementation of topic-specific management systems can be set up in a distributed manner, a Site is expected to express its commitments through a policy or combination of policies, or code of conduct, the assignment of senior leadership and **accountability**, and a continuous cycle of evaluation and improvement.

Risk-based due diligence

The management system of a Site needs to support **due diligence** measures that are tailored to the specific **risks** and **impacts** associated to its operations. This can involve prioritization when it is not possible to address all issues at once. The expected level of management effort should be proportional to the severity and likelihood of the prioritized risks and the type of management practice depends on whether the risk and impacts are potential (prevention and **mitigation**) and/or actual (remedy).

b. Core Requirements

Sites are expected to establish, implement and report on corporate or site-level management systems that enable them to conduct risk-based due diligence – identification, prevention, mitigation, and **remediation** – on risks and impacts from Sites' operational activities, and those of its supply chains, related to **ESG issues**. Sites should:

1. **Adopt policies that articulate the Site's ESG commitments,** which means that:
   - Sites develop and disseminate policies on ESG issues associated with the Site operational activities, including those in its supply chain (in line with Criterion 10 on Responsible Supply Chains)
   - The policies are publicly available, approved at senior level and communicated internally and externally

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- Specific policies on prioritized ESG issues, outlining the Site's approach to managing them, are either part of the overall policy commitment or available separately. The approach required to prioritize ESG issues is articulated in Criterion 2 Risk Assessment.

2. **Demonstrate appropriate governance of the policies**, which means that:
   - The policies are approved at the most senior level of the company e.g. executives and/or Board of Directors
   - Senior management has oversight and accountability on the policies' implementation
   - Roles and responsibilities are assigned to staff, according to their functions and competences, for the implementation of relevant management procedures and processes.

3. **Implement an action plan**, which means that:
   - Sites have **action plan**(s) in place, which define measures to prevent and mitigate prioritized ESG issues, and remediate the impacts. Details of these action plans are to be found in the respective RRA chapters
   - Sites have identified individuals and groups that might be at greater risks of **adverse impact** due to marginalization, vulnerability or other circumstances (e.g. women, Indigenous People, **human rights** or environmental defenders, migrant workers), and those are given particular attention in the design and implementation of the action plans.

4. **Effectively integrate and resource the action plan**, which means that:
   - Procedures and processes are established to integrate the action plan into business operations

- Appropriate internal resources are allocated to implement the action plan**(s)**; where *appropriate* it is used to indicate that resources are proportionate to severity and likelihood of the risks and impacts
- Training, procedural guidelines or other appropriate tools are available for staff engaged in the implementation of the action plan(s).

5. **Monitor and track the implementation of the action plan**, which means that:
   - Indicators and data collection mechanisms are developed to determine how the Site is implementing the action plans in its own operations, and if those actions are effective
   - Periodic evaluations are conducted to assess the effectiveness of the action plan(s), identify improvement needs and determine if risk prioritization requires updating in line with Criterion 2 Risk Assessment.

6. **Review the implementation of the management system**, which means that:
   - Sites have a process in place to adjust the policy, management system and resource allocations based on the results of their iterative risk assessment in line with Criterion 2 Risk Assessment.

7. **Remediate where appropriate**, which means that:
   - Sites have a defined approach to provide for or cooperate in remediation, based on whether the Site has **caused** or **contributed** or is linked to an adverse impact
   - When the Site has caused or contributed to an adverse impact it should seek to restore the **affected stakeholders** to the situation they would be in had the adverse impact not occurred and enable remediation that is proportionate to the impact
   - The approach to remediation should include: engagement with affected **stakeholder**s to define effective remedy; trained personnel; financial resources;

implementation of or cooperation to remedial actions; and senior accountability to oversee implementation

- The type of remedy or combination of remedies may include apologies, restitution or rehabilitation, financial or non-financial **compensation**, punitive sanctions, and taking measures to prevent future adverse impacts. When the Site is directly linked to an adverse impact in its supply chain, the Site should use its leverage on direct or indirect **business partners** to improve their performance, including through industry initiatives in line with Criterion 10 Responsible Supply Chains.

8. **Report publicly**, which means:
- To include in Sites', or Sites' parent or group's, sustainability reports, annual reports, or other appropriate forms of disclosure, relevant information on due diligence processes, with due regard for commercial confidentiality and other competitive or security concerns. This includes references to the Site's policies, management systems, prioritized ESG issues, planned actions, targets and progress. Reports should be issued at least annually in line with Criterion 6 on Sustainability Reporting
- Sites should demonstrate conformance of their environmental and OHS management systems with, respectively, ISO 14001 and ISO 45001. This can be achieved through an ISO certification in course of validity or by providing independent and qualified third-party evidence that Site environmental and OHS management systems are **functionally equivalent** to ISO standards.

II.   Key References:

Internationally Recognized Frameworks on Management Systems

The following international frameworks constitute key references for the interpretation and implementation of this Criterion:

- [United Nations Guiding Principles on Business and Human Rights (UNGPs)](#)
- [OECD Guidelines for Multinational Enterprises](#)
- [OECD Due Diligence Guidance for Responsible Business Conduct](#)
- [ISO 14000 Family of Standards](#)
- [ISO 45000 Family of Standards](#)

Additional Reading

The following international guidance may be useful for guidance purposes when implementing this Criterion:

- [IFC Performance Standard 1 Assessment and Management of Environmental and Social Risks and Impacts](#)
- [The UN Global Compact](#)

CRITERION 2: Risk Assessment

> **Conduct a risk assessment for the identification and prioritization of environmental, social and governance (ESG) issues.**

I.   Implementation:

a. Interpretative guidance

Relevance

Risk assessment is the first step in the **human rights** and environmental **due diligence** process of a **Site**. It enables a Site to identify and prioritize **ESG issues**, and it is instrumental to inform decisions on the preventative, **mitigation** and **remediation** actions that a Site needs to take to manage those **risks** and **impacts** (actual and potential), as well as associated resource allocation. The nature of risks associated with a Site's operations will change over time, as its operating context, activities and **business partners** also change. Implementation of this criterion is therefore an ongoing process.

Risk assessments are relevant for all Sites, all operational activities, and for all levels of decision-making, from corporate policies to ESG topics. The breadth and depth of the risk assessments will vary and should be proportional to Sites' size and complexity as well as to the severity of the risk. Large mining Sites occupying hundreds of acres, recovering minerals in hydrologically sensitive areas, and located near traditional communities remote from administrative centers, for example, will require risk assessments of far greater sophistication than a manufacturer or **fabricator** located in an urban setting where regulatory frameworks and oversight are clear and enforced.

Mining Sites are commonly subject to regulatory requirements to carry out **environmental impact assessment (EIA)**, **social impact assessment (SIA)** and/or human rights impact assessment (HRIA) for new projects or significant expansions of current projects. This criterion does not require a Site to conduct a formal EIA, SIA and / or HRIA. Where available, Sites are encouraged to integrate the results of EIAs, SIAs and / or HRIAs into the risk assessment.

Sites may have a risk register that is regularly updated, and which is often used to assess and record risks to business, be it to revenue, share price, reputation or possibly a combination of the three. This criterion requires Sites to assess ESG issues and impacts; irrespective of the potential impact those risks may have on the business.

Prioritized ESG issues

In the context of the RRA, a Site is expected to prioritize ESG issues based on severity and likelihood of **adverse impact**. Adverse impacts are considered to be equally relevant whether they impact human rights, the environment or both. The requirements for the prioritization process are articulated in this Criterion and build on the UNGP saliency assessment and the OECD assessment of significance.

Baseline

If baseline sampling was not completed before the start of operations, Sites should consider historical or synthetic data to establish an approximate baseline. If these are not available, the baseline may be taken from the time of the assessment.

b. Core Requirements

Sites should develop and implement a clear and deliberate process to identify and assess ESG issues that are associated to its operations and prioritize them for action. This means:

1. Carry out a scoping exercise with the objective of understanding ESG issues related to a Site's sector, products, geography and Site-specific risk factors.
   - The exercise should consider: type of operations of the Site, relevant ESG issues and affected **stakeholder**s
   - The exercise should be based on existing reports, **consultations** with stakeholders and experts, information generated via **early warning system** and **grievance** mechanisms
   - The scoping exercise should result in an initial prioritization of risk areas for further assessment.

2. Carry out iterative, in-depth assessments of relevant risk areas**,** starting with those defined as priorities. In-depth risk assessment should:
   - Be conducted by internal or external qualified experts
   - Incorporate information from other assessments, which means to consider the findings and conclusions of related and applicable plans, studies, reports, EIA, SIA, HRIA, assessments or evaluations prepared by experts, government authorities or other credible parties that are directly relevant to Sites
   - For human rights impacts:
     o consult and engage **affected stakeholders** in line with Criterion 8 **Stakeholder Engagement**, and where not possible consider their legitimate representatives such as trade unions and civil society groups and
     o pay special attention to stakeholders that may have a heightened risk of vulnerability or marginalization and to **gender**-specific risks.

- For environmental impacts:
    - the assessment should be guided by the best available science;
    - when lack of data, information or technology limits the understanding of environmental impacts, the Site should consider to what extent its operations align with widely recognized standards, international agreements and regulatory frameworks.
- Multiple issues may be grouped under one assessment, for example a HRIA, or an EIA.

3. The risk assessment should be:
- Ongoing
- Reviewed periodically and, at a minimum, every three years unless requirements under applicable regulations (e.g. EU Battery Regulation) are more stringent
- An integral part of the Sites' management **system**.

4. Prioritize ESG issues for action, where it is not possible to address all issues at the same time.
- Prioritization should be based on severity and likelihood. Severity may be a function of the following:
    - scale – this refers to the gravity of the adverse impact and
    - scope – this concerns the reach of the impact; for example, the number of individuals that are or will be affected or the extent of environmental damage
    - irremediability – this means any limits on the ability to restore the individuals or environment affected to a situation equivalent to their situation before the **adverse impact**.
- For human rights impacts, prioritization should be based primarily on severity and secondarily on likelihood.

5. Establish a baseline, which means to generate, gather, and analyze baseline indicators that describe the impact of the Site and against which the effectiveness of preventative, mitigation and remedy measures can be assessed.

6. Provide information for **management system**s, which means to:
   - Identify **action plans** to prevent, mitigate and remedy prioritized ESG issues
   - Ensure those action plans are allocated resources which are proportionate to the severity of the ESG issues and
   - Ensure the incorporation of those action plans into Sites' business policies, procedures, and processes in line with Criterion 1 on Management Systems.

7. In addition to the disclosure of any legally mandated impact assessments, Sites should publicly disclose their identified ESG issues:
   - Annually, subject to a materiality assessment in line with Chapter 6 Sustainability Reporting and
   - Timely – in an **accessible** and understandable manner to affected stakeholders, the information that is specifically relevant to them in line with Criterion 8 Stakeholder Engagement.

II. Key References:

Internationally Recognized Frameworks on and Including Risk Assessment

The following international frameworks constitute key references for the interpretation and implementation of this Criterion.

- [United Nations Guiding Principles on Business and Human Rights (UNGPs)](#)
- [OECD Guidelines for Multinational Enterprises](#)

- [OECD, Due Diligence Guidance for Responsible Business Conduct](#)

Additional Reading

The following international guidance on impact assessments may be useful for guidance purposes when implementing this Criterion:

- [The Danish Institute for Human Rights Guidance and Practical Tools for Conducting, Commissioning, Reviewing and Monitoring Human Rights Impact Assessments](#)
- [International Finance Corporation, Performance Standards, Guidance Note 1 on Performance Standard 1: Assessment and Management of Environmental and Social Risks and Impacts](#)
- [The International Association of Impact Assessment](#), various guidance on topic-specific impact assessments
- [The International Council on Mining & Metals, Good Practice Guidance on Health Impact Assessment](#)
- [The International Council on Mining & Metals, Integrating human rights due diligence into corporate risk management processes](#)

CRITERION 3: Business Integrity

> **Implement high standards of business integrity through the prohibition and effective prevention of bribery, money laundering, and anti-competitive behavior.**

I.   Implementation:

a. Interpretative Guidance

Relevance

Bribery, **money laundering**, and **anti-competitive behavior** are serious issues that can occur in all operational activities, irrespective of size, location, and function in the value chain. While bribery may occur at any operational activity, mining is particularly vulnerable to this issue. Bribery may occur at various stages in the decision-making chain, from the allocation of licenses and contracts for exploration and production, to the procurement of goods and services, and the allocation of revenues and social and economic spending.

b. Core Requirements

Sites are expected to ensure business integrity **risks** are minimized. This means:

1. **To demonstrate a commitment to business integrity**, which means to:
   - Have, and to communicate to **workers**, staff, **supplier**s, customers, and **business partners** a policy in line with Criterion 1 on **Management System**s, signaling that the Sites do not tolerate any form of bribery, money laundering and anti-competitive behavior.

2. **To identify the risk of bribery**, money laundering and anti-competitive behavior, which means to:

- Conduct **risk assessment**s in line with Criterion 2 on Risk Assessments
- Identify Sites' features, aspects, and operational activities that fall within the responsibility of Sites to manage, including those parts of the business and/or positions that are exposed to higher business integrity risks, workers directly and indirectly employed by Sites.

3. **To effectively prevent bribery, money laundering and anti-competitive behavior**, Sites should ensure that they take the necessary measures, in accordance with relevant local, national, and international laws and regulations, which means to:

- Implement and communicate zero tolerance of bribery, money laundering and anti-competitive behavior, including **facilitation payments** and other corrupt practices
- Enforce the policy through clauses in contracts with direct business partners, and communicate the Sites' policy to indirect business partners and encourage them to comply with it
- Maintain books and records, financial statement disclosures and accounting and auditing standards
- Establish clear criteria and procedures for the approval of gifts offered and received, taking into account thresholds that are acceptable, given the local context of customary exchange
- Establish clear criteria and procedure for the approval of charitable donations and political contributions
- Train workers on the anti-bribery, anti-money laundering and anti-competition policies and procedures

- Implement a **whistle blower mechanism** to alert management to the risk of or incidence of bribery, money laundering and anti-competitive behavior.

4. To publicly disclose risks, action plans, progress and results, which means:

- To report at least annually all relevant information needed clearly to inform **stakeholder**s of the steps taken by the Site to mitigate bribery, money laundering and anti-competition risks, in line with Criterion 6 on Sustainability Reporting.

II.   Key References

Internationally Recognized Frameworks

The following international frameworks constitute key references for the interpretation and implementation of this Criterion:

- [Transparency International, Business Principles for Countering Bribery](#)
- [ISO 37001: 2016](#)

International Conventions and Treaties

- [UN Convention Against Corruption](#)
- [OECD Convention on the Bribery of Foreign Public Officials in International Business Transactions (OECD Convention)](#)

Additional Reading

The following international guidance for businesses on bribery may be useful for guidance purposes when implementing this Criterion:

- [OECD recommendation for Further Combating Bribery of Foreign Public Officials in International Business Transactions, including Annex II Good Practice Guidance on Internal Controls, Ethics and Compliance](#)
- [OECD, Corruption in the Extractive Value Chain: Typology of Risks, Mitigation Measures and Incentives](#)
- [UN Global Compact, Transparency International, Reporting Guidance on the 10th Principle Against Corruption](#)
- [Transparency International, Anti-Corruption Toolkits for Business](#)
- [International Chamber of Commerce, Rules on Combating Corruption](#)

CRITERION 4: Revenue Transparency

> **Demonstrate corporate transparency and accountability through the public disclosure of all material payments to governments of taxes, royalties, signature bonuses, and all other forms of payments or benefits and support the Extractive Industries Transparency Initiative (EITI).**

I.   Implementation:

a. *Interpretative Guidance*

Relevance

This Criterion only applies to mining **Site**s.

EITI versus non-EITI implementing countries

Sites operating in an Extractive Industries Transparency Initiative (EITI) implementing country should report in line with the EITI. The EITI is now supported by complementary laws in several jurisdictions requiring public disclosure of payments on a company-by-company, country-by-country and project-by-project basis. Sites that do not operate in an EITI- implementing country should report either in line with the EITI or with one of the aforementioned complementary laws. Requirement 1 also applies to Sites in non-EITI implementing countries.

b. *Core Requirements*

Sites should publicly disclose all **material payments** to governments, including: taxes, royalties, signature bonuses and all other forms of payment of benefits. This means:

1. **To demonstrate a commitment to support the EITI** through a public statement of support for the EITI principles.

2. **To publicly disclose payments in line with the EITI if the Site is located in an EITI implementing country and, if not, to disclose payments in line with one of the following:**
   - [The EITI](#)
   - [The Canadian Extractive Sector Transparency Measures Act](#)
   - [The European Union's Accounting (and Transparency) Directives](#)
   - [Section 1504 of the US Dodd-Frank Wall Street Reform and Consumer Protection Act](#)

Additional Reading

The following international guidance for businesses on revenue transparency may be useful for guidance purposes when implementing this Criterion:

- [International Monetary Fund, Guide on Resource Revenue Transparency, 2007 Revised Edition](#)
- [The Extractive Sector Transparency Measures Act (ESTMA)](#)
- [EU Accounting Directive](#)

CRITERION 5: Legal Compliance

> **Implement high standards of business conduct through compliance with applicable national regulatory requirements, applicable cross-jurisdictional obligations and international law.**

I.   Implementation:

a. Interpretation Guidance

Relevance

This Criterion should be implemented for each topic in this guidance.

National versus international legal and regulatory requirements

If discrepancies or inconsistent requirements exist between national and international legal and regulatory requirements, **Site**s should follow the stricter requirements. In cases where the domestic law of a country sets different standards of protection than international legal and regulatory requirements, Sites should seek ways to honor the principles that provide the highest protection to **human rights** and the environment, without contradicting national regulatory requirements.

National legal and regulatory requirements versus RRA

The RRA may adopt elements that go beyond local legal **compliance** or require the demonstration of compliance with a given standard. In no case should a Site violate local laws to meet those requirements. If, however, there are discrepancies between the RRA and local law, a Site will be considered in alignment with the RRA when it meets the RRA's requirements.

b. Core Requirements

Sites are expected to comply with applicable national and cross-jurisdictional international laws (e.g. international humanitarian law), and regulatory requirements. This means:

1. **To identify applicable national and international laws and regulatory requirements**, which means to:
   - Develop and maintain a legal register
   - Conduct a comparative analysis of national and cross-jurisdictional international regulatory requirements to identify discrepancies or contradictions
   - Monitor continuously for legal and regulatory developments on national and international levels and remain up to date
   - Identify emerging areas where a **legal risk** exists and any potential **impact** on the Sites' operational activities.

2. **To implement a management system that enables compliance with applicable national and international laws and regulatory requirements**, which means to manage the risk of legal non-compliance in line with Criterion 1 on **Management System**s. As well as the requirements in Criterion 1, this means to:
   - Provide periodic training (at least every 2 years) on applicable legal and regulatory requirements to management and **workers**, depending on the Sites' internal responsibilities and the relevant and applicable laws to that department
   - Require management, workers and **supplier**s to implement policies, procedures and processes that ensure legal compliance in line with this Criterion
   - Maintain evidence of compliance with legal requirements pertaining to applicable RRA Criteria
   - Maintain detailed records of all required permits and licenses that are required for operational activities

- Maintain a record for the re-application and expiration timeline for each permit and license
- Maintain financial accounts related to fair and transparent business transactions under the applicable laws and in accordance with national and/or international accounting standards. All financial accounts should be verified by an independent qualified auditor who is not under any undue **influence** or bias
- Maintain detailed records of all instances where the business has identified non-compliance with laws or regulations, including details of corrective measures the business implemented to mitigate or correct non-compliance
- Establish internal control **system**s that aim to prevent and detect legal **offences**.

3. **To implement a whistleblower mechanism** that
   - Is known by and **accessible** to the Site workers to alert management of the risk of or incidence of legal non-compliance
   - Protects the confidentiality of the whistleblower
   - Provides measures of protection against the risk of **retaliation**
   - Is supported by a procedure to respond to and investigate the issue raised by the whistleblower within set timeframes.

II.   Key References:

Additional Reading

The following databases may be useful for guidance when implementing this Criterion:

- [ILO, NATLEX database](#)
- [ILO, LEGOSH database](#)
- [ILO, TRAVAIL database](#)

CRITERION 6: Sustainability Reporting

Enable corporate transparency and accountability and promote informed decision-making through the publication of annual reports on material environmental, social and governance (ESG) issues.

I. **Implementation:**

c. *Interpretative Guidance*

Relevance

Criterion 6 on Sustainability Reporting is relevant to all **Site**s, irrespective of size, business or organizational type, value chain function, country of operation and reporting experience.

Site level versus corporate level

Formal sustainability reporting may be implemented at Site or corporate level; it may be through stand-alone dedicated sustainability reports or be integrated as part of Sites' financial or annual reports. Reporting may be designed and developed specifically for and by Sites, or Sites' data may be incorporated into corporate-level reports in aggregated form.

Where Sites incorporate site-level reporting into corporate-level reporting and where corporate-level reports aggregate site-level information, Sites are expected to generate, analyze data, and document results for all the requisite aspects of all Criteria.

Site-level disclosures needed to meet the requirements of this standard are outlined in the topic-specific chapters e.g. Criterion 27 on GHG Emissions.

Reporting to affected stakeholders

Sustainability reporting as required in this Criterion does not substitute for communication of **ESG issues** to affected stakeholders. Guidelines on actions that the Site should take to **proactive**ly and timely inform affected stakeholders are found in Criterion 8 Stakeholder Engagement.

d. Core Requirements

Sites are expected to enable corporate **transparency** and **accountability** and promote informed decision-making through the publication of annual reports on their environmental, social and **governance** performance. A Site should:

1. **Identify material ESG issues** related to the Site and its supply chain based on the principle of **impact materiality**.

2. **Report on the Sites' material ESG issues** externally at a frequency that is relevant to the intended audience and at least annually. The report should include:
    -   A description of the identified **material** ESG issues
    -   Policies or commitments in place to manage the material ESG issues
    -   Actions taken or planned actions
    -   Where possible and relevant, quantitative or qualitative targets and KPIs.

3. To elaborate its sustainability reporting, Sites should utilize the **internationally recognized standard** or the combination of standards that is most appropriate to report on material **impacts**. Topic-specific reporting standards can be used in conjunction with universal standards. Those might include:
    -   The Global Reporting Initiative (GRI) Standard, including its Sector Standards where applicable

- The Sustainable Accounting Standards Board (SASB) Standard
- International Integrated Reporting Council (IIRC) Integrated Reporting Framework
- The Carbon Disclosure Project (CDP)
- The Task-Force on Climate-related Financial Disclosures (TCFD).

4. **Collect, measure, analyse and communicate** information that is:
   - Accurate - collected and analysed through robust methodologies and sufficient for stakeholders to evaluate the effectiveness of a Site's **due diligence** efforts to address material ESG issues
   - Disclosed with care - carried out with due regard for data protection, privacy protection, commercial confidentiality and other competitive or security concerns
   - Clear - available in a manner that is **accessible** and publicly available to stakeholders
   - Comparable - presented in a way that allows for an assessment of the Sites' performance over time as well as in relation to its peers
   - Verifiable - able to be demonstrated to be true by the Site, for instance via third-party verification of the report.

5. Sites subject to sustainability disclosure based on specific countries' regulatory requirements should:
   - Be aware of such requirements in line with Criterion 5, Legal Compliance
   - Ensure alignment between applicable regulatory frameworks and the reporting standards they invoke.

II.   Key References:

Internationally Recognized Frameworks

The following international frameworks constitute key references for implementation of this Criterion:

- The Global Reporting Initiative (GRI) Standard, including its Sector Standards where applicable
- IFRS Sustainability Disclosure Standards
- The Sustainable Accounting Standards Board (SASB) Standard
- International Integrated Reporting Council (IIRC) Integrated Reporting Framework
- The Carbon Disclosure Project (CDP)
- The Task Force on Climate-related Financial Disclosures (TCFD)

Additional Reading

The following literature may be useful for guidance when implementing this Criterion:

- GRI, The double-materiality concept. Application and issues
- EFRAG, Draft European Sustainability Reporting Guidelines 1 Double materiality conceptual guidelines for standard-setting, 2022
- OECD Guidelines for Multinational Enterprises
- GRI Reporting support tools

CRITERION 7: Grievance Mechanism

> **Respect the rights of adversely affected stakeholders' access to remedy, through the implementation or participation in an operational-level grievance mechanism aligned with the UNGPs.**

I.   **Implementation:**

a. Interpretative guidance

This Criterion requires Sites to establish and manage an operational-level **grievance mechanism** to address any grievance concerning how a Site's operations and supply chain is adversely affecting **workers**, communities or other **stakeholder**s.

Sites can meet this requirement by means of participation in a multi-stakeholder or institutional initiative that provides a grievance mechanism, if the mechanism is in line with Principle 31 of the UN Guiding Principles on Business and **Human Rights**.

b. Core requirements

Sites are required to implement effective grievance mechanisms in line with Principle 31 of the UN Guiding Principles on Business and Human Rights on non-judicial grievance mechanisms and in accordance with the **remediation** requirements outlined in Criterion 1 on Management Systems.

In addition, the Site should cooperate in **good faith** with judicial or non-judicial grievance mechanisms (e.g. National Contact Points) if grievances are raised that involve the Site.

Sites should:

1. **Determine the scope** of the operational-level grievance mechanism to include:
   - **Adverse impacts** on human rights
   - Adverse impacts on the environment including consideration for human rights' impacts caused by environmental damage
   - A Site's own operations and its supply chains
   - **Affected stakeholders**, including those that may have a heightened risk of vulnerability or marginalization as well as **environmental and human rights defenders**.

2. **Establish an operational-level grievance mechanism in line with the effectiveness criteria defined in UN Guiding Principle 31** (see explanatory note), which means to design, communicate, evaluate and document a formalized, mechanism, which is:
   - Legitimate
   - **Accessible**
   - Predictable
   - **Equitable**
   - Transparent
   - Rights-compatible
   - A source of continuous learning and based on dialogue and engagement with stakeholders.

3. **Implement a management system** for the investigation and resolution of grievances that includes:
   - Procedures and processes outlined in the explanatory note

- Training of workers and potentially affected stakeholders.

4. **Provide, cooperate (or enable access) to remedy for adverse impacts** that Sites have **caused**, **contributed** to, or been linked with. In addition to the requirements set out in Criterion 1, Management System, this means:
   - Have a process in place to ensure that affected stakeholders are consulted meaningfully in the definition of an effective remedy and that prevents their victimization
   - Have a process and resources in place to provide for financial and non-financial **compensation** (e.g. acknowledgement and apology, or rehabilitation and support), as required
   - Provide for or support legitimate remedy processes, or contribute to the actions of others providing remedy through State-based judicial, non-judicial or other mechanisms
   - Engage affected rights holders to assess whether remedy measures are achieving the desired effect.

Explanatory note

Interpretation of Effectiveness Criteria

- **Legitimate** - to meet this requirement, the Site should:
   - identify and consult with stakeholders on the design and periodic reviews of the grievance mechanisms, in line with Criterion 8 on **Stakeholder Engagement**;
   - define clear timelines and milestones to assess and investigate a grievance;

- establish processes that safeguard the impartiality of grievance management and enable escalations and
- train relevant staff on the grievance mechanism and on escalation processes.

- **Accessible** - to meet this requirement the Site should:
  - identify potential barriers to access and design the mechanism taking into consideration factors such as language, educational level, **gender**-diversity, local and cultural context and
  - communicate the availability of the grievance mechanism publicly and make it known to potentially affected stakeholders.

- **Predictable** - to meet this requirement the Site should:
  - have a clear process around submission, investigation and resolution of grievances and
  - make information on each step of the process available to stakeholders submitting a grievance.

- **Equitable** - to meet this requirement the Site should:
  - develop a policy or commitment to non-**retaliation**, confidentiality and safeguard of anonymity to protect stakeholders making a submission;
  - develop a process to appeal decisions;
  - assign staff to investigate and communicate on the grievance who is unbiased;
  - enable affected stakeholders to access advice and expertise necessary to engage in a grievance process on fair, informed and respectful terms and
  - engage with affected parties to determine if they are satisfied with the outcome of the grievance management process.

- **Transparent** - to meet this requirement the Site should:

- provide affected parties with regular updates on the status of a grievance;
- communicate outcomes to affected parties in clear and appropriate ways and
- report externally on grievances and actions taken in response.

- **Rights-compatible** - to meet this requirement the Site should:
  - manage grievances in a way that is compatible with the respect of international human rights.

- **A source of continuous learning -** to meet this requirement the Site should:
  - assess the root causes of submitted grievances;
  - seek feedback from affected stakeholders on the outcomes of the grievance process;
  - leverage the grievance mechanism as a source of information for the iterative risk-assessment as per Criterion 2 Risk Assessment and
  - have a process in place to revise the grievance mechanism at least every 5 years, after any changes to the business that may change **risks**, or upon any indication of a control gap in the process.

- **Based on dialogue and engagement** - to meet this requirement the Site should:
  - involve affected stakeholders in the resolution of a grievance and
  - regularly engage stakeholders to gain feedback on the grievance mechanism, paying special attention to stakeholders that may have a heightened risk of vulnerability or marginalization and to gender-specific risks.

