

CMSI Consultation Response

Respondent Details

NAME

Dania El-Sayed

COUNTRY

Canada

PERMISSION

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

STAKEHOLDER

Industry (upstream)

ORGANISATION

Vale Base Metals

COMMENTS & QUESTIONS BY DOCUMENT

Document:
Governance

1. What is the vision?

COMMENT:

1. We recognize that the first few years facilitate the learning and implementation mistakes/wins and so it's vital that the CMSI hold a space for this. Need a good process to improve the Standard over time. Won't be perfect out of the gate. The Governance Model is comprehensive, but as written doesn't capture that. There will be a need to clarify ambiguity going forward. TSM has a good process to get fair representation to make improvement over time. The Standard needs to be implemented and tested and then improved

COMMENT:

2. The current governance structure could better reflect the important role that mining and refining companies play as the primary implementers of the CMS. Fair emphasis is needed on implementer participation to provide practical industry perspectives and to ensure the CMS is operationally effective.

COMMENT:

3. The current model risks over-domination by interested parties, potentially diluting the effectiveness of the standard. Mining companies, as key implementers, should have adequate and fair representation to ensure their perspectives, challenges, and values are reflected in decision-making. A recommended structure would prioritize 18 mining companies at the core, followed by value chain representation, and then other stakeholders. This approach would ensure the mining industry has a representative voice.

COMMENT:

4. The proposed model depends heavily on highly competent and engaged Board members to represent the mining industry effectively. Drawing upon frameworks or guidance documents like those developed by ISEAL

Alliance could provide value for structuring governance models and evaluating their effectiveness -this approach seems absent here. Additionally, it is unclear how the effectiveness of the governance model will be evaluated or who holds the authority to decide on necessary changes.

COMMENT:

5. Including value chain companies is valuable to ensure balanced representation and alignment across the entire sector; however, the framing of the value chain i.e., the roles of customers and consumers of mining companies requires more clarity.

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

1. Introduction

COMMENT:

1. The four-year assurance cycle is a positive feature, as it reduces the workload of onboarding new auditors frequently and allows verification auditors to develop a deeper understanding of the facility over time.

COMMENT:

2. The four-year assurance cycle provides adequate time for companies to allocate resources effectively (e.g., personnel and systems) and offers flexibility, its alignment with existing internal reporting cycles remains a consideration. If assurance timelines are out of sync with the companies' reporting schedules, it could lead to data management challenges and inefficiencies.

COMMENT:

3. Qualifying individuals rather than enterprises for assurance creates risks and accountability gaps for companies being audited. Accreditation of certification bodies under frameworks like ISO 17021 would provide clear accountability and mitigate legal or procedural risks. Without enterprise oversight, there may be some struggle to hold individual auditors accountable. Having a qualified auditor be an employee of a business entity is insufficient considering they could still be effectively self-employed.

QUESTION 1

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

Response: 3: Meets expectations

Introduction

COMMENT:

1. *Transition between practice levels: The standard often assumes a high level of familiarity with the concepts presented, offering limited background or rationale for its requirements. The existing format of the CMS, featuring requirements and practice levels does not clearly delineate the transition or measurable pathway for progression from foundational to good to Leading Practice. This creates uncertainty in how the operation can demonstrate improvement and move between levels. Including more context would help align stakeholders and practitioners across diverse operations.*

2. *Requirement clarity: We recognize that the CMS does not replace guidance for operationalizing responsible mining practices. However, some of the requirements include terms that are not clearly defined, or lack guidance around when the requirement might be applicable for example “where feasible” or “where applicable.”*

3. *Cadence of reviews or updates: The Standard refers “periodically” or “regularly” updating management plans, procedures, etc. We recommend an expectation for a minimum cadence be provided. This could be linked to the audit cycle, so that reviews or updates take place at least every three years.*

4. *Auditability: The Standard may be challenging to audit consistently considering auditor experience, knowledge and rigour. We recommend that an audit protocol, with guidance to auditors on specific requirements, be developed to support consistent assurance across operations.*

5. *Reference to recognized standards: The CMS incorporates various Performance Areas that either reference or heavily rely on well-established and globally recognized standards. For instance, Performance area 21, Tailings Management draws upon the Global Industry Standard on Tailings Management (GISTM) or the Tailings Management Protocol of the Mining Association of Canada (MAC). There exists an opportunity for CMSI to cross-recognize existing processes and streamline its approach by directing entities to utilize these established processes. This approach would mitigate redundancies, avoiding the duplication of efforts involved in creating a standalone standard. This would require an option for the entity to either demonstrate conformance to aligned standards or implement the Performance Area. As currently written, a separate assurance process would be necessary to demonstrate conformity to one of the tailings management program options. In turn, the CMS auditor would need to audit the audit to verify conformance.*

