

CMSI Consultation Response

Respondent Details

NAME

Anonymous

COUNTRY

Canada

PERMISSION

Yes, CMSI can disclose my anonymous feedback.

STAKEHOLDER

Other

ORGANISATION

Anonymous

COMMENTS & QUESTIONS BY DOCUMENT

Document:
Governance

1. What is the vision?

SECTION: 1. What is the vision?

COMMENT:

Vision: This is a logic 2.0 ambition. i.e. BAU with a vague commitment to sustainability, but not with sustainable development as the key purpose of mining.

Key question - what do you mean by 'responsible'? This needs definition (proposal: conformance with the OECD Guidelines for MNEs).

It would be more impactful if the vision was to drive human and planetary wellbeing by value chain operators that produce, source and recycle minerals and metals responsibly.

13. What is the role of National Panels?

COMMENT:

The creation of national panels to support and guide implementation is an excellent idea.

2. What is the mandate of the Legal Entity to deliver this vision?

SECTION: 2. What is the mandate of the Legal Entity to deliver this vision?

COMMENT:

"Consolidated Mining Standard (CMS) should meet the needs of customers, regulators and others in the value chain." What about investors? What about affected rightsholders?

COMMENT:

“Ultimately, it must help provide confidence to consumers that the metals and minerals in the products they buy have been responsibly produced and used throughout value chains.” Shouldn’t it also support the fulfilment of human rights and discharge companies’ responsibility to respect human rights? i.e. it should meet the needs of customers, regulators and affected rightsholders in the value chain too.

COMMENT:

“Undertake targeted efforts to address gaps to meet market and regulatory demands where standards and assurance frameworks are not currently available or implemented.” What about demands from affected rightsholders in these markets where other standards or frameworks aren’t available?

SECTION: 4. What are some of the key features the governance model needs to include?

COMMENT:

The legal entity should also have the responsibility of having a grievance mechanisms so rightsholders harmed by the actions of companies certified against the standard have an additional avenue to have their grievances addressed. IRMA, SSI, RMI, ASI all have this.

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

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

COMMENT:

Constitution of the board -this should also have investors as a category.

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: No Response

QUESTION 2

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

Response: unsure

Document:
Assurance

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

General comment on Performance Area

COMMENT:

The vision is shy of where it should be to really convince stakeholders that the mining industry can be trusted as a dependable actor committed to driving sustainable development through its activities. I would propose you amend it to, "drive human and planetary wellbeing by value chain operators that produce, source and recycle minerals and metals responsibly."

COMMENT:

The standard doesn't adequately consider the needs of investors and affected rights-holders.

COMMENT:

The child labour, ASM, community development and stakeholder engagement chapters are particularly weak as they do not effectively draw on existing guidance or industry experience. They are out-of-date and, as they stand now, they are not really addressing these risks either for affected rightsholders or for the mining companies. I have a clear view on how you could make these more effective.

COMMENT:

There is scope for greater gender-mainstreaming throughout the standard.

COMMENT:

There is scope for greater elegance and accessibility within the performance areas in terms of how they are structured and presented, e.g. a.) you should order within each of the 3 performance levels (foundational, good, leading) in accordance with the OECD RBC 6 step framework and b.) you should structure these 3 performance levels to show how they build upon each other to make a very visual pathway for continuous improvement and progress apparent.

COMMENT:

This is not aligned with the UNGPs or OECD Guidelines for MNEs in a holistic fashion, which is a major gap and missed opportunity to do something even more rationalised and effective (But also to support whole value chain conformance to EU's CSDDD and Batteries Regulations.) Fundamentally, as the standard is not risk-based overall, it's not adequately resource-/ impact-sensitive. This could be radically revised to make it more implementable and more impactful. I strongly suggest you need an expert in these frameworks to overhaul the standard. Some Key points:

a company should not need to be leading practice on risks that are not salient for it. This is a waste of precious resources.

