

# CMSI Consultation Response

## Respondent Details

NAME

Tamara Leves

COUNTRY

Chile

PERMISSION

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

STAKEHOLDER

Other: Consultora en Género

ORGANISATION

Equipare

## COMMENTS & QUESTIONS BY DOCUMENT

Document:  
Governance

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

COMMENT:

*Esta información refleja el compromiso de las empresas y sus países de origen con la promoción de entornos laborales libres de violencia y acoso, según lo establecido en el Convenio 190 de la OIT.*

*A continuación, se presenta una tabla con una selección de empresas que forman parte de The Copper Mark, el Consejo Internacional de Minería y Metales (ICMM), la Asociación Minera de Canadá (MAC) y el Consejo Mundial del Oro (WGC). Se indica el país donde se encuentra la Casa Matriz de cada empresa y si dicho país ha ratificado el Convenio 190 de la OIT sobre la violencia y el acoso en el mundo del trabajo:*

*Empresa País de la Casa Matriz País Ratificó Convenio 190*

*Antofagasta Minerals Chile Sí*

*Barrick Gold Corporation Canadá Sí*

*BHP Australia Sí*

*Freeport-McMoRan Estados Unidos No*

*Glencore Suiza No*

*Newmont Corporation Estados Unidos No*

*Rio Tinto Reino Unido Sí*

*Teck Resources Canadá Sí*

*Vale S.A. Brasil No*

*Anglo American Reino Unido Sí*

*A fecha de hoy, 16 de diciembre de 2024, 44 países han ratificado el Convenio 190. A continuación, se presenta una tabla que muestra (no es exhaustiva) algunos de estos países y su clasificación como "país minero" según su actividad en la industria minera y donde empresas que se listaron tienen sus operaciones mineras:*

*País Fecha de Ratificación Considerado País Minero*

*Argentina 23 febrero 2021 Sí*

*Australia 9 junio 2023 Sí*

*Canadá 30 enero 2023 Sí*

*Chile 12 junio 2023 Sí*

*México 6 julio 2022 Sí*

*Perú 26 noviembre 2018 Sí*

*Sudáfrica 20 junio 2013 Sí*

*Alemania 14 junio 2023 No*

*España 25 mayo 2022 No*

*La clasificación de “país minero” se basa en la relevancia de la industria minera en la economía del país y su producción de minerales a nivel mundial. Por ejemplo, Australia, Canadá, Chile, México, Perú y Sudáfrica son reconocidos por su significativa producción de minerales como oro, cobre, plata y otros recursos.*

*Por lo tanto, listando los principales países donde operan las empresas miembro, son el 52% países han ratificado y 2 países en trámite legislativo, lo que podría alcanzar el 61% de cobertura, sólo el 39% no se tiene información.*

*Asociación Países de Operación*

*The Copper Mark Australia, Brasil, Canadá, Chile, China, Finlandia, Japón, México, Perú, Polonia, Portugal, Estados Unidos, Zambia.*

*ICMM Argentina, Australia, Brasil, Canadá, Chile, China, Colombia, República Democrática del Congo, Ghana, Indonesia, Kazajistán, México, Mongolia, Perú, Rusia, Sudáfrica, Estados Unidos, Zambia.*

*MAC Canadá, Estados Unidos, México, Finlandia, Chile, Argentina.*

*WGC Australia, Canadá, Ghana, México, Perú, Rusia, Sudáfrica, Estados Unidos.*

*Por esta razón, debe considerarse la representación de la mujeres como un grupo de interés particular en la minería del mundo, cumpliendo objetivos de los Derechos Humanos, Acuerdos Internacionales, OIT y ONU.*

*TRANSLATION:*

*This information reflects the commitment of the companies and their countries of origin with the promotion of work environments free from violence and harassment, as provided in ILO Convention No. 190.*

*Next, there is a table with a selection of companies which are part of The Copper Mark, the International Council on Mining and Metals (ICMM), the Mining Association of Canada (MAC) and the World Gold Council (WGC). It shows the country where each company’s headquarters are located and if that country has ratified ILO Convention No. 190 on violence and harassment in the world of work:*

*Company Country of the headquarters The country ratified Convention 190 Antofagasta Minerals Chile Yes Barrick Gold Corporation Canada Yes BHP Australia Yes Freeport-McMoRan United States No Glencore Switzerland No Newmont Corporation United States No Rio Tinto United Kingdom Yes Teck Resources Canada Yes Vale S.A. Brazil No Anglo American United Kingdom Yes*

*As of today, December 16, 2024, 44 countries have ratified Convention 190. Next, there is a table (not detailed) listing some of these countries and their classification as “mining country” according to their activity in the mining industry and where those companies have their mining operations:*

*Country Ratification date Considered mining country Argentina February 23, 2021 Yes Australia June 9, 2023 Yes Canada January 30, 2023 Yes Chile June 12, 2023 Yes Mexico July 6, 2022 Yes Peru November 26, 2018 Yes South Africa June 20, 2013 Yes Germany June 14, 2023 No Spain May 25, 2022 No*

The classification as “mining country” is based on the relevance of the mining industry in the country’s economy and its mineral production at global level. For example, Australia, Canada, Chile, Mexico, Peru and South Africa are well-known for their significant production of minerals such as gold, copper, silver and other resources.

