

CMSI Consultation Response

Respondent Details

NAME

Renee Grogan

COUNTRY

Australia

PERMISSION

Yes, CMSI can disclose my feedback, name, and organisation.

STAKEHOLDER

Investor

ORGANISATION

JANA

COMMENTS & QUESTIONS BY DOCUMENT

Document:
Governance

1. What is the vision?

COMMENT:

It is recommended that mining stakeholders group be increased in representative numbers on the board. This group is disproportionately affected by mining activities and the composition of the board should reflect this.

QUESTION 1

The governance principles that guided the development of the governance model are inclusive, effective, credible, impact-driven, pragmatic and efficient. From your perspective, does the proposed governance model meet expectations for consistency with these principles?

Response: 2: Below expectations

QUESTION 2

Does the proposed governance model ensure no single group is able to unduly influence decisions?

Response: unsure

Document:
Assurance

6. Public Grievance Mechanism

COMMENT:

JANA supports the public grievance mechanism.

QUESTION 1

From your perspective, does the Assurance process meet your expectations of a robust, credible, replicable and transparent approach?

Response: 3: Meets expectations

Document:
Standard

Introduction

COMMENT:

JANA considers the “Foundational Practice” Level of performance to be an unacceptable starting point, given it is potentially below “industry standards and norms, frameworks and guidelines.” A commitment to responsible mining without implementing good practice and industry standards at the outset may be considered greenwashing by investors, and may downplay the risks facing operators who do not meet industry standards. Many of the Foundational Practice requirements contained within the standard are considered by JANA to be insufficient to demonstrate any form of good practice and/or risk management alone. JANA advocates for the removal of this level of performance from the standard to avoid the use by companies of the standard as a means of greenwashing. JANA recommends instead that mining companies be encouraged to meet Good Practice Level requirements as a pre-requisite for any affiliation with this standard. On this basis, JANA makes no further comment on the requirements contained within the Foundational Practice performance level, and instead recommends the removal of this Level across the board from the standard. Where elements of the Foundational Practice Level are relevant to form part of Good Practice (for example, the undertaking of environmental and social impact assessments is part of the proposed Foundational Level component in Performance Area 4) these should be absorbed into the Good Practice Level.

Performance Area 1: Corporate Requirements

SECTION: 1.1 Board and Executive Accountability, Policy and Decision, Making, Good Practice

COMMENT:

1.1: Board and Executive Accountability: JANA recommends that point 4 in Good Practice Level requirements be changed to reflect the integration of sustainability metrics linked to meeting the Good Practice of this Standard into senior executive compensation.

Performance Area 12: Stakeholder Engagement

SECTION: 12.1 Stakeholder Identification and Engagement, Leading Practice, 3

COMMENT:

12.1: JANA considers that point 3 in Leading Practice is an objective that should be incorporated into Good Practice.

Performance Area 13: Community Impacts and Benefits

SECTION: 13.1 Identify and Address Community Impacts, Good Practice, 3

COMMENT:

13.1: JANA considers that point 1 in Leading Practice is an objective that should be incorporated into Good Practice.

SECTION: 13.1 Identify and Address Community Impacts, Good Practice, 7

COMMENT:

13.2 JANA considers that point 7 in Good Practice would benefit from a commitment to publicly disclose performance against those objectives.

SECTION: 13.2 Community Development and Benefits, Leading Practice, 4

COMMENT:

13.2: JANA considers that point 4 in Leading Practice is an objective that should be incorporated into Good Practice.

Performance Area 14: Indigenous Peoples

SECTION: 14.1 Managing Engagement, Impacts and Opportunities with Indigenous Peoples, Good Practice, 2

COMMENT:

14.1: JANA considers that the wording in point 2 of Good Practice that reflects being “guided by the principles of FPIC” should be reworded to reflect the “implementation of the principles of FPIC”.

SECTION: 14.1 Managing Engagement, Impacts and Opportunities with Indigenous Peoples, Good Practice, 6

COMMENT:

14.1: JANA encourages the consideration of how point 6 in Good Practice aligns with the concept of involuntary resettlement outlined in Performance Area 4 and refers the reviewers to its comments in relation to this issue in Performance Area 4.

SECTION: 14.1 Managing Engagement, Impacts and Opportunities with Indigenous Peoples, Leading Practice, 4

COMMENT:

14.1: JANA considers that point 4 in Leading Practice is an objective that should be incorporated into Good Practice, and that the same objective, which includes an independent review, rather than an internal review, would be an appropriate inclusion in the Leading Practice level.

Performance Area 15: Cultural Heritage

SECTION: 15.1 Cultural Heritage Identification and Management, Good Practice, 4

COMMENT:

15.1: JANA considers that the wording in point 4 of Good Practice would benefit from being strengthened to refer to gaining agreement from traditional owners in relation to cultural heritage impacts, rather than simply collaborating with traditional owners.