If a company is excellent at governing risk (i.e. its due diligence systems for ESG risks align to the OECD RBC 6 step framework) then what needs to be monitored is that it is adequately understanding and assessing and thus prioritising its risks, as the basis for resource allocation and putting in place robust enough mitigations. Beyond that, everything should be about driving positive impacts where possible. This is why the standard should have three parts. The benefit of this is that it allows sustainability performance to be less costly whilst being more impactful.

Part 2: ESG risks -expectation for companies to demonstrate good to leading practice in their salient risks and foundational or good practice in all other risks. Can incorporate most of the other performance areas you have that don't map onto part 1.

Part 3: Positive impact - expectation for companies to maximise positive impacts through how they do their risk mitigation planning and implementation (invest in root causes not just “defensive” mitigations, strengthening institutions, collaborations & landscape / territorial approaches, etc.) as well as their community development and environmental stewardship work that may be conditional to their licensing. May require new performance areas in nature positive / regenerative mining, benefit sharing, circularity etc. to showcase the more frontier, cutting edge things that the mining sector is doing as an ally in driving sustainable development for society at large.

Part 1: Core (Excellence in governance and responsible business conduct. Covers management systems, risk assessment and prioritisation, approaches to mitigation planning and implementation, tracking effectiveness, reporting, remedy, meaningful stakeholder engagement, and also business ethics. Can incorporate foundational, good and leading practice levels. Companies incentivised towards excellence because it means stakeholders have higher confidence in their ability to manage risk. Companies operating in CAHRAs should be expected to demonstrate at least good practice.)

COMMENT:

The standard is inelegant and could be further rationalised / improved in presentation whether you follow the above advice or not.

There is no logical flow within each set of foundational, good practice or leading practice. It feels like a bit of a mishmash.

Why isn't each performance area a matrix where FP, GP and LPs are in columns showing how you build upon each prior expectation, i.e. to make the improvement pathway on each point evident?

COMMENT:

Performance areas 1, 2, 3, and 5 should all apply at HQ / corporate level and at site level.

COMMENT:

Overall intent: I'd encourage the overall ambition of this standard move beyond do no harm to driving positive impact to deliver improved wellbeing for affected stakeholders. Otherwise this isn't really a sustainability standard but more of a risk management standard facilitating business as usual to operate with clean hands whilst unfortunately under delivering on minerals' potential to drive sustainable development. It is not ambitious enough and as such will not achieve its most desired purpose which is to build trust in our industry.

COMMENT:

Overall, whilst I appreciate the principle is to explain the what and not the how in the standard, there is scope for greater specificity to align with expectations in the international frameworks that govern responsible business conduct. An alignment check would allow you to tighten the language, also to ensure alignment with what market players and investors are looking for from the upstream.

COMMENT:

There is a performance area for human rights due diligence but none for environmental due diligence (in fact, EDD isn't mentioned once...). The OECD Handbook for Environmental Due Diligence appears to be sadly entirely absent. Why is that?

COMMENT:

The stakeholder engagement performance area is weak because it appears not to draw on existing industry guidance, e.g. TNFD for IPLC and affected rights holders engagement, UNGPs, OECD Guidance for Meaningful Stakeholder Engagement, etc. This is perhaps one of the most crucial areas to get right as it is foundational to success in all the other performance areas.

COMMENT:

The ordering of expectations in the foundational / good practice / leading practice blocks is confusing because they don't follow the OECD 6 step framework but are rather a mishmash. It would be easier to assess their comprehensiveness and appropriateness if they followed that framework.

Introduction

COMMENT:

The standard is only applicable during a mine's operational phase.

It is problematic that this standard is only applicable during operations and not from the point of mine design and development.

In order to prevent and minimise ESG impacts, it is during the ESIA (and before) that the ambition level for conformance with this standard should be set. Sustainability outcomes get baked in during mine design and through the successes and failures of stakeholder engagement and joint planning at that stage. This is especially important for motivating more circular designs and minimising impacts on forests and other sensitive biomes.

Furthermore, many mines whilst operational (in production) are also doing exploration to continue to develop the asset. So a mine may be in multiple phases at once. Is an operational mine that's exploring the same or additional concessions in the same territory obliged to apply the standards across all operations under its control, regardless of the part of the mining life cycle they may be in?

