

# CMSI Consultation Response

## Respondent Details

NAME

Glen Mpufane

COUNTRY

South Africa

PERMISSION

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

STAKEHOLDER

Labour / labour organisation

ORGANISATION

IndustriALL Global Union

## COMMENTS & QUESTIONS BY DOCUMENT

Document:  
Governance

### 1. What is the vision?

COMMENT:

*A governance model that gives mining companies too much control over processes that impact the Standard's accountability measures.*

*The EU Critical Raw Materials Act (CRMA), defines multi-stakeholder governance as,*

*"a formal, meaningful, and substantive role of multiple types of stakeholders, including at least civil society, in the decision-making of a certification scheme, documented by way of a mandate, terms of reference or other evidence, which confirms or supports the involvement of the multi-stakeholder representatives of that certification scheme."*

*While the CRMA definition does not meet all best practices for designing meaningful multi-stakeholder initiatives the Consolidated Standard's Governance Model falls short of the CRMA definition. Specifically:*

*The four partners will select the Independent Chair, who is in turn charged with overseeing the formation of the Board, meaning that the major bodies for oversight and decision-making could be filled with industry allies that may not properly check the industry's proposals and power.*

*The four Consolidated Standard partners (ICMM, MAC, WGC, and CopperMark) are leading the design of the criteria and the process for selecting the "Independent" Chair. In Section 11 (pg 9), it is stated that the partners "will propose a limited number of criteria to guide the selection of an Independent Chair, which the IAG and SAG will review, refine and agree with the four partners."*

*However, there is no transparency over the criteria or process being used to guide the selection of the leaders who will drive decision-making, or critically, of the "independent chair" tasks with oversight of the Board.*

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### 14. What happens next?

COMMENT:

*That the convergence standard development is hosted, led and controlled by the four-industry led standard initiatives, with the standard advisory group offering external critique and advice only is contrary to what a true multi stakeholder governance is and should be*

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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: no

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Document:  
Assurance

## 1. Introduction

COMMENT:

*An assurance process that gives mining companies too much control, compromising its independence.*

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QUESTION 1

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

Response: 2: Below expectations

A robust, credible, replicable and transparent approach must be independent and seen to be independent. Too much control over the assurance process cannot lie with the company. Trust and the social license to operate hinges on getting this right. The appointment of the auditor must not be the prerogative of the mine but must be through a transparent multi-stakeholder governance.

Document:  
Standard

## Performance Area 7: Rights of Workers

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

COMMENT:

*Additionally the standard is silent on the extent to which a contractor is expected to comply with the standard for example a supplier code of conduct.*

*To the extent that foundational practice meet good practice on workers rights, observance of freedom of association and collective bargaining as a foundational practice requires neutrality from the company on organizing efforts by a trade union*

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SECTION: 7.1 Workers' Rights Risk, Mitigation and Operational Performance, Good Practice, 13

COMMENT:

*13. Inform workers of their right to form, join and organise trade union(s) of their choice and to bargain collectively on their behalf with the employer exercising that choice must be without any negative consequences or retaliation from the operating company.*

COMMENT:

*There is lack of alignment with widely accepted international standards already used by industry. Applicability is a problem to the extent that directly employed workers and indirectly employed are treated differently when in some major companies indirect employees outnumber directly employed workers. It is problematic that the standard accepts that "...the actions to meet these requirements may be different for directly employed workers (i.e., employees) than for indirectly employed workers (e.g. contractors, agency workers, etc) where a Facility's control and influence is weaker". A facility's control of influence does not fall outside a HRDD requirement for responsible mining*

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## Performance Area 9: Safe, Healthy and Respectful Workplaces

SECTION: 9.1 Health and Safety Management

COMMENT:

*A top down health and safety management approach - no mention if any of the role of workers and their trade unions in total disregard for provision of the ILO Convention 176 on safety and health in mines which puts workers at the center of safety and health in mines through health and safety representatives and joint health and safety committees*

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: No Response

Not taken together but certainly some good aspects to the content, which is quite exhaustive, the narrative style around the consolidated standard GD, PA and Foundational is up for debate as being useful

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: 2: Below expectations

I find consistent application is tested through the three- level performance between organizational policy level and site level

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

Minimum threshold to achieve performance claim (logo) is problematic as it raises questions of credibility. 100

Workers rights issues might fall under this category e.g.

GP4 Remunerate workers with fair wages and benefits that represent competitive remuneration within that job market, including for part-time workers EGP5 Provide equal remuneration, including benefits, for work of equal value GP2 Implement and maintain (a) health and safety management system(s) to prevent and mitigate health and safety risks