6. *There is an opportunity to improve communication to member companies on modifications and what this Standard means. How is it different and what needs to be done. Make sure that industry understands what the consolidation means and what is required. Administrators of the standard need to consider communication tools like monthly updates, newsletters and workshops to better inform and prepare industry practitioners for compliance to the standard.*

Performance Area 1: Corporate Requirements

SECTION: 1.5 Crisis Management and Communications, Foundational Practice, 2

COMMENT:

The progression from foundational to Good Practice for this requirement needs clarity. In the foundational level, the expectation is to develop and “finalize” the Corporate Crisis Response Plan, whereas in Good Practice, the expectation is to “implement”, which is not explicitly indicated in Good Practice requirement (1.).

SECTION: 1.5 Crisis Management and Communications, Good Practice, 1

COMMENT:

Language is lacking in Good Practice for implementation (e.g., “develop and implement...” a Corporate Crisis Response Plan). The way it is currently worded is open to interpretation.

SECTION: 1.5 Crisis Management and Communications

COMMENT:

1. The inclusion of Section 1.5 on Crisis Management is valuable and necessary for the standard. The differentiation between crisis management and emergency management is well-recognized and important to maintain. The progression outlined in this section is generally clear and aligns with expectations, i.e., the flow from corporate level planning into facility level implementation.

Performance Area 10: Emergency Preparedness and Response

SECTION: 10.1 Emergency Preparedness and Response Planning, Foundational Practice, 2

COMMENT:

We request clarity and guidance on “internal and external resources”. There may not be the authority to assess the capabilities of the external resources. Although a valid requirement, it feels like unnecessary work, excessive, and difficult to maintain at the foundational level.

SECTION: 10.1 Emergency Preparedness and Response Planning, Foundational Practice, 3

COMMENT:

There is a need for alignment between the requirement and PA 1.5 on Crisis Management, particularly in terms of terminology and expectations across different performance levels. In PA 1.5, the term “draft Corporate Crisis Response Plan” is used, while here it is simply “develop”, which creates inconsistency. Additionally, crisis plans should flow from corporate to the facility level, with corporate providing clear guidance for facilities to follow. Overall, more clarity and consistency are needed.

SECTION: 10.1 Emergency Preparedness and Response Planning, Good Practice, 6

COMMENT:

This language lacks clarity (i.e., implications). There needs to be clarification on the wording, specifically, the definitions of community and levels of engagement. How do you define an impact? (ex: excessive noise, exceedances for emission etc.). What defines an emergency scenario? What constitutes an emergency event?

The definition for “Engage with potentially affected communities” where there is mention of “design of response mechanisms for scenarios...” -need more clarity in this phrase. What is the intent? Is there language in the draft CMS that indicates legal compliance prevails?

SECTION: 10.1 Emergency Preparedness and Response Planning, Good Practice, 7

COMMENT:

It is challenging to understand this requirement because emergency response with crisis response are combined/conflated. Suggest having two sections in Performance Area 10, breaking out crisis response and emergency response. (For organizations coming to CMS without TSM experience, differentiating the concepts may be difficult).

SECTION: 10.1 Emergency Preparedness and Response Planning, Good Practice, 9

COMMENT:

It is challenging to understand this requirement because emergency response with crisis response are combined/conflated. Suggest having two sections in Performance Area 10, breaking out crisis response and emergency response. (For organizations coming to CMS without TSM experience, differentiating the concepts may be difficult).

SECTION: 10.1 Emergency Preparedness and Response Planning, Leading Practice, 1

COMMENT:

Requirement (1.) - This sounds like a lot of work. A crisis simulation looks different from emergency simulations. Suggest splitting out crisis and emergency. Recommend separating out emergency and crisis. Emergency is tested a lot more than crisis. This frequency makes sense for emergency events.

COMMENT:

1. This Performance Area conflates crisis management and emergency response, creating confusion and inconsistencies throughout the section. For example, Good Practice requirement 7 and 9 lacks clarity on whether its focus is emergency response, crisis management or both, adding to the overall ambiguity. Performance area 10 should be divided into two distinct sections: one for emergency response and another focused on crisis response so that there is a clear differentiation of expectations.