Overarching Glossary

SECTION: Overarching Glossary

COMMENT:

Remedy: definition does not cover environmental harms. Why not? How does this align with ICMM's nature positive commitment?

Performance Area 1: Corporate Requirements

SECTION: 1.2 Sustainability Reporting, Leading Practice, 1

COMMENT:

Double materiality should be a foundational practice performance level, not leading practice.

If you aren't doing double materiality risk assessments then you're not discharging your responsibility to respect human rights.

As leading practice, it is misaligned with other parts of the standard where EHR due diligence is expected to be done at a foundational or good practice level (e.g. 1.4). It should be inconceivable to have a mine be certified

against this standard that is not taking into consideration its impacts on people and nature at all. That is just signing off 20th century BAU, unacceptable practices.

SECTION: 1.4 Risk Assessment, Foundational Practice, 2

COMMENT:

Foundational practice 2: "Assess key risks from the Facility, including at a minimum, those identified in the applicable Performance Areas in this Standard, and prioritise these risks.

Please provide greater direction in how they should be prioritised, i.e. based on their salience (likelihood x severity) in accordance with UNGPs and/or the OECD Handbook for EDD, whichever is applicable.

SECTION: 1.4 Risk Assessment, Leading Practice, 1

COMMENT:

Again, what you put as leading practice is what is required under the OECD Responsible Business Conduct Guidance and the UNGPs. Are you really saying that alignment with these international frameworks should not be foundational?

SECTION: 1.4 Risk Assessment

COMMENT:

Stakeholder engagement should be a foundational practice. Evidence of progress towards meaningful stakeholder engagement should be a good practice requirement. Alignment with the OECD Guidance for Meaningful Stakeholder Engagement in the Extractives Industry should be a leading practice requirement.

COMMENT:

Suggest you look at language we put in the GBA's Human Rights Index (which essentially sets out how to do HRDD) for additional inspiration (and alignment?)

In assessing the risks and impacts of human rights related to its own operations and business relationships, the enterprise:

- identifies potentially affected people (or their legitimate representatives) (2)*
- engages with potentially affected people (or their legitimate representatives) (2)*
- engages with internal and external stakeholders (1)*
- takes into account impacts on stakeholders from groups or populations that may be at heightened risk of vulnerability or marginalisation. (1)*
- pays particular attention to the different kinds of impacts that can be experienced by varying genders (1)*

AND

Where business partners do not do any of these things, the enterprise encourages them to do so (1)

Performance Area 11: Security Management

SECTION: 11.1 Security Management, Foundational Practice, 1

COMMENT:

I'm so pleased to see that this is foundational practice.

SECTION: 11.1 Security Management, Foundational Practice

COMMENT:

it should be foundational for security risk assessments to be gender-sensitive too. Unquestionably when it comes to security.

SECTION: 11.1 Security Management, Good Practice, 2

COMMENT:

would you not also communicate your policies on ethical conduct and human rights to private providers too to ensure alignment?

SECTION: 11.1 Security Management, Good Practice, 3

COMMENT:

please make it environmental and human rights defenders.

Performance Area 12: Stakeholder Engagement

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

COMMENT:

should you give some greater guidance on what you mean by mapping stakeholders, i.e. what data / info should be gathered to then analyse stakeholders

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

COMMENT:

migrants should be a separate category of vulnerable group.

SECTION: 12.1 Stakeholder Identification and Engagement, Foundational Practice, 4

COMMENT:

would you not also communicate your policies on ethical conduct and human rights to private providers too to ensure alignment?

SECTION: 12.1 Stakeholder Identification and Engagement

COMMENT:

I've just written a brief on meaningful stakeholder engagement for a downstream client in which I reviewed the major guidances of relevance to the mining sector and minerals value chains. I find it very odd that you have

no references here at all ! There is excellent and extensive guidance out there, including specifically for extractives. Why aren't you drawing from UNGPs; OECD MNE 2023; OECD Guidance for Meaningful Stakeholder Engagement in the Extractives Sector: TNFD Guidance for IPLC and affected rights holders engagement (what do you think this guidance will add specifically?); AA 1000 on Stakeholder Engagement? There's a lot more to be done on this section.