II.   Key References:

Internationally Recognized Frameworks

The following international frameworks constitute key references for the interpretation and implementation of this Criterion:

- [The UN Guiding Principles on Business and Human Rights](#)
- [OECD Due Diligence Guidance for Responsible Business Conduct](#)

Additional Reading

The following literature may be useful for guidance when implementing this Criterion:

- [BSR, Access to Remedy](#)
- [Compliance Advisor Ombudsman Grievance Mechanism Toolkit](#)
- [Global Perspectives Project, Doing Business with Respect for Human Rights: Chapter 3.8 Remediation and Grievance Mechanisms](#)
- [International Council on Mining & Metals, Community Development Toolkit: Tool 5 Grievance Mechanism](#)
- [International Council on Mining & Metals, Handling and Resolving Local-level Concerns and Grievances: Human rights in the mining and metals sector](#)
- [IFC, Addressing Grievances from Project-Affected Communities](#)
- [IFC Performance Standards on Environmental and Social Sustainability Guidance Notes](#)
- [Harvard Kennedy School of Government's Corporate Social Responsibility Initiative, Embedding Rights Compatible Grievance Processes for External Stakeholders Within Business Culture](#)
- [Harvard Kennedy School of Government's Corporate Social Responsibility Initiative, Rights Compatible Grievance Mechanisms: A guidance tool for companies and their stakeholders](#)
- [Shift, Remediation, Grievance Mechanisms and the Corporate Responsibility to Respect Human Rights](#)
- [Transparency International, Internal Whistleblowing Mechanisms – Topic Guide](#)

- [UN Office of the High Commissioner for Human Rights, The Corporate Responsibility to Respect Human Rights: An Interpretive Guide](#)

CRITERION 8: Stakeholder Engagement

> **Enable stakeholders' early and continued participation in decisions that affect their health, well-being, safety, livelihoods, communities, and environment, through the implementation of an inclusive and meaningful engagement process.**

I.   Implementation:

a. Interpretative guidance

Relevance

Criterion 8 on **stakeholder engagement** is relevant to all **operational activities**, irrespective of size, location, or its function in the value chain.

Meaningful stakeholder engagement is a crosscutting expectation for all prioritized **ESG issues** and applies to all RRA Criteria. This Criterion defines how stakeholder engagement needs to be conducted in all areas where it is required.

Site versus government responsibilities

Where stakeholder engagement is the responsibility of the government, Sites should collaborate with the responsible government agency and play an active role during the planning, implementation, and monitoring of the stakeholder engagement process and, where needed, conduct a complementary process, and identify additional actions.

b. Core Requirements

Meaningful stakeholder engagement refers to ongoing engagement that is two-way, conducted in **good faith** by the participants on both sides and responsive to stakeholders' views. Engagement needs to be timely, accessible, appropriate and safe for stakeholders, with special attention paid to engaging with stakeholders at heightened risk of vulnerability and marginalization.

To this effect, the Site should:

1. **Identify and map (potentially) affected stakeholders and their legitimate representatives** including their ties to particular assets such as land, water, **biodiversity** or **cultural heritage** sites, **which means to**:
   - Identify and map the main stakeholder**s** that can be directly and indirectly impacted by ESG issues associated with the Sites' operational activities at all stages of the life-cycle (including exploration, closure and rehabilitation where applicable) through a systematic approach and ensure that this process is regularly updated
   - Include (but not be limited to) **workers**, affected communities, government representatives, **supplier**s, customers, investors, trade associations, and **environmental and human rights defenders**
   - Pay particular attention to stakeholder groups that might have a heightened risk of vulnerability and marginalization.

2. **Implement a system to ensure inclusive and meaningful engagement processes, which means to:**
   - Engage with identified stakeholders early in decisions that affect their health, **well-being**, safety, livelihoods, communities, and environment
   - Involve **affected stakeholders** in identifying, understanding and responding to Site or project-related decisions and concerns, including:

- identifying ESG issues;
- devising prevention and **mitigation** actions;
- identifying forms of remedy for **adverse impacts caused** or contributed to by the enterprise and
- communicating how ESG issues are being addressed.
- Promote a multi-stakeholder approach to stakeholder engagement whenever possible
- Ensure sufficient time for stakeholders to fully understand how decisions may affect them and to consider how they may respond or engage in the decision-making process
- Conduct ongoing engagement with the purpose of collating stakeholder inputs and **influence** decision-making on the Site's strategy to address prioritized ESG issues throughout the lifecycle of the operational activities, including earliest planning and design stages of the project
- Provide relevant information needed for stakeholders to make informed decisions in advance of **consultation** activities and decision-making in a format and language that is readily understandable, **accessible** and tailored to the needs of the target stakeholder(s)
- Engage, frequently and collaboratively with affected stakeholders, including **environmental and human rights defenders**, through a **good faith** consultation process that is fair, representative, free of intimidation, manipulation, interference or coercion and is non-discriminatory
- Ensure respect for local traditions, languages, timeframes, and decision-making processes
- Ensure two-way dialogue that gives all parties the opportunity to exchange views and information, to listen to alternative viewpoints and to have their concerns heard and addressed

- Hold a separate engagement process for **Indigenous Peoples** where relevant, respecting their right to **free, prior and informed consent (FPIC)**, in line with Criterion 23 on Indigenous Peoples' Rights, which requires Sites to implement an Indigenous Peoples' engagement plan
- Provide a mechanism that enables stakeholders to initiate engagement with the Site on ESG issues
- Ensure the implementation of an accessible and robust **grievance mechanism** in line with Criterion 7 on Grievance Mechanisms
- Follow-up with stakeholders to inform them of the implementation of agreed commitments.

3. **Publicly disclose identified impacts on stakeholders and the measures taken for their mitigation**, which means to:
- Report at least annually in line with Chapter 6 Sustainability Reporting how the company addresses **material** ESG issues and undertakes engagement;
- **Proactive**ly and timely report back to affected stakeholders or their legitimate representatives on prioritized ESG issues. The communication should:
  a. Explain actual and potential **impacts** on affected stakeholders with sufficient information to enable stakeholders to take decisions in their own interest and to evaluate the effectiveness of prevention and mitigation actions
  b. Be accessible to the intended audience taking into account literacy, language and cultural-communication barriers
  c. Explain how the Site plans to address the impacts
  d. Pose no **risks** to affected stakeholders, personnel or to legitimate requirements of commercial confidentiality.

II.   **Key References:**

International Operating Frameworks

The following international frameworks constitute key references for the interpretation and implementation of this Criterion.

- [The UN Guiding Principles on Business and Human Rights](#)
- [UN Guiding Principles Reporting Framework](#)

International Conventions and Treaties

- UN Human Rights Treaties and their Protocols, including:
    - [International Covenant on Civil and Political Rights](#)
    - [International Covenant on Economic, Social and Cultural Rights](#)
- [Universal Declaration of Human Rights](#)

Additional Reading

The following literature may be useful for guidance when implementing this Criterion:

- [OECD Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector](#)
- [AccountAbility Stakeholder Engagement Standard](#)
- [BSR, Five-Step Approach to Stakeholder Engagement Toolkit](#)
- [Global Perspectives Project, Doing Business with Respect for Human Rights: Chapter 3.7 Stakeholder Engagement](#)
- [International Finance Corporation, Stakeholder Engagement: A Good Practice Handbook for Companies Doing Business in Emerging Markets](#)

- [International Institute for Environment and Development, Meaningful Community Engagement in the Extractive Industries](#)
- [International Council on Mining & Metals, Community Development Toolkit](#)
- [International Council on Mining & Metals, Stakeholder Research Toolkit](#)
- [ISO 26000 Guidance on Social Responsibility](#)
- [Network for Business Sustainability, Community Engagement: A Getting Started Toolkit for Exploration and Development Companies](#)
- [Next Generation, How Stakeholder Engagement Improves Community Development Projects and Programmes](#)
- [OHCHR: Frequently Asked Questions about the Guiding Principles and Human Rights](#)
- [OHCHR: The Corporate Responsibility to Respect Human Rights: An Interpretive Guide](#)
- [PDAC, Community Engagement Guide](#)
- [UN Global Compact, Community Engagement and Investment to Advance Human Rights in Supply Chains](#)
- [UN Guiding Principles Reporting Framework with Implementation Guidance](#)
- [World Resources Institute, Breaking Ground: Engaging Communities in Extractive and Infrastructure Projects](#)

CRITERION 9: Mine Closure and Reclamation

> **Ensure the long-term environmental, economic and social stability of mining communities through the implementation of a system to manage and monitor mine closure and reclamation, and the allocation of financial provisions for mining reclamation, closure, and post-closure activities.**

I.   Implementation:

a. Interpretative guidance

Relevance

While the relevance of mine closure and **reclamation** becomes more pronounced towards the final phases of **Site**s' operational lives, planning for mine closure starts from the earliest stages of mine development. Therefore, this Criterion is relevant for a mine throughout its life cycle.

This Criterion's application should be proportional to the size, complexity, location, proximity to communities or populated areas, but it is relevant across all types and locations of mining Sites.

b. Core Requirements

Sites are expected to ensure the long-term environmental, social, and economic stability of mining communities, which means:

1. **To identify risks and opportunities from mine closure and reclamation**
   as well as the requirements in Criterion 2, where applicable to their **operational activities**, Sites should:

- Assess potential and actual **impacts** of the Site's **operational activities** including but not limited to:
  o land controlled and facilities managed by Sites;
  o rivers, streams, lakes, other water bodies, and coast lines affected by operational activities;
  o surface and sub-surface water sources managed or affected by operational activities;
  o **workers**, communities, households, and individuals affected by operational activities, including transport routes, warehousing and dock facilities, and auxiliary industries, and service providers;
  o equipment, machinery, and installed infrastructure that might remain at Sites post closure;
  o all potential and actual direct and indirect **adverse impacts** across all environmental, social, and **governance** aspects;
  o opportunities for where closure can create benefits for **affected stakeholders** and
  o all legal and regulatory requirements and potential liabilities related to mine closure.
- Establish a baseline, which means to generate, gather, and analyze relevant data and information on the status of Sites' features, aspects, operational activities, and **stakeholder**s in scope including but not limited to:
  o emissions and discharges to air, soil, water, and ecosystems and especially those that might continue post closure;
  o the physical and psychological health of neighboring communities and other affected stakeholders;
  o the traditions and **cultural heritage** of neighboring communities and other affected stakeholders;

      o   the business viability and economic linkages of outsourced auxiliary services to Sites and

      o   the level of tax revenue and other economic rent received from authorities from Sites.

2. **To implement an action plan to manage mine closure and reclamation,** a Site's plan should include, but not be limited to:

- Provisions to ensure that it is integrated into the life of mine planning, so that it becomes part of the short, medium and life of mine planning process, and that stakeholder involvement and community **consultation** are integrated throughout the mining-life cycle

- A vision for post-closure that is supported by affected stakeholders, which means to articulate what the Site and its stakeholders agree to achieve after decommissioning and the legacy it will leave behind. This vision should serve as an overarching guide for the decisions and their implications throughout the Site's life. It should be developed as early as possible in the process and as a part of early and ongoing **stakeholder engagement**, with the intention of preventing, mitigating or remediating adverse impacts of mine closure

- A land use opportunity assessment

- The continual involvement of stakeholders potentially affected by the activities and legacy of the **closure plan** in the development and implementation of the plan, in line with Criterion 8 on Stakeholder Engagement;

- Where possible, **mitigation** measures to avoid, reduce, restore, and compensate for impacts on the environment and to respect and remediate rights of people affected by a Site's closure and reclamation activities. These mitigation measures should address but not be limited to potential and actual impacts associated with:

- physical and **economic displacement** from land acquisition and divestment and **resettlement**, in line with Criterion 24 on Land Acquisition and Resettlement;
  - water use and quality in line with Criterion 28 on Water Stewardship;
  - hazardous and **non-hazardous waste disposal** in line with Criterion 29 on Waste Management;
  - **biodiversity** and high value conservation and **protected areas** in line with Criterion 32 on Biodiversity and Productive Land;
- Opportunities to **contribute** to the creation of benefits for post-mining communities, including the provision of support for mine workers and **supplier**s through engagement with local stakeholders to identify reskilling options and procurement opportunities from other regional mine sites and non-mining sector buyers
- Opportunities for **progressive closure**
- Make financial provision for closure and reclamation, which means to estimate and regularly review the costs associated with the closure and reclamation plan and provide adequate financial, human, and other resources to meet these costs. To assure financial provision, the Sites should ensure that they have sufficient funds to cover the reclamation and closure costs that have been identified in an appropriate financial vehicle that is independently guaranteed, reliable, and readily liquid. The size of the financial provision and how funds are segregated and secured should comply with all legal and regulatory requirements identified in impact assessments and in line with Criterion 5 on Legal Compliance
- An evaluation of **relinquishment** options and, if relinquishment is the goal, a clear pathway for achieving that goal

- Scenarios for temporary or sudden closure. For temporary closure, those scenarios should include maintenance and surveillance programs for protection of health, safety, and the environment as well as preservation of all necessary infrastructure. For sudden closure, Sites should have a contingency closure plan in place that identifies, at each stage of the mine life, the key areas of the Site closure plan that will require modification in the event of a sudden closure.

3. **To implement a management system for mine closure and reclamation.** As well as the requirements in Criterion 1, the Site should:
   - Establish procedures to ensure compliance with all relevant legal and regulatory obligations related to mine closure and reclamation in line with Criterion 5 on Legal Compliance
   - Develop and document a forward-looking program detailing goals and measurable targets for success and corresponding activities. Also, a timeline to mitigate the negative and capture the positive impacts of closing mine Sites, and to implement the plan
   - Generate a level of detail that is commensurate with the life of the mine timeline i.e. the closer to closure the mine is then the greater the level of detail required
   - Conduct continued monitoring of the performance of the closure and reclamation plan, which means to establish a **system** of controls and the implementation of indicators and protocols for collecting and analyzing information to evaluate the performance of the plan in achieving its objectives
   - Conduct annual reviews and, where necessary, continual amends and updates to adapt to changes in mine plans and to the social and economic circumstances of affected stakeholders.

4. **To disclose performance against implementation of the mine closure and reclamation plan,** which means to disclose all relevant information needed to

clearly inform stakeholders of a Site's related impacts and benefits from mine closure and reclamation, in line with Criterion 6 on Sustainability Reporting.

II.   Key References:

Additional Reading

- Australian Government, Department of Industry, Tourism and Resources; *Mine Closure and Completion, Leading Practice Sustainable Development Program for the Mining Industry*
- Initiative for Responsible Mining Assurance Standard for Responsible Mining – Guidance Document, Version 1.0, Criteria 2.6.2
- International Council on Mining & Metals Integrated Mine Closure: Good Practice Guide, 2nd Edition

CRITERION 10: Responsible Supply Chains

> **Respect regulatory requirements and promote responsible business conduct in supply chains through the implementation of corporate or site-level, comprehensive, integrated, iterative, and risk-based due diligence.**

I.   Implementation:

a. Interpretative Guidance

Relevance

The supply chain of a **Site** involves a variety of direct and indirect **business partners** including contractors, agents, **supplier**s, local and international intermediaries or traders, and joint venture partners. They also include entities that provide services, such as security providers and recruitment agencies.

Supply chain **due diligence** is expected of all Sites in scope of the RRA, whether those are mines, metal processors or **downstream** companies, and is an ongoing process to ensure business activities respect **human rights** and the environment and do not **contribute** to conflict, through **proactive** prevention and management of adverse **risks** and **impacts** in supply chains and business partners' operations.

Part 1 (Core Requirements) of this section applies to all supply chains of a Site, including direct and indirect business partners, and is grounded in the OECD Due Diligence Guidance for Responsible Business Conduct. Part 2 (Responsible Minerals Sourcing) applies only to the mineral supply chain and requires the Site to conduct due diligence in line with the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas.

Adherence to requirements

This chapter makes reference to, and needs to be read together with, Criterion 1 and Criterion 2. Where signposted, details on the implementation of this Criterion's requirements will be found in Criterion 1 and 2.

b. Part 1: Core Requirements

Sites are expected to respect regulatory requirements and promote **responsible business conduct** in supply chains through the implementation of corporate or site-level, comprehensive, integrated, iterative, and **risk-based due diligence** processes. Sites should:

i. **Embed responsible business conduct into supply chain due diligence policy and management systems,** which means that:
   - **Site**s adopt and disseminate a policy or policies on **ESG issues** associated with the Site's supply chains (in line with Criteria 1 and 2), which articulate the Site's commitment to respecting human rights and labor rights, and to avoiding and addressing adverse environmental impacts:
     o the policy is publicly available and communicated internally and externally and proactively shared with relevant **stakeholder**s. Where relevant, the policy should be made available in local languages, and should be accessible and understandable to all **workers**;
     o the supply chain policy includes a commitment to conduct **risk-based due diligence** (i.e. identify, prioritize, mitigate, prevent, monitor, communicate and remedy) on ESG issues in the Site's supply chains and
     o the policy is periodically reviewed to be: responsive to the findings of the Site's **risk assessment**; engagement with direct and indirect **business**

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Adherence to requirements

This chapter makes reference to, and needs to be read together with, Criterion 1 and Criterion 2. Where signposted, details on the implementation of this Criterion's requirements will be found in Criterion 1 and 2.

b. Part 1: Core Requirements

Sites are expected to respect regulatory requirements and promote **responsible business conduct** in supply chains through the implementation of corporate or site-level, comprehensive, integrated, iterative, and **risk-based due diligence** processes. Sites should:

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   - **Site**s adopt and disseminate a policy or policies on **ESG issues** associated with the Site's supply chains (in line with Criteria 1 and 2), which articulate the Site's commitment to respecting human rights and labor rights, and to avoiding and addressing adverse environmental impacts:
     o the policy is publicly available and communicated internally and externally and proactively shared with relevant **stakeholder**s. Where relevant, the policy should be made available in local languages, and should be accessible and understandable to all **workers**;
     o the supply chain policy includes a commitment to conduct **risk-based due diligence** (i.e. identify, prioritize, mitigate, prevent, monitor, communicate and remedy) on ESG issues in the Site's supply chains and
     o the policy is periodically reviewed to be: responsive to the findings of the Site's **risk assessment**; engagement with direct and indirect **business**

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i. **Embed responsible business conduct into supply chain due diligence policy and management systems,** which means that:
   - **Site**s adopt and disseminate a policy or policies on **ESG issues** associated with the Site's supply chains (in line with Criteria 1 and 2), which articulate the Site's commitment to respecting human rights and labor rights, and to avoiding and addressing adverse environmental impacts:
     o the policy is publicly available and communicated internally and externally and proactively shared with relevant **stakeholder**s. Where relevant, the policy should be made available in local languages, and should be accessible and understandable to all **workers**;
     o the supply chain policy includes a commitment to conduct **risk-based due diligence** (i.e. identify, prioritize, mitigate, prevent, monitor, communicate and remedy) on ESG issues in the Site's supply chains and
     o the policy is periodically reviewed to be: responsive to the findings of the Site's **risk assessment**; engagement with direct and indirect **business**

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Adherence to requirements

This chapter makes reference to, and needs to be read together with, Criterion 1 and Criterion 2. Where signposted, details on the implementation of this Criterion's requirements will be found in Criterion 1 and 2.

b. Part 1: Core Requirements

Sites are expected to respect regulatory requirements and promote **responsible business conduct** in supply chains through the implementation of corporate or site-level, comprehensive, integrated, iterative, and **risk-based due diligence** processes. Sites should:

i. **Embed responsible business conduct into supply chain due diligence policy and management systems,** which means that:
   - **Site**s adopt and disseminate a policy or policies on **ESG issues** associated with the Site's supply chains (in line with Criteria 1 and 2), which articulate the Site's commitment to respecting human rights and labor rights, and to avoiding and addressing adverse environmental impacts:
     o the policy is publicly available and communicated internally and externally and proactively shared with relevant **stakeholder**s. Where relevant, the policy should be made available in local languages, and should be accessible and understandable to all **workers**;
     o the supply chain policy includes a commitment to conduct **risk-based due diligence** (i.e. identify, prioritize, mitigate, prevent, monitor, communicate and remedy) on ESG issues in the Site's supply chains and
     o the policy is periodically reviewed to be: responsive to the findings of the Site's **risk assessment**; engagement with direct and indirect **business**

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Adherence to requirements

This chapter makes reference to, and needs to be read together with, Criterion 1 and Criterion 2. Where signposted, details on the implementation of this Criterion's requirements will be found in Criterion 1 and 2.

b. Part 1: Core Requirements

Sites are expected to respect regulatory requirements and promote **responsible business conduct** in supply chains through the implementation of corporate or site-level, comprehensive, integrated, iterative, and **risk-based due diligence** processes. Sites should:

i. **Embed responsible business conduct into supply chain due diligence policy and management systems,** which means that:
   - **Site**s adopt and disseminate a policy or policies on **ESG issues** associated with the Site's supply chains (in line with Criteria 1 and 2), which articulate the Site's commitment to respecting human rights and labor rights, and to avoiding and addressing adverse environmental impacts:

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partners and affected stakeholders in the company's supply chains; and periodic evaluations of the effectiveness of the **action plan**.

- Sites adopt specific policies on prioritized ESG issues, outlining the Site's approach to manage them, either as part of the overall policy commitment or separately

- Sites incorporate supply chain due diligence expectations and policies into engagement with business partners, which means to:
  - o communicate the expectations to business partners, including, where applicable, through contracts and written agreements;
  - o provide training and other resources to business partners to help them understand and implement the due diligence expectations and
  - o within written agreements or contracts with business partners, Sites have a documented process to follow in cases of non-**compliance**, including an escalation process in the event of non-compliance.

- Sites demonstrate appropriate governance of the supply chain policy in line with the requirements of Criterion 1 Management System. Appropriate internal resources, financial and otherwise, are allocated to implement the supply chain policy and relevant action plan(s).

ii. Identify, assess and prioritize ESG issues in supply chains, which means that:
- In line with Criterion 2 Risk Assessment, the Site carries out a scoping exercise (e.g. types of business relations, risks related to geography or to sectors) with the objective of understanding ESG issues related to its supply chains. The result is an initial prioritization of risk areas for further assessment

- In line with the requirements of Criterion 2 Risk Assessment, the Site carries out iterative, in-depth assessments of risk areas, starting with those defined as priorities
- The Site determines the nature of the Site's involvement with the ESG issues in order to determine whether the Site has **caused** or contributed to an **adverse impact**, or is directly linked to an adverse impact, through its supply chain
- In line with the requirements of Criterion 2 Risk Assessment, the Site prioritizes ESG issues based on their severity and likelihood.

iii. **Implement an action plan for prevention and mitigation of prioritized ESG issues**, which means that:
- Sites have **action plan(s)** in place to address the prevention or **mitigation** of the prioritized ESG issues
- Sites should use leverage to **influence** the direct or indirect business partners that are causing or contributing to the adverse impacts
- Sites should cease the actions that are causing or contributing to adverse impacts
- Sites (where relevant) proactively include the enablement of participation by small and medium-scale enterprises (SMEs), **artisanal and small-scale miners (ASM)**, and affected communities in their risk prevention and mitigation plans.

Leverage is the ability of a Site to influence the practices of a business partner who is causing an adverse impact. Leverage aims to influence the business partner to prevent, mitigate or remediate that impact. The Site can exercise it alone or through industry initiatives.

A Site might face limitations on the degree of leverage it can exercise; for example, when it is a minority partner in a joint venture, or due to the nature of the product the site is purchasing.

When a Site does not have sufficient leverage then it should seek ways to enhance the leverage, considering also soft forms - for instance, through capacity building, communicating expectations to business partners, engaging with regulators or cooperating with other entities. As long as the Site remains in the business relationship it should demonstrate efforts to build leverage, with disengagement as a last resort.

- Sites respond to the prioritized ESG issues associated with their business partners through:
    - continuation of the relationship via ongoing prevention, mitigation and remedy efforts;
    - temporary suspension of the relationship while pursuing ongoing prevention, mitigation and remedy efforts or
    - as a last resort, disengagement with the business partner after: failed attempts at prevention or mitigation; where prevention or mitigation is not feasible, or because of the severity of the adverse impact.

- When deciding to disengage, a Site should:
  - assess the potential negative impacts of disengagement;
  - formulate an exit plan in **consultation** with **affected stakeholders** and
  - communicate to business partners the decision to disengage with sufficient notice.

iv. **Monitor and track the implementation of the action plan(s)**, which means that:
  - Sites track the implementation and effectiveness of measures to identify, prevent and mitigate impacts. This may include, but not depend exclusively upon, audits. Lessons learned are used to improve future processes
  - Periodic evaluations are conducted to assess the effectiveness of the **action plan(s),** identify improvement needs and determine if risk prioritization requires updating

v. **Communicate externally,** which means to:
  - Report formally and publicly, with due regard for commercial confidentiality and other competitive or security concerns, on Sites' supply chain due diligence processes including: prioritized ESG issues, planned prevention, mitigation and **remediation** actions, progress and results, in line with Criterion 6 on Sustainability Reporting
  - Communicate to affected stakeholders, in a timely, **accessible** and understandable manner, the information that is specifically relevant to them in line with Criterion 8 Stakeholder Engagement.

vi. **Remediate where appropriate**, which means that:
  - Sites have a defined approach to provide or cooperate with remediation in its supply chain, based on whether the Site has caused or contributed, or is linked to, an adverse impact

- Provision of remedy and type of remedy should be determined based on the requirements outlined in Chapter 1 Management System
- Sites should encourage or require suppliers to put in place both: a defined approach to provide or cooperate with remediation in their operations or supply chain, and an operational **grievance mechanism** in line with the UNGP effectiveness criteria.

c. Part 2: Responsible minerals sourcing

It is of paramount importance for Sites to conduct **due diligence** to determine whether the minerals in their supply chain originate from or are transported through **conflict-affected or high-risk areas (CAHRAs)**, thereby triggering the obligation for enhanced due diligence and reporting procedures. Guidance for determining CAHRAs may be defined per OECD Minerals Guidance-aligned standards.

Part 1 (Core Requirements) above applies to all elements of a Site's supply chain. Here, Part 2 (Responsible Minerals Supply Chain Policies and Procedures) applies only to the mineral supply chain, and includes information regarding the enhanced due diligence procedures required if red flags are present in the mineral supply chain. Requirements outlined in Part 2 do not substitute for but complement the due diligence efforts that are expected by all Sites, and are outlined in Part 1.

The section below is a non-exhaustive summary of requirements applicable to Sites producing or sourcing minerals, directly or indirectly. The provisions defined in this chapter should not be construed as comprehensive guidance and do not represent an OECD-aligned standard. It is the Site's responsibility to determine the appropriate standard(s) to enable it to meet regulatory and market expectations. Sites are

encouraged to contact the standard owners directly for information on their applicability, alignment with the OECD Guidance, and their specific compliance requirements.

For additional information, visit the RMI or The Copper Mark, both of which have developed OECD-aligned standards.

In addition to implementation of Part 1, Sites should:

i. **Embed responsible business conduct into mineral supply chain due diligence policy and management systems,** which means that:

    - Sites adopt and disseminate, to suppliers and the public, a responsible minerals supply chain policy associated with the activities and topics in this guidance (in line with Criteria 1 and 2 and the OECD Minerals Guidance Model supply chain policy). This can be the same policy as the one described in Part 1 or a stand-alone policy. Coverage should include the Annex II risks found in the OECD Minerals Guidance along with the prioritized issues identified through application of Part 1 of this chapter

    - Sites establish **system**s of control or **transparency** over the mineral supply chain, including identification of **upstream** actors. This may be implemented through the company or with the support of upstream mechanisms.

    - Where possible, Sites assist suppliers in building their capacities to improve their due diligence performance.

Upstream Sites:

    - In addition to the requirements above, Sites should have a **chain of custody** or **traceability** system if the Site is based in a CAHRA or if red flags have been identified in the Site's mineral supply chains. Information generated should be available on a disaggregated basis. Details on the chain of custody requirements and relevant data are defined in the OECD-aligned standards in greater detail.

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ii. **Identify and assess risks and impacts in mineral supply chains,** which means that:

- Sites conduct a risk assessment annually, or whenever there is a change of circumstances in the Site's supply chain
- Sites determine whether the minerals in their supply chain are extracted, traded, transported or exported from a conflict-affected or high-risk area (CAHRA). Resources exist for Sites to identify CAHRAs, and they may also contact RMI or The Copper Mark for further information
- Sites identify whether red flag locations of mineral origin or transit or supplier red flags are present in their supply chain, per the OECD-aligned standards.

Downstream Sites:

- Sites develop a process to undertake assessments at strategic points in the mineral supply chain, referred to as "identified points" or "pinch points." Identified points (usually the smelters, refiners or mineral processors in the supply chain) typically meet the following criteria, and are:
   - key points of transformation in the supply chain;
   - stages in the supply chain that generally include relatively few actors and that process a majority of the commodity;
   - stages in the supply chain with visibility and control over the circumstances of production and trade upstream and
   - stages in the supply chain that present the greatest points of leverage of downstream enterprises.
- Sites support independent third-party audits of identified points' due diligence practices
- Sites assess the due diligence practices of identified points in its supply chain

- The implementation of due diligence is the responsibility of a Site. Sites may implement one or more elements of this chapter through collective efforts involving supply chain stakeholders and other relevant stakeholders. This does not release companies from being responsible for the scope and quality of due diligence in their own supply chains.

Upstream Sites:
- Sites determine the scope of the risk assessment of the mineral supply chain, targeting minerals and suppliers triggered by the red-flag locations of mineral origin or transit or supplier red-flag analysis, along with the prioritized issues identified through application of Part 1 of this chapter
- Sites map out the factual circumstances of supply chains where red flags have been identified, clarifying mineral chain of custody and identifying the locations and conditions of the extraction, trade, handling and export of the minerals, for the purpose of informing the mineral supply chain risk assessment.
- Sites carry out on-the-ground risk assessments for CAHRAs or red-flagged suppliers, **materials** or supply chains.

iii. **Implement an action plan for prevention and mitigation of risks and impacts**, which means that:
- Sites report findings of the mineral supply chain risk assessment to designated senior management
- Sites take necessary steps to build leverage over suppliers or upstream actors who can most effectively prevent or mitigate identified risks and impacts
- Sites consult with suppliers and potentially affected stakeholders to agree on the appropriate prevention or mitigation strategy
- Sites track the implementation and effectiveness of risk mitigation measures. Risk mitigation should be adjusted to the Site's specific suppliers and the

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contexts of their operations, state clear performance objectives within a reasonable timeframe, and include qualitative and/or quantitative indicators to measure improvement

- Regarding Annex II risks, Sites should refer to OECD Minerals Guidance Annex I Model Policy to guide their risk management
- Sites conduct ongoing risk monitoring, including undertaking additional fact and risk assessments for risks requiring prevention or mitigation. After implementing a risk prevention and mitigation strategy, Sites repeat Step 2 (risk assessment) to monitor effectiveness of the risk management plan.