SECTION: 15.1 Cultural Heritage Identification and Management, Leading Practice, 1

COMMENT:

15.1: JANA considers that point 1 in Leading Practice is an objective that should be incorporated into Good Practice.

SECTION: 15.1 Cultural Heritage Identification and Management, Leading Practice, 2

COMMENT:

15.1: JANA considers that point 2 in Leading Practice is an objective that should be incorporated into Good Practice.

Performance Area 17: Grievance Management

SECTION: 17.1 Grievance Mechanism for Stakeholders and Rights, Holders, Leading Practice

COMMENT:

17.1: JANA considers that point 1 in Leading Practice is an objective that should be incorporated into Good Practice.

SECTION: 17.1 Grievance Mechanism for Stakeholders and Rights, Holders, Leading Practice

COMMENT:

17.1: JANA considers that point 2 in Leading Practice is an objective that should be incorporated into Good Practice.

SECTION: 17.1 Grievance Mechanism for Stakeholders and Rights, Holders, Leading Practice

COMMENT:

17.1: JANA considers that point 3 in Leading Practice is an objective that should be incorporated into Good Practice.

Performance Area 18: Water Stewardship

SECTION: 18.1 Water Management and Performance, Good Practice

COMMENT:

18.1: JANA considers that the public reporting of compliance with water extraction and discharge regulations should form an objective under Good Practice.

SECTION: 18.1 Water Management and Performance, Leading Practice, 1

COMMENT:

18.1: JANA considers that point 1 in Leading Practice is an objective that should be incorporated into Good Practice.

SECTION: 18.3 Water Reporting, Good Practice, 1

COMMENT:

18.3: JANA considers that point 1 in Good Practice should refer to the public disclosure of operational water withdrawals, discharges and consumption relative to compliance limits, as well as relative to any established objectives or targets. JANA also considers that this disclosure should be at the facility level to demonstrate good practice.

SECTION: 18.3 Water Reporting, Good Practice, 2

COMMENT:

18.3: JANA considers that point 2 in Good Practice should include the disclosure of management actions undertaken in response to any disclosed fines or regulatory actions.

Performance Area 19: Biodiversity, Ecosystem Services and Nature

SECTION: 19.1 Biodiversity and Ecosystem Services and Nature, Good Practice, 3

COMMENT:

19.1: JANA considers that point 3 in Good Practice should include the public disclosure of progress against the commitments outlined in the biodiversity management plan.

Performance Area 2: Business Integrity

SECTION: 2.1 Legal Compliance, Leading Practice, 1

COMMENT:

2.1: JANA considers that point 1 in Leading Practice should be included in the Good Practice Level. The standard may consider adding public disclosure of the audit outcomes/summary as Leading Practice.

SECTION: 2.2 Business Ethics and Accountability, Leading Practice, 1

COMMENT:

2.2: JANA considers that point 1 in Leading Practice should be included in the Good Practice Level. The standard may consider adding public disclosure of the audit outcomes/summary as Leading Practice.

Performance Area 20: Climate Action

SECTION: 20.1 Corporate Climate Change Strategy (Corporate Level), Foundational Practice

COMMENT:

20.1: JANA reiterates its comment in the opening of this submission regarding the potential for the commitments in the Foundational Level Practice to be used as greenwashing and strongly advocates for the removal of this Level.

SECTION: 20.1 Corporate Climate Change Strategy (Corporate Level), Leading Practice, 3

COMMENT:

20.1: JANA considers that point 3 in Leading Practice is an objective that should be incorporated into Good Practice.

SECTION: 20.1 Corporate Climate Change Strategy (Corporate Level), Leading Practice, 5

COMMENT:

20.1: JANA considers that point 6 in Leading Practice is an objective that should be incorporated into Good Practice.

SECTION: 20.1 Corporate Climate Change Strategy (Corporate Level), Leading Practice, 7

COMMENT:

20.1: JANA considers that point 7 in Leading Practice is an objective that should be incorporated into Good Practice.

SECTION: 20.2 Climate Change Management (Facility Level), Leading Practice, 3

COMMENT:

20.2: JANA considers that point 3 in Leading Practice is an objective that should be incorporated into Good Practice.

Performance Area 21: Tailings Management

SECTION: 21.1 Tailings Management, Good Practice, 1

COMMENT:

21.1: JANA considers that the wording in point 1 of Good Practice "pursue conformance" may be considered greenwashing, and should be replaced with "demonstrate conformance".

