CMSI Consultation Response

Respondent Details

NAME
Allison Coppel

COUNTRY
United States

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

STAKEHOLDER
Non-governmental organisation (NGO) / civil society organization (CSO)

ORGANISATION
IWIM

COMMENTS & QUESTIONS BY DOCUMENT

Document:
Governance

1. What is the vision?

SECTION: 6. What will the composition of the Board look like?

COMMENT:

Including a requirement of diversity in terms of race, ethnicity and regional representation will be additionally beneficial. If there are only few board members, may they not all represent the same continent, race or gender to have diversity of thought and experiences on the board, Advisory Council and committees.

Quite heavy on industry representation and suppliers, less checks and balances. As there is little participation from non-industry stakeholders on the governance instruments, not having clear guidelines and encouraging national panels is a missed opportunity.

COMMENT:

How will the 2 non-mining stakeholders be selected and by whom?

COMMENT:

How long is the mandate of people in the mining and value chain committee? Only board is mentioned.

3. What principles have guided the development of the governance model?

COMMENT:

Include gender & ethnicity perspective to Inclusive

COMMENT:

Missing or unclear:

1. Composition & Selection of the main Secretariat (operational arm)? How large is the Secretariat, how big the team reviewing assurance processes & monitoring? Same team deals with grievance mechanisms? Will everyone be a subject matter expert? How many evaluation or yearly processes are envisaged?

2. Conflict of interest not properly addressed

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6. What will the composition of the Board look like?

COMMENT:

While the CMS has put in place a Stakeholder Advisory Group, it is not representative of key stakeholders, most notably Indigenous Peoples or mining-affected communities. We firmly believe that a multidisciplinary approach is a non-negotiable requirement for any modern responsible mining standard. An Advisory Group is welcome but insufficient to the level of governance and input required. Robust, independent oversight is essential to ensure accountability and to build confidence among external parties. The absence of such mechanisms raises questions about the standard's ability to achieve meaningful, long-term impact beyond internal compliance.

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

1. Introduction

COMMENT:

Add: Ensure assurance providers have access to all sites and also access to workers, tights holders and other stakeholders for interview. Ensure they can review the draft report for factual accuracy

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2. Roles and Responsibilities

SECTION: Assurance Providers

COMMENT:

Recommendation: ensure gender mainstreaming/gender-sensitive selection process and training of assurance providers

COMMENT:

Recommendation: Provide DEI training to assurance providers

COMMENT:

General recommendation across the Assurance process: where possible data collected by the Assurance Provider should be gender disaggregated.

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3. Who Can Conduct External Assurance?

SECTION: Assurance Provider Training Program

COMMENT:

Recommendation: Can some DEI principles of inclusion etc. be inserted as well as training for assurance providers to understand their own biases.

SECTION: Maintaining the Assurance Provider Accreditation

COMMENT:

The Secretariat retains the right to suspend or remove an Assurance Provider's accreditation if the monitoring identifies issues in regard to:

Recommendation: add if complaints have been made by facilities or stakeholders against the assurance provider claims will be verified and if needed the assurance provider will be removed.

COMMENT:

An observed trend with other certification schemes is that becoming authorised as an auditor requires securing certain qualifications for auditing as opposed to requirements to have specific subject matter expertise. The draft assurance procedure addresses this issue to a point in requiring a university degree and relevant experience. SPF urges that the criteria here be tightened to require subject matter-specific experience. A degree and experience in environmental assurance does not, absent of other relevant social experience, qualify an auditor to undertake social assurance, for example.

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4. Consolidated Standard External Assurance Process

SECTION: Assurance Provider Selection

COMMENT:

Recommendation: ideally include people from all genders to be included in the selection as you do in worker interview section

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COMMENT:

Recommendation: Ensure certain members of the Assurance Provider Team have qualifications to have the conversations with stakeholders and rights holders = are subject matter experts on topics listed above. Although stated in section further up would be rigorous to also include here.

QUESTION 1
From your perspective, does the Assurance process meet your expectations of a robust, credible, replicable and transparent approach?
Response: 3: Meets expectations

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Document:
Standard
</div>

General comment on Performance Area

COMMENT:

The CMS aims to simplify the industry's complex and competing standards. However, it fails to deliver expected advancements in defining responsible mining. The focus on administrative efficiency over substantive improvement is a missed opportunity for visionary leadership in mining.

