

CMSI Consultation Response

Respondent Details

NAME

Anonymous

COUNTRY

United Kingdom

PERMISSION

Yes, CMSI can disclose my anonymous feedback.

STAKEHOLDER

Industry (upstream)

ORGANISATION

Anonymous

COMMENTS & QUESTIONS BY DOCUMENT

Document:
Standard

Performance Area 10: Emergency Preparedness and Response

SECTION: 10.1 Emergency Preparedness and Response Planning, Good Practice, 10

COMMENT:

The intent of the requirement is to establish connection with the local first responder agencies but this doesn't always require meeting with senior members. Should the meeting be done annually or should a risk based approach to testing intervals be done?

Recommendation: We recommend rewording to "'Engage with external emergency agencies (where they exist) on a defined interval or when there is a change of personnel to maintain emergency response coordination and alignment with local emergency response capabilities."

SECTION: 10.1 Emergency Preparedness and Response Planning, Leading Practice, 1

COMMENT:

This is not aligned to GISTM that proposes a simulation every three years.

Recommendation: We recommend aligning to GISTM and changing the intervals to every three years

Performance Area 11: Security Management

SECTION: 11.1 Security Management, Good Practice

COMMENT:

There is a gap in that there is no requirement to have a contractual requirements with private security providers to operate in line with VPSHR

Recommendation: We recommend adding a requirement to strengthen this eg: Include contractual requirements for private security providers to operate in line with VPSHR and ensure personnel are appropriately trained.

Performance Area 12: Stakeholder Engagement

SECTION: 12.1 Stakeholder Identification and Engagement, Good Practice, 2

COMMENT:

Currently this is at good practice but we recommend that this is part of the foundational criteria

Recommendation: We recommend that the development of a SEP should be part of the foundational criteria

SECTION: 12.1 Stakeholder Identification and Engagement, Leading Practice, 2

COMMENT:

We recommend adding - Involve stakeholders in impact monitoring as that gives a more holistic picture.

Performance Area 13: Community Impacts and Benefits

SECTION: 13.2 Community Development and Benefits, Good Practice, 9

COMMENT:

We think this is too broad and quite sensitive for some operating contexts

Recommendation: We recommend focusing on jobs as they are a tangible outcome and number of local suppliers linked to the facility

SECTION: 13.2 Community Development and Benefits, Leading Practice, 3

COMMENT:

The scope is narrow as we only highlight education.

Recommendation: We recommend going broader to include long-term socioeconomic development in collaboration with other stakeholders, including public institutions, and proactively invest in community development, including education, health, water, etc

Performance Area 14: Indigenous Peoples

SECTION: 14.1 Managing Engagement, Impacts and Opportunities with Indigenous Peoples

COMMENT:

The PA is not explicit in mentioning communities as specific stakeholders with interest in cultural heritage

Recommendation: This chapter needs to also include communities and specifically mention them

COMMENT:

IFC has not been updated since 2012, therefore World Bank Standard ESS8 with Guidance Note 8 is more up to date and relevant.

Recommendation: World Bank Standard ESS8 with Guidance Note 8 should be considered as well

Performance Area 16: Artisanal and Small-Scale Mining

SECTION: 16.1 ASM Risk Assessment, Engagement and Reporting, Good Practice, 1

COMMENT:

Current wording doesn't recognise that safety risks to workers and community of criminal ASM needs to be assessed and managed

Recommendation: Assess risks and impacts to the facility, to workers and to local communities from ASM and update the assessment at defined intervals.

SECTION: 16.1 ASM Risk Assessment, Engagement and Reporting, Leading Practice, 2

COMMENT:

We recognise that the WGC has done a lot of work on this topic and we can learn from their leadership through this standard

Recommendation: In ASM, women face unique challenges for which a gender responsive approach is needed and needs to be explicitly called out in some requirements eg Leading practice 2

Performance Area 19: Biodiversity, Ecosystem Services and Nature

SECTION: 19.1 Biodiversity and Ecosystem Services and Nature

COMMENT:

Needs alignment with GRI Biodiversity standard, as well as TNFD reporting requirements. ICMM have done extensive work on the draft TNFD sector guidance (Mining and metals)

Recommendation: References are old and outdated, need to check GRI Biodiversity Standard references

Performance Area 2: Business Integrity

SECTION: 2.1 Legal Compliance, Good Practice, 2

COMMENT:

The register of legal obligations would be an extremely onerous obligation as drafted in the definitions. Very few would meet "foundational" with this definition.