***Downstream** Sites:*

- Where appropriate, Sites assist suppliers in capacity-building to improve risk management.

***Upstream** Sites:*

- Sites implement, monitor and track performance of risk prevention and mitigation in cooperation and/or consultation with local and central authorities, other upstream Sites, international or civil society organizations, and affected stakeholders
- Sites are encouraged to engage with relevant stakeholders towards progressive minimization and elimination of adverse impacts within a reasonable time frame
- Sites carry out actions to prevent or remediate identified risks through, for example, participation in relevant programs, support for vocational training or formal education, awareness-raising campaigns, other forms of education, and/or psychosocial support
- Sites engage in multi-stakeholder efforts to assist vulnerable populations, directly or through participation in a relevant program. Where this includes artisanal and small-scale miners, see Criterion 21 Artisanal and Small-Scale Mining.

iv. **Carry out independent third-party audit of mineral supply chain due diligence at identified points in the supply chain**, which means that:

- Sites ensure companies at **identified points in the supply chain** (e.g. smelters and refiners or mineral processors) have their due-diligence practices audited by independent third parties. Audits may be used to inform the effectiveness tracking required in Part 1.

Upstream companies:

- Sites at identified points in the supply chain publish their summary audit reports, including the details and dates of the audit report, and the audit activities and methodology, with due regard to business confidentiality or other competitive or security concerns. The report includes audit conclusions.

v. **Report formally and publicly** on mineral supply chains due diligence, in line with Part 1. Different levels of detail are expected with disclosure, whether or not red flags have been identified in Sites' supply chains.

- In addition to the requirements above, Sites disclose their risk assessment process, actual or potential risks identified, including Annex II risks and any other risks identified
- Sites describe the steps taken to manage risks. This should include a summary of the strategy for risk mitigation in the risk-management plan, including how Sites responded to specific risks or incidents
- Sites outline their mitigation and prevention actions, including those addressing Annex II risks and others
- Sites disclose the implementation and effectiveness of risk-mitigation efforts
- Sites describe the involvement of affected stakeholders.

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Downstream Sites:

- Sites explain the methodology of their supply chain risk assessments
- Sites disclose the published list of "identified points" (smelters and refiners or mineral processors) in their supply chain that are qualified through industry schemes.

Upstream Sites:

- Sites outline the steps taken to map out the factual circumstances of supply chains where red flags have been identified
- Sites disclose the risks and impacts identified and publish the results of on-the-ground risk assessments
- Sites disclose capacity building and training of suppliers and relevant workers, if any, in the last 12 months
- Sites disclose involvement with affected stakeholders in the last 12 months
- Where relevant, Sites disclose information on payments made to governments.

vi. Remediate where appropriate, in line with the requirements of Part 1.

II. Key References:

Internationally Recognized Frameworks

The following international frameworks constitute key references for the interpretation and implementation of this Criterion.

- [OECD, Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas, Third Edition](#)
- [OECD, Due Diligence Guidance for Responsible Business Conduct](#)
- [United Nations Guiding Principles on Business and Human Rights (UNGPs)](#)

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- [OECD Guidelines for Multinational Enterprises on Responsible Business Conduct](#)
- [OECD, Artisanal and small-scale gold mining](#)
- [The European Partnership Responsible Minerals Due Diligence Hub](#)
- [Doing Business with Respect for Human Rights: A guidance tool for companies](#)
- [The Responsible Minerals Initiative, Responsible Minerals Assurance Process (RMAP): Documents and Tools](#)

CRITERION 11: No Child Labor

> **Prohibit, prevent and remedy the employment of children below the age of 15, and ensure that young workers below the age of 18 are not exposed to the worst forms of child labor, including hazardous work.**

I.   Implementation:

a. Interpretative guidance

Relevance

While **child labor** is a serious issue that can occur in all businesses, irrespective of size, location, or function in the value chain, the occurrence of child labor varies considerably by mineral and by country and region.

Child labor is mostly evident in supply chains that rely on unskilled cheap labor. Most minerals and metals are extracted and processed at industrial mining operations and facilities that are increasingly mechanized and depend mostly on highly skilled labor. However, there is a risk of child labor being present in indirect **employment** contracts, such as outsourced auxiliary functions of an operation or in supply chains serving industrial mining, processing, and manufacturing facilities. For example, apparel and uniform **supplier**s, employment agencies, and food vendors are outside the direct control of **Site**s' employment policies and might not apply similarly high standards. The risk of child labor is also particularly known to be present in artisanal and small-scale mines (ASM). Sites should consider these less obvious parts of their business to ensure they are not associated with child labor and, where there is a risk of association, take measures for its prevention and **remediation**.

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Minimum age for admission to employment

The ILO Minimum Age Convention (ILO C138) sets the minimum age for admission to employment at 15 years of age. The Convention recognizes that certain countries have, due to exceptional circumstances, set their minimum age of work at 14 years old. The ILO explicitly permits this in certain narrow circumstances. This guidance also recognizes those same ILO exceptions.

Hazardous work

The ILO Worst Form of Child Labour Convention (ILO C182) defines **hazardous work** as work, which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

b. Core Requirements:

Sites are expected to prohibit and prevent **child labor** and hazardous work for **young workers** and address **adverse impacts** which they have **caused** or are linked to by conducting **due diligence** in line with the UN Guiding Principles on Business and **Human Rights**. This means:

1. **To demonstrate a commitment to prohibit child labor that includes:**
   - Not employing, directly or indirectly, children below 15 years, in consideration of ILO Convention C138, unless the exceptions recognized by the ILO apply;
   - Prohibiting hazardous work for **workers** under 18 years of age and protecting young workers from conditions of work which are prejudicial to their health, safety, morals, and development in consideration of ILO Convention C182.

2. **To identify risks of** child labor. As well as the requirements in Criterion 2, **risk assessment** should:

- Assess potential and actual **impacts** of the Site's operational activities including:
  - workers directly and indirectly employed by Sites and
  - **business partners** and suppliers operating in areas considered to be at risk of employing child labor in line with Criterion 10 on Responsible Supply Chains.
- Communicate impacts to **affected stakeholders** in ways that are physically **accessible** and understandable.

3. **To communicate the commitment and assign responsibilities for implementation**, which means:

- Commitments to prohibit and prevent child labor, and **action plans** have been communicated to relevant staff, suppliers, customers, business partners and **stakeholder**s
- Roles, responsibilities, and accountabilities for implementation of the commitment and action plans are clear, and resources have been assigned to support implementation
- Measures to prevent child labor and protect young workers are included in the training of relevant personnel.

4. **To implement an action plan to prevent and mitigate risks of child labor** which means to:

- Identify areas and activities of hazardous work in its operations, with reference to the country of operation's list of hazardous activities, its labor laws and regulations, to define which work can be performed by young workers and prevent the employment of young workers in hazardous work
- Establish robust age-verification mechanisms to ensure children are not being contracted to work on companies' Sites

- Provide **Occupational Health and Safety** training specific to young workers
- Define working hours and scope of work that do not harm young workers and allow attendance of school or training programs
- Where companies engage contractor workforces providing services on Sites – such as construction, engineering, operating a business process or activity, cleaning, catering and security – ensure that the policies, procedures or processes are applied in full to these workforces.

5. **To implement a management system to prevent and mitigate risks of child labor.** As well as the requirements in Criterion 1, the Site should:
- Consult with engaged key stakeholders (e.g., governments, communities, and civil society organizations) regarding prioritized risk identification and action planning
- Establish procedures or processes to implement the action plan and track its effectiveness
- Maintain copies of documentary evidence of workers' ages where legally allowed
- Where companies identify the risk of association of child labor with businesses in their supply chain, take enhanced measures to ensure the policy and procedures are applied.

6. **To remediate** child labor means to include in the **management system** procedures to remediate cases of child labor. As well as the requirements in Criterion 1, the Site should:
- Implement or participate in a **grievance mechanism** to alert management to the risk of or incidence of child labor in line with Criterion 7 on Grievance Mechanism
- Train young workers on how to use the grievance mechanism;
- Establish a procedure to provide for or participate in remedy if a child labor incident arises in its operations. The procedure should include:

- o Investigating the root causes of the incident
- o Assessing the child's individual situation to identify which remediation steps are most appropriate for the specific case, with the ultimate objective of protecting the welfare of the child
- o Allocating adequate financial and other resources to the rehabilitation of the child;
- Implement effective remediation steps in case child labor is found, which should include the immediate removal of the child from work;
- Provide access to qualified independent third parties and to a legitimate escalation channel (e.g. to a State-based judicial or non-judicial grievance mechanism) to which the victim can recur if the Site is not able to provide effective remedy.

7. **To publicly disclose** impacts, planned actions, progress and results, in line with Criterion 6 on Sustainability Reporting, taking care that children's safety, privacy and identities are protected throughout reporting.

II.   Key References

Internationally Recognized Frameworks
The following international frameworks constitute key references for the interpretation and implementation of this Criterion:

- The UN Guiding Principles on Business and Human Rights
- ILO Convention C138 on Minimum Age
- ILO Convention C182 on Worst Forms of Child Labour

International Conventions and Treaties

- [United Nation's Convention on the Rights of the Child](#)
- [ILO Declaration on Fundamental Principles and Rights at Work](#)

Additional Reading

The following literature may be useful for guidance when implementing this Criterion:

- [ILO, Checkpoints for Companies – Eliminating and Preventing Child Labour](#)
- [ILO, International Organization for Employers (IOE) – Child Labor Guidance Tool for Business](#)
- [OECD, Practical Actions for Companies to Identify and Address the Worst Forms of Child Labor in Mineral Supply Chains](#)
- [Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict](#)

CRITERION 12: No Forced Labor

Prohibit, prevent and remedy forced labor in any form, including but not limited to, bonded (including debt bondage) or indentured labor, involuntary or exploitative prison labor, slavery or trafficking of person and adhere to international principles of responsible recruitment.

I.   Implementation:

a.   Interpretative guidance:

To assess the risk of **forced labor** in its operations and supply chain, the **Site** should consider the full range of **rights holders** that can be impacted by its operations and business relations, with specific consideration given to **workers** that might be vulnerable to the risk of forced labor, such as migrant workers. Those include the Site's own workforce, indirect **employment** contracts, outsourced auxiliary functions such as construction workers, apparel and uniform **supplier**s, employment agencies and food vendors. Sites should consider these less obvious parts of their business to assess the **risk** of association with **forced labor** and, where there is a risk of association, take measures for its prevention and **remediation**.

b.   Core Requirements:

Sites are expected to prohibit, prevent and remedy **forced labor** by conducting due diligence in line with the UN Guiding Principles on Business and Human Rights. This means:

1. **To demonstrate a commitment** to prohibit, prevent and remedy **forced labor** that includes:

   - Not engaging, directly or indirectly, tolerating, or supporting forced labor, bonded labor or involuntary or exploitative prison labor in consideration of ILO Conventions No. 29 and No. 105

   - Adhering to internationally recognized **responsible recruitment** principles.

2. **To identify risks of** forced labor. As well as the requirements in Criterion 2, the Site should include:

   - Workers directly and indirectly employed by Sites
   - **Business partners** and suppliers in line with Criterion 10 on Responsible Supply Chains.

3. **To communicate the commitment and assign responsibilities for implementation**, which means:

   - Commitments and **action plans** have been communicated to relevant staff, suppliers, customers, business partners and **stakeholder**s
   - Roles, responsibilities, and accountabilities for implementation of the commitment and action plans are clear, and resources have been assigned to support implementation
   - Prohibition of forced labor is included in the training of relevant personnel.

4. **To implement an action plan to prevent and mitigate risks of forced labor,** which means to:

   - Not allow the use of physical coercion, abuse, or inhuman treatment practices
   - Not allow the restriction of the freedom of movement of workers in the workplace or in on-site housing

- Not allow unlawful retention of wages, benefits or illegal deductions, including under so-called "**debt bondage**" agreements

- Not allow withholding of original copies of workers' personal documentation, such as identity papers or passports, and valuables

- Not allow the requiring of any form of deposit, **recruitment fee**, or equipment advance from workers, either directly or through recruitment agencies

- Pay wages on time and to each worker directly

- Allow workers to leave work and freely terminate their employment upon due notice

- Consult with engaged key stakeholders (e.g. governments, communities, and civil society organizations) regarding prioritized risk identification and action planning.

5. **To implement a management system to prevent and manage risks of forced labor.** As well as the requirements in Criterion 1, the Site should:
   - Establish procedures or processes to implement the action plan and track its effectiveness

   - Provide clear and transparent **employment agreements**, prior to recruitment, in a language understood by the worker

   - Maintain valid work permits for all workers

   - Require implementation of **due diligence** on counterparties when recruiting workers through agents or subcontractors and only use counterparties with formal business licenses or certification by the relevant authority.

6. **To remediate** the use of any form of forced labor means to include in the **management system** procedures to remediate cases of forced labor. As well the requirements in Criterion 1, the Site should:

- Implement a **grievance mechanism** to alert management to the risk of or incidence of forced labor, in line with Criterion 7 on Grievance Mechanism

- Establish a procedure to provide for or participate in remedy if a **forced labor** incident arises in its operations or supply chain, including investigating the root causes of the incidents

- Immediately terminate practices that result in **forced labor**

- Implement procedures to evaluate effective remediation steps in case **forced labor** is found, with the ultimate objective of protecting the welfare of the victims

- Define the remediation measures in **consultation** with (and with the agreement of) impacted workers and their representatives and other stakeholders, such as civil society organizations that can represent and advocate for the interests of workers

- Remediation measures should seek to restore affected workers to the situation they would be in had the **adverse impact** not occurred and be proportionate to the impact suffered by the workers. Remediation measures include repayment of **recruitment fees** or induced debt, enabling workers to return to their home countries, upon remuneration of agreed payment

- Provide access to qualified independent third parties that can handle the case, if necessary, and to a legitimate escalation channel (e.g. to a State-based judicial or non-judicial grievance mechanism) to which the victim can recur if the Site is not able to provide effective remedy.

7. **To publicly disclose impacts**, planned actions, progress and results of measures taken by the Site to prevent, mitigate or remedy forced labor, in line with Criterion 6 on Sustainability Reporting, taking care that victim's safety, privacy and identities are protected throughout reporting.

II. Key References

Internationally Recognized Frameworks

The following international frameworks constitute key references for the interpretation and implementation of this Criterion.

- The UN Guiding Principles on Business and Human Rights
- OECD Guidelines for Multinational Enterprises
- ILO Convention C029 on Forced Labour
- ILO Convention C105 on Abolition of Forced Labour

International Conventions and Treaties

- United Nation's Protocol to Prevent, Suppress, and Punish Trafficking in Persons Especially Women and Children
- United Nation's Protocol against the Smuggling of Migrants by Land, Air and Sea
- United Nations Convention against Transnational Organized Crime

Additional Reading

The following literature may be useful for guidance when implementing this Criterion:

- General principles and operational guidelines for fair recruitment & Definition of recruitment fees and related costs. International Labor Office - Fundamental Principles and Rights at Work Branch, Labor Migration Branch – Geneva: ILO, 2019
- ILO's, Global Business Network on Forced Labor

- [ILO's, Employers' Frequently Asked Questions: A Handbook for Employers & Business, Special Action Programme to Combat Forced Labor](#)
- [Verité, 'Guidance for the Social Auditing of Forced Labor and Human Trafficking of Migrant Workers](#)
- [The U.S. State Department's Office to Monitor and Combat Trafficking in Persons, Verité, Made in a Free World, and the Aspen Institute, The Responsible Sourcing Tool](#)
- [Addressing Forced Labor and other Modern Slavery Risks: A Toolkit for Corporate Suppliers](#)

CRITERION 13: Freedom of Association and Collective Bargaining

> **Respect workers' rights of freedom of association, to collective bargaining, and to engage in peaceful assembly, prevent and remedy adverse impact.**

I.   Implementation:

 a. *Interpretative guidance:*

Relevance

Workers' freedom to join unions or worker organizations – or to refrain from doing so - and participate in collective bargaining are foundational building blocks for healthy **employment** relations. While it is a fundamental human right relevant for all businesses, irrespective of size, location, or function in the value chain, it is more likely that **Site**s with a bigger workforce, industrial mining, processing and manufacturing operations will have multiple trade unions or worker organizations and collective bargaining negotiations.

 b. *Core Requirements*

Sites are expected to respect workers' rights to join unions or worker organizations (or to refrain from doing so) and to participate in collective bargaining and address **adverse impacts**, with which they are involved, by conducting **due diligence** in line with the UN Guiding Principles on Business and **Human Rights**. This means:

1. **To demonstrate a commitment to freedom of association** and collective bargaining rights that includes:

- Not obstructing workers from participating in the activities of unions or other workers' organizations
- Prohibiting the interference of Sites in electing workers' representatives
- Prohibiting any form of **retaliation** or **discrimination** of workers who participate (actively or passively), or refrain from participation in the election and **operational activities** of workers' representatives.

2. **To identify risks of** violations of freedom of association and collective bargaining rights as well as the requirements in Criterion 2, the Site should include:
   - Workers directly and indirectly employed by Sites
   - **Business partners** and **supplier**s in line with Criterion 10 on Responsible Supply Chains.

3. **To communicate the commitment and assign responsibilities for implementation**, which means:
   - Commitments to respect **freedom of association** and collective bargaining and **action plans** have been communicated to relevant staff, suppliers, customers, business partners and **stakeholder**s
   - Roles, responsibilities, and accountabilities for implementation of the commitment and action plans are clear, and resources have been assigned to support implementation
   - Respect for freedom of association and collective bargaining is included in the training of relevant personnel.

4. **To implement an action plan to prevent and mitigate risks to freedom of association and collective bargaining,** which means to:
   - Ensure **employment agreement** clauses are never constructed in a manner contrary to a valid **collective bargaining agreement**

- Ensure that collective bargaining agreement is applied to all workers
- Allow workers' representatives to meet with workers
- Ensure management negotiates with workers and their representatives in **good faith**
- When operating in countries where freedom of association and/or collective bargaining is substantially restricted by law, allow workers to freely elect their own representatives with whom the company can enter into dialogue about workplace issues in a manner that does not contravene national law
- Guarantee fair disciplinary action as per Criterion 14 with no discrimination against unionized and non-unionized workers.

5. **To implement a management system to prevent and mitigate risks.** As well as the requirements in Criterion 1, the Site should:
   - Establish procedures or processes to implement the action plan and track its effectiveness
   - Keep records of relevant collective bargaining agreements
   - Establish a process to enable meetings between workers and their representatives
   - Hold regular meetings between worker representatives and management.

6. **To remediate** the violation of freedom of association and collective bargaining rights, which means to include in the **management system** procedures to remediate instances where violation occurs. As well as the requirements in Criterion 1, the management **system** should:
   - Implement or participate in a grievance mechanism to alert management to violations of freedom of association and collective bargaining rights in line with Criterion 7 on Grievance Mechanism; and,

- Immediately terminate practices that limit a worker's right to freedom of association and collective bargaining
- Establish a procedure to provide for or participate in remedy if an incident arises in its operations or supply chain, including investigating the root causes of the incident
- Implement procedures to evaluate effective **remediation** steps in **consultation** with impacted workers and their representatives
- Provide access to a legitimate escalation channel (e.g. to a State-based judicial or non-judicial mechanism) to which workers can recur if the Site is not able to provide effective remedy.

7. **To publicly disclose impacts**, planned actions, progress and results in line with Criterion 6 on Sustainability Reporting.

II.   Key References

International Operating Practices Frameworks

The following international frameworks constitute key references for the interpretation and implementation of this Criterion:

- [The UN Guiding Principles on Business and Human Rights](#)
- [Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)](#)
- [Right to Organize and Collective Bargaining Convention, 1949 (No. 98)](#)

International Conventions and Treaties

- [Workers' Representatives Convention, 1971 (No. 135)](#)

Additional Reading

The following literature may be useful for guidance when implementing this Criterion:

- Ethical Trading Initiative, Freedom of Association in Company Supply Chains
- ILO, Q&As on Business and freedom of association
- Better Work, Guidance Sheet 4: Freedom of Association and Collective Bargaining (2013)

CRITERION 14: Non-Discrimination and Harassment

Respect workers' rights to equality of opportunity and treatment and prohibit, prevent and remedy workplace discrimination and harassment.

I.   Implementation:

a. Interpretative guidance:

In some contexts, **discrimination** might be embedded in cultural norms and discriminatory acts might be socially accepted. The **risk** of discrimination in the workplace is highest in such contexts and might affect the **Site** directly or indirectly through labor contractors or service providers and other **business partners.**

a. Core Requirements:

Sites are expected to respect **workers**' right to equality of opportunity and treatment, prohibit and prevent discrimination and **harassment**, and address **adverse impacts** by conducting **due diligence** in line with the UN Guiding Principles on Business and **Human Rights**. This means:

1. **To demonstrate a commitment to** no discrimination and non-harassment that includes:
   - Prohibition of any form of discrimination or harassment in the workplace based on sex, **gender**, age, religion, race, caste, birth, social background, disability, ethnic and national origin, nationality, membership of unions or any other legitimate organisations, political affiliation or opinions, sexual orientation, family

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- responsibilities, marital status, pregnancy, diseases, or any other condition that could give rise to discrimination.

2. **To communicate the commitment and assign responsibilities for implementation**, which means:
   - Commitments and **action plans** have been communicated to relevant staff, **supplier**s, customers, business partners and engaged key **stakeholder**s
   - Roles, responsibilities, and accountabilities for implementation of the commitment and action plans are clear, and resources have been assigned to support implementation
   - Understanding of possible grounds of discrimination and prohibition of any form of sexual, physical, economic and verbal harassment is included in the training of relevant personnel.

3. **To identify risks of discrimination and harassment.** As well as the requirements in Criterion 2, the **risk assessment** should:
   - Include all workers, both directly and indirectly employed by Sites, full time and part time
   - Include **consultations** with relevant stakeholders (e.g. worker representatives, and civil society organizations) regarding risk identification and action planning in line with Criterion 8 **Stakeholder Engagement**
   - Communicate **impacts** to **affected stakeholders** in ways that are physically **accessible** and understandable in line with Criterion 8 Stakeholder Engagement.

4. **To implement an action plan to prevent and mitigate risks of discrimination and harassment** which means to:

- Identify and eradicate any discriminatory practice in hiring, **compensation** and payment of social benefits, promotion, training and termination of all workers
- Guarantee fair disciplinary actions:
    - establish a series of escalating steps for disciplinary practices, so as to ensure that disciplinary practices are administered consistently;
    - ensure that disciplinary practices are only ever carried out by the designated party or parties;
    - train management on the appropriate administration of disciplinary actions;
    - prohibit security personnel, whether public or private, from disciplining workers in line with Criterion 22 on Security and Human Rights;
    - ensure that disciplinary practices are never used to humiliate or intimidate workers;
    - ensure that disciplinary measures never include:
        - deductions to wages;
        - compulsory labor as punishment;
        - alteration of schedules or denial of vacation as means of punishment; or,
        - any type of physical, mental or sexual abuse.
    - ensure that workers understand why they are being disciplined by:
        - providing written details of the allegations;
        - providing an opportunity for the worker(s) to defend themselves, and to appeal any disciplinary decisions; and
        - allowing workers the opportunity to consult with or be represented by a trade union or legal counsel.
- Accommodate reasonable requirements to exercise religious practices during working hours
- Respect the right of pregnant women to maintain their **employment** and return to their position upon the completion of their maternity leave.

5. **To implement a management system to prevent and mitigate risks of discrimination and harassment.** As well as the requirements in Criterion 1, the Site should:

- Establish procedures or processes to implement the action plan and track its effectiveness
- Establish disciplinary procedures to workers in terms and language that they understand, describing reasons for disciplinary measures. The disciplinary measures should be in line with national legislation
- Maintain records on disciplinary incidents.

6. **To remediate** discrimination and harassment, which means that, as well as implementing the requirements in Criterion 1, the Site should:

- Implement or participate in a **grievance mechanism** to alert management to violations in line with Criterion 7 on Grievance Mechanisms and verify that the grievance mechanism is accessible to workers that might be subject to discrimination
- Immediately terminate practices that result in discrimination or harassment
- Establish a procedure or process to provide for or participate in remedy if an incident arises in its operations, including investigating the root causes of the incident
- Implement a procedure or process to evaluate effective **remediation** steps in consultation with impacted workers and their representatives
- Provide access to a legitimate escalation channel (e.g. to a State-based judicial or non-judicial grievance mechanism) to which workers can recur if the Site is not able to provide effective remedy.

7. **To publicly disclose** risks, planned actions, progress and results in line with Criterion 6 on Sustainability Reporting.

II.   Key References

Internationally Recognized Frameworks

The following international frameworks constitute key references for the interpretation and implementation of this Criterion.

- The UN Guiding Principles on Business and Human Rights
- ILO Convention C100 on Equal Remuneration Convention
- ILO Convention C111 on Discrimination (Employment and Occupation) Convention

International Conventions and Treaties

- Universal Declaration of Human Rights
- ILO Convention C156 on Workers with Family Responsibilities Convention
- ILO Convention C190 on Violence and Harassment Convention
- UN Human Rights Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment

Additional Reading

The following literature may be useful for guidance when implementing this Criterion:

- ILO, Helpdesk on Business and discrimination and equality Q&As
- IFC, Good Practice Note – Non-Discrimination and Equal Opportunity
- Better Work, Guidance Sheet – Discrimination
- IFC, Guidance Note 2, Labor and Working Conditions

CRITERION 15: Diversity, Equity and Inclusion

> **Promote diversity, equality and inclusion by ensuring equity for all persons in the workplace, respecting the diversity of all workers, and fostering an organizational culture of inclusivity and respect for fundamental rights and dignity.**

I. **Implementation:**

a. *Interpretative guidance*

Relevance

Criterion 15 is relevant for all Sites, irrespective of size, location, or function in the value chain.

b. *Core Requirements*

Sites are expected to promote diversity, equity and inclusion in the workplace in line with the UN Guiding Principles on Business and **Human Rights**.

1. **To demonstrate a commitment to diversity, equity and inclusion** that includes:
    - Ensuring equity for all persons in the workplace
    - Respecting the diversity of all workers
    - Fostering an organizational culture of inclusivity and respect for fundamental rights and dignity.

2. **To identify gaps and needs**, which means to conduct assessments that identify the gaps and assess the needs of the **Site** to promote diversity, equity and inclusion. The assessment should:

- Include all workers, both directly and indirectly employed by Sites and full time and part time

- Include **supplier**s.

3. **To implement an action plan to promote diversity, equity and inclusion**, which means to:

- Develop and implement **reasonable adjustments** aimed at addressing potential identified gaps and promote continuous improvement of Sites' diversity, equity, and inclusion programs. Examples of this can include, but are not limited to the implementation of:
  - measures to promote female empowerment and reduce female turnover rates;
  - measures to ensure that the needs of workers with disabilities (physical or mental) or health conditions are accommodated to the extent that they are not substantially disadvantaged;
  - measures to establish **gender** sensitive facilities, including sanitation facilities, separate lavatories for men and women, water, sanitation, and hygiene (WASH) and menstrual hygiene management (MHM) facilities/latrines, and lactation rooms;
  - measures to ensure that everyone receives equal remuneration, including benefits, and equal treatment in respect of work of equal value, as well as equity of treatment in the evaluation of the quality of work and
  - measures to accommodate religious practices and associated rest days and dress codes.

- Develop and implement measures to achieve a diverse representation in workforce and suppliers, which can include:
  - identification and **mitigation** of bias in recruitment and workforce management processes;
  - measures for recruiting and promoting workers into management positions with a view to promote diversity, equity and inclusion and
  - identification and communication of **employment** and business opportunities for workers and suppliers from under-represented communities;
- Encourage suppliers to promote diversity, inclusion and equity in their business
- Implement non-**discrimination** practices in line with Criterion 14 on Non-Discrimination and Harassment.

4. **To implement a management system to promote diversity, equity and inclusion.** As well as the requirements in Criterion 1, the Site should:
- Establish DEI goals, assign resources and responsibilities
- Provide training to all workers, including supervisors and managers on diversity, equity and inclusion in the workplace
- Establish monitoring procedures and protocols continuously to monitor progress, identify and resolve barriers to the advancement of diversity, equity and inclusion in the workplace.

5. **To publicly disclose** planned actions, progres**s** and results in the advancement of diversity, equity and inclusion in line with Criterion 6 on Sustainability Reporting.

Explanatory note on identification of gaps and needs

- An assessment of the gaps and needs may be, for example, generated through confidential questionnaires or through conversations. An assessment could be administered to workers across Sites and contain questions that would provide Sites with a better understanding of the potential gaps identified during the gap identification step. Such questions may include, but are not limited to:
  - whether it is believed that people in the workplace are treated differently according to race, gender, sexuality, age, ethnicity, creed, disability, or other. Including through hiring, remuneration, benefits, training, and career advancements;
  - whether they feel they are provided with facilities and means to promote diversity, equity and inclusivity;
  - whether workers believe the workplace to be diverse and **inclusive**; and/or
  - how workers believe diversity and inclusion in the workplace can be advanced.
- An assessment needs to result in a Baseline, which means to generate, gather, and analyze relevant data and information on the status of the aspects in scope, including through engagement of all levels of the workforce. This data should include at a minimum:
  - a breakdown of workers by self-identified gender and retention rates based on gender;
  - a breakdown of workers by self-identified race and ethnicity and retention rates based on race and ethnicity;
  - a breakdown of workers who identify as having a physical or mental disability or health condition that **impacts** their ability to carry out their work; and
  - a breakdown of suppliers to determine participation of businesses that are owned or operated by an under-represented category.