SPF welcomes the effort to consolidate industry standards into a single document, providing clarity on performance expectations. At the same time, it is critical that the new standard is not less stringent than current good international industry practice (GIIP). Our review indicates that the CMS regularly is less stringent than the IFC Performance Standards, which remain the global benchmark. As a result, the CMS, as currently drafted, risks enabling less responsible mining. If the CMS were aiming to make a step change improvement in social performance outcomes, SPF would have much more to contribute and engage with in all the topic areas. Instead, our feedback focuses on broad themes and select missing elements essential to minimum good practice.

COMMENT:

SPF supports consolidating requirements to provide clarity and facilitate positive outcomes for companies and practitioners.. However, we do not believe that standards alone will drive the significant improvement in outcomes that stakeholders expect. Real progress will come from having more skilled, capable practitioners in the field who actively engage and collaborate with communities and stakeholders with the full support of in-country management. A discussion or requirement on competencies is missing from the CMS and is a major oversight.

COMMENT:

The three-tiered framework of "Foundational," "Good Practice," and "Leadership" raises significant concerns, both in its design and its potential consequences. The existence of the "Foundational" level is particularly problematic. In areas such as Social Performance, the Foundational requirements regularly fall well below what we consider acceptable entry-level standards, creating the risk of legitimising unacceptable practices. This not only lowers the bar for responsible mining but could inadvertently lead to industry acceptance of inadequate performance levels across the industry.

Moreover, the terminology used–"Foundational," "Good Practice," and "Leadership"–is inherently misleading. "Foundational" suggests a solid base, yet it is intended only as a temporary starting point or "on-ramp." Without a mandatory, time-bound public improvement plan as part of the assurance process, facilities could remain indefinitely at this low level, undermining the credibility and intent of the standard. And yet they could publicly state that they fully comply with the "foundational requirements of the CMS." Similarly, "Good Practice" is often no more than a baseline expectation and its lack of clarity risks diluting appropriate accountability. The "Leadership" level, while aspirational, lacks clarity in its recognition and assurance mechanisms, making it difficult to determine whether meaningful progress is being made. Many of the requirements under leading practice we consider to be good practice.

We strongly recommend either entirely removing the Foundational level or introducing a mandatory requirement for facilities to develop and publicly disclose time-bound improvement plans to achieve at least the "Good Practice" level. Requiring public commitment to achieve "Good Practice" would reinforce the CMS's credibility, and align with its stated goals of driving continuous improvement.

COMMENT:

The current version of the CMS is missing some elements that are critical to achieving success, in SPF's experience. These elements are more difficult to implement and assure because they are systemic approaches to social performance implementation, not specific topics. However, our collective experience indicates that they are essential components of success and responsible practices.

1. Integration across the business. The CMS to some extent requires vertical integration of social performance and sustainability issues through the business, eg, Board reporting and Board committees. A requirement for horizontal integration across the business, which is equally important, particularly at the operations level, is absent from the requirements. For example:

a. Local content outcomes - employment and purchasing - need to be delivered by human resources and procurement in partnership with community relations.

b. Incident management is most effective if a multi-disciplinary, integrated approach is taken, which ensures environment, social, community health, and livelihood perspectives are included in planning and implementation.

c. Perhaps most importantly, operation-level management must understand the risks and impacts of their decisions from a social performance and sustainability perspective as part of their decision-making process.

2. Integration within the CMS. Currently, there is very little linkage between the topics in the CMS. For example, baseline data collection and context studies are required, but there is no requirement that they inform the design project of the consultation or engagement. Consultation and engagement should be used to inform and ground-truth all aspects of the social performance programme, not just sharing information or seeking approvals. The CMS should be explicit about how the elements of the system need to interact and inform other elements / topics.

3. Mitigation hierarchy. Typically, the application of the mitigation hierarchy to social impacts is poor throughout the CMS. The CMS should be explicit about the extent to which companies need to focus on the "top" of the hierarchy, that is avoidance and reduction of impacts, as opposed to the "bottom" of the hierarchy, mitigation and compensation.

Introduction

SECTION: 1) Structure of the Consolidated Mining Standard

COMMENT:

The Pillar title "Worker & Social Safeguards" is confusing. Suggestion to eliminate the word "social" as it repeats in Pillar 3, "Social Performance"

The pillar refers to more than just 'safeguards' - which are just protections from harm. The Pillar dives into management aspects, which is beyond just the safeguard.