Performance Area 13: Community Impacts and Benefits

SECTION: 13.1 Identify and Address Community Impacts

COMMENT:

please specify that this is about adverse impacts only. I don't see anything that suggests an interest in identifying positive impacts (unfortunately)

SECTION: 13.2 Community Development and Benefits, Good Practice, 2

COMMENT:

should consider power dynamics and equitable distribution of impacts, i.e. the risk that interventions will deepen power imbalances and marginalisation of certain groups. Critical!! Esp. in ASM management.

SECTION: 13.2 Community Development and Benefits, Leading Practice, 1

COMMENT:

Engage "and partner with" community representatives.

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

COMMENT:

such professional development should be aligned with the community / regional economic development plans and take into account equitable access and equal opportunity. i.e. should be gender-sensitive.

SECTION: 13.2 Community Development and Benefits, Leading Practice, 5

COMMENT:

there's so much missing here. what about collaborations for implementation of initiatives ?

SECTION: 13.2 Community Development and Benefits, Leading Practice

COMMENT:

This is disappointingly unambitious for leading practice. It really risks rewarding people for soap-making livelihood development programmes that will do very little to really capture the economic dev opportunity that minerals should be bringing local communities. What about more innovative and sustainable things like:

formalisation of benefit sharing agreements , as we see in Canada?

business models that provide local communities with equity, board positions (where it's a local mine and not a group and where it's appropriate from a fiduciary point of view), and royalties?

community development funds and ensuring these are used to do evergreen investments?

doing comm dev funds that others can pile money into in order to leverage and scale miners' efforts to drive development and uplift a community? (would permit collaborations with investors and downstream partners who have decided that the provenance is a high priority and they want to allocate resources to address root causes of their salient risks through targeted comm dev programmes, for example, as we know some are looking to do for bauxite in Guinea, or our client is doing for coloured gemstones in E. Africa, etc.)

COMMENT:

The community development performance area is so disappointingly low bar, even in the leading practice indicators. Lots of missed opportunities for activities that could generate greater impact, such as nature positivity, nature-based solutions, regenerative business development, etc. No mention of mitigating risks for the economic sectors miners may intentionally and unintentionally catalyse / develop through their presence and initiatives.

Performance Area 14: Indigenous Peoples

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

COMMENT:

I suggest you include cosmologies as well, as that's not just tradition but ways of believing / seeing the world, not necessarily cultural customs (which tradition implies).

SECTION: 14.1 Managing Engagement, Impacts and Opportunities with Indigenous Peoples, Good Practice, 11

COMMENT:

should be in foundational practice

SECTION: 14.1 Managing Engagement, Impacts and Opportunities with Indigenous Peoples, Good Practice, 12

COMMENT:

add cosmologies.

SECTION: 14.1 Managing Engagement, Impacts and Opportunities with Indigenous Peoples, Good Practice, 7

COMMENT:

this essentially allows violation of FPIC.

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

COMMENT:

why isn't this training reciprocal, i.e. should they want it, provide training to Indigenous Peoples on your own cultures, history, traditions and how their rights are recognised under international conventions and national law. this helps them claim their rights and engage more effectively too.

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

COMMENT:

All tracking effectiveness actions should be good practice, not leading practice.

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

COMMENT:

Intent is weak. Why is it just about engagement and not decision-making? Why isn't it about meaningful engagement?