II. Key References:

Internationally Recognized Frameworks

The following international frameworks constitute key references for the interpretation and implementation of this Criterion:

- [The UN Guiding Principles on Business and Human Rights](#)
- [Promoting diversity and inclusion through workplace adjustments: A practical guide, ILO, 2016](#)

International Conventions and Treaties

- [ILO Convention C100 on Equal Remuneration](#)
- [ILO Convention C183 on Maternity Protection](#)
- [ILO Convention C156 on Workers with Family Responsibilities](#)
- [United Nation's Convention on the Rights of Persons with Disabilities](#)
- [United Nation's Convention on the Elimination of All Forms of Discrimination Against Women](#)

Additional Reading

The following literature may be useful for guidance when implementing this Criterion:

- [Australian Aid/ Oxfam Australia, A Guide to Gender Impact Assessment for the Extractive Industries, 2017](#)
- [WCEF International, The Gender Impact Assessment and Monitoring Tool, 2018](#)
- [The Sustainable Trade Initiative, New KPIs to Track and Evaluate Gender-Equality Interventions](#)

- [The UN Women Empowerment Principles](#)

CRITERION 16: Employment Terms

> **Respect workers' rights to fair and decent employment terms, prevent and remedy adverse impact**

I.   Implementation

a. Interpretative guidance

Relevance

Criterion 16 on **Employment Terms** is relevant to all **Site**s. Sites should be aware of and follow specific national and international regulatory requirements on employment terms. However, Sites should be aware that **risks** can be higher in indirect employment contracts, such as outsourced auxiliary functions of an operation or in supply chains serving industrial mining, processing, and manufacturing facilities. Likewise, supply chains with the presence of **artisanal and small-scale mines (ASM)** are more exposed to risks related to remuneration, working hours and unfair working terms. Sites should consider these less obvious parts of their business and where there is a risk of association, take measures for its prevention and **remediation**.

b. Core Requirements

Sites are expected to respect **workers**' rights to fair and decent employment terms, including working hours, remuneration, social benefits, disciplinary actions, accommodation and provisions of worker contracts, and to address **adverse impacts** in line with the UN Guiding Principles on Business and **Human Rights**. This means:

1. **To demonstrate a commitment** to:

- Respect limits to working hours and overtime and provide adequate period of rest in consideration of ILO Conventions C001 and C014 and applicable exceptions
- Meet or exceed legal minimum wages and provide paid holidays in consideration of ILO Conventions C131, C95 and C132
- Provide adequate and decent accommodation in consideration of ILO Recommendation R115 on Workers' Housing.

2. **To communicate the commitment and assign responsibilities for implementation**, which means:
   - Commitments related to **employment terms** and **action plan**s have been communicated to relevant staff, suppliers, customers, **business partners** and engaged key **stakeholder**s
   - Roles, responsibilities, and **accountabilities** for implementation of the commitment and action plans are clear, and resources have been assigned to support implementation
   - Training is provided to relevant personnel.

3. **To identify risks of adverse impacts related to employment terms.** As well as the requirements in Criterion 2, the risk assessment should:
   - Include all workers, both directly and indirectly employed by Sites, full time and part time
   - Assess risks and **impacts** of the Site's operational activities including:
     - Limits on regular working hours and overtime
     - Established rest periods
     - Remuneration rates for regular and overtime work and gaps to calculated living wage
     - Provision of social benefits, including leave entitlement
     - Conditions of accommodation

- Communicate impacts to potentially **affected stakeholders** in ways that are physically **accessible** and understandable in line with Criterion 8 Stakeholder Engagement.

4. **To implement an action plan to prevent and mitigate risks** related to employment terms, which means to:
   - Provide written **employment agreement**s to all workers that:
     - clearly define the conditions of employment (including wages, working hours, overtime, benefits, and other relevant clauses);
     - are mutually agreed upon;
     - are communicated to all workers in their native language or a language they understand before employment starts and
     - communication accounts for the needs of workers who cannot read and write and workers with vision or hearing-impairing disabilities.
   - Ensure that workers' total regular working hours do not exceed 48 hours per week and that overtime does not exceed 12 hours per week:
     - if local law or **collective bargaining** agreements require fewer working hours, including overtime, than 60 hours per week, these should prevail.
   - Only exceed the limit of hours described above, in line with exceptional cases defined by the ILO and set out hereunder:
     - emergency or unusual situations - more than 60 hours per week may be allowed in emergency or unusual situations, described as events or circumstances that substantially disrupt production and are out of the ordinary and out of the control of the Site;
     - shifts - workers employed in shifts may work for more than 48 hours per week or 8 hours per day if the average number of working hours over a period of three weeks or less does not exceed these limits;

- processes to be carried out continuously - the limits on working hours might be exceeded in processes that, by their nature, need to be carried out in a succession of shifts. The ILO Convention 001 does not provide a reference period for averaging hours for shift work for continuous processes. For continuous processes, Sites should use the averaging period defined in national law; or, in the absence of national law, Sites should ensure a reasonable averaging period. In these cases, workers may exceed the 60-hour in a week limit provided that:
    - it is not in violation of local or national law;
    - the average number of hours per week does not exceed 60 hours a week (up to 56 regular hours with the remaining hours considered overtime up to 60 hours) and rest days are compensated for; and
    - an assessment of health and safety impacts on the workers and related safeguards to minimize and **mitigate** those impacts are in place.
  - ensure that overtime is voluntary and not routinely added to standard working hours, except in case of the exceptions outlined above.
- Ensure that special arrangements on working hours are provided to workers under 18 years of age
- Ensure that special arrangements on working hours are provided to pregnant workers
- Provide rest periods during working hours
- Provide at least one rest day in seven, except in case of the exceptions outlined above
- Provide time off to workers to exercise their right to vote
- Pay wages that are equal to or exceed the national minimum wage, wages agreed via collective bargaining agreements or industry wage, including for part-time workers, in which case the wage should be calculated based on what would be earned if working full-time. Minimum wage is the lowest amount of

remuneration that an employer can legally pay a worker, and it cannot be reduced by collective agreement, industry wages or an individual contract. Furthermore, Sites should:

- o pay overtime at a premium rate of minimum 125% of the standard rate in consideration of ILO C001;
- o pay wages in a timely manner, regularly and fully in legal tender;
- o pay social benefits (such as annual leave, maternity, paternity, sick leave, pension contribution);
- o apply only legally allowed wage deductions;
- o determine the **living wage** in their region or country of operation, as relevant, using common living wages calculation methods such as MIT Living Wage Calculator or Anker Methodology used by the Global Living Wage Coalition in cooperation with stakeholders and assess the gap to minimum paid wages and
- o develop a plan towards the payment of the living wage to all workers, with defined timeframes and provide evidence of progress.
- If applicable, provide accommodation at non-speculative rates and of a reasonable standard of safety, repair and hygiene including but not limited to:
  - o temperature, humidity, space, sanitation and illumination that are respectful of workers' health and safety (such as separate beds, ventilation, natural and artificial light, sanitary toilets and bathrooms);
  - o location of facilities is removed from natural hazards and operational nuisance (e.g. noise, dust);
  - o access to potable water, clean cooking and food storage facilities.

> **Living wage** is defined as the remuneration received for a standard work week by a worker in a particular place sufficient to afford a decent standard of living for the worker and her or his family. Elements of a decent standard of living include food, water, housing, education, health care, transport, clothing, and other essential needs, including provision for unexpected events.
>
> According to the Anker methodology, a living wage can be calculated as:
> Cost of basic but decent life for reference size family (food, housing, essential needs, small margin for unforeseen events) divided by the number of full time workers per family.
>
> Guidelines to the Anker methodology is available in Anker and Anker, Living wages around the world: Manual for measurement, 2017.

5. **To implement a management system to prevent and manage risks related to employment terms.** As well as the requirements in Criterion 1, the Site should:

   - Explain and train workers on their employment terms in a language they understand
   - Explain to workers how to access a **grievance mechanism** in the instance they feel they have been subjected to unfair **employment terms**
   - Establish procedures or processes to implement the **action plan** and track its effectiveness (e.g. procedures on overtime, documented working rules)
   - Maintain consistent and accurate working time records and documentary evidence of payments
   - Maintain documentation of applicable minimum wage and living wage calculations
   - Monitor labor agencies and sub-contractors on adherence to working hours and payment practices outlined above.

6. **To remediate adverse impacts** related to **employment terms**, which means, as well as the requirements in Criterion 1, the Site should:

- Implement or participate in a grievance mechanism to alert management to violations in line with Criterion 7 on Grievance Mechanisms
- Immediately terminate practices that generate **adverse impacts** on workers
- Establish a procedure or process to provide for or participate in remedy if an incident arises in its operations, including investigating the root **causes** of the incident
- Implement a procedure or process to evaluate effective **remediation** steps in **consultation** with impacted workers and their representatives.

7. **To publicly disclose risks**, planned actions, progress and results, in line with Criterion 6 on Sustainability Reporting.

Key References

The following international frameworks constitute key references for the interpretation and implementation of this Criterion:
- The UN Guiding Principles on Business and Human Rights
- ILO Convention C001 on Hours of Work (Industry)
- ILO Convention C014 on Weekly Rest (Industry)
- ILO Convention C100 on Equal Remuneration
- ILO Convention C132 on Holidays and Pay
- ILO Convention C183 on Maternity Protection
- ILO Recommendation R115 on Workers' Housing

International Conventions and Treaties
- ILO Declaration on Fundamental Principles and Rights at Work

Additional Reading

The following literature may be useful for guidance when implementing this criterion:

- [Anker and Anker, Living wages around the world: Manual for measurement, 2017.](#)

- [Global Living Wage Coalition, What is a Living Wage?](#)

- [IFC Guidance Note 2 on Performance Standard 2 Labour and Working Conditions](#)

- [IFC, EBRD, Workers' accommodation: processes and standards](#)

- [ILO, Helpdesk Factsheet No.6: Workers' housing](#)

- [Massachusetts Institute of Technology (MIT), Living Wage Calculator](#)

CRITERION 17: Occupational Health and Safety

> **Respect workers' rights to healthy working and living conditions, provide all workers with the means and conditions for safe and healthy work, and prevent and remedy adverse impact.**

I.   Implementation:

a. Interpretative Guidance

Relevance

While accidents, diseases, and psychosocial hazards are a significant concern for all **Sites**, the type and severity of **Occupational Health and Safety (OHS)** risks can vary depending on the operations performed by a Site. Mining activities can include the use of heavy equipment and explosives, working underground or near open pits and openings, exposure to extreme heat or cold, and, sometimes, over long shifts. Manufacturing might expose **workers** to chemical hazards, restricted access to emergency routes or lack of personal protective equipment (PPE). All Sites are expected to assess, identify OHS **risks** and establish measures to respect the right to healthy working and living conditions of workers.

b. Core Requirements

Sites are expected to provide all workers with a safe and healthy working environment.

1. **To demonstrate a commitment** to respecting the right to healthy working and living conditions of workers, which includes providing all means and conditions to prevent, control and protect workers against accidents and injury, as well as psychosocial

and physical risks in consideration of ILO Convention C155, C148 and, where applicable, C176.

2. **To identify risks of adverse OHS impacts in the workplace and assess needs for safe and healthy work**. As well as the requirements in Criterion 2, and where applicable to operational activities, the risk assessment should:
- Assess potential and actual impacts of the Site's **operational activities** including operational activities that have potential or actual **occupational health and safety** impacts, including on:
  - workers;
  - visitors;
  - affected **stakeholders** in neighboring communities in line with Criterion 19 on Community Health and Safety;
  - all aspects of human health and safety including:
    - physical health;
    - mental health; and
    - well-being.
  - all health and safety hazards, and operational activities and practices that have the potential to negatively **impact** people's physical and mental health and **well-being** at work, including:
  - physical hazards, such as exposure to equipment and machinery generating consistent loud noises, heavy parts, and sharp edges; walking surfaces and walkways that are or can cause falls or slips; and hazards related to ergonomics and desk-based work;
  - hazards related to working at heights;
  - structural hazards, such as mining pits, shafts, buildings, structures, walkways;

- electrical hazards, such as exposure to burns, electrocution, shock, arc flash and blast, and fire;
- fire hazards, such as the potential for actions, the presence of materials, or conditions that might start or increase the size or severity of a fire, such as fuel that is easy to ignite, a heat source, such as a defective appliance, or accidental spills leading to liquid reacting with electrical equipment;
- biological hazards, such as exposure to viruses, bacteria, and toxins in the workplace or from other workers;
- chemical hazards, such as from exposure to chemicals used for processing minerals and metals and from cleaning agents;
- hazards from explosives used and stored at mining Sites, such as exposure to noise and harm to hearing;
- building and workplace environmental hazards, such as low lighting, poor ventilation, harmful low or high temperatures, and no or inadequate barriers to dangerous areas and openings;
- restricted access to emergency routes or equipment, such as poor lighting and signage for emergency exits, fire extinguishers placed behind barriers or out of reach, and concealed locations for fire alarm systems;
- employee-related hazards such as harassment, bullying, and physical and mental abuse, including, but not only, as it relates to **discrimination**;
- employment terms and practices negatively affecting human well-being, such as long work hours, night work, working alone, poor work-life balance, and short-term contracts.

- Establish a baseline, which means to generate, gather, and analyze relevant data and information on the status of occupational health and safety features, aspects, stakeholders, and operational activities in scope

- Communicate **impacts** to affected stakeholders in ways that are physically **accessible** and understandable in line with Criterion 8 Stakeholder Engagement.

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3. **To communicate the commitment and assign responsibilities for implementation**, which means:

- Commitments to respect the right to healthy working and living conditions of workers and communities, and communication of action plans to relevant staff, **suppliers**, customers, business partners and engaged key stakeholders
- Roles, responsibilities, and accountabilities for implementation of the commitment and action plans are clear, and resources have been assigned to support implementation.

4. **To implement an action plan to prevent and mitigate OHS risks,** taking into **consideration** the needs of different worker categories such as women and workers with disabilities, which means to:

- Require workers, visitors and affected community stakeholders to follow the **Health and Safety Controls Hierarchy** (eliminate the hazard; substitute the hazard with a lesser risk; isolate the hazard; use engineering controls; use administrative controls; use personal protective equipment)
- Provide personal protective equipment (PPE) in good condition and free of charge and store them in sanitary conditions
- Provide safe and functioning equipment, machinery, vehicles and tools to enable workers to implement tasks
- Provide professionals with access to mental health and well-being support
- Deliver and continually update and refresh health and safety training for workers, visitors and affected community stakeholders to ensure they recognize and understand all health and safety hazards prevalent in the workplace
- Ensure installation in workplaces of controls to manage potential and actual health and safety impacts in scope including, where relevant:
  - sufficient, clearly marked, unlocked, and unblocked emergency exits;

- o sufficient lighting;
- o installed alarms;
- o adequate ventilation and air quality;
- o safe noise levels;
- o safe indoor temperatures, meaning sufficient indoor heating and cooling;
- o adequate signage for evacuation;
- o emergency wash stations;
- o free, safe drinking water;
- o sanitary facilities for food storage;
- o clean gender-separated restrooms;
- o emergency lighting;
- o installed fire safety equipment (e.g. sprinklers and fire extinguishers) with signage in the appropriate language(s) for the workers, unlocked and accessible to workers; and
- o fire-proof and self-contained chambers.
- Inspect, test, maintain, repair or replace all installations in timely manner
- Implement equipment, vehicle and hand-tool safety procedures such as machine guarding equipment and signage and warning in appropriate language
- Implement electrical safety procedures such as closed and labeled electrical junctions, boxes and breakers; no exposed wiring, informal or unauthorized connections; regular inspections
- Implement chemical safety procedures such as updated inventories; chemical safety information sheets; labeling and immediate safety response equipment
- Implement confined space safety procedures such as labeling; documented entry requirements; monitoring and rescue provisions
- Develop detailed plans to document procedures to detect, prevent, and combat the start and spread of fires and explosions

- Establish protocols to prevent the spreading of contagious diseases, including periodic medical examinations for workers to ensure early detection and treatment of health issues related to work

- Where Sites provide worker accommodation, ensure such accommodation provides access to clean and safe sanitation, sanitary canteens or cooking areas, and living and working areas in line with Criterion 16 Employment Terms

- Provide adequate first-aid kits and work-related medical assistance and facilities;

- Provide access to safe and clean drinking water, free of charge.

5. **To implement a management system to prevent and mitigate OHS risks**. In line with Chapter 1 Management System, the Site should demonstrate conformance of its OHS **management system** with ISO 45001. This can be achieved through the ISO certification or by providing evidence that the Site OHS management system is **functionally equivalent** to ISO standards. As well as the requirements in Criterion 1, the Site should:

  - Ensure **compliance** with all applicable national regulatory requirements and all obligations under international law for occupational health and safety, in line with Criterion 5 on Legal Compliance

  - Establish a health and safety committee comprising appropriate representation from management, workers, and other affected stakeholders with the mandate to review and update **risk assessment** and procedures at least annually

  - Incorporate the concerns and perspectives of workers and affected stakeholders gathered from **consultation** processes on the design of the system

  - Develop and enable the following procedures for continual consultation with workers and workers' representatives to ensure they are informed about their rights and other information relevant to their health and safety at work including:
    - o the right to know;
    - o the right to be involved in measures to address the hazard; and

o the right to withdraw from dangerous situations.

- Set goals and targets and monitoring indicators for the continual improvement of occupational health and safety practices and results
- Generate and maintain a repository of relevant occupational health and safety data, information, and analyses and supporting documentation, including records of all health and safety incidents.

6. **To remediate OHS impacts**. As well as adhering to the requirements in Criterion 1, the Site should:

- Implement or participate in a **grievance mechanism** to alert management to risks and incidents in line with Criterion 7 on Grievance Mechanisms
- Immediately terminate practices that generate adverse impact on workers
- Establish a procedure or process to provide for or participate in remedy if an incident arises in its operations, including investigating the root causes of the incident
- Implement a procedure or process to evaluate effective remediation steps in consultation with impacted workers and their representatives.

7. **To publicly disclose** impacts, planned actions, progress and results related to OHS in line with Criterion 6 on Sustainability Reporting.

II. Key References:

Internationally Recognized Frameworks

The following international frameworks should be followed for the implementation of this Criterion where applicable to Sites' operational activities:

- [ISO 45001 on Occupational Health and Safety or functionally equivalent](#)

The following international frameworks constitute key references for the interpretation and implementation of this Criterion:
- [ILO Convention C155 on Occupational Safety and Health](#)
- [ILO Convention C161 on Occupational Health Services](#)
- [ILO Convention C148 on Working Environment](#)
- [ILO Convention C176 on Safety and Health in Mines](#)

Additional Reading

The following literature may be useful for guidance when implementing this Criterion:

- [ICMM, Fatality Prevention: Eight Lessons Learned](#)
- [ICMM, Good Practice Guide: Health and Safety Critical Control Management](#)
- [ICMM, Good Practice Guidance on Occupational Health Risk Assessment](#)
- [ICMM, The Setting and Use of Occupational Exposure Limits](#)

CRITERION 18: Emergency Preparedness

> **Respect the right of workers and stakeholders to keep themselves and other safe in the event of an emergency, by implementing a system to manage emergency responses, prevent and remedy adverse impact.**

I.   Implementation:

a. Interpretative guidance:

Relevance

All Sites are expected to keep **workers** and **affected stakeholders** safe and therefore should be prepared for and prepare **stakeholders** to respond to emergencies. The potential adverse impacts from an emergency in some industries can be at a relatively far greater scale and severity than others. Emergencies at mining Sites have included **tailings facility** failures, rock falls, underground pit collapses, methane leaks, or high volumes of toxic substances entering water courses. For mining Sites therefore, and any large-scale industrial infrastructure projects, this Criterion is especially relevant and particular attention should be paid to implement rigorous emergency scenario assessments, and robust systemic management, monitoring, testing and continual improvements to keep people safe in the event of emergencies.

b. Core Requirements:

Sites are expected to enable workers and affected stakeholders to keep themselves and others safe in the event of an emergency.

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1. **To identify potential emergency scenarios**, as well as the requirements in Criterion 2, Sites should:

- Assess potential and actual impacts of the Site's **operational activities** or, where possible, its supply chain, including stakeholders that have the potential to be adversely impacted in an emergency (affected stakeholders) including:
  - **workers**
  - visitors
  - emergency responders and other relevant public and private services including fire departments, police, emergency health services, hospitals and public health authorities, humanitarian relief services, civil society organizations, and environmental organizations
  - stakeholders in neighboring communities in line with the assessment scope in Criterion 20 on Community Health and Safety
- Relevant aspects of human safety including:
  - physical safety
  - psychosocial health e.g. mental health impacts due to a traumatic or catastrophic event
  - economic security e.g. an emergency scenario that threatens people's income
- Relevant hazards and events that have the potential to cause emergencies and have adverse impacts, including:
  - hazards associated with operational activities, such as physical, structural, electrical, fire and biological hazards in line with the **risk assessment** scope of Criterion 18 on Occupational Health and Safety
  - hazards associated with significant serious pollution events, such as spillages or leaks in line with the risk assessment scope of Criterion 33 on Pollution

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- failure of tailings facilities and disposal systems at mining Sites in line with the risk assessment scope in Criterion 31 on Tailings Management
- non-standard events such as power outages and extreme weather
- natural disasters, such as seismic events, fire, and flood, associated with Sites' locations
- political instability that could lead to armed conflict
- Communicate risks and measures taken to prevent them to affected stakeholders in ways that are physically accessible and understandable in line with Criterion 8 Stakeholder Engagement.

2. **To implement an action plan to manage emergency response** which means to, establish and test emergency communication systems:
- Train workers in **emergency response plans**, which means to train all workers on:
  - evacuation drills, including their right to immediately evacuate from an emergency event
  - the use of personal protective and emergency equipment
  - procedures that workers are expected to follow to prevent and respond to emergencies
  - procedures related to first-aid treatment, medical treatment, and the transportation and evacuation of injured persons
- Ensure consideration for responding to and mitigating adverse **impacts** from emergencies is incorporated into infrastructure planning and development, such as by implementing:
  - early warning systems, including installed alarms
  - sufficient emergency exits
  - sufficient lighting and ventilation and emergency exit signage
  - emergency wash stations

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- o   fire-proof and self-contained chambers
- o   emergency lighting
- o   back-up energy systems
- o   refuge stations
- Ensure all workers have access to personal protective equipment, such as protective clothing
- Ensure all necessary emergency response equipment, such as fire suppression equipment and first aid kits, are available, accessible, maintained and periodically checked for proper functionality
- Raise local community awareness of the risk of emergency events and the required responses
- Engage with public sector agencies and local authorities to assess the capability of emergency response services to address the identified hazards, and take reasonable measures to improve preparedness
- Integrate **emergency response plans** with local industry, authorities, and communities, into an overall plan for the community's adequate emergency response
- Based on emergency scenarios, identify and engage with public sector agencies and other organizations that would participate in long-term response and recovery strategies.

3. **To implement a management system for emergency responses.** As well as the requirements in Criterion 1, the Site should:
   - Establish policies, procedures and processes that are designed for, tested, and approved by management for detecting and responding to all identified emergency scenarios, and to prevent and mitigate adverse impacts

- Document procedures to avoid and minimize loss of life, injuries and damage to property, health and social well-being of workers, local communities, and the environment, in the event of emergencies
- Involve workers throughout all stages of the development, implementation, and testing of emergency response plans and ensure that other stakeholders in scope are at least consulted
- Establish procedures for periodic testing, reviewing and updating of emergency response plans
- In accordance with national regulations, establish a procedure to report accidents to competent authorities.

4. **To remediate adverse impacts.** As well as the requirements in Criterion 1, the Site should:
- Implement or participate in a grievance mechanism to alert management to the risk of incidents in line with Criterion 7 on Grievance Mechanisms
- Train potentially affected stakeholders on how to use the grievance mechanism
- Establish a procedure to promptly investigate and address grievances on matters that can relate to emergency scenarios e.g. infrastructural safety, permit violation, public security
- Implement procedures to evaluate and provide effective remediation steps in case of adverse impacts, with the ultimate objective of protecting the welfare of the victims
- Define the remediation measures in consultation with affected stakeholders and their representatives
- Provide access to qualified independent third parties and to a legitimate escalation channel (e.g. to a State-based judicial or non-judicial grievance mechanism) to which the victim can recur if the Site is not able to provide effective remedy.

5. **To publicly disclose** risks, planned actions, progress and results related to emergency repose in line with Criterion 6 on Sustainability Reporting.

II. Key References

International Conventions and Treaties

- [ILO Convention C155 on Safety and Health](#)

- [ILO Convention C176 on Safety and Health in Mines](#)

Additional Reading

The following literature may be useful when implementing this Criterion:
- [The Global Industry Standard on Tailings Management published by ICMM, The United Nations Environment Programme, and the Principles for Responsible Investment](#)
- [ILO, Recommendation 183 on Safety and Health in Mines](#)
- [UNEP, Awareness and Preparedness for Emergencies at Local Level (APELL)](#)
- [UNEP, Good Practice in Emergency Preparedness and Response](#)

CRITERION 19: Community Health and Safety

> Respect communities' rights to healthy and safe living conditions through the implementation of a system to prevent health and safety risks, and remedy adverse impact.

I.   Implementation:

a. Interpretative guidance

Relevance

All **Sites**, irrespective of size, location, or function in the value chain, should ensure that the health and safety of populations affected by their **operational activities** are not **adversely impacted**. This criterion is especially relevant to Sites with operational activities in, near, or directly involving communities. Also highly relevant are Sites with operational activities that generally have a greater potential to be hazardous to human health and safety, such as Sites that use chemicals, toxic substances or generate large volumes of waste. For example, mining Sites moving or transporting material using heavy equipment and vehicles through towns and villages or blasting rock faces in pits and quarries near houses and working areas, can potentially generate dust, noise, spills and accidents and cause harm to people's physical and mental health.

b.   Core Requirements:

Sites are expected to respect communities' rights to healthy and safe living conditions:

1. **To demonstrate a commitment** to respecting the right to safe and healthy living conditions of communities, including:

- To prevent any adverse impacts on community health safety
- To **remediate** instances of adverse impacts on community health in safety.

2. **To identify risks of adverse impacts** of the Site's operational activities on community health and safety. As well as the requirements in Criterion 2 and, where applicable, to operational activities, risk assessments should include:
   - Operational activities that generate health and safety risks or adverse impacts on:
     - neighboring communities;
     - communities along transport routes heavily used by Sites; and
     - any other communities affected by Sites' operational activities.
   - All aspects of human health and safety including:
     - physical health;
     - mental health; and
     - well-being.
   - All health and safety hazards in or near communities that have the potential to negatively impact peoples' physical and mental health and well-being, including:
     - physical hazards, such as exposure to equipment and machinery;
     - structural hazards, such as mining pits, shafts, buildings, structures, walkways;
     - electrical hazards, such as from overhead or surface electrical cables and transmission lines;
     - fire hazards, such as the presence of materials, or conditions that might start or increase the size or severity of a fire;
     - biological hazards, such as exposure to viruses, bacteria, and toxins in the workplace or from other workers;
     - chemical hazards, such as from exposure to chemicals used for processing minerals and metals;

- hazards from explosives used and stored at mining Sites, such as exposure to noise and harm to hearing;
- events related to security forces, in line with the impact assessment scope of criterion 22 on Security and Human Rights; and
- emergencies in line with scenarios in the impact scope of Criterion 18 on Emergency Preparedness.

- The Site should communicate **risks** and **impacts** to affected stakeholders in ways that are physically **accessible** and understandable, in line with Criterion 8 on Stakeholder Engagement.

3. **To implement an action plan to prevent and mitigate health and safety risks** to communities, which means to:
   - Improve infrastructure, where needed, for water-related activities to avoid the potential of community exposure to water-borne or water-based communicable diseases or contamination from hazardous substances that may result from Sites' operations
   - Prevent or minimize the potential for worker and community exposure to and transmission of vector-borne and other communicable diseases through, for instance, voluntary screening programs for workers and community members
   - Ensure infrastructure and equipment is designed and used in a way that considers wider implications on community health and safety
   - Prevent community exposure to hazardous **materials**
   - Implement procedures to ensure protection of surrounding ecosystems to **mitigate** the effects of hazards such as flooding, landslides, spills and fire.

4. **To implement a management system** to prevent and mitigate health and safety risks. As well as adhering to the requirements in Criterion 1, the Site should:
   - Train relevant managers and personnel on community health and safety

- Provide targeted training programs for community members in relation to all relevant community health and safety issues
- Include a log that is continuously updated with relevant national health and safety laws
- Include monitoring systems to effectively monitor preventative measures taken to avoid adverse impacts on community health and safety
- Collaborate with community members and stakeholders to assess risks and impacts, develop prevention and mitigation measures, collect data and monitor their implementation.

5. **To remediate instances of adverse impacts** on community health and safety. As well as adhering to the requirements in Criterion 1, the Site should:
   - Implement or participate in a grievance mechanism to alert management to the risk of or incidence of adverse impacts on community health and safety in line with Criterion 7 on Grievance Mechanism
   - Establish a procedure to provide remedy that is proportionate to the impacts arising from Sites' activities
   - Define remedy measures in **consultation** with impacted rights holders and their representatives through continuous stakeholder engagement in line with Criterion 8 on Stakeholder Engagement.

6. **To publicly disclose** impacts, planned actions, progress and results related to community health and safety in line with Criterion 6 on Sustainability Reporting.