Suggestions: "Labor Practices" or "Workers and Workplace"

SECTION: 4) Implementation of the Consolidated Standard

COMMENT:

Per section 4c, it seems that an explicit step of scoping is missing from the process to formally determine which standards apply to a site.

There should be clearer guidance and a process determined to document that a standard does not apply, with senior executive authorization.

For example, a site might decide that Indigenous Peoples does not apply because the project is not on legally recognized territory, but it is adjacent to an area of cultural and historical importance. The site might decide not to apply the standard, but upon further study, or when the Indigenous group complains, the company realizes that the IP standard should have applied.

COMMENT:

Emergency Preparedness & Response should be under Ethical Business Practices since it's about having a cross-cutting system to manage an emergency and its impact on the business, workers, communities & the environment. It seems like it would only be about the workers if it's under this pillar.

COMMENT:

Clarify that applies as a corporate office site.

COMMENT:

General recommendation across all performance areas (wasn't a place to leave general comment, so leaving here):

• Recommendations and requirements are very high level: loss of granularity and clarity as to what is expected/required

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COMMENT:

General recommendation across all performance areas (wasn't a place to leave general comment, so leaving here):

• Intersectionality and gender should be transversal and data reported should be disaggregated by gender and this request made clear.

COMMENT:

No place to leave general recommendations across all performance areas so leaving here:

• Women often mentioned alongside vulnerable groups and indigenous communities. This can be applicable but shouldn't always be, women is a very broad group and can't always be generalised and some women are members of vulnerable groups and others are indigenous, see point on intersectionality.

COMMENT:

No place to leave general recommendations across all performance areas so leaving here:

• Ensure wherever a team of people is engaged in achieving requirement/reviewing performance that they are diverse: gender, race & ethnicity, seniority, roles…

COMMENT:

No place to leave general recommendations across all performance areas so leaving here:

• Which requirement should be in which level: many for us should be at the foundation level, we would consider all members of all 4 organisations should be required to have minimum good practice level.

Overarching Glossary

COMMENT:

"Sustainability" is not defined as such. In the first requirement, it says that there has to be accountability for sustainability performance, but it is not defined what is included in sustainability.

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COMMENT:

Include in definition of facility offices, which would include corporate offices. Or specifically indicate that offices are not included - IWIM recommends including it.

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COMMENT:

Include these definitions:

• Diversity: Diversity in the workplace refers to the similarities and differences that exist between people and that can impact employment and business opportunities and outcomes. Diversity refers not only to similarities and differences linked to personal characteristics but also similarities and differences such as values, workstyles, caring responsibilities, hierarchical levels and work roles. Each person has multiple groups they identify with which can change over time, potentially influencing and shifting their employment opportunities and outcomes. (Adapted from ILO Report Transforming enterprises through diversity and inclusion (2022) Page 49 of 122)

• Equity: Where everyone is treated according to their diverse needs in a way that enables all people to participate, perform, and engage to the same extent. (Adapted from Canadian Centre for Diversity and Inclusion (no date))

• Inclusion: The experience people have in the workplace and the extent to which they feel valued for who they are, the skills and experience they bring and the extent to which they have a strong sense of belonging with others at work. A person's feeling of inclusion at work is related to their identity, their own behaviour and that of others and the environment they are in. (Adapted from ILO Report Transforming enterprises through diversity and inclusion (2022))

Performance Area 1: Corporate Requirements

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

COMMENT:

1.1.1 - There are too many concepts in this bullet.

To have a board accountability, it means sustainability (per earlier comment - define what is in scope for sustainability for this context) is part of the board charter. This is a different aspect of governance than senior management-level accountability. and those are different than management practices.

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

COMMENT:

1.1 GP4 ‑ compensation sustainability metrics include aspects of all ESG areas including DEI KPIs

COMMENT:

Too much detail in the Intent paragraph. Just write the objective "Define clear accountabilities and decision-making for sustainability at the board level and report annually on sustainability performance", and not what might also be included, which is detailed below.

Performance Area 10: Emergency Preparedness and Response

SECTION: 10.1 Emergency Preparedness and Response Planning, Leading Practice

COMMENT:

- 11.1. LP ‑ report security incidents publicly

SECTION: 10.1 Emergency Preparedness and Response Planning

COMMENT:

Ensure language is used is accessible and clear with translations where needed so that everyone can understand and that all stakeholders are involved and informed where needed.