Performance Area 16: Artisanal and Small-Scale Mining

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

COMMENT:

Please add a 6th leading practice, which is to publish and communicate to ASM value chain operators and their stakeholders their various avenues for accessing justice should a human rights violation occur, taking into account the corporation's operational grievance mechanism, but also others that may be open to it, e.g. standard-setters' GM, and other local, national and international judicial mechanisms. Leading practice is facilitating victims to access and claim remedy in the most efficacious fashion

SECTION: 16.1 ASM Risk Assessment, Engagement and Reporting

COMMENT:

I would propose a complete overhaul and would be happy to engage more deeply on this as I'm deeply worried that what you're including will lock miners into a 2000s approach to ASM, which has been proven to fail time and again. If you persist with this model, then you will reinforce strategies that don't work and leave miners with serious blindspots and inability to manage this risk and leave local communities vulnerable.

There is just so much missing in this section, I don't know quite where to begin. It feels pointless feeding back on the individual expectations (sorry!).

COMMENT:

Highlights of what's missing. You have nothing on:

Triple materiality risk mapping (understanding the LSM-ASM-community risk/reward triangle)

Grounding ASM management in getting understanding right and taking a human rights based approach. For example, the imperative to understand:

- the degree of community embeddedness and support

- the roles of vulnerable groups in ASM or how ASM specifically impacts on vulnerable groups and in particular Indigenous Peoples, women, children, IDPs, refugees, etc..

- ASM demographics and motivations.

-different types of ASM and ASM value chains on, around and near the concession, also (but not only) to support resettlement planning

-stakeholder mapping and engagement. Identifying the highest priority stakeholders for engagement whether for intelligence gathering or solutioneering or beneficiatation. Ensuring diverse engagement across ASM stakeholders in order to avoid blindspots. Engaging those with and without power, not just those who are "legal" or "legitimate".

-Conflict mitigation mechanisms as key tools for dealing with ASM-community and ASM-LSM conflicts.

Building strategies and plans that align with and help deliver on what the ASM miners (and their other value chain actors) and mining communities prioritise. Approaching ASM management in a risk-based fashion aligned with OECD RBC 6 step framework.

Developing strategies for identifying and handling connections to transnational organised crime and vested interests of political or economic elites.

Helping ASM value chain operators solve their commercial and ESG problem as basis for trust-building and supporting professionalisation and legitimisation, e.g. training to claim their human rights or contribute to building community resilience.

Expectation for companies to develop an ASM strategy at HQ, and site level or even concession level ASM management plans that are responsive to changing realities.

Systems for monitoring ASM issues, or how internal governance of ASM issues should be done.

Collaborations as foundational elements of ASM strategies and plans, e.g. at the territorial levels with other LSM actors , with chambers of mines, with governments, with value chain stakeholders etc.

COMMENT:

Needs to align more with the WB's new position paper on ASM. (Greater focus on legitimisation and professionalisation rather than formalisation).

COMMENT:

Too much of a focus on "livelihoods" rather than economic development and diversification.

COMMENT:

please reference the OECD FAQs here

Performance Area 2: Business Integrity

SECTION: 2.2 Business Ethics and Accountability, Leading Practice

COMMENT:

Leading practice would also be about ensuring that grievances are managed in a timely fashion

Performance Area 3: Responsible Supply Chains

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

COMMENT:

OECD Minerals Guidance refers to provenances because in some countries certain areas are low risk whilst others are high risk. So i'd rather say 'refer to geographies, value-added activities, suppliers, etc...'

Suppliers is vague. I'm not really sure what do you mean, do you mean specific suppliers (by name) or types of suppliers (e.g. private companies in high risk jurisdictions with low legal bar and low enforcement?)

SECTION: 3.1 Responsible Supply Chains (applicable to all facilities), Good Practice, 3

COMMENT:

business partners and their stakeholders to file complaints or grievances or to blow the whistle?

SECTION: 3.1 Responsible Supply Chains (applicable to all facilities), Good Practice, 5

COMMENT:

why say 'where appropriate'? this is too weak / vague.

Remedy shouldn't be confined to supply chains only!! This should apply to operations and ALL business relationships, not just those within the SC. Otherwise this is not UNGPs / OECD Guidelines aligned. Remedy should be its own performance area, under governance (per my upfront comment on structure)

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

COMMENT:

logically anything on remedy should come after mitigation - step 6 of OECD RBC 6 step framework vs. step 3.