SECTION: 21.1 Tailings Management, Good Practice, 3

COMMENT:

21.1: JANA considers that point 3 of Good Practice would benefit from the inclusion of a commitment to the public disclosure of the outcomes of internal reviews and independent audits.

SECTION: 21.1 Tailings Management, Leading Practice, 1

COMMENT:

21.1: JANA considers that point 1 in Leading Practice is an objective that should be incorporated into Good Practice.

21.1: JANA considers that Leading Practice should include a commitment to no new upstream tailings construction.

SECTION: 21.1 Tailings Management, Leading Practice

COMMENT:

21.1: JANA considers that Leading Practice should include a commitment to decommission and rehabilitate all riverine tailings operations within a defined period, including public disclosure on the progress towards completion of this commitment.

COMMENT:

21.1: JANA considers that Leading Practice should include a commitment to no deep sea tailings disposal for high pressure acid leach (HPAL) processing facilities.

Performance Area 22: Pollution Prevention

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

COMMENT:

22.1: JANA considers that point 2 in Good Practice would benefit from the addition of a commitment to publicly report on the progress towards completion of identified actions.

SECTION: 22.2 Mineral Wastes, Good Practice

COMMENT:

22.2: JANA considers that Good Practice requires the public disclosure of management strategies and actions in relation to the prevention of pollution from acid rock drainage, and disclosure of performance against those strategies and actions.

SECTION: 22.2 Mineral Wastes, Leading Practice, 1

COMMENT:

22.2: JANA considers that point 1 in Leading Practice is an objective that should be incorporated into Good Practice.

SECTION: 22.3 Non, GHG Air Emissions, Good Practice

COMMENT:

22.3: JANA considers that point 3 in Good Practice would benefit from the addition of a commitment to publicly report on compliance against any regulatory limits related to air emissions at the facility level.

SECTION: 22.4 Mercury, Leading Practice, 1

COMMENT:

22.4: JANA considers that point 1 in Leading Practice is an objective that should be incorporated into Good Practice.

SECTION: 22.5 Cyanide, Leading Practice, 1

COMMENT:

22.5: JANA considers that point 1 in Leading Practice is an objective that should be incorporated into Good Practice.

SECTION: 22.6 Accidental Polluting Releases, Good Practice, 5

COMMENT:

22.6: JANA considers that point 5 in Good Practice would benefit from the addition of a commitment to publicly report on compliance against any regulatory limits related to water or soil quality at the facility level.

SECTION: 22.7 Noise, Vibration and Light pollution/nuisance, Good Practice, 3

COMMENT:

22.7: JANA considers that point 3 in Good Practice would benefit from the addition of a commitment to publicly report on compliance against any regulatory limits related to noise at the facility level.

Performance Area 23: Circular Economy

SECTION: 23.1 Circular Economy Management at all facilities, Leading Practice, 1

COMMENT:

23.1: JANA considers that point 1 in Leading Practice is an objective that should be incorporated into Good Practice, and recommends the inclusion of the same objective for facility level disclosure be included in the Leading Practice level.

SECTION: 23.2 Additional Requirements for Smelters, Leading Practice, 1

COMMENT:

23.2: JANA considers that point 1 in Leading Practice is an objective that should be incorporated into Good Practice.

Performance Area 24: Closure

SECTION: 24.1 Closure Management, Good Practice, 6

COMMENT:

24.1: JANA considers that point 6 in Good Practice would benefit from the inclusion of a commitment to transparent reporting of progress against closure objectives and activities.

SECTION: 24.1 Closure Management, Leading Practice, 1

COMMENT:

24.1: JANA considers that point 1 in Leading Practice is an objective that should be incorporated into Good Practice.

Performance Area 3: Responsible Supply Chains

SECTION: 3.1 Responsible Supply Chains (applicable to all facilities), Leading Practice, 1

COMMENT:

3.1: JANA considers that point 1 in Leading Practice is an objective that should be incorporated into Good Practice.

SECTION: 3.1 Responsible Supply Chains (applicable to all facilities), Leading Practice, 2

COMMENT:

3.1: JANA considers that point 2 in Leading Practice is an objective that should be incorporated into Good Practice.

Performance Area 4: New Projects, Expansions and Resettlement

SECTION: 4.2 Land Acquisition and Resettlement, Leading Practice, 1

COMMENT:

4.2: JANA considers that point 1 in Leading Practice is an objective that should be incorporated into Good Practice.

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

COMMENT:

4.2: JANA considers that point 3 in Leading Practice is an objective that should be incorporated into Good Practice.

SECTION: 4.2 Land Acquisition and Resettlement

COMMENT:

4.2: JANA does not support a best practice standard that allows for the implementation of involuntary resettlement.

COMMENT:

4.2: JANA advocates for the inclusion of Free, Prior and Informed Consent in this Performance Area.