SECTION: Glossary and Interpretive Guidance

COMMENT:

Add references:

Add References

ILO Conventions 174 and 176,

OHSAS 18001

United Nations Environment Programme. 2001. Awareness and Preparedness for Emergencies at the Local Level (APELL) for Mining, (Technical Report 41)

www.unep.fr/shared/publications/pdf/WEBx0055xPA-APELLminingEN.pdf

http://apell.eecentre.org/Modules/GroupDetails/UploadFile/APELL_Handbook_2016_-_Publication.pdf

Performance Area 11: Security Management

SECTION: 11.1 Security Management, Foundational Practice, 2

COMMENT:

- 11.1. FP2: including special attention to risks to women, children, LGBTQIA+ communities etc. (currently in GP)

SECTION: 11.1 Security Management, Good Practice, 2

COMMENT:

"urge" is vague and not able to be assured. While public security providers are authorized by the state, spell out more clearly what is expected within this standard.

SECTION: 11.1 Security Management, Good Practice, 6

COMMENT:

- 11.1 GP6 - also include DEI training and GBVH bystander training

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SECTION: 11.1 Security Management, Good Practice, 7

COMMENT:

"Encourage" is too vague for assurance, and private security is governed by the contract between the client and the company. Suggest: "Include in contract with Private Security Provider compliance with the International Code of Conduct for Private Security Providers." - It's not just for Leading Practice

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SECTION: 11.1 Security Management, Good Practice

COMMENT:

Include requirement that security personnel are required to be vetted through a background verification.

Performance Area 12: Stakeholder Engagement

SECTION: 12.1 Stakeholder Identification and Engagement, Foundational Practice, 1

COMMENT:

#1 should be Identify a Social Area of Influence consistent with the IFC Performance Standard 1 Guidance.

(An explicit social area of influence is foundational for all community work - without it, what is your boundary for local?)

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

COMMENT:

No need to include "and their legitimate representatives" as this already gets into the guidance of who is a stakeholder.

Generally the 2 axis of comparison are impact and influence, with 'interest" being further removed on a 3 level.

I suggest using 'impact and influence" over 'impact and interest"

SECTION: Glossary and Interpretive Guidance

COMMENT:

Include in References IFC Performance Standard 1 and Guidance

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COMMENT:

Includes references:

Stakeholder Engagement Interview Guide: https://internationalwim.org/iwim-reports/human-rights-impact-assessment-guidance-and-toolbox-material/

Columbia Center on Sustainable Investment - Overcoming a Key Barrier to Stakeholder Empowerment in the Extractive Industries (2020)

https://ccsi.columbia.edu/sites/default/files/content/Overcoming-a-key-barier-to-stakeholder-empowerment-in-extractive-industries.pdf

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Performance Area 13: Community Impacts and Benefits

SECTION: 13.1 Identify and Address Community Impacts

COMMENT:

Link 13.1 and 13. 2 to results of ESIA and if included GIA from section further up to inform areas of action and risk (all practice levels)

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

COMMENT:

"Provide local people with access to job opportunities" is too vague.

Perhaps - Develop a local employment plan, track local employment

Good practice could be "disclose publicly" plus the skills development.

SECTION: Glossary and Interpretive Guidance

COMMENT:

Add to references:

Mining Shared Value - The Mining Local Procurement Reporting Mechanism (LPRM)https://miningsharedvalue.org/mininglprm

GRI Mining Standard 2024 - https://www.globalreporting.org/standards/standards-development/sector-standard-for-mining/

COMMENT:

Missing request and link for procurement initiatives to be reported against gender and ethnicity, valid also old ICMM indicator 7/8 (Socio Economic Benefits Framework)

Performance Area 14: Indigenous Peoples

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

COMMENT:

• Stakeholders to participate in developing mitigation measures

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SECTION: Glossary and Interpretive Guidance

COMMENT:

Need bullet for IFC PS 7

COMMENT:

Add to references:

IRMA's Indigenous Rights and Free, Prior and Informed Consent - https://responsiblemining.net/wp-content/uploads/2023/04/IRMA_Indigenous-Rights-and-FPIC_04April2023.pdf

The United Nations Declaration on the Rights of Indigenous Peoples adopted by the General Assembly on 13 September 2007. The Declaration affirms the basic rights of indigenous peoples in a number of areas of special concern for these peoples, under the framework of the general principle or right to self-determination, including the right to equality and non-discrimination; the right to cultural integrity; the rights over lands, territories, and natural resources; the right to self-government and autonomy; the right to free, prior, and informed consent, and others.