SECTION: 3.1 Responsible Supply Chains (applicable to all facilities), Leading Practice, 3

COMMENT:

or where there's a high risk of causing or contributing to or high opportunity to prevent, minimise or mitigate too! i.e. this is about addressing root causes to both high risks and experienced impacts (risk has materialised)

SECTION: 3.1 Responsible Supply Chains (applicable to all facilities), Leading Practice, 4

COMMENT:

why isn't there mention of the facility's grievance mechanism being in line with the UNGPs' effectiveness criteria?

SECTION: 3.1 Responsible Supply Chains (applicable to all facilities), Leading Practice, 9

COMMENT:

I would encourage you to make meaningful stakeholder engagement a stand alone performance area because it's necessary for controlling risks in pretty much everything so having an overarching approach to doing it well is absolutely key to the effectiveness of the whole standard (and achieving your higher principles of inclusion, etc.)

SECTION: 3.1 Responsible Supply Chains (applicable to all facilities)

COMMENT:

Many of these things are actually relevant to environmental and human rights due diligence because they apply to all business relationships and not just supply chain relationships. (e.g. subsidiaries, joint venture partners, customers, etc.) Therefore it belongs in the human rights due diligence chapter, not here. I'd propose you thus

rationalise this section and confine the responsible sourcing chapter to just that, i.e., supply chain mapping & transparency, product stewardship, cross-value chain partnerships for risk mitigation etc.).

Alternatively you could rename this section to be “Managing risk in business relationships” or “Responsible value chain” (which looks not just upstream, but downstream and around), which would align it more with the UNGPs.

SECTION: 3.2 Responsible Mineral Sourcing, Foundational Practice, 1

COMMENT:

please specify OECD minerals guidance aligned, because other minerals standards are now pushing for OECD RBC guidance alignment too. Clarity is essential, but nor should we be wedded to the minerals guidance which has such a low bar as it is an entry-level standard setting out the minimum expected for being able to legitimately and responsibly source from high-risk areas (in particular).

SECTION: 3.2 Responsible Mineral Sourcing, Foundational Practice, 2

COMMENT:

but isn't that what 3.1 is all about? And is any old DD system good enough (e.g. “i have a bunch of policy commitments, I'm fine”)?

SECTION: 3.2 Responsible Mineral Sourcing, Leading Practice, 1

COMMENT:

Great to see this.

SECTION: 3.2 Responsible Mineral Sourcing

COMMENT:

What about responsible sourcing of goods that aren't minerals?

COMMENT:

How is 3.1 different to 3.2?

is 3.1 for ALL suppliers (including of minerals) but 3.2 is additional for minerals suppliers only? Please clarify in the scope.

SECTION: Overarching Glossary

COMMENT:

Sustainability risks: why not refer to the OECD Handbook for Environmental Due Diligence in Minerals Value Chains? The only source that covers environmental issues out of the four cited is Annex X of the EU Batteries Regulation and of course that has a very narrow scope (4 minerals only).

Performance Area 4: New Projects, Expansions and Resettlement

SECTION: 4.1 Risk and Impact Assessments of New Projects and Expansions, Leading Practice, 1

COMMENT:

This really shouldn't be in leading practice. It should be good practice. It is absolutely imperative

Performance Area 5: Human Rights

SECTION: 5.1 Human Rights, Foundational Practice, 2

COMMENT:

please add environmental and human rights defenders who are working to promote and protect human rights and nature. This is another reason this should be on ESG due diligence broadly, and not just human rights.

SECTION: 5.1 Human Rights, Good Practice, 1

COMMENT:

Unclear: do you mean a policy that is consistent with UNGPs or that the way disclosure is done is consistent with UNGPs?

SECTION: 5.1 Human Rights, Good Practice, 2

COMMENT:

Adjust to "identify, assess and prioritise human rights ..."

SECTION: 5.1 Human Rights

COMMENT:

This covers operational HRDD. Supply chain HRDD is treated in PA 3. What about other business relationships? By excluding them you're not aligned with the UNGPs.