II.   Key References

Additional Reading

The following literature may be useful for guidance when implementing this Criterion:

- [ICMM, Community Health Programs in the Mining and Metals Industry](#)
- [ICMM, Principle on Health and Safety](#)
- [IFC, Environmental Health and Safety Guidelines](#)
- [IFC, Introduction to Health Impact Assessment](#)
- [IFC, Performance Standard 4: Community Health and Safety and Security](#)
- [UNDP, Social and Environmental Standards, Standard 3: Community Health, Safety and Security](#)

CRITERION 20. Community Development

> **Contribute to the economic and social development of affected communities through the implementation of a system to positively contribute to community needs.**

I.   Implementation:

a. *Interpretative guidance*

Relevance

While the provision of **employment**, dignified work, and paying taxes is a positive contribution that all **Sites** are expected to make, additional contributions to economic and social development is the expected norm. The scale and nature of such contributions can vary significantly depending on the economic and social circumstances of communities, their location, and the diversity in the local economy.

A specific pathway to **contribute** to **community development** is local procurement, as spending on local **suppliers** and infrastructure has the potential to transform communities by increasing direct and indirect employment and generating revenues for enterprises.

Community development

This Criterion relates to a Site's strategy to meet community needs and contribute to long-term socio-economic development beyond the requirements to **mitigate** or **remedy adverse impacts** associated with the Site's operations. It focuses on areas where the Site can promote improvements in a community's quality of life, revenue and employment generation.

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b. Core Requirements

Sites are expected to contribute to community development, which means:

1. **To demonstrate a commitment to:**
   - Positively contribute to meet community needs
   - Support local procurement

2. **To identify community needs**, which means to conduct assessments to determine the context and need for investment in the community in line with Criterion 2 on Risk Assessments. As well as the requirements in Criterion 2, the assessment should:
   - Determine the scope of the assessment, including community mapping.
   - Establish a baseline, which can include but not be limited to:
     - livelihoods of both men and women;
     - **gender** considerations;
     - the legal and customary rights and interests of local communities in relation to their lands and livelihoods, as well as their related access to and use of **natural resources**;
     - the specific needs of **vulnerable and marginalized people**;
     - existing and potential conflicts in the community.
   - Engage **stakeholders**, which means to consult and collaborate with relevant stakeholders, including but not limited to neighboring communities, government agencies and local authorities to identify community development needs

3. **To implement an action plan to positively contribute to meet community needs,** which means to:

- Promote cross-functional coordination and responsibility for supporting community investment objectives among all business units that interact with the community

- Position Sites as a partner in multi-stakeholder processes, supporting communities and local governments in defining and meeting their own development goals and aspirations through participatory planning and decision-making

- Where applicable:

  o create local employment opportunities through training, employment and staff retention;

  o promote educational opportunities by liaising with local and regional educational centers; and

  o train local community members in environmental monitoring and natural resource management;

  o invest in capacity-building, participatory processes and organizational **governance**; promoting development that enables local communities, institutions and partners to take progressively greater roles and responsibilities;

  o use participatory methods of monitoring and evaluation to build trust and local ownership of outcomes;

  o monitor the community development initiatives and periodically evaluate them against set indicators.

- Make communities aware of how to lodge **grievances** in line with Criterion 7 on Grievance Mechanisms.

- Implement a strategy for local procurement which includes:

  o engaging in **consultations** with local stakeholders (e.g. community representatives, local authorities, business representatives) to define what

local procurement means (e.g. consider criteria such as geographical vicinity, local value addition, local ownership, under-represented groups, size of the enterprise);

- o assessing technical and management capacities of local suppliers and available financial and technical support services;
- o identifying and prioritizing local procurement opportunities based on a Site's needs for goods and services and capacities of local supplier;
- o establishing a procurement policy that includes the definition of local procurement, objectives and areas of application;
- o establishing internal procurement processes and responsibilities for the implementation of local procurement;
- o establishing a baseline and tracking progress on local procurement (e.g. in terms of procurement spending on local suppliers).

4. **To disclose progress on community development and addressing community needs,** in line with Criterion 6 on Sustainability Reporting.

II.   Key References

Additional Reading

The following literature may be useful for guidance when implementing this Criterion:

- ICMM Community Development Toolkit
- IFC Strategic Community Investment – A Good Practice Handbook for Companies Doing Business in Emerging Markets
- The Mining Local Procurement Reporting Mechanism

CRITERION 21: Artisanal and Small-Scale Mining

Respect human rights, create economic opportunities and contribute to the formalization and professionalization of artisanal and small-scale mining operations (ASM) where it is safe, and legally and/or legitimately possible.

I.   **Implementation:**

a. *Interpretative guidance*

The occurrence of **artisanal and small-scale mining (ASM)** varies considerably by mineral, and by country and region. To assess **risks** and opportunities associated with ASM directly in its operations or indirectly through its supply chain, a **Site** should consider whether it operates in, or sources from, minerals and areas where ASM is present.

Sites that process minerals and use minerals and metals in their manufacturing processes can have direct and indirect association with ASM through sourcing. For companies that are directly or indirectly sourcing from ASM, Requirement 3 of this Criterion needs to be read together with Criterion 10.

In jurisdictions where public authorities have the mandate to formalize, professionalize and promote the development of ASM, Sites are expected to implement these Criterion requirements within the legally permissible scope.

b. *Core Requirements:*

Sites are expected to respect **human rights**, promote economic opportunities and **contribute** to the formalization and professionalization of **artisanal and small-scale mining operations (ASM)** that affect or are affected by a Site's **operational activities**,

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as required by any national legal requirements and in line with the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas and the OECD Due Diligence Guidance for Responsible Business Conduct.

A Site is required:

1. **To identify the risks of adverse impacts on ASM**, which means to assess human rights and environmental **risks** and **impacts** associated with ASM in the Site operational activities or within its supply chain in line with Criterion 2 on Risk Assessments. As well as incorporating the requirements in Criterion 2, Sites' **risk assessments** should:
   - Determine if the Site affects or is affected by ASM directly through its operations or, where possible, determine if the Site is affected indirectly through the supply chain. Where Sites determine that there is no ASM in scope, they are expected to document their findings and provide evidence of how they conducted the assessment
   - Determine the scope of the risk assessment, which means to identify Sites' operational activities, locations and supply chains that fall within the responsibility of Sites to manage, including:
     - where applicable, identification of and mapping the location of ASM operations that are on lands owned or controlled by Sites; near to or affected by any operational activity, including drilling, exploration and mining activities, storage and processing facilities, manufacturing Sites, managed **waste** and **tailings facilities**, trading centers, and transport routes; and managed housing and accommodation; and present in the communities in which the Sites operate;
     - where Sites have direct or indirect business relations with ASM, including through directly or indirectly sourcing material produced by ASM, contracting

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ASM to operate on land controlled by Sites, or through provision of tolling services to ASM operators, the ASM should be determined to be in scope and this relationship should be included in assessments.

- Where ASMs are determined to be in scope, Sites should, where possible, engage relevant **stakeholders** such as ASM operators and their legitimate representatives to participate in risk assessments throughout the lifecycle of the Site, in line with Criterion 8 on Stakeholder Engagement. Sites are only required to engage with legal and/or **legitimate ASM** operators and where it is safe to do so

- Identify and prioritize **ESG issues** associated with the presence of ASM on or nearby the Site operations or in its supply chain. For prioritized ESG issues:
  - leverage the data and information gathered for the risk assessment to establish a baseline that enables the monitoring of how risks evolve over time and identify significant changes in those risks. Recognizing the inherent challenges in acquiring this information, Sites should seek to understand to the best of their ability, the following factors:
    - number of ASM operators that are or could be affected
    - type of risks to which they are exposed (e.g. **child labor,** OHS, wages) and likelihood of the risk (e.g. frequency of incidents, number of reported cases)
    - how the Site is associated to that risk and what management systems are in place to **mitigate** it.

2. **To implement an action plan to prevent and mitigate adverse impacts on ASM**, and to contribute to improvement of **ASM** where it is safe, and legally and/or legitimately possible.

For Sites engaged in mining activities, this means to:

- Establish procedures or processes to manage ASM relations that are appropriate to the Sites' and ASM operators' circumstances and the risk identified in Sites' assessments which can include:
  - the consideration of appropriate engagement (or disengagement) in accordance with the ASM profile, taking into account legal status and criminality;
  - monitoring of all relations and interactions between ASM and Sites, across management levels and functions;
  - ensuring that the Site **grievance mechanism** is **accessible** to ASM operators in line with Criterion 7 on Grievance Mechanism;
  - implementing procedures to mitigate adverse impacts associated with security forces at Sites in line with Criterion 22 on Security and Human Rights; and
  - integrating measures in the emergency response plan to avoid and minimize risks to ASM as per Criterion 18, Emergency Preparedness.
- Where possible, identify opportunities to source from ASM and contribute to the professionalization of legal and/or legitimate ASM. This can include but is not limited to:
  - establishing and strengthening purchasing relationships with ASM operators;
  - strengthening ASM capacities (e.g. organizational management and good **governance**; financial literacy; marketing and commercialization; knowledge of government legislation and regulations and expectations of market-access standards; responsible mining practices; OHS);
  - providing technical assistance;
  - donation of personal protective equipment and provision of emergency services;
  - direct funding or facilitation of access to fair loans and credit (e.g. for capital equipment and technical improvements);

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- support to formalization and legalization of ASM operations and operators;
- applying existing/relevant ASM Standards to assess their operations against best practice and monitor improvements over time.

- Where relevant, for example in cases where there are limited economic alternatives to ASM in the community, contribute to generation of non-ASM livelihoods, economic development, and other social improvements in ASM communities (e.g. via local **employment** or training programs, promotion of **child** welfare or **gender equality**); through an appropriate mechanism, such as through:
  - formal direct engagement through an operating partnership or **community development** intervention partnership with ASM;
  - indirect engagement through a third party such as a government agency, an NGO already working with ASM, trade unions and/or international agencies; and, including ASM in Sites' strategies on broader community engagement programs, in line with Criterion 19 on Community Health and Safety and Criterion 20 on Community Development.

For Sites that are directly or indirectly sourcing from ASM, this means to implement supply chain due diligence in line with Criterion 10 on Responsible Supply Chains, and where relevant depending on the position in the supply chain:

- When ASM operators are present on land mined by the Site or there is possibility of material mixing, adopt effective controls to prevent the illegal mixing of external material into the supply chain;
- When the Site sources from ASM, directly or indirectly,
  - develop a policy and processes to source from legal and legitimate ASM only;
  - conduct enhanced due diligence according to OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas to identify red flags;

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- Establish monitoring and management practices, either directly or by leveraging upstream schemes that are aligned with the OECD requirements, which generate verified evidence that: ASM operations are legitimate; a monitoring **system** is in place to report incidents, no OECD Annex 2 risks are present, OHS practices are adequate to safeguard the miners, data points are generated and made available to the Site's system of controls and transparency;
  - have a procedure in place to cooperate with supply chain partners in mitigation of risks related to ASM.
- When the Site has identified ASM sourcing in its supply chain:
  - identify pinch-points in the supply chain and verify that the pinch point conducts OECD aligned due diligence as outlined in Criterion 10;
  - actively advocate for and participate in initiatives, including multi-stakeholder ones, that support the formalization of ASM, and, where possible, engage with stakeholders that are legitimate representatives of ASM or ASM communities in producing countries.

II.   Key References

Internationally Recognized Frameworks

The following international frameworks constitute key references for the interpretation and implementation of this Criterion:

- [OECD, Due Diligence Guidance for Responsible Business Conduct](#)
- [OECD, Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas](#)

Additional Reading

The following literature may be useful when implementing this Criterion:

- Alliance for Responsible Mining, Rock-Solid Chances for Responsible Mining
- ARM & RESOLVE, Code of Risk-mitigation for ASM: engaging in Formal Trade (CRAFT)
- Fairmined, The Fairmined Standard
- Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development, Guidance for Governments: Managing Artisanal and Small-Scale Mining
- International Finance Corporation and International Council on Mining & Metals, Working together: How large-scale mining can engage with artisanal and small-scale miners
- International Labor Office, Facts on Small-Scale Mining
- Minamata Convention for the Elimination of Mercury in Artisanal and Small-Scale Gold Mining
- OECD, Sourcing Gold from Artisanal and Small-Scale Mining - FAQs
- Responsible Minerals Initiative, ASM Cobalt Normative Framework Version 1
- Responsible Minerals Initiative, Cobalt Refiner Supply Chain Due Diligence Standard
- World Bank, Mining Together: Large-Scale Mining Meets Artisanal Mining, A Guide for Action
- World Gold Council, New report: Lessons learned on managing the interface between large-scale and artisanal and small-scale gold mining

CRITERION 22: Security & Human Rights

> **Implement a system to prevent and mitigate risks to human rights related to the conduct of private and public security forces, and remedy adverse impact.**

I.   Implementation:

a. Interpretative guidance

Relevance

While security-related **impacts** on **affected stakeholders** are a serious issue that can occur in all businesses, irrespective of size, location, or function in the value chain, it is mostly evident in mining operations, which are more likely to engage armed security personnel. There is a **risk** that use of force by security providers may be applied disproportionately in response to community protests or that security providers may abuse their power and harass workers and/or **vulnerable** or marginalized community members. In some contexts, particular issues may arise where security is provided by public security forces that are inadequately trained in **human rights** or have a history of **human rights abuses**. **Sites** should consider the types of security providers they are using to determine where there are risks of security-related impacts on affected stakeholders and take measures for their prevention and **remediation**.

b. Core Requirements:

Sites are expected to ensure minimization of security-related impacts on affected stakeholders.

1. **To demonstrate a commitment to** ensure that security personnel respect human rights that includes:

   - Zero tolerance for human rights abuses by private and public security providers, including physical and verbal attacks against **environmental and human rights defenders**

   - For mining operations, following the Voluntary Principles on Security and Human Rights (VPSHR).

2. **To identify** human rights risks and impacts associated with security arrangements, in line with Criterion 2 on Risk Assessments and VPSHR. As well as the requirements in Criterion 2, the Site should:

   - Include in the scope of the assessment security staff directly and indirectly employed by Sites, including public security

   - Pay special attention to stakeholders who may have a heightened risk of vulnerability or marginalization (e.g. environmental and human rights defenders) and to gender-specific risks.

3. **To implement an action plan to effectively prevent and mitigate** security-related risks on affected stakeholders.

   - For mining operations, this means to implement the Voluntary Principles on Security and Human Rights

   - For non-mining operations that engage security personnel, Sites should:
     - conduct a security-risk assessment and analyze the options for managing risk, with the decision to use armed security to be based on the outcomes of the risk assessment and when there is no reasonable alternative;
     - consult with the government and local communities on security arrangements;

- o screen security personnel and public and private security providers regarding their involvement in human rights abuses and illegal practices;
- o provide regular training of security personnel and providers on their roles and appropriate behavior;
- o prohibit threat to life of workers and visitors to the Sites;
- o require that use of force is for preventive and defensive purposes only and proportional to the threat;
- o seek to engage private security providers that are certified members of the International Code of Conduct Association (ICoCA) or encourage security providers to join the ICoCA.

4. **To implement a management system to prevent and mitigate risks**. As well as the requirements in Criterion 1, the Site should:
   - Assign a senior function to managing security
   - Communicate to workers, business partners and local communities the security arrangements using languages, methods and channels that are understood and are easily **accessible** to them
   - Develop a written policy or agreement on the conduct of security providers that includes:
     - o the respect of the law;
     - o the respect of human rights, including the respect of **environmental and human rights defenders** and
     - o the duty to exercise restraint and caution regarding the use of force.
   - Assess and monitor the conduct of security providers and their ability to operate within the policy.

5. **To remediate** security-related impacts on affected stakeholders, caused by security staff or provider misconduct. As well the requirements in the VPSHR, Criterion 1, and Criterion 7 the remediation process should:

- Record and investigate all allegations of human rights abuses by security providers
- Require the immediate termination of practices that can be considered as misconduct
- Determine the mode and extent of disclosure to relevant law enforcement or other appropriate government authorities
- Report credible allegations to authorities, using discretion
- Monitor investigations conducted by public authorities until conclusion
- Implement measures to protect those making the allegations and victim(s).

6. **To publicly disclose** risks, planned actions, progress and results in line with Criterion 6 on Sustainability Reporting.

II.   Key References

International Operating Frameworks

The following international frameworks should be followed for the implementation of this Criterion where applicable to Sites' operational activities:

- [The Voluntary Principles on Security and Human Rights](#) (VPSHR)

International Conventions and Treaties

- UN Basic Principles on the Use of Force and Firearms by Law Enforcement Official
- UN Code of Conduct for Law Enforcement Officials

Additional Reading

The following literature may be useful for guidance when implementing this Criterion:

- ICMM, ICRC, IFC, IPIECA Voluntary Principles on Security and Human Rights Implementation Guidance Tools
- IFC Good Practice Handbook: Use of Security Forces: Assessing and Managing Risks and Impacts
- IFC Guidance Note 4: Community Health, Safety and Security
- International Alert, Voluntary Principles on Security and Human Rights: Performance Indicators
- International Code of Conduct Association (ICoCA)
- UNICEF, Child Rights and Security Checklist
- UNICEF, Child Rights and Security Handbook
- UN, 2016, Situation of human rights defenders
- UN OHCHR, 2004, Human Rights Defenders: Protecting the Right to Defend Human Rights

CRITERION 23: Indigenous Peoples' Rights

> **Respect Indigenous Peoples' rights, including the right to free, prior, and informed consent and engage in an inclusive, transparent, respectful and culturally appropriate manner to prevent adverse impacts and create benefits for Indigenous People.**

I.   Implementation:

a.   *Interpretative guidance*

Relevance

Indigenous Peoples are often particularly vulnerable to the negative **impacts** of commercial development and **operational activities**, especially caused by mining operations which frequently overlap with indigenous **territories**. However, through meaningful engagement and collaboration, **Sites** and Indigenous Peoples should be able to identify opportunities to enhance benefits that flow to their communities.

This Criterion is relevant to those operational activities where there are known to be affected Indigenous Peoples' groups, in particular at cultural heritage areas.

b. *Core Requirements:*

Sites should respect Indigenous Peoples' rights, in line with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), to apply practices that respect the **free, prior and informed consent (FPIC)** of Indigenous Peoples' communities and groups; and to identify, prevent and remediate **adverse impacts** on Indigenous Peoples' lands, livelihoods and resources.

1. **To identify risks to and impacts on Indigenous Peoples' lands, livelihoods, resources, and cultural heritage through consultation with relevant Indigenous Peoples.** As well as the requirements in Criterion 2, Sites' risk assessments should:

- Assess **risk** and adverse impacts associated with the Site's operational activities including:
  - Identification of Indigenous Peoples within the Sites' operational activities through desk research to identify national laws and regulations, treaties, government policies, NGO reports, and baseline data about Indigenous Peoples; engagement with indigenous organizations, association or federations, government authorities and other relevant civil society organizations; and independent indigenous experts;
  - Meaningfully engage and consult with relevant Indigenous People to identify aspects that are particular or unique to Indigenous Peoples, including:
    - their rights, priorities, customs and those aspects arising in relation to domestic or international legal frameworks
    - land regulations and threats to traditional, customary, or collective land use or tenure, overlapping land claims
    - threats to sacred sites or other **cultural heritage**
    - infringement on resource access
    - degradation of the natural environment
    - determination of **compensation** or benefit-sharing structures
    - clear understanding of Indigenous engagement protocols, decision-making and leadership structures, and
    - resettlement.
- Where Sites determine that no risks or impacts are in scope, they should document their findings, provide evidence of how they conducted the assessment and seek validation of their findings from the community.

- Establish a baseline of the status of affected Indigenous Peoples that includes but should not be limited to:
  - Identification of all affected Indigenous Peoples;
  - History, socio-economic context, traditional lands and uses, land claims, community decision-making processes;
  - Cases of human, **cultural** or any other breaches of **Indigenous Peoples' rights**;
  - The inclusion of Indigenous Peoples in the design and implementation of the baseline.
- Engage Indigenous Peoples to participate in impact assessments, in line with Criterion 8 on Stakeholder Engagement and Criterion 25 on Cultural Heritage. Those engagements should, where possible, involve both men and women in the consultation and decision-making process
- Collaborate with affected Indigenous Peoples to avoid and minimize identified impacts. When avoidance/**mitigation** is not feasible, the Site should seek to come to agreement with the community about ways to manage identified impacts.

2. **To implement an action plan to respect Indigenous Peoples' rights (including the right to FPIC)**, which means to:
- Consult and cooperate in **good faith** and a respectful manner, with the Indigenous Peoples through their own representative institutions in relation to all matters that may affect them or their rights, including decisions about community development initiatives, in line with Criterion 20 on Community Development
- Engage with Indigenous Peoples in an **inclusive**, transparent, respectful and **culturally appropriate** manner throughout the lifecycle of the operational activities

- Engage and enable the participation of the legitimate, traditional and/or legal representatives of the organizational structures of directly, indirectly and potentially affected Indigenous Peoples in the design and implementation of engagement, **consultation** and consent processes

- Implement procedures to engage Indigenous Peoples in order to obtain their FPIC for operational activities (prior to commencement of operations), new projects, or significant changes to existing projects and develop long-term and mutually beneficial relationships that aim to build broad support for the Site's activities. This is particularly important if those significant changes may cause adverse impacts on Indigenous Peoples' livelihoods, or on lands and resources or cultural heritage traditionally owned by or under **customary use** of Indigenous Peoples in line with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). As FPIC is both an ongoing process and an outcome, ensure that the process by which FPIC was obtained and maintained is continually documented

- Ensure that the Sites and any personnel involved in the engagement process understand the rights, aspirations and concerns of Indigenous Peoples as well as their traditional decision-making structures and processes

- Ensure Indigenous Peoples' communities are informed about, in ways that are physically **accessible**, and comprehend, the full range of social and environmental **impacts** – positive and adverse of the Sites

- Ensure continued rights of access to cultural heritage sites or values and lands, **territories** or resources subject to **traditional ownership** or customary use

- Ensure Indigenous Peoples are involved in monitoring to help prevent adverse impacts

- Recognize, respect, and use traditional knowledge, where appropriate and with consent of Indigenous Peoples, to inform the design and implementation of mitigation strategies in consultation with Indigenous Peoples; and

- Ensure **grievance mechanisms** are culturally appropriate and developed in consultation with and provided in languages and formats accessible to Indigenous Peoples in line with Criterion 7 on Grievance Mechanism.

3. **To remediate adverse impacts on Indigenous Peoples**, which means to provide for or support legitimate remedy processes or **contribute** to the actions of others providing remedy through judicial, institutional or other mechanisms in line with Criterion 7 on Grievance Mechanism. Remedy measures for Indigenous Peoples should consider the following:
   - Afford due recognition to the role of Indigenous Peoples' customary laws, traditions and practices and the authority of their **governance** institutions
   - Acknowledge that available procedural rights and substantive remedies may vary for Indigenous Peoples depending upon the legal framework and whether Indigenous Peoples and their rights are recognized by the government; and
   - Ensure that remedies are culturally appropriate, developed in consultation with Indigenous Peoples and agreed to by them.

4. **To publicly disclose** risks, planned actions, progress and results related to Indigenous Peoples' rights in line with Criterion 6 on Sustainability Reporting.

II. Key References

Internationally Recognized Frameworks on Indigenous Peoples' Rights
The following international frameworks constitute key references for the interpretation and implementation of this Criterion:

- United Nations Declaration on the Rights of the Indigenous Peoples

- [ILO Convention C169 on Indigenous and Tribal Peoples](#)

Additional Reading

The following literature may be useful for guidance when implementing this Criterion:

- [Convention on Biological Diversity, Akwé Kon Guidelines for the conduct of cultural, environmental and social impact assessments](#)
- [Equitable Origin, COICA, RSB and TDi Sustainability, FPIC-360° Tool](#)
- [ICMM Good Practice Guide: Indigenous Peoples and Mining (second edition)](#)
- [IFC Performance Standard Guidance Note 7: Indigenous Peoples](#)
- [Mining, the Aluminium Industry, and Indigenous Peoples: Enhancing Corporate Respect for Indigenous Peoples' Rights](#)
- [UN Global Compact Good Practice Note: Indigenous Peoples' Rights and the Role of Free, Prior and Informed Consent](#)
- [UN Global Compact, The Business Reference Guide to the UN Declaration on the Rights of Indigenous Peoples](#)
- [USAID Optional Toolkit for Identifying Indigenous Peoples](#)

CRITERION 24: Land Acquisition & Resettlement

> **Respect land rights, prevent involuntary resettlements and physical and economic displacement and, where that is not possible, provide fair compensation; restore or improve the livelihoods and standards of living of displaced people.**

I. Implementation:

a. Interpretative guidance

Relevance

While any operational activities may cause **physical and economic displacement**, activities linked to mining and transport of raw materials and any other large infrastructure project are more likely to result in **displacement**. Displacement may occur throughout the lifecycle of the **operational activities** as a result of expansion of existing operations and/or associated infrastructure. Mining operations may take place in areas with widespread land disputes, conflict-induced displacement, or where land titling is unclear. Mining operations may require **resettlement** of local households, communities, businesses, or other economic or cultural activities.

This Criterion is relevant to those **operational activities** which involve or have involved land acquisition and/or resettlement.

b. Core Requirements

Sites are expected to respect land rights, to prevent involuntary resettlement and to address **adverse impact** on **stakeholders** affected by physical and economic displacement when that cannot be avoided.

1. **To demonstrate a commitment to:**
    - Respecting land rights, including customary land tenure rights
    - Seeking resolution of all existing claims and conflicts of land title in **compliance** with international **human rights** law and national law
    - Avoiding resettlement where possible, prohibiting forced evictions, and in cases of resettlement, restoring or improving livelihoods and standards of living of displaced people.

2. **To identify adverse impacts on stakeholders from physical and economic displacement due to land acquisition and resettlement.** As well as the requirements in Criterion 2, Sites' risk assessments should:
    - Assess potential and actual impacts of the Site's operational activities including impacts on:
        o Land rights or land use rights acquired through expropriation or other compulsory procedures in accordance with the legal system of the host country;
        o Land rights or land use rights acquired through negotiated settlements with property owners or those with legal rights to the land, if failure to reach settlement would have resulted in expropriation or other compulsory procedures;
        o Customary land tenure rights holders;
        o Legacy **resettlement** impacts from previous owners of the Site;
        o Project situations where involuntary restrictions on land use and access to natural resources cause a community, or groups within a community, to lose

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access to resource usage where they have traditional or recognizable usage rights;

- o Certain project situations requiring evictions of people occupying land without formal, traditional, or recognizable usage rights; and
- o Restriction on access to land or use of other resources, including communal property and natural resources such as marine and aquatic resources, timber and non-timber forest products, freshwater, medicinal plants, hunting and gathering grounds and grazing and cropping areas.
- Where Sites determine that no impacts are in scope, they are expected to document their findings and provide evidence of how they conducted the assessment
- Establish a baseline – when purchasing, leasing or using land for new or expanded operational activities causing physical and economic **resettlement**, Sites should:
  - o Collect baseline data on the affected community's socioeconomic conditions to ascertain who could become a potentially displaced person and which of the community members would qualify for **compensation**.
- Communicate impacts to affected stakeholders in ways that are physically **accessible** and understandable.

3. **To implement an action plan to prevent and mitigate adverse impacts of land acquisition and physical and economic displacement,** which means:
   - To explore and assess all other viable project design options, develop alternative project designs, and look to other viable locations for Sites' operational activities
   - To negotiate any potential land acquisition settlements, even if the Sites have a legal capacity to purchase land without obtaining the consent of the seller. Sites should offer fair compensation for any acquisition

- To ensure that those who are resettled are given security of tenure and are not placed at risk of further displacement
- To ensure that women and other vulnerable groups are not disproportionately impacted by the Sites' actions
- If **resettlement** is unavoidable, Sites should develop a Resettlement Action Plan and, if applicable, a Livelihood Restoration Plan, in line with IFC Performance Standard 5 on Land Acquisition and Resettlement and the IFC Handbook for Preparing a Resettlement Action Plan, including every effort to ensure the continuity of access to public social services such as health care
- Consult with, and ensure the informed participation of, affected stakeholders in conjunction with Criterion 8 on Stakeholder Engagement during the initial planning stages of any future expansion of, or major changes to the Sites' operational activities that may cause physical or economic displacement prior to making any decisions about the final design.

4. **To remediate adverse impacts** of land acquisition and physical and economic displacement, which means to provide for or support legitimate remedy processes or contribute to the actions of others providing remedy through judicial, institutional or other mechanisms in line with Criterion 7 on Grievance Mechanisms. Remedy mechanisms related to land acquisition and displacement should consider the following:

- To provide access to a **grievance mechanism** in line with Criterion 7 on Grievance Mechanisms
- To implement procedures to evaluate effective **remediation** steps in **consultation** with affected stakeholders
- To provide compensation for lost assets and restoration for displaced stakeholders whose livelihoods and incomes are affected, in a transparent, consistent, and **equitable** manner

- To provide access to a legitimate escalation channel (e.g. to a State-based judicial or non-judicial grievance mechanism) to which the victim can recur if the Site is not able to provide effective remedy.

5. **To publicly disclose** impacts, planned actions, progress and results in line with Criterion 6 on Sustainability Reporting.

II. Key References

International Operating Frameworks

The following international frameworks constitute key references for the interpretation and implementation of this Criterion:

- [The UN Guiding Principles on Business and Human Rights](#)
- [IFC Performance Standard 5 on Land Acquisition and Involuntary Resettlement](#)
- [IFC Handbook for Preparing a Resettlement Action Plan](#)

Additional Reading

The following literature may be useful for guidance when implementing this Criterion:

- [European Bank for Reconstruction and Development, Resettlement Guidance and Good Practice](#)
- [IAIA, Resettlement and Livelihoods](#)
- [ICMM, Land Acquisition and Resettlement: Lessons learned](#)
- [IFC, Performance Standard 5 Guidance Note: Land Acquisition and Involuntary Resettlement](#)
- [UN Basic Principles and Guidelines on Development-Based Evictions and Displacement](#)

CRITERION 25: Cultural Heritage

> **Respect the cultural rights of affected stakeholders through the implementation of a system to prevent, and remedy adverse impact to cultural heritage.**

I. **Implementation:**

a. *Interpretative guidance*

Relevance

This Criterion is relevant to those **operational activities** where there are known to be **cultural heritage** areas. The presence of **Indigenous Peoples** can also indicate the potential for adverse cultural heritage **impacts**.