The International Labour Convention (ILO) on the Rights of Indigenous and Tribal Peoples in Independent Countries, No. 169, adopted by the International Labour Conference on 27 June 1989. The Convention is the up to date most advance international treaty specifically targeted at the advancement of the rights of indigenous peoples. The Convention includes a number of provisions regarding, inter alia, administration of justice and indigenous customary law; the rights to consultation and to participation; the rights over lands, territories and natural resources; labor and social rights; bilingual education, and trans-border cooperation.

Other relevant instruments

The International Covenant on Civil and Political Rights (ICCPR), adopted by the General Assembly on 16 December 1966. The Human Rights Committee, responsible for monitoring the implementation of ICCPR, has applied several of its provisions in the specific context of indigenous peoples, including the right to self-determination (article 1), and the rights of national, ethnic, and linguistic minorities (article 27).

The International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by the General Assembly on 16 December 1966. The Committee on Economic, Social and Cultural Rights, responsible for monitoring the implementation of ICESCR, has also applied several of its provisions in the specific context of indigenous peoples, including the right to adequate housing; the right to food; the right to education; the right to health, the right to water, and intellectual property rights.

The Convention on the Elimination of All Forms of Racial Discrimination, adopted by the General Assembly on 21 December 1965. The Committee on the Elimination of Racial Discrimination (CERD), responsible for the supervision of the Convention, has paid an increased attention on the situation of the human rights of indigenous peoples through its different procedures. See General observation No. 23 (Indigenous Peoples).

The Convention on the Elimination of all Forms of Discrimination against Women, adopted by the General Assembly on 18 December 1979. The Committee on the Elimination of Discrimination against Women (CEDAW) has paid a special attention to the situation of indigenous women as particularly vulnerable and disadvantaged groups. See, e.g., General Recommendation No. 24 (Women and health). In the resolution establishing the mandate, the Human Rights Council has requested the Special Rapporteur to pay a special attention to the situation of indigenous women, and to take into account a human rights perspective in the performance of his/her mandate.

The Convention on the Rights of the Child, adopted by the General Assembly on 20 November 1989. Article 30 of the Convention explicitly refers to the rights of indigenous children. Under the bases of this provision, the Committee on the Rights of the Child has given particular attention to the situation of indigenous children (see the Committee's recommendations). In the resolution establishing the mandate, the Human Rights Council has requested the Special Rapporteur to pay a special attention to the situation of indigenous children.

The Convention on the Biological Diversity, adopted in Rio de Janeiro on 5 June 1992. Article 8(j) of the Convention affirms the rights of "indigenous and local communities" over their "knowledge, innovations and practices... embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity" and to be involved in their wider application and to participate in the equitable sharing arising from them. The Parties of the Convention has adopted a number of decisions relevant to these issues, and have developed a set of Voluntary Guidelines for the cultural, environmental and social impact assessment regarding indigenous communities. See Akwé: Kon Guidelines.

The United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement: Adopted in 1992, the UNFCCC sets to stabilize greenhouse gas concentrations at a level that would prevent dangerous human-induced interference with the climate system, based on a dual strategy of mitigation and adaptation measures. In 2016, State parties pledged to strengthen their global response in the landmark Paris agreement, which is the first agreement explicitly recognizing human rights and the rights of indigenous peoples. The preamble acknowledges that climate change is a common concern of humankind and that parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health and the rights of indigenous peoples. These references provide an important milestone and commitment, as in implementing the agreement, parties should ensure that indigenous peoples' rights are respected in their climate change measures.

The Paris agreement recognizes the need to strengthen knowledge, technologies, practices and efforts of local communities and indigenous peoples related to addressing and responding to climate change (op 135) and acknowledges that adaptation action should be based on and guided by the best available science and, as appropriate, traditional knowledge, knowledge of indigenous peoples and local knowledge systems, with a view to integrating adaptation into relevant socioeconomic and environmental policies and actions. (op5)

The Escazu Agreement is a regional agreement on access to information, public participation and justice in environmental matters in Latin America and the Caribbean. It opened for signature in September 2018 at the UN headquarters and requests States to provide assistance to indigenous peoples in preparing their requests for environmental information and obtaining a response. (Art 5.4), It requires States to guarantee that their domestic legislation and international obligations in relation to the rights of indigenous peoples are observed (Art.7). Furthermore, it sets out that States shall guarantee a safe and enabling environment for persons, groups and organizations that promote and defend human rights in environmental matters, so that they are able to act free from threat, restriction and insecurity (Art.9).