Recommendations: Review the Register and approach to focus on legal compliance to host country laws and permitting

COMMENT:

Red flag: The ability to do this may be subject to confidentiality constraints. If a company has been fined (especially for certain areas of legal compliance), it will likely be public anyway. "Significant" adds ambiguity. "Regulatory action" is potentially very broad. We think this should be reviewed closely

Recommendation: If a company has been fined (especially for certain areas of legal compliance), it will likely be public anyway. We recommend including tracking incidents and remediation and rectification, as this has a more significant cost than regulatory fines, and may have a greater impacts on company reputation

SECTION: 2.2 Business Ethics and Accountability, Good Practice, 7

COMMENT:

A worker only whistle blowing policy is limiting

Recommendations: We recommend that this is accessible to all stake-holders to help the company identify any concerns impacting business integrity that it needs to respond to

SECTION: 2.2 Business Ethics and Accountability, Leading Practice, 2

COMMENT:

As part of leading practice we recommend including procedures on interaction with government / public officials

COMMENT:

There is no specific section focusing on permitting compliance and this should be considered

Recommendations: We have made suggestions for permitting compliance section to be included- see Appendix A

Performance Area 20: Climate Action

SECTION: 20.1 Corporate Climate Change Strategy (Corporate Level)

COMMENT:

We question whether this section overcomplicates what already exists. Disclosure frameworks, which cover all major markets, require all of what is listed in here and more.

Recommendation: Could we not simply refer to the ISSB as the way to go on corporate climate action?

Performance Area 22: Pollution Prevention

SECTION: 22.1 Non, mineral Waste and Hazardous Materials Management, Good Practice

COMMENT:

The actions should be clearly articulated in a management plan, which might include sub plans like Hazardous Materials Transportation Plan + audits, training and any other requirement - we recommend adding a requirement for a management plan for hazardous material

SECTION: 22.2 Mineral Wastes, Leading Practice, 1

COMMENT:

We recommend a requirement that evaluates use of Best Available Technology/Practice in selection of mineral waster disposal solutions

COMMENT:

From a community health and safety perspective this performance areas is very generic as there is no reference in the whole document clarifying how impacts on human health or people should be assessed. There is no reference to their vulnerabilities to environmental exposure, no reference to health risk or impact assessment.

Recommendation: Consider reviewing the PA to include requirements that focus on impacts to community health and safety

Performance Area 23: Circular Economy

SECTION: 23.1 Circular Economy Management at all facilities, Good Practice, 2

COMMENT:

Include coarse rejects as part of waste streams to be minimised. This takes into account that material characterisation is integrated into all aspects of the mine value chain (exploration to post-processing & marketing), integration of Material stewardship and CE principles into life of asset planning to reduce footprint growth. Implement the CE management hierarchy; prevent, reduce, reuse, recycle, recover, dispose.

Recommendation: Suggestion to add to the requirement as follows: Identify opportunities to minimise the production of tailings and coarse rejects

Performance Area 24: Closure

SECTION: 24.1 Closure Management, Leading Practice

COMMENT:

Suggestion to add a requirement that looks at regenerative approaches in a way that links back to circular economy principles to convert liabilities into assets via regenerative thinking

Recommendation: Suggestion of requirement that considers this: Assess and where practical, move to a more regenerative approach to closure planning and execution, by embracing Nature Based Solution and CE Principles, to deliver self sustaining PMLUs -

SECTION: 24.1 Closure Management

COMMENT:

We recommend specifying the costs as follows: Estimate the premature & planned Life of Mine costs to implement the

Performance Area 4: New Projects, Expansions and Resettlement

SECTION: 4.1 Risk and Impact Assessments of New Projects and Expansions, Good Practice

COMMENT:

As good practice we recommend including review of the planning/designs as this ensure a proactive approach to managing risks and considerations of impacts during the project development

Suggestion of a good practice requirement: Review of planning and design of project consideration of defined risks and impacts as identified during the baseline data development to reduce, minimize and/or avoid permitting risks. The review should be collaboration with the technical, social and environmental teams.