I strongly believe that HRDD should be covered in one area where you can distinguish b/w operations (that which is within your control) and business relationships (that which is within your influence or which connects you to HuR abuses or other abuses and their HuR impacts). But I would call it EHRDD because ultimately it's about DUE DILIGENCE on all ESG risks. And then you can merge what's in the UNGPs with what's in the OECD Handbook for EDD in minerals value chains in order to support an aligned / integrated process that is simpler for folks to understand and implement. If you do as I propose with the structure of the standard, then this would be covered because the OECD 6 step framework would be applied to manage ALL ESG risks (including but not limited to human rights).

COMMENT:

Human rights are not adequately mainstreamed across the performance expectations and as such the standard does not align fully with the UNGPs or the OECD Guidelines for MNEs.

COMMENT:

There is mention of human rights defenders, yet no mention of environmental defenders. They should be considered as one group. Why are they excluded?

Performance Area 6: Child Labour and Modern Slavery

SECTION: 6.1 Risk, Mitigation and Operating Performance, Foundational Practice, 3

COMMENT:

where? within the facility or within the community of which the mine and its workforce form a part?

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

COMMENT:

Leading Practice provisions are very sparse. See the leading practice aspects from the GBA's child labour index for inspiration (box) [see uploaded letter ERM]

SECTION: 6.1 Risk, Mitigation and Operating Performance

COMMENT:

How does this apply to facilities where the risk of child labour and modern slavery are really low and these therefore aren't salient risks for those facilities? Should they still have to do LP to achieve an overall leading practice status? (This point applies generally to every performance area).

COMMENT:

Child labour is a form of modern slavery, so you should retile this to modern slavery, i.e. "Modern Slavery, including Child Labour", and recraft this in that way. However, I'd rather see you do one PA for modern slavery (giving special attention to workers' rights in subcontractors) and one for child RIGHTS... see next

COMMENT:

In an ideal world (and i realise it's probably too premature for this) this would actually be about CHILD RIGHTS, with child labour being part of it. (See the tools / guidances in my comment at the end of this section) The point is, if you support the fulfilment of child rights then the likelihood and severity of child labour will fall dramatically in communities (and thus the risk falls for companies too). But if you focus only on child labour, companies end up doing some minimum age statements, dental checks, and school feeding programmes and nothing much changes for the children though the companies can say they're child labour free.

It's possible to integrate child rights protections into how companies do impact assessments, resettlement, community engagement, etc. i.e. you can mainstream child rights into some of the performance areas' leading practice sections. In this way you will indirectly lead to a reduction in the likelihood and severity of child labour occurring in the communities where you operate.

I could suggest some ideas on basis of the work we did over 2.5 years for the Global Battery Alliance's Child Labour Index.

COMMENT:

The intent you have for this section is also very, very conservative, unfortunately. It applies only to the facility and not to how a facility can influence child and forced labour risks in the local community / territory in which it operates. This is a hugely missed opportunity to direct efforts to address root causes of modern slavery and child labour, including through things the facility can do. Given that many mines have high %age local workforce then this is material for you workers, their families, and their communities. See the GBA's Child Labour Index we developed and published end 2022. Is mining a force for sustainable development or a tourist?

COMMENT:

References : You are missing some very useful resources here that could strengthen this considerably. E.g.,

https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@ed_norm/@ipecc/documents/instructionalmaterial/wcms_ip

<https://www.unicef.org/childrightsandbusiness/reports/childrens-rights-impact-assessments>

<https://globalchildforum.org/benchmarks/methodology/>

<https://www.unicef.org/childrightsandbusiness/media/821/file/Childs-rights-metrics-in-supply-chain.pdf>

<https://www.globalbattery.org/media/publications/gba-childlaborindex-v1rev2.pdf>

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: 1: Significantly below

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

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

I would prefer an intermediary level like the current TSM with A being the minimum acceptable for Good Practice. If you think that maintaining adherence to 100Is there value in recognising leading practice through a higher-level claim, such as a claim that is attained when Good Practice or Leading Practice is achieved across all Performance Areas? I think so