Therefore, from the list of countries where member companies operate, 52% countries have ratified and 2 countries are in the legislative process, reaching 61% coverage; there is no information about the remaining 39%.

Association Countries of operation The Copper Mark Australia, Brazil, Canada, Chile, China, Finland, Japan, Mexico, Peru, Poland, Portugal, United States, Zambia.

ICMM Argentina, Australia, Brazil, Canada, Chile, China, Colombia, Republic of the Congo, Ghana, Indonesia, Kazakhstan, Mexico, Mongolia, Peru, Russia, South Africa, United States, Zambia.

MAC Canada, United States, Mexico, Finland, Chile, Argentina.

WGC Australia, Canada, Ghana, Mexico, Peru, Russia, South Africa, United States.

Due to this, women representation as a particular interest group in world mining must be considered, meeting Human Rights, International Agreements, ILO and UN objectives.

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

COMMENT:

*En la composición del consejo, no se indica claramente la representación de las mujeres como grupo subrepresentado en la minería, más allá de tener un directorio paritario (un porcentaje equilibrado entre hombres, mujeres)*

*No se identifican a las mujeres en directores de ‘partes interesadas de la minería’.*

*No se identifican a las mujeres en directores de ‘partes interesadas de la cadena de valor’*

*Por la firma y adherencia de países, empresas mineras al Convenio 190 de la OIT, esto debería asegurarse para cumplir el Convenio, la legislación de países.*

TRANSLATION:

*In the composition of the council, women representation is not clearly pointed out as an underrepresented group in mining, beyond a board with gender parity (a balanced percentage between men, women)*

*Women are not identified in “mining stakeholder” directorships. Women are not identified in “value chain stakeholder” directorships*

*As countries and mining companies have signed and adhered to ILO Convention No. 190, this should be ensured so as to comply with the Convention and the countries’ legislation.*

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## 7. How will the Board make decisions?

COMMENT:

*Se invita a los directores que sigan el Código de Conducta para Directores del Instituto de Directores del Reino Unido.*

*Los Directores electos deberán estar certificados en el IoD? o en algún organismo nacional (local) para ejercer ese rol?*

Será parte de la evaluación o postulación de un director (porque se elige por votación) que tenga alguna certificación? es para homologar el piso de la competencia del rol

TRANSLATION:

Directors are invited to follow the Code of Conduct for Directors of the United Kingdom Institute of Directors.

Must elected Directors be certified by the IoD? Or by some national organization (local) to be in that role?

Will the fact that they have a certification be part of a director's assessment or application (as they are elected by vote)? It is to standardize the role's competency base

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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

falta grupo subrepresentado de mujeres

An underrepresented women's group is missing

QUESTION 2

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

Response: yes

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 5: Human Rights

SECTION: Glossary and Interpretive Guidance

COMMENT:

1. Los defensores de los Derechos Humanos o HRD, se identifican como personas que están fuera de las empresas, no son empleados. Sugiero identificar y hacer un listado formal de las personas que son empleados de la empresas y están a cargo de funciones que defienden los derechos humanos como lo son los representantes de los trabajadores o dirigentes sindicales, encargado o responsable de implementar diversidad DEI, investigador de violencia de género, ya que están mas vulnerables a represalias.

2. Definición de reparación. Sugiero incluir el concepto de reinserción (no es lo mismo 'restituir')

TRANSLATION:

1. Human Rights advocates are identified as people outside the companies, they are not employees. I suggest to identify and make a formal list of the companies’ employees in charge of roles that advocate for human rights, such as workers’ representatives or union leaders, responsible for or in charge of the implementation of DEI diversity, gender-based violence investigator, as they are more vulnerable to retaliation.

2. Definition of compensation. I suggest to include the concept of reintegration (different from “restore”)

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## Performance Area 7: Rights of Workers

SECTION: Glossary and Interpretive Guidance

COMMENT:

*Debe considerarse la reinserción como una de las posibilidades de la reparación de una víctima.*

TRANSLATION:

*Reintegration should be considered as a victim’s potential compensation.*

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SECTION: Intent

COMMENT:

*Incorporar el Convenio 190 OIT / ILO*

TRANSLATION:

*Incorporate ILO Convention 190*

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## Performance Area 8: Diversity, Equity, and Inclusion

COMMENT:

*Nombrar el Convenio 190 OIT / ILO y en las referencias.*

*Debe revisarse todo el estándar y las áreas de desempeño afectadas por el convenio 190 OIT/ILO*

TRANSLATION:

*List ILO Convention 190 in the references. The whole standard and the performance areas affected by ILO Convention 190 should be revised.*

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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: **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: 2: Below expectations

Document:  
Claims

### Disclaimer

COMMENT:

*Solo revisión de la ortografía en la versión español.*

TRANSLATION:

*Only revise spelling in the Spanish version.*

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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

Enviado

Submitted