SECTION: 4.2 Land Acquisition and Resettlement, Leading Practice, 3

COMMENT:

Independent review and disclosure of results should be considered as good practice for resettlement and we think these requirements should be moved to good practice

Recommendations: Moving the Leading Practice requirements 3 and 4 to good practice

SECTION: 4.2 Land Acquisition and Resettlement, Leading Practice, 4

COMMENT:

Independent review and disclosure of results should be considered as good practice for resettlement and we think these requirements should be moved to good practice

Recommendations: Moving the Leading Practice requirements 3 and 4 to good practice

SECTION: 4.2 Land Acquisition and Resettlement, Leading Practice

COMMENT:

There is a gap on redressing negative impacts of resettlements in this section

Recommendation: We recommend a Leading Practice requirement that covers this eg Engage with stakeholders and communities to redress enduring negative impacts of historic resettlements.

Performance Area 5: Human Rights

SECTION: 5.1 Human Rights, Foundational Practice, 2

COMMENT:

How will this be audited, what kind of evidence would fulfil this requirement?

Recommendation: Perhaps this can be included in the in Human Rights Policy that the organisation commits to respecting the rights of groups or individuals.

Performance Area 7: Rights of Workers

SECTION: 7.1 Workers' Rights Risk, Mitigation and Operational Performance, Foundational Practice, 3

COMMENT:

This requirement is a concern for operations where legislation does not permit certain characteristics. What if this conflicts with legislation for some of these characteristics? Would all these characteristics have to be specified in order to be compliant.

Recommendation: We recommend reviewing this requirement to cater for host country legislation and the expectations otherwise this would exclude certain countries

SECTION: 7.1 Workers' Rights Risk, Mitigation and Operational Performance, Leading Practice, 2

COMMENT:

We think there is a gap following 7.1 Good Practice 2 that promotes gender informed and leading practice should demonstrate how the operation is being responsive

Recommendation: We would like to suggest a leading practice requirement as follows: Implement policies and practices to respect the rights and interests of women that reflect genderTRANSFORMATIVE approaches to work practices and job design, and that protect against all forms of discrimination and harassment, and behaviours that adversely impact on women's successful participation in the workplace.

SECTION: 7.2 Grievance Mechanism for Employees and Contractors (Workers)

COMMENT:

In the Human Rights section there is already this: Establish and implement a grievance mechanism in line with the effectiveness criteria of the UNGPs, section 31 (See Performance Area 17).

Can this be simplified to say worker grievance mechanism or mechanisms should be in place in line with effectiveness criteria of UNGPs refer to PA 17 as well? Rather than duplicate?

Recommendation: Align the language to the Human rights section and UNGPs and cross reference PA 17 to avoid duplication

7.2 should also specify that grievance mechanisms should be complementary to engagement with workers organisations so that a holistic approach is followed.

Performance Area 8: Diversity, Equity, and Inclusion

SECTION: 8.2 Diversity, Equity, and Inclusion Management (Facility Level), Leading Practice, 4

COMMENT:

How will this be demonstrated and audited?

Recommendation: This requirement might not be easy to validate

Performance Area 9: Safe, Healthy and Respectful Workplaces

SECTION: 9.4 Monitoring, Performance and Reporting, Good Practice, 5

COMMENT:

What happens when there is a fatality in between assessment periods? Is a facility downgraded immediately.

The leading practice requirement that covers a longer time horizon seems appropriate given that in between cycles a fatality can happen and this wont be reflected unless CMSI announces a change to the achievement level midway which seems cumbersome.

Recommendation: Recommend keeping the leading practice requirements 1 and removing good practice 5

COMMENT:

Community Health and Safety is not included as a topic to be considered and that is significant weakness. 13.1 Good Practice 1 points to community health and safety but there are no explicit requirements on this

Recommendation: Recommend adding a section to cover this aspect as well