Generally, in the minerals value chain, mining, mineral processing and transport are the operational activities most often located in natural environments, and most likely to cause damage to tangible cultural heritage, for example, because of the destruction of or damage to historical buildings, ancient artefacts, burial grounds or sites of spiritual significance. Damage to intangible cultural heritage may also occur, for example, as a result of inappropriate visitation of sites or the inappropriate use of traditional knowledge. This Criterion therefore is most relevant to Sites involved in mining, mineral processing and transport activities.

b. *Core Requirements*

Sites are expected to respect cultural heritage and **cultural rights** related to heritage and address **adverse impacts.** This means:

1. **To demonstrate a commitment** to respect cultural heritage and cultural rights related to heritage that includes:
   - To prevent adverse impacts, including on and associated with access to cultural heritage
   - To remediate instances of adverse impacts on cultural heritage and on cultural rights related to heritage.

2. **To identify risks and impacts of the Site's operational activities on cultural heritage.** As well as the requirements in Criterion 2, risk assessment should:
   - Conduct a mapping of cultural heritage spaces that could be affected by the Site's operational activities
   - Sites should rely on various sources of information in determining cultural heritage. Sources of information regarding what constitutes cultural heritage include, but are not limited to:
     - UNESCO's World Heritage List;
     - **consultations** with impacted communities;
     - historical or **traditional owners** and owners of **cultural heritage**;
     - ministries of archeology, culture or similar national, or heritage institutions;
     - national and local museums, cultural institutes and universities;
     - civil society concerned with cultural heritage or historical preservation; and
     - religious groups for whom the cultural heritage is traditionally sacred.
   - Where Sites determine that no impacts are in scope, they are expected to document their findings and provide evidence of how they conducted the assessment
   - Assess **risks** and impacts associated with the Site's operational activities, giving due consideration to the effects on the **human rights** of **affected stakeholders**
   - Establish a baseline of the status of cultural heritage

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- Communicate impacts to affected stakeholders in ways that are physically **accessible** and understandable.

3. **To implement an action plan to prevent and mitigate risks of adverse impacts on cultural heritage and on related cultural rights**, which means to
   - Conduct an analysis of project alternatives and prioritize avoidance of adverse impacts through Sites' design changes and/or through the introduction of special construction and operational procedures
   - Allow continued access to the cultural site
   - Where avoidance of impacts is unavoidable, Sites should aim to minimize adverse impacts by:
     - Implementing restoration measures that aim to maintain the cultural heritage's value and functionality;
     - Considering restoration at a different site; and
     - For non-replicable cultural heritage and critical cultural heritage, supporting the removal and preservation of the cultural heritage according to the best available techniques, following review by external experts and consultation with historical or traditional owners and users of the cultural heritage.

4. **To implement a management system to prevent and mitigate risks of adverse impact on cultural heritage and on related cultural rights**. As well as the requirements in Criterion 1, the Site should:
   - Include training of relevant managers and personnel on cultural heritage
   - Design a chance find procedure to outline actions to be taken if previously unknown cultural heritage is encountered, where the impact assessment determined that the operational activities are located in areas where cultural heritage is expected to be found

- Establish monitoring systems to monitor measures taken to avoid adverse impacts on cultural heritage
- Consult with, engage and ensure the informed participation of stakeholders likely to be affected in their way of life and in their cultural rights, in line with Criterion 8 on Stakeholder Engagement and respect Indigenous People's rights to free, prior, informed consent in line with Criterion 23 on Indigenous People's Rights.

5. **To remediate adverse impacts on cultural heritage.** As well as the requirements in Criterion 1, the Site should:
- Implement or participate in a **grievance mechanism** in line with Criterion 7 on Grievance Mechanism
- Establish a procedure to provide for or participate in remedy if adverse impact on cultural rights of affected stakeholders arises, including investigating the root causes of the incident
- Define remedy measures in consultation with affected stakeholders and their representatives. **Remediation** measures should be implemented where avoidance, minimization and restoration to ensure maintenance of the value and functionality of the cultural heritage are demonstrably not feasible, compensate affected stakeholders in accordance with national law and international best practice standards.

6. **To publicly disclose** risks, planned actions, progress and results in line with Criterion 6 on Sustainability Reporting.

II. Key References:

Internationally Recognized Frameworks

The following international frameworks constitute key references for the interpretation and implementation of this Criterion:

- [The UN Guiding Principles on Business and Human Rights](#)
- [IFC, Performance Standard 8 on Cultural Heritage](#)

International Conventions and Treaties

- [United Nations Declaration on the Rights of the Indigenous Peoples (2007)](#)

Additional Reading

The following international literature may be useful for guidance when implementing this Criterion:

- [IFC, Guidance Notes 8 on Performance Standard 8 on Cultural Heritage](#)
- [UNESCO, World Heritage Convention](#)
- [UNESCO, World Heritage List](#)

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CRITERION 26: Climate Action

> **Contribute to the goals of the Paris Agreement to curb global temperature rising to 1.5°C above pre-industrial levels through the implementation of a corporate or site-level, comprehensive, integrated climate change mitigation and adaptation strategy.**

I. Implementation:

a. Interpretative guidance

Relevance

The relevance of this Criterion is related to the carbon intensity of a **Site's** business processes and to the physical effects of climate change where they are located. For that reason, this Criterion requires Sites to develop and implement a climate action strategy that is proportional to their size and takes into consideration their specific complexity, such as geography, geology, **stakeholders**, ore location/type, product and incorporates both **mitigation** and adaptation measures.

Corporate or site-level

Strategies and plans may be designed and developed specifically for and by Sites, or Sites may participate in and apply the policies, procedures and practices of corporate strategies and plans governed by a parent company or group.

b. Core Requirements

Sites are expected to implement a comprehensive integrated **climate change mitigation** and **adaptation** strategy and plan. This means they are required to:

1. **Demonstrate a commitment to taking climate action** that includes:

- Avoiding and reducing **greenhouse gas** emissions linked to the Sites' **operational activities** at a pace and scale consistent with mitigation pathways that meet the goals of the Paris Agreement to curb global temperature rise to 1.5°C above pre-industrial levels
- Protecting facilities, workers and **affected stakeholders** from the adverse impacts of climate change.

2. **Identify and assess all material causes and effects of climate change linked with the Sites' operational activities**. As well as the requirements in Criterion 2, Sites' risk assessments should:
   - Assess the direct and indirect **material** causes and effects of **climate change**, including consideration of the effects on the **human rights** of affected stakeholders
   - Document and centralize a full inventory of identified climate-related **impacts**
   - Regularly update the impact assessment
   - Enable **affected stakeholders**' early and continued participation in the assessment of material effects and in formulation of the action plan, which means to engage stakeholders whose traditions, livelihoods, rights, and knowledge will be, or risk being impacted by climate change and Sites' strategies in line with Criterion 8 on Stakeholder Engagement.

3. **To communicate commitment and assign responsibilities for implementation** in line with Criteria 1, which means:
   - To communicate climate commitments and plans to relevant staff, **suppliers**, customers, business partners and engaged key stakeholders
   - To define clear roles, responsibilities, and senior management accountabilities for implementation of the commitment and action plans, and assign resources to support implementation

- To define procedures and processes for the implementation of the climate plan and train relevant personnel.

4. **Design and implement a Site-wide plan to mitigate and adapt to the adverse biogeophysical and social impacts of climate change.** Sites may implement several stand-alone climate-related plans or combine all climate-related measures into one plan. The plan should be:

- **Comprehensive**, which means addressing all the prioritized potential and actual climate-related impacts identified in Sites' impact assessments
- **Integrated**, which means to include all operational activities, and all management and operating functions and levels. An integrated approach embeds topic-specialist or personnel with training or experience in management teams, which enables appropriate oversight of measures to mitigate and adapt to all potential or actual climate-related impacts
- **Designed to manage the effects** of climate change across all relevant functions, policies, processes, operations, and business and stakeholder relationships, and in business decisions, at all levels of the organization.

The plan should include:

- **Mitigation** measures, including but not limited to the:
  - reduction of **greenhouse gas** emissions in line with Criterion 27 on Greenhouse Gas Emissions Reductions;
  - reduction and management of waste and recycling of **natural resources** and materials in line with Criterion 30 on Circular Economy;
  - protection of **biodiversity** in line with Criterion 32 on Biodiversity and Productive Land; and
  - incorporation of expectations for **greenhouse gas** emission reductions into **supplier** agreements in line with Criterion 10 on Responsible Supply Chains.

- **Adaptation** measures, including but not limited to the:
  - consideration of the impacts of climate change in the location and design of Sites and operational activities in line with Criterion 28 on Water Stewardship, 31 on Tailings Management, 32 on Biodiversity and Productive Land, and 33 on Pollution;
  - consideration of the impacts of climate change on worker health and safety in line with Criterion 17 on Occupational Health and Safety; and
  - consideration of the impacts of climate change in mine closure and **reclamation** plans in line with Criterion 9 on Mine Closure and Reclamation.

Carbon offsets are an acceptable mitigation measure when compensating for significant greenhouse gas emissions that cannot be avoided. The decision to use offsets to mitigate greenhouse gas emissions should be considered only when all other possible pathways to avoid or reduce emissions directly have been exhausted. The **mitigation hierarchy** should always be applied, which means Sites should avoid producing emissions at the source from the outset of activities and reduce the intensity of emissions that cannot be completely avoided before planning to make offsets. Where Sites are left with no other plausible option to mitigate for significant greenhouse gas emissions other than to offset, selecting the appropriate intervention should be considered carefully and with reference to international best-practice standards. Where possible, such offsets should prioritize interventions that help preserve and enhance existing terrestrial carbon stocks, including through the protection of biodiversity in line with Criterion 32 on Biodiversity and Productive Land.

5. **To publicly disclose** impacts, planned actions, targets, progress and results related to climate change, at least annually, in line with Criterion 6 on Sustainability Reporting.

II. Key References

Internationally Recognized Frameworks

The following international frameworks constitute key references for the interpretation and implementation of this Criterion:

- Paris Agreement, 2015
- GHG Protocol Corporate Accounting and Reporting Standard and Calculation Tools
- ISO 14064-1: 2018 Greenhouse gases – Part 1: Specification with guidance at the organisation level for quantification and reporting of greenhouse gas emissions and removals
- Science Based Targets Initiative

International Conventions and Treaties

- United Nations Framework Convention on Climate Change (UNFCC)

Additional Reading

The following literature may be useful for guidance when implementing this criterion:

- CPD Climate Change Disclosure
- SASB / Value Reporting Foundation Metals and Mining Standard
- Task Force on Climate-Related Financial Disclosures (TCFD)
- International Council on Mining and Metals, Adapting to a Changing Climate: Building resilience in the mining and metals industry
- International Panel on Climate Change (IPCC) Assessment Report 6.

- [ISO 14091: 2021 Adaptation to climate change – Guidelines on vulnerability, impacts and risk assessment](#)
- [TCFD Knowledge Hub](#)
- [UN Sustainable Development Goals (SDGs): Goal 13 Climate Action](#)
- [UN Global Compact Blueprint for Business Leadership on the SDGs: 13 Climate Action](#)
- [World Economic Forum: How to Set Up Effective Climate Governance on Corporate Boards; Guiding principles and questions](#)

CRITERION 27: Greenhouse Gas Emissions Reductions

> **Avoid, minimize, and compensate for scope 1, 2 and relevant scope 3 emissions through the definition of science-based goals and targets, in line with the Paris Agreement.**

I. Implementation:

a. Interpretative guidance

Relevance

This Criterion is relevant to all **operational activities**, irrespective of size, location, or function in the value chain.

Sites along the minerals and metals supply chains will be expected to play their role in reducing **GHG** emissions to meet the Paris Agreement climate goal. On the other hand, they will be expected to provide the metals and minerals needed for a low-carbon future. Reducing GHG emissions in the context of increased production will require Sites to invest in low-impact energies and technologies and to set ambitious yet practicable and concrete targets based on science for GHG emissions reduction.

Scope 3 emissions

This RRA recognizes that quantification of Scope 3 emissions can be particularly challenging, and related data may be incomplete or unspecific. In addition, not all sub-categories of Scope 3 emissions may be **material**. Sites should be **transparent** on how they quantify and report their **Scope 3 emissions** and clearly state the assumptions that they have used in doing so.

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Corporate versus Site-level target and goal setting and reporting

Targets may be set at a Site-level or may be an expression of how the Site is contributing to a corporate-level target. Either way, Site-level accounting of GHG emissions is required.

Site-level versus metal/product level GHG emission accounting

This criterion requires Site-level GHG emission accounting only and does not require emissions to be disaggregated by metal or product.

b. *Core Requirements*

Sites are expected to avoid, minimize, and compensate for GHG emissions through the identification and quantification of energy sources and emissions, the implementation of a **system** to manage, and disclosure of the progress made to meet GHG emissions' reduction targets. This means:

1. **To identify and quantify GHG emissions and energy.** As well as the requirements in Criterion 2, Sites' **risk assessments** should:
   - Determine the scope of the assessment, which means to identify features, aspects, and operational activities that fall within scope 1, 2 and **material** scope 3 sub-categories of GHG emissions
   - Establish a baseline for GHG emissions reductions targets, that is, the projected energy consumption or emissions in the absence of any reduction activity. This means to generate, gather, and analyze relevant data and information on energy and GHG emissions that should include but not be limited to:
     - energy:
       - identify and quantify the types of energy used, including fuels, electricity, heating, cooling, and steam;

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- identify sources of energy, whether renewable or non-renewable;
- quantify energy intensity.
  - GHG emissions:
    - identify GHG sources;
    - quantify scope 1, 2, and material scope 3 sub-category emissions using sound and recognized methodologies, such as through the GHG Protocol or methodologies based on the GHG Protocol;
    - define the gases included in the assessment, whether CO_2, CH_4, N_2O, HFCs, PFCs, SF_6, NF_3, or all; and
    - define the sources of emission factors and global warming potential rates used.
- Document how the assessment is conducted, including the disclosure of material emissions, the boundary (which processes are included), and selection of emission factors.

2. **To communicate commitment and assign responsibilities for implementation** in line with Criteria 1, which means:
   - Commitment to emission reductions and action plans have been communicated to relevant workers, **suppliers**, customers, business partners and engaged key **stakeholders**
   - Roles, responsibilities, and accountabilities for implementation of the commitment and action plans are clear, and resources have been assigned to support implementation
   - GHG emission reduction is included in Site training programs for relevant workers.

3. **To implement the mitigation hierarchy to avoid, minimize, and compensate for GHG emissions,** by ordering options for managing GHG emissions sequentially, starting with action to avoid emissions, followed by action to reduce and minimize them, and, as a last resort, compensate for them.

- Develop action plans consistent with the **mitigation hierarchy** which includes requirements to:
  - identify and prioritize opportunities to increase energy efficiency and define energy efficiency targets;
  - identify and prioritize opportunities to adopt less impactful sources of energy, including to prioritize use of renewable sources of energy, where technically and economically viable;
  - identify sources of direct and/or indirect emissions that have the highest reduction potential;
  - support the procurement of energy-efficient products and services that impact energy performance;
  - support the design of operational activities that consider energy performance improvement;
  - ensure maintenance of equipment using energy, in order to avoid energy loss and waste, such as steam or compressed air leaks;
  - identify opportunities for carbon capture and storage of any emissions that cannot be avoided;
  - identify opportunities to compensate or offset (known as **carbon offsetting**) for any significant negative impacts that cannot be avoided, reduced and/or restored;
  - ensure that any emissions reduction plan takes into consideration the **potential adverse social impacts** arising from the implementation of the proposed plan.

- Establish energy efficiency and GHG emissions indicators that are appropriate for measuring and monitoring energy and emissions reductions and demonstrating improvements.

4. **To set ambitious but credible science-based goals and quantitative targets for climate action which are either in line with the Paris Agreement or are part of a corporate-level target that is in line with the Paris Agreement, against which to measure and account for Sites' performance.** This means:
   - To develop targets using a recognized, robust and credible target setting methodology. Sites may use the Science Based Targets Initiative (SBTI) but are not required to do so
   - To ensure that goals and targets for climate action are independently validated, which means that a recognized, credible and competent third-party assesses that the goals and targets are based on science, robust, and in line with the Paris Agreement, or **contribute** to a corporate-level target that is in with the Paris Agreement
   - To incorporate into Sites' impact assessments; policies; design; and commissioning, operating and closure and **reclamation** plans, explicit reference, and measures to achieve climate change-related goals and targets that are in line with the Paris Agreement, or contribute to a corporate-level target that is in with the Paris Agreement.

5. **To implement a system to manage energy and GHG emissions reductions** in line with Criterion 1 on Management Systems:
   - Document procedures, action plans, and **mitigation** measures across all **operational activities** to avoid, minimize, or compensate for **adverse impacts**

- Establish monitoring procedures and protocols to measure progress towards meeting **greenhouse gas** emissions' reduction targets.

6. Engage with key **stakeholders** on progress related to the implementation of action plans and measurement of targets.

7. **Calculate and disclose site-level carbon emissions data**, which means to disclose the average carbon emissions data for Scopes 1, 2 and material Scope 3 emissions. Where disclosure means that values are available and can be readily provided either publicly or privately:
   - Sites are encouraged to also use site-level data to calculate relevant product-level carbon emissions data for using **Scopes 1, 2** and relevant **Scope 3 emissions**
   - In doing so, participants should use recognized industry guidance or internationally accepted protocols that define the technical requirements for the relevant product(s)
   - Depending on programmatic requirements, sites might be required to provide product-level data to customers upon request.

8. **Publicly disclose progress to meet targets**, which means to disclose at least annually all relevant information needed clearly to inform stakeholders of the Sites' GHG emissions' action plans, progress, and targets, in line with Criterion 6 on Sustainability Reporting.

II. Key References

Internationally Recognized Frameworks

The following international frameworks constitute key references for the interpretation and implementation of this Criterion:

- [ISO 50001 Energy Management Systems](#)
- [ISO 50001 Energy Management Systems](#)
- [Green House Gas (GHG) Protocol](#)
- [Science Based Targets (SBT) Initiative](#)

International Conventions and Treaties

- [United Nations Framework Convention on Climate Change (UNFCCC)](#)

Additional Reading

The following literature may be useful for guidance when implementing this criterion:

- [GHG Protocol, Scope 2 Guidance](#)
- [GHG Protocol, Technical Guidance for Calculating Scope 3 Emissions](#)
- [GRI Standards including "GRI 305: Emissions 2016" for guidance on disclosures related to GHG emissions](#)
- [Task Force on Climate-related Financial Disclosures](#)
- [The Carbon Disclosure Project (CDP)](#)
- [The Climate Group RE100](#)
- [ISSB Standards](#)

CRITERION 28: Water Stewardship

> Avoid, minimize, rectify, and compensate for adverse impacts on water balance, flow, quality, and access and needs of other water users and wildlife from operational activities.

I.   **Implementation:**

a. *Interpretative guidance*

Relevance

Mining and metal processing generally consume large volumes of water, and for these sectors this Criterion should be considered carefully. Water scarcity can also lead to conflict in communities or with companies that are heavy users and perceived to be competing for shared sources of water. For any business in the minerals and metals value chain with **operational activities** in water-stressed or arid areas, this Criterion's requirements on the maintenance of a **water balance** and on contributing to water catchment conservation goals is particularly relevant.

Also, where operational activities are in or near urban centers, which is often the situation of metal processing and manufacturing plants, for example, this Criterion's requirements on treatment and safe discharge of water are especially relevant.

b. *Core Requirements*

Sites are expected to avoid, minimize, rectify, and compensate for **adverse impacts** from operational activities on **water balance, flow, quality** and access, and the needs of other water users and wildlife. This means:

1. **To demonstrate a commitment to water stewardship** that includes:

   - Assessment of not only internal operations but localized **impact** in the water catchment and, if applicable, seabed and marine environments. Particular attention should be given to water as a communal resource and localized scarcity risk.

2. **To identify risks of adverse impacts on water balance, flow, quality, and access and needs of other water users and wildlife.** As well as the requirements in Criterion 2, Sites' **risk assessments** should:

   - Determine the scope of impact and operations on shared use of water resources
   - Assess **risks** associated with the Site's operational activities including consideration of the effects on the **human rights** of **affected stakeholders** (see explanatory note)
   - Establish a baseline: which means to generate, gather, and analyze relevant data and information on the status of water use onsite and catchment uses / productive uses (see explanatory note)
   - Communicate impacts to affected stakeholders in ways that are physically **accessible** and understandable.

3. **To communicate commitment and assign responsibilities for implementation**, in line with Criteria 1, which means:

   - Commitment to **water stewardship** and action plans have been communicated to relevant workers, **suppliers**, customers, **business partners** and engaged key **stakeholders**
   - Roles, responsibilities, and accountabilities for implementation of the commitment and action plans are clear, and resources have been assigned to support implementation

- Water stewardship is included in Site training programs for relevant workers.

4. **To implement the mitigation hierarchy to address risks related to water use and quality**
   - Develop action plans to address identified risks consistent with the **mitigation hierarchy** (see explanatory note)
   - Consult with engaged key stakeholders (e.g., governments, **Indigenous communities**, and conservation organizations)
   - Demonstrate that their policies and practices **contribute** to local municipal, watershed, or other water authority initiatives for the maintenance of clean and healthy rivers, waterways, lakes, and water storage areas.

5. **To implement a system to manage risks within a Site's operational activities, which means to establish a management system for water stewardship,** in line with Criterion 1 on Management Systems**:**
   - Set water stewardship targets for reductions in **water consumption**, water quality, water efficiency, off-site water conservation programs, and for other water-related stewardship performance
   - Establish water stewardship monitoring procedures and protocols to monitor progress against water stewardship targets and for water consumption, water quality, water efficiency, off-site water conservation programs and other aspects identified in Sites' risk assessments and as part of continuing water-monitoring activities, in line with Criterion 2 on Risk Assessments
   - Assign qualified managers and workers to implement monitoring responsibilities
   - Continually engage **affected stakeholder**s from the earliest stages of Sites' operational life through informing them, their participation in decisions, and in water monitoring on water-related matters that affect their health, well-being,

safety, livelihoods, communities and environment, in line with criterion 8 on Stakeholder Engagement.

6. **To remediate adverse impacts associated with a Site's operational activities,** which means to:

- Restore waterbody **ecosystem services** where impacts are related to Site operations, whether current or historic. Where immediate restoration isn't possible, allocate resources for **remediation** to local communities with lost productivity.

7. **To publicly disclose** risks, planned actions, progress and results related to water stewardship, in line with Criterion 6 on Sustainability Reporting.

Explanatory note on risk assessment

- Determine the scope of the assessment, which means to identify features, aspects, and operational activities that fall within the responsibility of Sites to manage including:
  - sources of water used in operational activities, surface, and ground water (blue water), rainwater (green water) and water used to dilute potential pollutants (grey water). The consumption, treatment, and use of seawater should also be recorded in assessments
  - boundaries of water catchment areas in which Sites are located
  - affected formally designated and protected water bodies and their littoral zones
  - affected productive lands with significant reliance on water for its their functioning

- water users, water rights' holders, and other stakeholders that may potentially affect or be affected by Sites' operational activities and water stewardship practices, including downstream communities or communities that may be affected by groundwater withdrawals or contamination
- water conservation activities in Sites' water catchment areas not directly related to Sites' operational activities that present potential opportunities to support water conservation.

- Establish a baseline, which means to generate, gather, and analyze relevant data and information on the status of water-related features and aspects in scope that should include but not be limited to:
  - a record of water bodies':
    - water quality
    - seasonal and temporal variability in water quantity
    - physical, chemical, and biological conditions of surface waters, natural seeps/springs and groundwaters
  - quantification of Sites', water users', and water rights holders':
    - water sources
    - water consumption
    - water types (i.e., blue, grey, and green water)
    - water uses
    - destinations of discharged water
    - discharges of other materials and substances to water bodies.

If baseline sampling was not completed before the start of operational activities, Sites should establish background or synthetic water quality conditions.

- Assess risks, which means to rate the likelihood and severity of potential and actual impacts on water balance, flow, quality, access and needs from water users and wildlife in scope, including but not limited to the risk of:
  - altering the ecological flow of surface waters upstream and downstream of the water catchment point
  - significantly changing the water balance in Sites' local and catchment area
  - adverse impacts on sensitive sources and bodies of water
  - changes to water quality, water stress and other water stewardship challenges
  - adverse impacts on other industrial or infrastructure operations, water-rights' holders, and organizations or agencies working on relevant water stewardship activities
  - adverse impacts on water from chemicals, wastes, facilities, and other pollutants from operational activities
  - potential and actual water-related risks of water effluents discharged to subsurface waters, surface waters, sewers that lead to rivers, oceans, lakes, wetlands, treatment facilities, and ground water
  - potential and actual impacts on water rights holders' and other affected water users' access to water and from changes to water quantity, quality, and flows
  - implications of climate change for water stewardship, including for future water quantities, access to sources, and flow and related adaptation strategies, in line with Criterion 26 on Climate Action.

Explanatory note on mitigation hierarchy

Mitigation measures to avoid, minimize, rectify, or compensate for adverse impacts, include but are not limited to action to:

- Continually improve water efficiency

- Identify opportunities to allocate resources to install water-efficient capital equipment
- Avoid, reduce, and minimize water consumption
- Identify alternative water sources to freshwater, such as seawater, to mitigate adverse water-use impacts on communities
- Increase the reuse and recycling of water
- Treat and maintain the quality of water
- Ensure the controlled discharge and protect the quality of water in surrounding water courses and access to these by local communities, in line with Criterion 34 on Management of Waste and Criterion 36 on Tailings Management
- Maintain a **water balance** at Sites and **contribute** to maintaining a water balance in catchment areas
- Treat previously impacted water, i.e. historically impacted beyond the baseline in areas controlled by Sites, to make it usable, and, if necessary, provide a water supply from an alternate source
- Ensure the long-term stewardship of water-related environmental and social aspects through incorporation of water-related **mitigation** measures in **closure and reclamation plans**, in line with Criterion 9 on Mine Closure and Reclamation.

II.   Key References

Internationally Recognized Frameworks

The following international frameworks constitute key references for the interpretation and implementation of this Criterion:

- [The Alliance for Water Stewardship International Water Stewardship Standard.](#)

- ISO 14046 on Environmental Management – Water footprint – Principles, requirements and guidelines
- ICMM, Water Stewardship Framework

Tools for assessing water scarcity, flood risk, reputational risk, and competing uses:
- World Wildlife Foundation Water Risk Filter
- WRI Aqueduct

International Conventions and Treaties

- United Nations Convention on the Law of the Non-navigational Uses of International Watercourses
- United Nations Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention)
- United Nations Convention on the Law of the Sea

Additional Reading

The following literature may be useful for guidance when implementing this criterion:

- International Council on Mining and Metals, Practical Guide: Catchment Based Water Management
- International Council on Mining and Metals, Water Reporting: Good Practice Guide
- The Global Compact, Guide to Responsible Business Engagement with Water Policy
- World Business Council for Sustainable Development, Business Guide to Circular Water Management

- [World Health Organization, Guidelines for Drinking Water Quality](#)

- [World Wildlife Fund for Nature, Water Risk Filter](#)

CRITERION 29: Waste Management

Avoid, minimize and recover all types of waste, including hazardous waste.

I.   Implementation:

a. Interpretative guidance:

Relevance

Sites generate a wide array of **waste** over the course of their **operational activities** which can have significant negative **impacts** on the environment and human health when not appropriately managed. In addition to potentially harming human health and environment, waste directed to disposal, such as incineration or **landfilling**, represents a missed opportunity to **recover** resources and materials, which could help tackle resource depletion worldwide.

For this reason, Criterion 29 on Waste Management is relevant to all Sites, irrespective of their size, location or function in the value chain.

However, when implementing this Criterion, Sites should be aware of specific additional requirements that may apply to them due to their position in the supply chain, such as requirements on **Tailings** Management under Criterion 31 for mining operations, or due to specific legal or regulatory frameworks in their jurisdiction(s).

Hazardous Waste

Mining and metals production and processing can include dangerous substances such as heavy metals, radioactive materials and chemicals which can contaminate the

environment and impact human health. Sites are expected to legally and responsibly manage and dispose of **hazardous waste** in line with applicable national and transboundary regulations, as per Criterion 5 on Legal **Compliance**.

b. *Core Requirements*

Sites are expected to avoid and reduce the **adverse impacts** of waste disposal and to increase the quantity of waste diverted from disposal. This means:

1. **To demonstrate a commitment** to manage all waste responsibly. That includes:
    - Ensuring that the waste remains contained, stable and managed in a manner consistent with the environmental and social conditions of each location
    - For hazardous waste, compliance with the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.

2. **To identify waste streams and risks of adverse impacts.** As well as incorporating the requirements in Criterion 2, Sites' risk assessments should:
    - Determine the Scope of the assessment, which means to identify features, aspects, and operational activities that generate waste
    - Assess potential and actual impacts of the Site's operational activities including consideration of the effects on the **human rights** of **affected stakeholders**
    - Establish a baseline for **impact** associated with Site operational activities, which means to generate, gather, and analyze relevant data and information on waste management that should include but not be limited to:
        o   the sources of waste generation;
        o   the type of waste generated, including whether hazardous, in line with the requirements of applicable regulations;
        o   the amount of waste generated;

- o the transportation and storage of waste;
- o the **disposal** method for each type of waste, whether such waste is:
    - diverted from disposal through **preparation for reuse, recycling**, or other **recovery** operations; or
    - directed to disposal for incineration, landfilling, or other disposal operations.