Performance Area 5: Human Rights

SECTION: 5.1 Human Rights, Leading Practice, 1

COMMENT:

5.1: JANA considers that point 1 in Leading Practice is an objective that should be incorporated into Good Practice.

SECTION: 5.1 Human Rights, Leading Practice, 2

COMMENT:

5.1: JANA considers that point 2 in Leading Practice is an objective that should be incorporated into Good Practice.

Performance Area 6: Child Labour and Modern Slavery

SECTION: 6.1 Risk, Mitigation and Operating Performance, Leading Practice

COMMENT:

6.1: JANA considers that the Leading Practice performance level should include an independent/external audit programme.

Performance Area 7: Rights of Workers

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

COMMENT:

7.1: JANA considers that point 3 in Leading Practice is an objective that should be incorporated into Good Practice.

SECTION: 7.2 Grievance Mechanism for Employees and Contractors (Workers), Leading Practice, 2

COMMENT:

7.2: JANA considers that point 2 in Leading Practice is an objective that should be incorporated into Good Practice.

SECTION: 7.2 Grievance Mechanism for Employees and Contractors (Workers), Leading Practice, 4

COMMENT:

7.2: JANA considers that point 4 in Leading Practice is an objective that should be incorporated into Good Practice.

Performance Area 8: Diversity, Equity, and Inclusion

SECTION: 8.1 Governance of Diversity, Equity, and Inclusion (Corporate Level), Leading Practice, 1

COMMENT:

8.1: JANA considers that point 1 in Leading Practice is an objective that should be incorporated into Good Practice.

SECTION: 8.2 Diversity, Equity, and Inclusion Management (Facility Level), Leading Practice, 2

COMMENT:

8.2: JANA considers that point 2 in Leading Practice is an objective that should be incorporated into Good Practice.

Performance Area 9: Safe, Healthy and Respectful Workplaces

SECTION: 9.1 Health and Safety Management, Leading Practice, 1

COMMENT:

9.1: JANA considers that point 1 in Leading Practice is an objective that should be incorporated into Good Practice.

SECTION: 9.2 Psychological Safety and Respectful Workplaces, Good Practice

COMMENT:

9.2: JANA considers that the Good Practice Level would benefit from an objective related to the clear accountabilities for implementing policies related to psychological safety.

SECTION: 9.2 Psychological Safety and Respectful Workplaces, Leading Practice, 3

COMMENT:

9.2: JANA considers that point 3 in Leading Practice is an objective that should be incorporated into Good Practice.

SECTION: 9.2 Psychological Safety and Respectful Workplaces, Leading Practice, 4

COMMENT:

9.2: JANA considers that point 4 in Leading Practice is an objective that should be incorporated into Good Practice.

SECTION: 9.3 Training, Behaviour and Culture, Leading Practice, 1

COMMENT:

9.3: JANA considers that point 1 in Leading Practice is an objective that should be incorporated into Good Practice.

SECTION: 9.3 Training, Behaviour and Culture, Leading Practice, 2

COMMENT:

9.3: JANA considers that point 2 in Leading Practice is an objective that should be incorporated into Good Practice.

SECTION: 9.4 Monitoring, Performance and Reporting, Good Practice, 6

COMMENT:

9.4: JANA considers that point 6 in Good Practice would benefit from a commitment to publicly report on the outcomes of the investigation and actions implemented following any fatality.

SECTION: 9.4 Monitoring, Performance and Reporting, Leading Practice, 2

COMMENT:

9.4: JANA considers that point 2 in Leading Practice should refer to an annual independent audit, rather than a three-yearly audit. If the three-yearly audit is implemented, JANA considers that point 2 should include a commitment to publicly report on the progress towards completion of action items identified by the audit.

QUESTION 1

Does the scope, content, and narrative style of the consolidated standard meet your individual expectations and the collective industry expectation for responsible production practices?

Response: 2: Below expectations

QUESTION 2

Do the requirements meet your expectations for being sufficiently clear to support consistent and practical implementation and to achieve necessary performance improvement?

Response: 2: Below expectations

QUESTION 3

From your perspective, does the three-level performance structure (Foundational, Good, Leading) of the Consolidated Standard meet your expectations for providing an effective on ramp and clear articulation of good practice and effective path to continuous improvement?

Response: 1: Significantly below

Document:
Claims

Disclaimer

COMMENT:

JANA's comments on the consolidated mining standard are relevant when considering the robustness of the Reporting approach and should be considered in the context of the Reporting proposed under this document.

QUESTION 1

We would value perspectives on a few additional questions related to threshold of performance associated with achievement claims. Please click here/ see page 11 of Reporting and Claims Policy.

Response: No Response