COMMENT:

• *Suggestion to include more guidance as how FPIC should be implemented*

Performance Area 16: Artisanal and Small-Scale Mining

SECTION: Glossary and Interpretive Guidance

COMMENT:

Add to References:

New World Bank report (2024) on ASM

COMMENT:

Add to references

Sexual and gender-based violence response and prevention guidelines for Women in mining - https://www.delvedatabase.org/up SGBV-Prevention-and-Response-Guidelines-for-Women-in-Mining.pdf

Impact, Gender Impact Assessments for Projects and Policies Related to Artisanal and Small-Scale Mining (2020) - The toolkit offers 14 strategic tools, including a Gender Impact Matrix and Gender Equality Continuum, and details seven key steps–from data collection to power mapping–to achieving a comprehensive Gender Impact Assessment for ASM-related initiatives.

https://impacttransform.org/en/new-resource-toolkit-gia-asm/

Performance Area 17: Grievance Management

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

COMMENT:

• in LP ‑set different grieving mechanisms: one for communities and rights holders around anything relation to community management and mine operation, one for workers related to any labour dispute, one to report incidents on health & safety and respect at work: racism, bullying, harassment, gender-based violence, psychological and psychosocial wellbeing. Ensure anonymity and not pursuing those who report.

SECTION: 17.1 Grievance Mechanism for Stakeholders and Rights

COMMENT:

• Gender disaggregate data when reporting

COMMENT:

Include mention of power imbalances and mechanisms for them to be corrected or reported against

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SECTION: Intent

COMMENT:

• ensure impartiality

Performance Area 18: Water Stewardship

COMMENT:

Include rights holders and local communities to assist in the environmental monitoring (for Performance Area 18 and 19)

Performance Area 22: Pollution Prevention

SECTION: 22.1 Non, mineral Waste and Hazardous Materials Management

COMMENT:

22.1 Leading practice -include stakeholders and local communities to be active participants share in risk plans development and allow them to monitor and uphold the company on its plans

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Performance Area 4: New Projects, Expansions and Resettlement

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

COMMENT:

4.1.: Include a Gender Impact Assessment (GIA) at all practice levels. Establishing from the onset how different genders may be affected by a mining project. Currently only included in leading practice level.

SECTION: 4.2 Land Acquisition and Resettlement, Foundational Practice

COMMENT:

4.2.: Include women, indigenous people and other under-represented groups in consultations (all practice levels)

SECTION: Glossary and Interpretive Guidance

COMMENT:

Include in references -

IGF Mining "Global Review: Integrating Gender into Impact Assessments" Oct. 2022

COMMENT:

This section overlaps so much with other Performance Areas and the IFC Performance Standards.

You attempt to pull out key aspects of the IFC Performance Standards to fit the 3 levels of the Performance Areas, but it creates more confusion and potentially duplicitous process just to be audited twice.

Suggestion:

New projects have to align to the IFC Performance Standards and then trust that that system where the lenders assess per the Equator Principles against the IFC Perf Stds. The Eq Principles have their own categorization of risk, and these 3 levels are yet another layer to manage.

Remember that the V4 of the Eq Principles for the first time can apply to OECD countries that were previously exempt at the lenders' discretion according to risk, so projects in Canada, the US, Chile, Europe etc... are more and more figuring out that they have to align anyway to the IFC Performance Standards.

Performance Area 7: Rights of Workers

SECTION: 7.1 Workers' Rights Risk, Mitigation and Operational Performance, Good Practice, 12

COMMENT:

Be more specific here of what is the minimum requirement for pregnant workers, and add a clause to be more inclusive to parents who did not become parents through pregnancy (i.e. partners/fathers, adoption).