3. **To implement the waste mitigation hierarchy to avoid, minimize and recover waste**, which means that Sites should order options for managing waste sequentially, starting with action to avoid waste, followed by action to reduce and minimize it, recover waste through preparation for reuse and recycling, and, as a last resort, dispose of it. In addition to the requirements in Criterion 1 on Management Systems, the Site should:

- Document a plan across all operational activities (where possible) to:
    - o continually improve the responsible management of waste;
    - o identify opportunities to avoid and reduce the amount of waste generated;
    - o increase the recovery of waste, including through reuse and recycling, where technically possible and economically and environmentally viable.
- Where relevant, implementation of action plans should be aligned with objectives in:
    - o Criterion 31 on Tailings Management for mining operations;
    - o Criterion 30 on Circular Economy, as it pertains to stewardship of minerals and metal products.
- Document a program to monitor progress towards meeting waste management goals, including to:
    - o set, document, and incorporate into **management systems** measurable, credible targets for waste reduction, re-use, recycling and recovery;

4. **To remediate adverse impact associated to a Site's operational activities**, which means:

- To engage with affected stakeholders to ensure they are aware of the impact of waste contamination on their health, well-being and the environment

- To provide access to a **grievance mechanism**, in line with Criterion 7 on Grievance Mechanisms

- To implement a plan to cease and remediate impacts where waste contamination presents a significant risk of harm to health or the environment

- To implement procedures to evaluate effective **remediation** steps in **consultation** with affected stakeholders

- To provide access to a legitimate escalation channel (e.g. to a State-based judicial or non-judicial grievance mechanism) to which affected stakeholders can recur if the Site is not able to provide effective remedy.

5. **To publicly disclose** risks, planned actions, progress and results related to waste management, in line with Criterion 6 on Sustainability Reporting.

II. Key References

Internationally Recognized Frameworks

The following international frameworks should be considered for the implementation of this Criterion where applicable to Sites' operational activities:

- [ISO 14001: 2015 Environmental Management System](#)

International Conventions and Treaties

- [The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal](#)

Additional Reading

The following literature may be useful for guidance when implementing this criterion:

- [IFC, Environmental, Health and Safety Guidelines](#)

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CRITERION 30: Circular Economy

> **Promote a circular economy through the collection, reuse and recycling of materials at Sites, the reduction of waste and increased resource efficiency.**

I.   **Implementation:**

Interpretative guidance

Relevance

While this Criterion is relevant for all phases of the minerals and metals life cycle, the type of actions that **Sites** can take to promote a **circular economy** will differ, depending on the Sites' function in the value chain. For example, for mining Sites, this Criterion is relevant to reducing the amount of **tailings**, extending the lifespan of equipment, and using renewable **natural resources** like renewable energy and reclaimed water. Processing and manufacturing Sites are best placed to promote a **circular economy** through **recycling** of **pre-consumer scrap** and/or **post-consumer scrap** at their end-of-life.

Life Cycle Assessments

Life Cycle Assessments (LCAs) are not required by this criterion but are considered useful tools to assess the **adverse impacts** of **material** production. Sites are encouraged, where appropriate, to participate in customer, corporate or industry association efforts to develop LCAs.

Core Requirements

Sites are expected to internally promote a **circular economy**, resource efficiency and the collection and recycling of Site-based **materials**, through the implementation of a **management system** and public disclosure of the progress made to meet **circular economy** and recycling targets. This means:

1. **To assess the circularity of materials**, which means that, as well as the requirements in Criterion 2 on Risk Assessments, Sites' assessment of materials or product lines should:

   - Include **cradle-to-gate** analysis, depending on the Sites' position in the value chain. For example, mining Sites would cover the extraction process and associated impacts to the mine gate, whereas smelter/refiner or processing Sites would draw on information from **upstream suppliers** then include **impacts** from their own production
   - Consider the impact of the various production stages and of end-of-life recycling.
   - Set, document, and incorporate into management systems measurable, credible targets for **circular economy.**

2. **To implement a system to manage**, which means that Sites should establish a management system for circular economy, to minimize the amount of pre-consumer scrap and waste generated in production process, in line with Criterion 1 on Management Systems and consistent with the waste management strategy of Criterion 29 on Waste Management. As well as incorporating the requirements in Criterion 1, the system should:

   - Document a plan across all operational activities where possible to:
     - identify opportunities to minimize pre-consumer scrap and waste, including tailings

- o identify opportunities to make by-products from industrial processing into valuable products
- o identify opportunities to recover new products from existing material processes
- o identify opportunities to increase resource efficiency in line with Criterion 28 on water stewardship, and Criterion 27 on greenhouse gas emission reductions
- o identify opportunities to regenerate natural resources in line with Criterion 32 on biodiversity and land management, and Criterion 9 on closure and reclamation.

3. **To implement a system to manage**, as relevant to the scope of Sites' operations, the collection and recycling of materials at end-of-life.

- Identify opportunities to promote collection, reuse and recycling of products at their end-of-life

- Increase the recovery, reuse and recycling of materials, ensuring that, in doing so, environmental and economic viability and safety, technical and legal considerations are prioritized

- Identify opportunities to incorporate reclaimed post-consumer scrap

- Identify opportunities to remanufacture or repair finished or semi-finished products In order to extend their useful life

- Where applicable, determine and record recycled content at the product, site or corporation level using internationally recognized methodologies or industry guidelines where available

- Provide recycled content information for the products, site or corporation to customers upon request.

4. Sites are encouraged to monitor market expectations and regulatory requirements regarding supply chain **due diligence** on all types of **scrap.** Sites should consider implementing supply chain due diligence on **scrap**, which can include action to:

- Determine the type of **scrap** (**run-around, pre- or post-consumer scrap**), using industry guidelines where available
- Expand due diligence management systems established in accordance with Criterion 10 (parts 1 and 2) on responsible mineral supply chains to include **scrap**
- Conduct **risk-based due diligence** on **scrap**, taking into account the type and country of origin of scrap materials, and seek to verify whether the origin of the scrap is from a high-risk area
- Account for the source of scrap by keeping records documenting the provenance of the scrap, e.g. records of shipments
- Assess that its production, import/export and transport meet national law, or the Basel Convention, whichever is stricter
- Maintain a commitment to send scrap to actors that operate in line with international standard for the processing of waste
- Confirm that the material can be reasonably determined as scrap to avoid fraudulent misrepresentation of mined material as scrap or other secondary materials.

5. **To review the effectiveness of your management systems** by monitoring progress towards meeting internal **circular economy** targets.

6. **To publicly disclose** at least annually all relevant information needed clearly to inform stakeholders of the Sites' **circular economy**-targets, planned actions, progress and results in line with Criterion 6 on Sustainability Reporting. This should

include, where applicable, methodology and system boundaries applied to determine the recycled content at product, sites or corporation level.

II.   Key References

Additional Reading

The following literature may be useful for guidance when implementing this criterion:

- [ICMM, Maximizing Value: Guidance on implementing materials stewardship in the minerals and metals value chain](#)
- [ICMM, Mining and the Circular Economy](#)
- [ISO 14021: Environmental labels and declarations – Self declared environmental claims (Type II environmental labelling)](#)
- [WBCSD (2021) Circular Transition Indicators v2.0 Metrics for business, by business](#)
- [World Bank Group Climate Smart Mining, Circular Economy and Critical Materials](#)

CRITERION 31: Tailings Management

> **Avoid, minimize, rectify, and compensate for adverse impacts from tailings through the implementation of a system to manage on-land tailings in line with internationally recognized frameworks and good practice.**

I.   **Implementation:**

a. *Interpretation guidance*

Tailings management is a continual exercise throughout the lifecycle of a mine. Therefore, this Criterion is relevant for mining at every phase of mining, which includes selecting options for and designing and implementing plans to discharge tailings, including the operation, maintenance, monitoring and **closure** of external tailings impoundments, dams, and containment facilities on land, and other means of tailings storage.

b. *Core Requirements*

Sites are expected to avoid, minimize, rectify, and compensate for **adverse impacts** from tailings:

- **To manage tailings facilities and tailings disposal systems in line with internationally recognized frameworks** which means, where applicable, to demonstrate implementation of the [Global Industry Standard On Tailings Management, 2020](#) (GISTM) or equivalent standard.

Sites with **tailings facilities** and tailings disposal systems that are not in scope of the GISTM should contact either RMI or the Copper Mark for guidance:

1. **To disclose publicly** impacts, planned actions, progress and results related to Sites' management of tailings facilities and tailings **disposal** systems, in line with Criterion 6 on Sustainability Reporting.

II.   Key References

Internationally Recognized Frameworks

The following international frameworks should be followed for the implementation of this Criterion where applicable to Sites' operational activities:

- [The Global Industry Standard on Tailings Management published by ICMM, The United Nations Environment Programme, and the Principles for Responsible Investment](#)

CRITERION 32: Biodiversity and Productive Land

> **Avoid, minimize, restore or replace, and compensate for adverse impacts on biodiversity, soil and productive land, commit to a no net loss and consider a net gain of biodiversity.**

I. **Implementation:**

a. *Interpretative guidance*

Baseline requirements

If baseline sampling was not completed before the start of operations, **Sites** should consider historical or synthetic data to establish an approximate baseline. If these are not available, the baseline may be taken from the time of the assessment.

b. *Core Requirements*

Sites are expected to avoid, minimize, restore, and compensate for **adverse impacts** on **biodiversity** and **productive land** from **operational activities**, respect the integrity of **protected areas**, commit to a no net loss and consider a net gain of biodiversity. This means:

1. **To demonstrate a commitment to biodiversity conservation that includes:**
   - No net-loss with an ambition for net gain
   - Not operating in World Heritage Sites
   - Respecting limitations established in Key Biodiversity Areas, Ramsar Sites, **Indigenous Community** Conserved Areas, and in any other designated protected areas and their buffer zones, including respecting prohibitions related to mining and exploration activities

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- Ensuring there is no encroachment of Sites' activities within protected areas' boundaries
- Where applicable, enhancing, through research, information sharing and/or partnerships, the industry's understanding of and contribution to biodiversity conservation, science and traditional knowledge.

2. **To identify the risks of adverse impacts on biodiversity and productive land.**
As well as adhering to the requirements in Criterion 2, Sites' **risk assessments** should:
- Assess risks associated with the Site's operational activities, including consideration of the effects on the human rights of affected stakeholders (see explanatory note)
- Where Sites determine that no risks or impacts are in scope, they are expected to document their findings and provide evidence of how they conducted the assessment
- Establish a baseline, which means to generate, gather, and analyze relevant data and information on the conservation status of the biodiversity and the **productive value of land** in scope based on current disturbed conditions or the use of a nearby analog site (see explanatory note)
- Communicate impacts to **affected stakeholders** in ways that are physically **accessible** and understandable in line with Chapter 8 Stakeholder Engagement.

3. **To implement the mitigation hierarchy to address actual and potential impacts on biodiversity:**
- Develop action plans to address identified **risks** consistent with the **mitigation hierarchy**
- Set targets that are aligned with the commitment to achieve no net loss

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- Where offsets are used as part of an action plan to meet one or more aspects if achieving **no net loss**, the source and the nature of the accreditation of the offsets should be publicly disclosed
- Consult with **stakeholders** (e.g. governments, Indigenous communities, and conservation organizations) regarding baseline data, identification of risks and action planning.

> Biodiversity offsets are an acceptable mitigation measure when significant impacts on biodiversity cannot be avoided. The decision to use offsets to mitigate residual impacts on biodiversity should be considered only when all other possible methods to avoid, minimize, restore or replace impacts have been exhausted. Where Sites are left with no other plausible options other than to offset, selecting the appropriate intervention should be considered carefully and with reference to international best practice standards. Where possible, such offsets should prioritize interventions that help preserve and enhance existing terrestrial carbon stocks sequestered in biodiversity and **ecosystems.**

4. **To communicate commitment and assign responsibilities for implementation in line with Criteria 1, which means:**
- Commitment to biodiversity conservation and the communication of action plans to relevant staff, **suppliers**, customers, **business partners** and **stakeholders**
- Roles, responsibilities, and accountabilities for implementation of the commitment and action plans are clear, and resources have been assigned to support implementation
- Biodiversity conservation awareness is included in Site training programs for relevant personnel.

5. **To implement a system to manage risks within a Site's operational activities**, which means to establish a management **system** for biodiversity in line with Criterion 1 on Management Systems:

- Establish biodiversity monitoring procedures and protocols to measure progress against targets

- Engage with key stakeholders on progress related to the implementation of action plans and measurement of targets:
  - where relevant, engagement with Indigenous Peoples as **rights holders** should be based on documented procedures established in line with Criteria 23 relating to FPIC, with informed consent given for any operational activities related to the management of biodiversity that affect their lands and rights.

- Where relevant, implementation of actions plans should be aligned with objectives in:
  - mine **closure and reclamation plans** for the protection of biodiversity and continuation of conservation activities established at the Site in line with Criterion 9 on Mine Closure and Reclamation; and
  - **climate change mitigation and adaptation** strategies in line with Criterion 26 on Climate Action.

- Implementation of the Site-level **biodiversity** conservation plan and progress towards biodiversity objectives are regularly tracked and reported to Site-level senior management to support management decision-making processes

- Engage with communities, households and individuals who are adversely affected by **impacts** on **biodiversity** and **ecosystem services** associated with their operational activities, on mitigation impacts so that they are at least as well off – and preferably better off – than they were before.

6. **To publicly disclose** impacts, planned actions, progress and results related to biodiversity conservation in line with Criterion 6 on Sustainability Reporting.

Explanatory note or examples of evidence

- Who are stakeholders?
  - those whose traditions, livelihoods, rights and knowledge related to biodiversity will be adversely or positively impacted by Sites' operational activities, those involved in the governance and operation of designated protected areas, and those who could contribute to the Sites achieving their commitment to no net loss of biodiversity.
- Establish a baseline:
  - which means, for existing sites, baseline data can be derived from an assessment of current conditions or the use of a nearby analog site;
  - which means to generate, gather, and analyze relevant data and information on the conservation status of the biodiversity and the productive value of land in scope that should include, but not be limited to:
    - populations of individual species
    - richness of biodiversity, which means the number of species found in an area
    - evenness of distribution of biodiversity
    - threats to individual, and fragility of species, habitats, and ecological functioning
    - historical trends of biodiversity and conservation status
    - short- and longer-term impacts on biodiversity from climate change
    - soil health, including soil pollution and soil erosion
    - commercial and subsistence crop and tree species grown on productive lands

- a register of relevant applicable legal and other requirements on formally designated and protected areas for the conservation of biodiversity and on government and private productive land
- current capacity of NGOs, government agencies and local authorities to manage protected and other areas designated for their biodiversity values, and support landowners and farmers in improving land productivity.

- Determine scope of assessment related to significant biodiversity aspects, which means to identify the features, aspects, and operational activities that fall within the responsibility of Sites to manage, including:
  - operational activities that potentially or do adversely impact:
    - species described as locally, regionally, and internationally important for their biodiversity value, which may include species endemism, rarity, population size, threat and fragility; and their locations
    - formally designated protected areas and their buffer zones, including nationally protected areas for biodiversity conservation, World Heritage Sites, Ramsar Sites and Indigenous Community Conserved Areas
    - areas of high biodiversity value outside of protected areas, such as Key Biodiversity Areas, High Conservation Value Areas, and areas of critical habitat
    - productive lands with commercially important species and species important for local communities' livelihoods.
    - areas that can be protected for or be better managed to conserve biodiversity
  - conservation activities of stakeholders not directly related to Sites' operational activities that present potential opportunities to support conservation.

II.   **Key References**

Internationally Recognized Frameworks

The following international frameworks constitute key references for the interpretation and implementation of this Criterion:

- ISO 14001 on Environmental Management
- The International Finance Corporation (IFC) Performance Standard 6 (PF6) on Biodiversity Conservation and Sustainable Management of Living Natural Resources (2012)

International Conventions and Treaties

- The (Ramsar) Convention on Wetlands
- The United Nations Convention on Biological Diversity
- United Nations Educational, Scientific and Cultural Organisation (UNESCO)
- World Heritage Convention, and (Natural) World Heritage List
- UNESCO World Network of Biosphere Reserves

Additional Reading

The following literature may be useful for guidance when implementing this criterion:

- Akwé Kon Guidelines, developed under the Convention on Biological Diversity
- British Standards Institution, BS 8683 Process for designing and implementing Biodiversity Net Gain
- Business and Biodiversity Offset Programme (BBOP)
- Global Invasive Species Database (GISD)
- High Conservation Value Areas (HCVAs) Network

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- [Integrated Biodiversity Assessment Tool (IBAT)](#)
- [International Council on Mining and Metals, The Good Practice Guidance for Mining and Biodiversity](#)
- [Key Biodiversity Areas (KBAs) Partnership](#)
- [SBTN Initial Guidance](#)
- [The International Association of Impact Assessment Principles on Biodiversity and Ecosystem Services in Impact Assessment](#)
- [The International Union for Conservation of Nature (IUCN) Protected Area Categories](#)
- [The IUCN Red List of Threatened Species](#)
- [The IUCN Policy on Biodiversity Offsets](#)
- [The UNEP World Database on Protected Areas](#)
- [UNEP WCMC Biodiversity Indicators for Extractive Companies](#)

CRITERION 33: Pollution

> **Avoid, minimize, rectify, and compensate for adverse impacts on human health and the environment caused by pollution from the introduction of poisonous and harmful substances to air, land, and water and from noise, light, and visual pollution.**

I. Implementation:

a. *Interpretative guidance*

Relevance

Mining and mineral processing can use significant quantities of potentially harmful substances, such as cyanide in gold mining which is widely used to recover metal from ore. While this does not mean that **Sites** necessarily pollute, it does mean that the risk of **pollution** is higher, and measures taken to **mitigate** its **adverse impacts** are especially relevant. Likewise, light, noise, and **visual pollution** can affect **stakeholders** across great distances. Mining **operational activities** include blasting, crushing, milling, and transporting heavy loads, all of which can generate significant noise. Processing minerals requires very significant energy to power its operations; depending on how power is generated, this too can result in high levels of noise and pollutants to water, soil and air.

Where operational activities are in or near urban centers, which is often the situation for metal processing and manufacturing plants, this Criterion's requirements on treatment and safe discharge of water are especially relevant.

Baseline

If baseline sampling was not completed before the start of operations, Sites should consider historical or synthetic data to establish an approximate baseline. If these are not available, the baseline may be taken from the time of the assessment.

b. *Core Requirements*

Sites are expected to avoid, minimize, rectify, and compensate for adverse impacts on human health and the environment from pollution. This means:

1. **To identify risks of adverse impacts caused by pollution.** As well as the requirements in Criterion 2, Site assessment should:
   - Assess risks associated with the Site's operational activities including consideration of the effects on the **human rights** of **affected stakeholders**.
   - Determine the Scope of assessments, which means to identify Sites' features, aspects and operational activities that fall within the responsibility of Sites to manage including:
     o all operational activities and infrastructure that generates pollution, including some off-site activities, such as pollution from transport; and
     o affected stakeholders such as workers, neighboring landowners, rights holders to land access and water, municipalities, managers of protected or other designated areas, **downstream** communities or communities that may be affected by air, water, and soil pollutant emissions or by noise, vibration, light, and visual pollution, and other stakeholders affected by pollution from Sites' pollution mitigation practices.
   - Establish a baseline, which means to generate, gather, and analyze baseline data and information on different types of pollution, including but not limited to:
     o pollutants to air, such as:
       ▪ **particulate matter (PM)**

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- **sulfur oxides (SOx)**

- **nitrogen oxides (NOx)**

- **volatile organic compounds (VOCs)**

  o pollutants to water, such as:

  - oil and fluids from machinery and production equipment

  - runoff from **waste** storage and facilities

  - human waste

  - discharge of water from processing

  o pollutants to soil and land, such as:

  - oil and fuel spills

  - hazardous substances and chemical spills

  o **light pollution**, such as:

  - continual or intermittent lighting from buildings and in public spaces

  o **noise pollution**, such as:

  - loud noises from operational activities, such as controlled explosions at mining Sites, sirens, or heavy traffic; and

  o visual pollutants, such as:

  - single prominent eyesore or cumulation of many built features associated with Sites that interrupt landscape features and character and reduce visibility.

- Consult with engaged key stakeholders (e.g., governments, communities, and workers) regarding baseline data, **risk** identification and action planning

- Communicate impacts to affected stakeholders in ways that are physically **accessible** and understandable.

2. **To implement the mitigation hierarchy to address actual and potential impacts on human health and the environment from pollution,** which means to:

- ensure that the air, soil, water quality; noise and lights levels; and infrastructure and buildings' plans and final construction associated with operational activities and in scope of Sites **risk assessments** comply with relevant national or international standards, in line with Criterion 5 on Legal **Compliance**
- Incorporate pollution prevention and **mitigation** according to the **mitigation hierarchy** within project design and operational activities and develop corresponding action plans
- When relevant, the implementation of action plans should be aligned with objectives in Criterion 17 on Occupational Health and Safety for:
  - provision of personal protective equipment that is appropriate and commensurate with prevailing noise levels;
  - **occupational health and safety** and security requirements for appropriate lighting; and
  - avoidance and minimization of impacts of vibration.

3. **To implement a system to manage risks associated to a Site's operational activities** in line with Criterion 1 on Management Systems.
- Establish monitoring procedures and protocols to track implementation of the action plans to avoid and minimize adverse impacts from pollution
- Assign qualified managers and **workers** to implement monitoring responsibilities
- For residual significant impacts from pollutants from operational activities, when all other measures have been taken to avoid, minimize and rectify such impacts, implement procedures to evaluate effective **remediation** steps in **consultation** with affected stakeholders. This can include financial **compensation** for permanent harm to people and their communities in line with national laws and regulations, and measures to recover the previous states of environmental quality or human health.

4. **To publicly disclose** risks, planned actions, progress and results related to pollution in line with Criterion 6 on Sustainability Reporting.

II. Key References

International Conventions and Treaties

- Convention on Persistent Organic Pollutants (Stockholm Convention)

Additional Reading

This following literature may be useful when implementing this Criterion:

- World Health Organization, WHO Air quality guidelines: particulate matter (PM2.5 and PM10), ozone, nitrogen dioxide, sulfur dioxide and carbon monoxide
- World Health Organization, WHO Environmental Guidelines for the European Region
- World Health Organization, WHO Guidelines for Community Noise
- World Health Organization, WHO Environmental Noise Guidelines for the European Region
- World Bank Group, Environmental, Health and Safety Guidelines
- ISO 13.040.20, Ambient Atmospheres
- ISO 4225:2020, Air Quality
- ILO, Labour Administration and Inspection on Noise

Glossary

Term	Definition
Accessible	In the context of grievance mechanisms and engagement processes, this means ensuring these processes are known to all stakeholder groups and providing adequate assistance for those who may face barriers to access.
Accountability	In the context of grievance mechanisms and engagement processes, this means ensuring these processes are known to all stakeholder groups and providing adequate assistance for those who may face barriers to access.
Action plan	The prevention, mitigation, remediation measures that are put in place by the Site to address identified prioritized **ESG issues.**
Adverse impact(s)	Any adverse effect on human rights or the environment that the Site may cause, contribute to, or to which it is directly linked. Actual adverse impacts indicate adverse effects that have already occurred or are occurring; potential adverse impacts indicate an adverse effect that might occur.
Affected stakeholder(s)	An individual or group of individuals, also referred to as **rights holders,** or their legitimate representatives, who have rights or interests related to the **ESG issues** covered by the RRA that are or could be affected by adverse impacts associated with the Site's operations.

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Anti-competitive behavior	A situation where businesses agree to prevent, restrict or distort competition to affect trade, for example by fixing prices for goods and services, limiting or preventing production or supply, dividing markets or customers and rigging bids, and/or the abuse of a dominant position by one or more businesses.
Artisanal and Small-Scale Mining (ASM)	Formal or informal operations with predominantly simplified forms of exploration, extraction, processing, and transportation. ASM is normally low capital intensive and uses high labor-intensive technology. ASM can include men and women working on an individual basis, as well as those working in family groups, in partnership or as members of cooperatives or other types of legal associations and enterprises involving hundreds or thousands of miners.
Biodiversity	The variability among living organisms from all sources, including terrestrial, marine, and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems.
Bribery	Giving or receiving a financial or other advantage in connection with the "improper performance" of a position of trust, or a function that is expected to be performed impartially or in good faith.
Business partners	A business partner, also referred to as direct business partner, is an entity with whom the Site has a contractual relationship. Business partners include contractors, agents, suppliers, local and international

	intermediaries or traders, and joint venture partners. They also include entities that provide services, such as security providers and recruitment agencies, or any other third parties subject to due diligence within the scope of the Criteria Guide. Business partners do not include customers and end consumers. In this Guide, 'indirect business partners' is used to indicate entities beyond the first tier of a Site, on which the Site might have leverage through its first tier.
Carbon offsetting	Involves companies investing in environmental projects, such as tree planting, REDD, renewable energy, energy conservation and methane capture, with the goal of reducing the overall carbon dioxide in the atmosphere.
Catchment area	In a catchment area, all rain and run-off water is collected by the natural environment and eventually flows to a creek, river, dam, lake, ocean, or into a groundwater system.
Cause	A Site causes an adverse impact if the Site's activities on their own are sufficient to result in the adverse impact.
Chance find procedure	A project-specific procedure that outlines what will happen if previously unknown heritage resources, particularly archaeological resources, are encountered during project construction or operation.
Chain of custody	A record of the sequence of entities which have custody of minerals as they move through a supply chain.

Child	Individual below 18 years of age.
Child labor	The employment of children in an industry or business, especially when illegal or considered exploitative. The International Labour Organization (ILO) Minimum Age Convention 138 defines child labor as work that deprives children of their childhood, their potential, and their dignity, and that is harmful to physical and mental development. It refers to work that is mentally, physically, socially or morally dangerous and harmful to children; and which interferes with their schooling by depriving them of the opportunity to attend school, obliging them to leave school prematurely; or requiring them to attempt to combine school attendance with excessively long and heavy work. Child labor is any paid or unpaid work that is undertaken by a person under the age of 15, or the age for completing compulsory education, or the legal minimum age for employment in the country, whichever age is greatest. Also, any work that endangers a person under the age of 18 is considered hazardous child labor.
Circular economy	Within a circular economy, material producers and product manufacturers work with end users, communities, retailers, service providers and waste management facilities to "close loops" by reusing,

	performing maintenance on, repairing, refurbishing and recycling products.
Climate change adaptation	In human systems, the process of adjustment to actual or expected climate and its effects, to moderate harm or exploit beneficial opportunities.
Climate change mitigation	A human intervention to reduce emissions or enhance the sinks of greenhouse gases.
Closure plan	A plan that defines the activities and budget necessary to return a Site or facility location to a condition, at the end of the project's life, that is acceptable to stakeholders, including workers, affected communities, and regulators.
CO2 equivalent	Carbon dioxide equivalent – a standard unit for measuring the global warming potential of different greenhouse gases in terms of the amount of CO_2 that would create the same amount of warming.
Collective bargaining	Collective bargaining refers to a voluntary process or activity through which employees and workers discuss and negotiate their relations; in particular, terms and conditions of work and the regulation of relations between employers, workers and their organizations. Participants in collective bargaining include employers themselves or their organizations, and trade unions or, in their absence, representatives freely designated by the workers.
Collective bargaining agreement	A written contract negotiated through collective bargaining. Such agreements can be at the level of the Site, at the industry level (in countries where that is the

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	practice), or at both. Collective bargaining agreements can cover specific groups of workers; for example, those performing a specific activity or working at a specific location.
Community development	Process whereby people increase the strength and effectiveness of their communities, improve their quality of life, enhance their participation in decision making and achieve greater long-term control over their lives.
Community health and safety	Refers to public health and safety concerns that may affect workers or business partners during work activities, but which may also impact non-workers from the local community and outside of work activities.
Compensation	A financial or non-financial payment to address an impact (generally, compensatory payments should be made once reasonable efforts have first been made to avoid and minimize the impact).
Compliance	A state of being in conformity with guidelines or specifications, usually set by a national or international regulatory body.
Conflict-affected and high-risk areas (CAHRAs)	Areas identified by the presence of armed conflict, widespread violence, including violence generated by criminal networks, or other risks of serious and widespread harm to people. Armed conflict may take a variety of forms, such as a conflict of international or non-international character, which may involve two or more states, or may consist of wars of liberation, insurgencies, or civil wars. High-risk areas are those where there is a high risk of conflict or of widespread or

	serious abuses as defined in paragraph 1 of Annex II of the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas. Such areas are often characterized by political instability or repression, institutional weakness, insecurity, the collapse of civil infrastructure, widespread violence and violations of national or international law.
Consultation	A two-way process of information sharing and decision-making that aims simultaneously to address stakeholder issues and priorities (including the needs of disadvantaged and vulnerable groups) as well as the concerns and needs of the business or Sites. It is carried out in a manner that is inclusive and culturally sensitive: beyond listening, the aim of engagement and consultation is to ensure mutual understanding and responsiveness by all parties to enable them to discuss and manage matters with the potential to affect all concerned.
Contribute	A Site contributes to an adverse impact if its activities, in combination with the activities of other entities, cause the impact, or if the activities of the Site cause, facilitate or incentivize another entity to cause an adverse impact.[7] Contribution must be substantial, meaning that it does not include minor or trivial contributions. The substantial nature of the contribution and understanding when the actions of the Company may have caused, facilitated or incentivized another

	entity to cause an adverse impact may involve the consideration of multiple factors. The following factors can be taken into account: the degree to which the activity increased the risk of the impact occurring; the degree of foreseeability; the degree to which any of the Company's activities actually mitigated the adverse impact or decreased the risk of the impact occurring.
Corporate Social Responsibility Report	An organizational report that gives information about a company's economic, environmental, social and governance performance in relation to its business activities.
Corruption	Corruption is any unlawful or improper behavior that seeks to gain a private advantage through illegitimate means. Any kind of bribery is a form of corruption; but corruption also includes abuse of power, extortion, fraud, deception, collusion, cartels, embezzlement and money laundering.
Cradle-to-gate	A partial product supply chain, from the extraction of raw materials (cradle) up to the manufacturer's "gate". The distribution, storage, use stage and end-of-life stages of the supply chain are omitted.
Critical cultural heritage	Cultural heritage that is internationally recognized as being critical to a people who continue to use it for long-standing cultural purposes, and where the loss or damage of such heritage could endanger their livelihoods, cultural, ceremonial or spiritual purposes that define the identity of the impacted community. Critical cultural heritage includes both legally protected

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	cultural heritage sites, including those proposed by host governments for such designation, as well as sites that are not legally protected.
Cultural heritage	Customs, practices, places, objects, artistic expressions and values. Cultural heritage is often expressed as either intangible or tangible cultural heritage.
Cultural Rights	Indicate the right of a group to be able to express and maintain their traditions or practices, including the right to access and enjoy cultural heritage.
Culturally appropriate	Exhibiting understanding and sensitivity and appealing to cultural differences and similarities. Working effectively and demonstrating effectiveness in translating that sensitivity to action through culturally tailored approaches.
Debt Bondage	Work undertaken by a worker who mortgages his or her services or those of family members to someone providing credit to repay a loan or advance.
Development initiative	Acts that aim to improve or intend to solve a problem.
Direct (Scope 1) GHG emissions	Emissions from sources that are owned or controlled by the Site.
Discrimination	Discrimination occurs when a person is treated less favorably than others because of characteristics that are not related to the person's competencies or the inherent requirements of the job. All workers and job seekers have the right to be treated equally, regardless of any attributes other than their ability to do the job. Prohibited bases of discrimination can include age,

	caste, disability, ethnic, and/or national origin, gender, membership in free and independent workers' organizations including free and independent unions, political affiliation, race, religion, sexual orientation, marital status, family responsibilities, social background, and other personal characteristics.
Displacement:	Displacement refers to physical displacement, that is loss of dwellings or shelter following a process of land acquisition, and economic displacement, that is loss of assets or access to assets that leads to loss of income sources or other means of livelihood.
Disposal	Any operation which is not recovery, even where the operation has, as a secondary consequence, the recovery of energy
Downstream	Downstream includes those Sites that operate from "identified points" in the supply chain to the final end product. Identified points often correspond to smelters/refiners and mineral processors.
Due Diligence	Due diligence is an on-going, proactive and reactive process through which Sites can identify, prevent, mitigate, remedy and account for how they address environmental, social and governance risks and impacts associated with their operations and business partners, as an integral part of business decision-making and risk management systems.
Early warning system	A set of procedures and systems that generate and disseminate timely warning information of a probable emergency, that enables at-risk individuals and

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	communities to prepare and act in time to reduce harm or loss.
Economic displacement	The forced movement of people from their occupational activities, resulting in loss of livelihoods.
Ecosystem services	Any positive benefit that wildlife or ecosystems provide to people. Major categories of ecosystem services are provisioning, regulating, cultural and supporting services.
Emergency preparedness	This term refers to a set of measures undertaken to anticipate emergencies and improve responsiveness to prevent or mitigate impacts of emergencies on workers and communities.
Emergency response plan	A set of written procedures for dealing with emergencies that minimize the impact of the event and facilitate recovery from the event.
Employment:	Employment is when persons of working age who are engaged in any activity to produce goods or provide services for pay or profit, whether at work during the reference period or not at work due to temporary absence from a job, or to working-time arrangement.
Employment Agreement:	Employment agreement is used in this Guide to indicate the written document or set of documentation provided by a Site and acknowledged by the worker (e.g. via signature) that outlines the terms and conditions of work, including rules, duties, obligations, and benefits that apply to the employment period. Examples are: employment contract, or an employment offer jointly with the employment handbook.