Performance Area 12: Stakeholder Engagement

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

COMMENT:

"Legitimate representatives" - legitimate leaders are not always in place and may not always represent the interests of all stakeholders. This requirement should make provision for other community representatives.

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

COMMENT:

Foundational (requirement 3.) and Leadership (requirement 2.). -why is there a distinction made between these two engagement pieces? This should be informed by an Impact Assessment and by the stakeholders themselves. Requirement in Leading Practice should roll up into this.

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

COMMENT:

The use of meaningful information and timely in this requirement could be open to ambiguity for operations and auditors.

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

COMMENT:

This requirement should be Foundational Practice. A stakeholder engagement plan should be the bare minimum as it forms a foundation to align to most other requirements in this Performance Area.

SECTION: 12.1 Stakeholder Identification and Engagement, Good Practice, 5

COMMENT:

Differing levels of training -leading vs all.

SECTION: 12.1 Stakeholder Identification and Engagement, Good Practice, 8

COMMENT:

The requirement does not address the need for robust monitoring and evaluation mechanisms. For instance, there is no guidance on establishing key performance indicators (KPIs) or processes to measure the success of the stakeholder engagement plan implementation. Without these elements, it becomes challenging to assess whether stakeholder engagement efforts are meeting their intended objectives or identify areas for improvement.

While this requirement points to an engagement process at defined intervals, it's lacking the recognition or mitigation of the risks associated with stakeholder burnout/fatigue (e.g., underrepresented or vulnerable groups are often inundated with multiple engagement activities, leading to a sense of information fatigue or reduced participation in the process).

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

COMMENT:

This requirement appears to be misaligned with the intent of a Leading Practice. Engaging stakeholders on broader facility-related topics is an expectation that should be embedded within foundational or Good Practice requirements.

Performance Area 14: Indigenous Peoples

SECTION: 14.1 Managing Engagement, Impacts and Opportunities with Indigenous Peoples, Foundational Practice, 1

COMMENT:

There is often concern about the use of the word "traditional" as it implies historic use and not contemporary (or not evolving with culture as time progresses), particularly in the Canadian context.

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

COMMENT:

There is an absence of knowledge on rights (i.e., subject to disagreement). Not everyone's rights are the same or recognized. In the Canadian context, there's an area of law around duty to consult. Indigenous Peoples rights are not universally recognized. If a country does not recognize Indigenous Peoples rights, how might that impact the application of this requirement? There is a need to consider and further define "rights and interests" in this requirement.

SECTION: 14.1 Managing Engagement, Impacts and Opportunities with Indigenous Peoples, Foundational Practice, 3

COMMENT:

For requirement (3.), while “meaningful” is well defined in the standard in that it recognizes some of the structural and systemic matters, and the process; however, “meaningful” can be subjective during an audit (i.e., how can “meaningful participation” be measured?

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

COMMENT:

The term “workers” can be more clearly stated in requirement (4.) i.e., are workers inclusive of all workers including contractors and suppliers?

SECTION: 14.1 Managing Engagement, Impacts and Opportunities with Indigenous Peoples, Good Practice, 1

COMMENT:

There is a need to consider inclusion of gender diverse when calling out vulnerable groups.

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

COMMENT:

Requirement (2.) should be part of the Foundational Practice requirements as the other requirements should build off a clear understanding of potential impacts and the effected parties’ participation in determining impacts and developing mitigation. Additionally, there is no clear guidance on what would be accepted as a robust due diligence in an assurance process. Further guidance on “ongoing” or expected cadence for updating should be provided.

SECTION: 14.1 Managing Engagement, Impacts and Opportunities with Indigenous Peoples, Good Practice, 3

COMMENT:

MAC TSM did a good job around co-development and working together in collaboration. There is some element of engagement. The lens here is that we are progressing towards that, which is then captured in Leading Practice.

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

COMMENT:

The term “where appropriate” is vague if one is not versed in mining standards.

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

COMMENT:

Applicability of FPIC. In the absence of government support for recognition of IP, this becomes challenging. In some instances, obtaining consent might be outside the responsibility of company because they don't have the same leverage that governments have to negotiate the terms of agreement.

Applicability -there's nothing in here that indicates a deviation. The way this is written implies that you're meant to have agreement in some way, shape or form.

Many companies would view that an agreement is an expression of FPIC. This item does not speak to "existing impacts" from a facility.