SECTION: 7.1 Workers' Rights Risk, Mitigation and Operational Performance, Good Practice, 8

COMMENT:

8. Ensure the facility adequately considers gender in these provisions, ensuring that all genders have equitable access.

SECTION: 7.1 Workers' Rights Risk, Mitigation and Operational Performance, Leading Practice, 4

COMMENT:

Suggest to separate out the 4 types of benefits as separate requirements, not a 'one of 4" minimum requirement - annual leave, parental leave, sickness and compassionate leave, pension contributions. Define annual leave and compassionate leave - for example, neither exist as such in the US (would be called 'vacation days' and it isn't necessarily annual), so would need to be defined. Include in Good Practice, not Leading Practice.

SECTION: Glossary and Interpretive Guidance

COMMENT:

For references, please add:

• UN Women -Global and Regional Frameworks to end Violence Against Women - https://www.unwomen.org/sites/default/files/ implementation-guide-Global-and-regional-frameworks-en.pdf

o ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), affirm a woman's right to work, and establish a comprehensive set of government obligations to ensure that women can enjoy that right in law and practice. Convention No. 111 calls on governments to abolish laws, regulations, and cultural practices that restrict the types of work in which women can engage, that limit women's freedom of movement, or that permit gender-based work-related discrimination, violence or harassment. In other words, governments are obliged to ensure that women can exercise their right to work on a basis equal to that of men.

o the Indigenous and Tribal Peoples Convention, 1989 (No. 169), stipulates that "workers belonging to these peoples [shall] enjoy equal opportunities and equal treatment in employment for men and women, and protection from sexual harassment". These provisions are particularly important for governments to regulate mining on lands occupied by indigenous and tribal peoples, and for the companies that operate there and employ women and men from local communities.

o The Workers with Family Responsibilities Convention, 1981 (No. 156), encourages governments to promulgate national policies that enable people with family responsibilities to exercise their right to work without conflict between their employment and family responsibilities.

o The Maternity Protection Convention, 2000 (No. 183), and the accompanying Recommendation No. 191 further promote equal opportunities for women in employment and occupation by recognizing that maternity protection is a precondition for gender equality and non-discrimination. These standards increase the minimum leave period set out in the previous Conventions. This right is part of a full set of measures that also include entitlement to maternal and child healthcare; prevention of exposure to workplace health and safety hazards for pregnant and nursing workers; protection against discrimination in employment and occupation; a guaranteed right to return to the job after maternity leave; and breastfeeding breaks.

• UN Convention on the Elimination of All Forms of Discrimination against Women and the

• International Covenant on Economic, Social and Cultural Rights

COMMENT:

Add also to references:

- GRI Gender

-IFC Toolkit on Gender

-These conventions/international expectations:

• The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is an international treaty adopted in 1979 by the United Nations General Assembly. As the primary international legal instrument

for the promotion and protection of women's rights, the Convention recognizes gender equality and prohibits discrimination against women in all spheres, including the private and public spheres. To date, 189 states have ratified CEDAW.

• The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (1994), or "Convention of Belém do Pará" is an international treaty adopted in 1994 by the member states of the Organization of American States (OAS) to combat violence against women. Considered a legally binding instrument, it has been ratified by most OAS member states (with the exception of Canada and the United States, which have neither signed nor ratified it) and has become a core component of the regional commitment to combat violence against women in the Americas. The Convention sets international standards for the prevention, punishment and elimination of violence against women. It defines violence against women as "any act or conduct, based on gender, that results in death or physical, sexual or psychological harm to women, whether occurring in public or private life".

• The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa or "Maputo Protocol" is an additional protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. Adopted in 2003 by the African Union, it aims to protect women from discrimination and violence, ensure their participation in political life and promote their economic empowerment. To date, 43 African states have signed the protocol and 41 have ratified it. The two states that have not yet ratified are Sudan and Somalia.

• The Declaration on the Elimination of Violence against Women in the Association of Southeast Asian Nations (ASEAN) Region is a political declaration made in June 2004 in Jakarta and signed by the ten ASEAN member countries. This declaration reaffirms the commitment of the ten signatory countries to eliminate violence against women, in line with CEDAW and the 1995 Beijing Declaration and Platform for Action, through further regional and bilateral cooperation.

• The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence or "Istanbul Convention" is an international treaty signed in 2011 by the member states of the Council of Europe to prevent and combat violence against women and domestic violence. Forty-five states have signed the Convention and 34 have ratified it. These 34 states include all the member states of the European Union, as well as several other European and non-European countries. The Istanbul Convention defines violence against women as a violation of human rights and a form of discrimination against women. It obliges signatory states to put in place coherent and effective legislation and policies to prevent and combat violence, prosecute perpetrators, protect and support victims, and strengthen international cooperation.