Employment Terms	Refers to the responsibilities and benefits associated with a job as agreed upon by an employer and worker at the time of hiring. These terms generally include, but are not limited to, job responsibilities, work hours, leave and salary.
Energy indirect (Scope 2) GHG emissions	Emissions that result from the generation of purchased or acquired electricity, heating, cooling, and steam consumed by the Site.
Environmental and human rights defenders	Human rights defenders can be any person or group of persons who in their personal or professional capacity work to promote human rights in a peaceful manner. They qualify as such when: • They accept the universality of human rights as defined in the Universal Declaration of Human Rights. • They take peaceful action. • It is not essential for a human rights defender to be correct in his or her arguments in order to be a genuine defender. The key issue is whether or not their concerns fall within the scope of human rights. Environmental human rights defenders strive to protect and promote human rights relating to the environment, including water, air, land, flora and fauna.
Environmental and Social Impact Assessment – ESIA	A process for predicting and assessing the potential environmental and social impacts of a proposed project, evaluating alternatives and designing

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	appropriate preventative, mitigation, management and monitoring measures and plans.
Equitable	Being equitable means ensuring that aggrieved parties have reasonable access to sources of information, advice and expertise necessary to engage in a grievance process on fair, informed and respectful terms.
ESG Issues	Is used in this Guide to indicate social, environmental and governance **risks** and **impacts** (actual and potential) in scope of a Site risk-based due diligence and defined as follows: • Social issues refer to risks and impacts to human rights and labor rights outlined in chapters 12 to 26 of the RRA. These chapters are based on the international instruments cited by the OECD in the MNE Guidelines, i.e. the International Bill of Human Rights and the ILO Declaration on Fundamental Principles and Rights at Work e.g. child labor, forced labor, OHS, freedom of association, discrimination, etc. • Environmental issues refer to risks and impacts on environment and climate as outlined in chapters 27 to 33 of the RRA and including: climate change, biodiversity, land and water management, pollution, waste including hazardous waste management. They build on international commitments, multilateral

	agreements and other regulatory frameworks listed in each chapter under international conventions and treaties. Governance issues refer to the business integrity **risks** and **impacts** outlined in chapter 3 of the RRA, i.e. bribery, money laundering, corruption and anti-competitive behavior
Fabricator	This term is used in this Guide to indicate Sites that handle, treat, mix, or otherwise manipulate processed metals, without increasing the concentration of the material, for use as input in manufacturing (e.g. rolling steel or copper into sheets).
Facilitation payments	Facilitation payments are relatively small bribes, also called 'facilitating', 'speed' or 'grease' payments, that are made to a public or government official in order to secure, expedite or receive preferential treatment for the performance of a routine or necessary action to which the payer has a legal or other entitlement—for example, paying an official to speed up or 'facilitate' an authorization process.
Forced Labor	Forced labor can be understood as work that is performed involuntarily and under the menace of any penalty. It refers to situations in which persons are coerced to work through the use of violence or intimidation, or by more subtle means such as manipulated debt, retention of identity papers or threats of denunciation to immigration authorities. Forced labor includes bonded labor or indentured labor, involuntary

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	or exploitative prison labor, slavery or trafficking of person.
Free, prior and informed consent – FPIC	FPIC is the principle that a specific community has the right to give or withhold its consent to proposed projects or activities that may affect the lands and resources they customarily own, occupy or otherwise use.
Freedom of Association	Freedom of association implies respect for the right of employers and workers to freely and voluntarily establish and join organizations of their own choice, free from outside interference or monitoring.
Functionally equivalent	Functionally equivalent is used to indicate management systems third party audits that have identical or near identical scope and requirements as ISO 14001 and ISO 45001.
Gender	The characteristics of women, men and boys that are socially constructed. This includes norms, behaviors and roles associated with being a woman, man, girl or boy, as well as relationships with each other. As a social construct, gender varies from society to society and can change over time. Gender interacts with but is different from biological sex, which refers to the different biological and physiological characteristics of females, males and intersex persons, such as chromosomes, hormones and reproductive organs. Gender considerations should recognize individual freedom to make choices about gender identity without

	the limitations set by stereotypes, rigid roles and prejudices.
Gender equality	Refers to the absence of discrimination on the basis of a person's gender in opportunities, the allocation of resources and benefits, or in access to services.
Good faith	Transparent, active and honest participation in engagement using procedures and language readily understood and agreed to by all parties, considerate of the available time of the parties, with the intention of finding common ground.
Governance	The norms, institutions and processes that determine how power and responsibilities are exercised and how decisions are taken, including political, economic and institutional dimensions.
Greenhouse gases – GHG	Gases that contribute to the greenhouse effect by absorbing infrared radiation (examples include carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and nitrogen trifluoride).
Grievance	A perceived injustice evoking an individual's or a group's sense of entitlement, which may be based on law, contract, explicit or implicit promises, customary practice, or general notions of fairness of aggrieved communities.
Grievance mechanism	Any routinized, State-based or non-State-based, judicial or non-judicial process through which grievances concerning business-related rights abuse can be raised and remedy can be sought.

Harassment	A range of unacceptable behaviors and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm.
Hazardous waste	Waste with properties that make it potentially dangerous or harmful to human health or the environment.
Hazardous work	Hazardous, or dangerous work is: • Work underground, under water, at dangerous heights or in confined spaces • Work with dangerous machinery, equipment, and tools, or which involves the manual handling or transport of heavy loads • Work in an unhealthy environment which may, for example, expose children to hazardous substances, agents, or processes, or to temperatures, noise levels, or vibrations damaging to their health • Work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer • Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children as per ILO Convention 182 (see glossary definition of child labor). This includes work in dangerous or unhealthy conditions that could result in a child

	being killed or injured or made ill as a consequence of poor safety and health standards and working arrangements. It can result in permanent disability, ill health and psychological damage.
Hazardous work (in mining)	Many activities associated with mining are considered by the International Labour Organization (ILO) to be hazardous since mine workers often work without natural light or ventilation, may come into contact with toxic mineral dusts and ores, and experience high incidences of disabling occupational diseases such as pneumoconiosis, hearing loss and the effects of vibration.
Health and Safety Controls Hierarchy	A method for controlling health and safety risks: • Eliminate the hazard by removing or modifying the activity causing it • Control the hazard at the point where it starts; and Minimize the hazard by designing safe work systems and/or taking administrative or institutional measures (for example, by providing training or communication materials on safe work procedures, monitoring the workplace, limiting exposure or working hours, or promoting job rotation).
Human Rights	Human rights are universal rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. All human rights are universal, inalienable, indivisible and

	interdependent (adapted from the [United Nations Human Rights Office of the High Commissioner](#)).
Human Rights abuses	Any forms of torture, cruel, inhuman and degrading treatment; any forms of forced or compulsory labor, which means work or service which is exacted from any person under the menace of penalty and for which said person has not offered himself voluntarily; the worst forms of child labor as defined by the ILO Convention No. 182 on the Worst Forms of Child Labour (1999); other gross human rights violations and abuses such as widespread sexual violence; war crimes or other serious violations of international humanitarian law, crimes against humanity or genocide.
Identified point(s) in the supply chain	Point in the supply chain meeting the following criteria: - Key points of transformation in the supply chain (i.e. a point in the supply chain where the physical or chemical properties of a mineral or metal of a material are changed, in order to produce something else); - Stages in the supply chain that generally include relatively few actors that process a majority of the commodity; - Stages in the supply chain with visibility and control over the circumstances of production and trade upstream; - Greatest points of leverage of downstream enterprises.

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	For gold, tin, tantalum, and tungsten supply chains, the identified point is indicated in the relevant supplements to the OECD Due Diligence Guidance (i.e., the smelter/refiner). For other supply chains, the identified point may be indicated in relevant industry standards (e.g. the Joint Due Diligence Standard for Copper, Lead, Molybdenum, Nickel and Zinc).
Immediate Supplier	The supplier which has a contract with and supplies material to the Sites and is immediately before the Sites in the supply chain.
Impact	Used in this Guide to indicate adverse impacts.
Impact Materiality	Impact materiality refers to information on the Site's impact on the economy, environment and people for the benefit of multiple stakeholders, such as investors, employees, customers, suppliers and local communities. This includes risks and impacts associated with the operations of the Site, as well as risks and impacts which occur in its supply chain.
Inclusive	This term refers to processes that include all types of stakeholders, such as men, women, the elderly, youth, displaced persons, Indigenous Peoples, vulnerable and disadvantaged persons or groups, without discrimination.
Indigenous Peoples	Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those

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	territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal system.
Influence	The ability of Sites to effect changes in, and/or prevent the wrongful practices of, a business partner or supplier that is or may be causing or contributing to an adverse impact.
ESG issues	Actual or potential risks and impacts of a Site on internationally recognized human rights and the environment.
Landfilling	Final depositing of solid waste at, below, or above ground level at engineered disposal sites.
Legal risk	Any action or inaction which could lead to being called to court whether at national or international levels or could lead to a penalty due to non-compliance with regulatory requirements. Examples of matters which could result in a legal risk include contracts, business agreements, health and safety, internal human resources systems, or patents.
Legitimate ASM	The legitimacy of artisanal and small-scale mining is a difficult concept to define because it involves a number of situation-specific factors. For the purposes of this guide, legitimate refers, among others, to artisanal and small-scale mining that is consistent with applicable

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	laws. When the applicable legal framework is not enforced, or in the absence of such a framework, the assessment of the legitimacy of artisanal and small-scale mining will take into account the good faith efforts of artisanal and small-scale miners and enterprises to operate within the applicable legal framework (where it exists) as well as their engagement in opportunities for formalization as they become available (bearing in mind that in most cases, artisanal and small-scale miners have very limited or no capacity, technical ability or sufficient financial resources to do so). In either case, Artisanal and small-scale mining, as with all mining, cannot be considered legitimate when it contributes to conflict and serious abuses associated with the extraction, transport or trade of minerals.
Life Cycle Assessment	A method used to evaluate the environmental impact of a product through its life cycle encompassing extraction and processing of the raw materials, manufacturing, distribution, use, recycling and final disposal.
Light pollution	The presence of unwanted, inappropriate or excessive artificial lighting.
Living Wage	Remuneration received for a standard work week by a worker in a particular place that is sufficient to afford a decent standard of living for the employee and his or her family. Elements of a decent standard of living include food, water, housing, education, health care, transport, clothing and other essential needs including provision for unexpected events.

Management System	A management system is a set of operational procedures, practices, plans, and related documents that are established to implement policies and fulfilment of tasks required to achieve an objective, including the avoidance and management of adverse issues related to the areas covered by the Criteria, or "aspects" associated with a business's activities. For these areas, the steps involved in a management system typically include identification and assessment of issues; setting of objectives, developing action plans and assigning responsibilities; implementing action plans through establishing procedures, communication, and training; monitoring and tracking progress; and taking action to correct and prevent identified issues. The final step is a review of the aspects and objectives, adjusting the action plans as needed and recording 'lessons learned' for future training. Management systems can be integrated and address more than one aspect. For example, an environmental management system may address biodiversity, GHG emissions, energy efficiency, waste management, etc.
Manufacturers	The term is used in this Guide to indicate Sites that produce parts and finished products from parts, processed and fabricated materials, and / or raw materials.
Material	The term is used to indicate all **mined**, and/or **recycled material** received, held and/or processed during the **assessment** period, and intended for the production of

	metal products. The term includes **minerals and metal products**.
Material Payments	Important or relevant revenue streams. The EITI requires that all material benefit streams be published. According to the EITI Validation guide, a benefit stream is "material if its omission or misstatement could materially affect the final EITI Report".
Material Stewardship	An informed approach to materials management that addresses the maintenance of a material throughout its lifecycle and provides a model for preserving and extending the lifetime of materials, thus reducing waste.
Material Topic	Topic that reflects a reporting organization's significant economic, environmental and social impacts; or that substantively influences the assessments and decisions of stakeholders.
Mitigation	Mitigation of an adverse impact refers to actions taken to reduce its extent. The mitigation of risks of adverse impacts refers to actions taken to reduce the likelihood of a certain adverse impact occurring.
Mitigation Hierarchy (for general environmental and social risk assessments and management)	To adopt a mitigation hierarchy to anticipate and avoid, or where avoidance is not possible, minimize, and, where residual impacts remain, compensate/offset for risks and impacts to workers, affected communities, and the environment.
Mitigation hierarchy for biodiversity management	A set of ordered steps that can enable Sites to work towards 'No Net Loss' of biodiversity. The mitigation hierarchy is defined as:

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	- Avoidance: measures taken to avoid creating impacts from the outset (including direct, indirect and cumulative impacts), such as careful spatial or temporal placement of elements of infrastructure, in order to completely avoid impacts on certain components of biodiversity. - Minimization: measures taken to reduce the duration, intensity and/or extent of impacts (including direct, indirect and cumulative impacts) that cannot be completely avoided, as far as is practically feasible. - Rehabilitation/replacement/restoration: measures taken to rehabilitate degraded ecosystems or restore cleared ecosystems following exposure to impacts that cannot be completely avoided and/or minimized. Offset: measures taken to compensate for any significant residual, adverse impacts that cannot be avoided, minimized and/or rehabilitated or restored, in order to achieve no net loss or preferably a net gain of biodiversity. Offsets can take the form of positive management interventions such as restoration of degraded habitat, arrested degradation or averted risk, protecting areas where there is imminent or projected loss of biodiversity.
Money laundering	Is the process by which proceeds from a criminal activity are disguised to conceal their illicit origins.

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Natural Resources	Materials or substances that are found in nature and used in human activities. For example, coal, mineral oil, natural gas, water and forest products.
Net gain	A goal for a development project, policy, plan, or activity in which the impacts on biodiversity it causes are outweighed by mitigation measures leaving biodiversity in a better state than before. Biodiversity net gain relies on the application of the mitigation hierarchy to avoid, mitigate, or offset biodiversity losses.
Nitrogen Oxides (NOx)	A term for any of several oxides of nitrogen, most of which are produced in combustion and considered to be atmospheric pollutants.
No net loss	A goal for a development project, policy, plan, or activity in which the impacts on biodiversity it causes are balanced by measures taken to avoid and minimize the impacts, to restore affected areas and finally to offset the residual impacts, so that no loss remains.
Noise pollution	Unwanted or excessive sound that can have harmful effects on human health, wildlife, and environmental quality.
Non-hazardous waste	Waste which is not classified as hazardous waste (non-hazardous waste can also include inert waste).
Non-replicable cultural heritage	Cultural heritage that is unique or relatively unique for the period it represents, or cultural heritage that is unique or relatively unique in linking several periods in the same site.

Occupational health and safety	Health and safety as it relates specifically to employment and the workplace environment.
Offences	Any action or crime that breaks or contravenes a particular law or regulation.
Operational activities	Refers to every kind of work done on or in respect of the Site or the minerals derived from the Site.
Other indirect (Scope 3) GHG emissions	Indirect GHG emissions not included in energy indirect (Scope 2) GHG emissions that occur outside of the Site, including both upstream and downstream emissions.
Other known supplier	Any known supplier further upstream that is identifiable through general business dealings or public reports (or other publicly available information) to the extent necessary to enable due diligence.
Particulate Matter (PM)	The term for a mixture of solid particles and liquid droplets found in the air. Some particles such as dust, dirt, soot or smoke, are large or dark enough to be seen with the naked eye. Others can only be detected using an electron microscope.
Physical displacement	The forced movement of people from their locality or environment.
Pollution	The introduction of poisonous and harmful substances to air, land, and water.
Post-consumer scrap	Material that is reclaimed from a consumer or commercial product that has been used for its intended purpose by individuals, households or commercial, industrial and institutional facilities as end-users of the

	product which can no longer be used for its intended purpose. This is also referred to as recycled material.
Potential adverse impact(s)	An **adverse impact** that has not yet occurred.
Pre-consumer scrap	Material that is diverted from the waste stream from a manufacturing process or similar, in which the material has not been intentionally produced, is unfit for end use and not capable of being reclaimed within the same process that generated it.
Preparation for reuse	Checking, cleaning, or repairing operations, by which products or components of products that have become waste are prepared to be put to use for the same purpose for which they were conceived
Proactive	This means anticipating and/or preparing for situations in advance, negative and positive, for example, anticipating and creating plans and procedures for potential problems, solution, concerns, etc. before they become an issue.
Productive land	The land area that supports significant photosynthetic activity and the accumulation of biomass used by humans. Non-productive areas as well as marginal areas with patchy vegetation are not included. Biomass that is not of use to humans is also not included.
Productive value of land	Value of land based on its income-producing ability in its current use (as opposed to market value).
Progressive closure	The implementation of ongoing efforts to advance closure activities during construction and operation of a mine.

Protected area	Geographically defined area that is designated or regulated and managed to achieve specific conservation objectives. An area of land or sea especially dedicated to the protection and maintenance of biodiversity and of natural and associated cultural resources and managed through legal or other effective means.
Reasonable adjustments	Necessary and appropriate modification and adjustments not imposing a disproportionate burden, where needed in a particular case, to ensure that all persons have access to, can participate or advance in, employment or a specific occupation.
Reclamation	To return the land disturbed by operational activities to the state before the commissioning of the Site, or to a state that is agreed by affected stakeholders.
Recovery	Operation wherein products, components of products, or materials that have become waste are prepared to fulfill a purpose in place of new products, components, or materials that would otherwise have been used for that purpose.
Recruitment Fees	Any fees or costs incurred in the recruitment process in order for workers to secure employment or placement, regardless of the manner, timing or location of their imposition or collection.
Recycled Material	See post-consumer scrap.
Recycling	Checking, cleaning, or repairing operations, by which products or components of products that have become

	waste are prepared to be put to use for the same purpose for which they were conceived.
Relinquishment	Used in this Guide to indicate when ownership, residual liabilities and responsibility for a former mine site can be returned to the corresponding jurisdiction or original owner, or transferred to a third party, following completion of closure activities and satisfying the agreed success criteria.
Remediation	Remediation and remedy refer to both the processes of providing remedy for an adverse impact and to the substantive outcomes (i.e. remedy) that can counteract, or "make good", the adverse impact.
Replicable cultural heritage	Tangible forms of cultural heritage that can themselves be moved to another location or that can be replaced by a similar structure or natural features to which the cultural values can be transferred by appropriate measures.
Resettlement	Used in this Guide to indicate the relocation of people to a new settlement which is associated with the implementation of an investment project.
Responsible business conduct	Responsible business conduct entails above all conduct consistent with applicable laws and internationally recognized standards. Based on the idea that you can do well while doing no harm, it is a broad concept that focuses on two aspects of the business-society relationship: 1) positive contribution businesses can make to sustainable development and inclusive growth, and 2) avoiding negative impacts and

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	addressing them when they do occur. Risk-based due diligence and value creation are at the heart of this process.
Responsible Recruitment	Hiring workers lawfully, and in a fair and transparent manner that respects their dignity and human rights. This means: • Prohibition of Recruitment Fees to Jobseekers • Respect for Freedom of Movement • Respect for Transparency of Terms and Conditions of Employment • Respect for Confidentiality and Data Protection Respect for Access to Remedy.
Retaliation	Where a Site punishes a worker for exercising their rights in the workplace, such as making a complaint.
Rights holders	Individuals or groups that have an entitlement to the rights outlined in the Universal Declaration of Human Rights. The entitlements of rights holders need to be protected (usually by governments) and respected (usually by businesses.
Risk	Risk refers to the potential **adverse impact** that a Site might cause, contribute or be directly linked to. Risk can be defined as the combination of the likelihood and potential scope and severity of harm. Thus, risk combines a) probability, b) scope of the harm (e.g. number of people affected) and c) severity of harm (type of damage)."
Risk assessment	Risk assessment refers to the quantitative and qualitative evaluation of the risk posed to human rights

	and/or the environment by actual or potential adverse impacts.
Risk-based due diligence	Risk-based due diligence indicates that the measures that a Site takes to conduct due diligence should be commensurate to the severity and likelihood of the adverse impact, and tailored to the nature of the impact. Where it is not feasible to address all identified impacts at once, a Site should prioritize the order in which it takes action based on the severity and likelihood of the adverse impact. Once the most significant impacts are identified and dealt with, the Site should move on to address less significant impacts.
Royalty	Refers specifically to the individual methods by which money comes into a company, organization and/or government.
Run-around scrap	Run-around scrap, sometimes referred to as home scrap or in-house scrap, is material generated and reclaimed at the same site.
Scrap	See pre-consumer scrap, post-consumer scrap and run-around scrap.
Site	A single location or facility of a company in a mineral supply chain. A site may comprise several activities in the same geographic area (e.g. mining, beneficiation and refining), under the same management control.
Stakeholder	Any individual or organization and their legitimate representatives that may affect or be affected by a company's actions and decisions. Stakeholders can be individuals, interest groups, government agencies or

	corporate entities. They may include politicians, commercial and industrial enterprises, labor unions, academics, religious groups, national social and environmental groups, public sector agencies, the media and communities.[3] In this Criteria Guide, the primary focus is on affected or potentially **affected stakeholders.** Legitimate representatives include trade unions, as well as civil society organizations and others with experience and expertise related to business impacts on human rights.
Stakeholder Engagement	A two-way process of information sharing and decision-making that aims to simultaneously address stakeholder issues and priorities (including the needs of disadvantaged and vulnerable groups) as well as the concerns and needs of the business. It is carried out in a manner that is inclusive and culturally sensitive: beyond listening, the aim of engagement and consultation is to ensure mutual understanding and responsiveness by all parties to enable them to discuss and manage matters with the potential to affect all concerned.
Sulfur Oxides (SOx)	An inorganic compound that is a heavy, colorless, poisonous gas. It is produced in huge quantities in intermediate steps of sulfuric acid manufacture.
Supplier	A tier one business partner of a Site
System	The set of policies, processes and procedures that enable a Site to conduct due diligence including risk

	assessment. prevention, mitigation, tracking and remediation of adverse impacts.
Tailings	A waste output of mining, consisting of the processed rock or soil left over from the separation of the commodities of value from the rock or soil within which they occur.
Tailings Facility	Dams, impoundments, and containment structures that are designed and managed to contain the tailings produced by the Site.
Territory	In the context of Indigenous Peoples, territory is the land they directly cultivate or inhabit, including the broader territory, encompassing the total environments of the areas which they occupy or otherwise use, inclusive of natural resources, rivers, lakes and coasts.
Traceability	Physical tracking of minerals at all points of the trading chain, from their mine of origin to their point of export.
Traditional ownership, customary use	With regards to Indigenous Peoples, traditional ownership refers to the territories where these Peoples settle and reside; and their use of traditional and/or cultural resources. Customary use of territories and/or resources is based on a long series of habitual or customary actions, constantly repeated, which may result in customary rights. Customary use or occupation of new territories may also arise, for example, in the event of displacement and/or cultural migrations.

Transparency	Openness and public disclosure of activities.
UN Sustainable Development Goals	The Sustainable Development Goals (SDGs), also known as the Global Goals, were adopted by the United Nations in 2015 as a universal call to action to end poverty, protect the planet, and ensure that by 2030 all people enjoy peace and prosperity. The 17 SDGs are integrated—they recognize that action in one area will affect outcomes in others, and that development must balance social, economic and environmental sustainability.
Upstream	Upstream are those Sites that operate from minerals or metals extraction to (and including) an "identified point" in the supply chain, including mines, local traders or exporters from the country of mineral origin, mineral re-processors and smelters/refiners.
Visual pollution	The visible deterioration and negative aesthetic quality of natural and human-made landscapes.
Volatile Organic Compounds (VOCs)	Organic chemicals that have a high vapor pressure at room temperature. Many VOCs are human-made chemicals that are used and produced in the manufacturing of paints, pharmaceuticals, and refrigerants. VOCs are emitted by a wide array of products numbering in the thousands. Examples include: paints and lacquers, paint strippers, cleaning supplies, pesticides, building materials and furnishings, office equipment such as copiers and printers, correction fluids and carbonless copy paper, graphics

	and craft materials including glues and adhesives, permanent markers, and photographic solutions.
Vulnerable Groups	Groups that are characterized by their higher risk and reduced ability to cope with adverse impacts. Such vulnerability may be based on socio-economic conditions, such as sex, gender, age, disability, ethnicity, religion, or other criteria that influence people's ability to access resources and development opportunities.
Waste	**Materials** that are not prime products (that is, products produced for the market) for which the generator has no further use in terms of their own purposes of production, transformation or consumption, and of which they want to dispose. This waste can be generated during the extraction, beneficiation, and processing of minerals.
Waste mitigation hierarchy	A set of process options from most favorable to least favorable to protect human health and the environment from impacts associated with the generation, storage, handling, treatment, transportation and disposal of Wastes.
Water balance	Refers to an approach used to identify and map the flow of water in and out of a Site. A water balance is used to understand how water supply requirements change over time. A Site's water balance comprises three main components: water withdrawals, water discharge and water consumption. A practical formula for calculating a Site's water balance is withdrawal

	volume = discharge volume + consumption volume + any change in the volume of water storage inside the boundaries of the Site.
Water consumption	Refers to the freshwater taken from ground or surface water sources, either permanently or temporarily, and conveyed to the place of use.
Water flow	Refers to the current and the amount of water flowing from various sources, including ground water and recycled water.
Water quality	Refers to the physical, chemical, biological, and organoleptic (taste-related) properties of water.
Water stewardship	The use of water in ways that are socially equitable, environmentally sustainable, and economically beneficial.
Well-being	Well-being encompasses quality of life, as well as the ability of people and societies to contribute to the world in accordance with a sense of meaning and purpose.
Whistleblowing Mechanism	The system for disclosing, to the public or to those in authority, mismanagement, corruption, illegality, or some other wrongdoing.
Workers	Include both directly employed workers that have contracts with the company and indirectly employed workers that regularly work at members' sites and that have employment contracts with a third party, such as a labor agent, labor provider or contractor/subcontractor.
Young workers	Young workers are defined in this Criteria Guide as children between the minimum age for admission to

	employment (at 15 years or earlier) and 18 years of age. The minimum age of admission to employment is defined per ILO Convention 138.