

# CMSI Consultation Response

## Respondent Details

NAME

Jennifer Black

COUNTRY

Netherlands

PERMISSION

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

STAKEHOLDER

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

ORGANISATION

World Benchmarking Alliance

## COMMENTS & QUESTIONS BY DOCUMENT

Document:  
Governance

### 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: 3: Meets expectations

### 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

## Performance Area 1: Corporate Requirements

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

COMMENT:

*We welcome the inclusion of this requirement*

---

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

COMMENT:

*We suggest making linking progress against sustainability targets to compensation of senior management, companies should explain how this is integrated into their compensation plan*

---

SECTION: 1.2 Sustainability Reporting, Good Practice

COMMENT:

*It might be logical to have the following progression (meaning the addition of one new requirement for Good Practice):*

*Foundational practice - identify sustainability risks*

*Good practice - conduct a materiality assessment*

*Leading practice - conduct a double materiality assessment*

---

## **Performance Area 14: Indigenous Peoples**

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

COMMENT:

*Regarding point 2 (on due diligence to identify possible adverse impacts on Indigenous Peoples' rights) - The right of Indigenous Peoples have a right to give or withhold their Free, Prior and Informed Consent (FPIC) is recognised under UNDRIP. Requiring companies to undertake due diligence and engagement guided by FPIC does not meet international standards and is inconsistent with global stakeholders' perception of the responsibilities of mining companies in this regard. It is recommended that the standard includes a requirement for following an FPIC process or, ideally, obtaining FPIC.*

---

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

COMMENT:

*We welcome that this requirement clarifies the expectation to obtain FPIC, rather than just respect FPIC*

---

## **Performance Area 18: Water Stewardship**

SECTION: 18.1 Water Management and Performance, Foundational Practice, 2

COMMENT:

*It is good to see clear reference to the application of mitigation hierarchy here.*

---

SECTION: 18.1 Water Management and Performance, Good Practice, 8

COMMENT:

*We welcome the inclusion of this requirement.*

---

SECTION: 18.2 Collaborative Watershed Management, Leading Practice, 3

COMMENT:

*We welcome the inclusion of this requirement.*

---

SECTION: 18.3 Water Reporting, Good Practice, 1

COMMENT:

*We welcome the inclusion of this requirement.*

---

### **Performance Area 20: Climate Action**

SECTION: 20.1 Corporate Climate Change Strategy (Corporate Level), Good Practice, 2

COMMENT:

*We welcome the inclusion of this requirement.*

---

### **Performance Area 22: Pollution Prevention**

SECTION: 22.3 Non, GHG Air Emissions, Good Practice

COMMENT:

*We welcome the inclusion of this requirement.*

---

SECTION: 22.3 Non, GHG Air Emissions, Good Practice

COMMENT:

*We welcome the inclusion of this requirement.*

---

### **Performance Area 3: Responsible Supply Chains**

SECTION: 3.1 Responsible Supply Chain (applicable to all facilities), Foundational Practice

COMMENT:

*Before a company is equipped to identify, assess and prioritise the most significant part of its supply chain (good practice 1), it should first ensure that it knows which actors are in its supply chain and determine which parts are most significant. It is recommended to add an indicator on this under foundational practices.*

---

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

COMMENT:

*Add 'grievances'; so it states "Enable access to a system for stakeholders to file complaints or grievances regarding sustainability risks of the Facility's business relationships."*

---

SECTION: 3.1 Responsible Supply Chain (applicable to all facilities), Leading Practice, 10

COMMENT:

*Regarding point 10 (on disclosure) - The disclosure of risks identified is generally considered a key step in the supply chain due diligence process that facilitates transparency for stakeholders and can help the company articulate why it is focusing on specific mitigation activities (as in good practice 2). As such, it is recommended that a requirement on the disclosure of salient risks is moved towards good practice.*

---

SECTION: 3.2 Responsible Mineral Sourcing

COMMENT:

*To stimulate progressive improvements in the identification and mitigation of risks in mineral supply chains, it is recommended to add a requirement on the provision of support to business relationships. For example; The company describes how it works with smelters/refiners and with business relationships to contribute to building their capacity in risk assessment and improving their due diligence performance (including through sector-wide initiatives).*

---

## **Performance Area 5: Human Rights**

SECTION: 5.1 Human Rights, Foundational Practice, 2

COMMENT:

*The text currently says "Respect the rights of groups or individuals (including human rights defenders) who are working to promote and protect human rights."*

*It is recommended to require companies to publicly commit to this, as with the commitment to respect human rights.*

---

SECTION: 5.1 Human Rights, Leading Practice

COMMENT:

*Operating in or sourcing from regions affected by conflict requires heightened human rights due diligence. As mining companies, compared to companies in other industries, are likely to be operating in a conflict-affected context, it is recommended that a requirement on the application of heightened HRDD or triggers for additional/renewed HRDD are included under leading practice.*

---

SECTION: 5.1 Human Rights

COMMENT:

*The UNGPs expects companies to both know and show what human rights are most likely to be impacted by the company. It is therefore considered good practice for companies to disclose their salient human rights risks. It is recommended to add this to the standard.*

---

## **Performance Area 7: Rights of Workers**

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

COMMENT:

*Great to see living wage in here. This could be strengthened by including reporting on wages, or a target date.*

---

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

COMMENT:

*This section would be strengthened by includes a requirement to commit to non-retaliation or putting in place measures to prevent retaliation.*

---

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: 4: Exceeds 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: 3: Meets 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: 4: Exceeds 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

N/A