• The International Labor Organization Convention No. 190 on Violence and Harassment is an international convention adopted in June 2019, aimed at eliminating violence and harassment at work. This convention recognizes that violence and harassment can affect all workers, both men and women, and can take many forms, such as physical violence, sexual harassment, gender-based harassment, psychological harassment, etc. It sets out principles and measures to prevent, eliminate and combat workplace violence and harassment, including the establishment of national legislation and policies, the promotion of a culture of zero tolerance, awareness-raising and training for workers and employers, protection of victims and the use of appropriate sanctions. To date, ILO Convention 190 has been ratified by 25 countries.

• UN Women - Global and Regional Frameworks to end Violence Against Women - https://www.unwomen.org/sites/default/files/ implementation-guide-Global-and-regional-frameworks-en.pdf

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COMMENT:

Include ILO Convention 156 - Workers with Families Responsibilities Convention

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COMMENT:

Include requirement to report the KPIs indicated in the ICMM Socioeconomic Benefits Framework, including from:

1. *Table 2 - Core Indicators - Employment & Workforce Development (workforce composition, pay equality, wage level, training provided)*

All disaggregated by gender & ethnicity

Performance Area 8: Diversity, Equity, and Inclusion

SECTION: 8.1 Governance of Diversity, Equity, and Inclusion (Corporate Level), Foundational Practice, 2

COMMENT:

Clarify that roles and responsibilities have to be clear

SECTION: 8.1 Governance of Diversity, Equity, and Inclusion (Corporate Level), Good Practice, 6

COMMENT:

Separate out these concepts into different requirements - "integrate into relevant governance and business processes" is a different step than "publicly disclose progress."

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

COMMENT:

Missing is regular communication to the Board

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

COMMENT:

Love this review of physical infrastructure - this should be good practice though, or consider making it foundational. Equitable access to physical infrastructure should be solved once and for all...

SECTION: Glossary and Interpretive Guidance

COMMENT:

Add to glossary:

• Gender-based violence: Violence and harassment directed at persons because of their sex or gender or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment. (Adapted from ILO Violence and Harassment Convention (2019))

• Psychosocial risks and hazards:

o Psychosocial risk factor: Hazards including elements of the work environment, management, practices, and/or organisational dimensions that increase the risk to health. (Adapted from TSM Safe, Healthy and Respectful Workplaces Protocol (2023))

o Psychosocial hazard: Factors in the design or management of work that increase the risk of work-related stress and can lead to psychological or physical harm. (Adapted from TSM Safe, Healthy and Respectful Workplaces Protocol (2023))

• Psychological safety: Feeling safe to take interpersonal risks, to speak up, to disagree openly, to surface concerns without fear of negative repercussions or pressure to sugarcoat bad news (Coined by Dr Amy Edmondsen in 1999 What is psychological safety?)

Performance Area 9: Safe, Healthy and Respectful Workplaces

SECTION: 9.1 Health and Safety Management, Foundational Practice, 6

COMMENT:

add access to basic menstruation products and an appropriately equipped area for lactation.

SECTION: 9.1 Health and Safety Management

COMMENT:

Consider adding:

Set up and periodically review a health and safety risk assessment process that takes into account gender differences when it comes to tasks, hazards, health, risks etc. with special attention to minority or vulnerable groups

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COMMENT:

Also consider:

Establish communication system or alarms to report safe/unsafe operations

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COMMENT:

Add -

9.1: create provisions to ensure pregnant women and those who have a chronic illness are not exposed to certain hazards at certain periods or for a specific time per necessity.

SECTION: 9.2 Psychological Safety and Respectful Workplaces

COMMENT:

Add: Involve workers of all genders into consultations and surveys on ways to improve safety, health & respect at work

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SECTION: 9.3 Training, Behaviour and Culture

COMMENT:

Add - Work alongside union representatives and other local community representatives in training and health & safety management

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COMMENT:

• 9.3. Offer bystander training also but also on well-being, spotting suicide or depression or any risks which could contribute to safety/accidents

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SECTION: Glossary and Interpretive Guidance

COMMENT:

Add to references:

Add to references: ILO, Addressing gender-based violence and harassment in a work health and safety framework - https://webapps.ilo.org/static/english/intserv/working-papers/wp116/index.html

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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: 3: Meets expectations

Document:
Claims

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