SECTION: 14.1 Managing Engagement, Impacts and Opportunities with Indigenous Peoples, Good Practice, 9

COMMENT:

The requirement to "maintain and monitor" lacks impact without addressing the steps to be taken if monitoring reveals non-compliance or the need for adjustments. Including a statement on remedy and corrective actions would be beneficial for course correction. Additionally, there is no clarity on cadence (i.e., frequency of monitoring).

COMMENT:

1. The definition of a given group as indigenous is not always clear or universally agreed, nor the governance of the identification processes. CMS provides a definition for Indigenous Peoples that is framed in relation to "pre-invasion" or "pre-colonial" societies. The definition is backward looking in general and does not consider how indigenous peoples would potentially see themselves fitting in certain contexts and if they are disconnected from their land, but they retain indigenous rights. This definition could be revised.

Performance Area 17: Grievance Management

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

COMMENT:

Foundational requirements are clear and appropriate.

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

COMMENT:

The term periodically is ambiguous, and interpretations may vary. A minimum expectation for review cadence should be prescribed as there are opportunities for inconsistencies in auditing and the site may find it difficult.

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

COMMENT:

This seems to only apply to new facilities.

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

COMMENT:

The requirement should include reference to the effectiveness of remedy.

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

COMMENT:

This should be considered Good Practice.

COMMENT:

1. For quantity of grievances, there needs to be some clarity around the weighting system. The "number" is not very important as some grievances are minor and some are severe, and the number does not differentiate this. Instead of disclosing numbers, consider reporting on key topics and themes to provide context and insight into the issues raised.

2. Lack of emphasis on appropriate grievance channels. Removing barriers to access for vulnerable groups. This can also be linked to training (on gender-based violence or human rights violations). Protecting stakeholders is important but is not referenced explicitly.

Performance Area 18: Water Stewardship

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

COMMENT:

This needs to be more explicit in terms of where it should be included in corporate documents - the standards, the policy, in public commitments?

What are examples of evidence of applying the mitigation hierarchy?

Applying the mitigation hierarchy to prioritize the avoidance of impacts over mitigation measures -does this need to be called out on the companies' website? Need clarification to further meet this requirement.

SECTION: 18.1 Water Management and Performance, Foundational Practice, 5

COMMENT:

Need more clarity on the type of risks; the wording needs to be clearer. Is this referring only to water quality risks? Or also water quantity risks? Risks to infrastructure? Climate change related risks involving water? Physical risks related to climate change?

"or" not "of".

SECTION: 18.1 Water Management and Performance, Foundational Practice, 6

COMMENT:

Surface and groundwater monitoring programs are informed by their respective mine environmental permit conditions and applicable regulations and laws.

Would it suffice if do what are permit conditions are asking us to do? Is there an expectation to go further than what is legislatively required?

Is there wording somewhere in the standard that indicates the expectation that at the foundational level legislative requirements are being met?

SECTION: 18.1 Water Management and Performance, Foundational Practice, 7

COMMENT:

There is vagueness and open to interpretation "communicate material non-compliance. Removing the word material (expand this in the glossary what non-compliance means vs non-conformance). Non-compliance implies legislated.

More clarity is needed in this requirements language.

SECTION: 18.1 Water Management and Performance, Good Practice, 10

COMMENT:

The first part of this requirement is vague and requires clarification.

Could change the wording of the requirement to: "Ensure that relevant workers have the requisite training in accordance with their role..."

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

COMMENT:

The language is vague. Most of these studies are already incorporated into Environmental Impact Assessments and other hydrogeologic assessments.

Lacks clarity/ needs more specification / as written, it is open to interpretation.

There are various risks but the probability of some of those risks are not as high as other risks. Is this implying there should be greater levels of detail for risks that are of higher probability?

SECTION: 18.1 Water Management and Performance, Good Practice, 3

COMMENT:

A cumulative effects assessment is more aligned with Leading Practice.

SECTION: 18.1 Water Management and Performance, Good Practice, 5

COMMENT:

This is aligned more with Leading Practice to consider a range of potential climate change scenarios.

SECTION: 18.1 Water Management and Performance, Leading Practice, 1

COMMENT:

This aligns with a Good Practice requirement and not Leading Practice.

SECTION: 18.1 Water Management and Performance, Leading Practice, 4

COMMENT:

Need examples of what would be considered as meeting this requirement. Need additional guidance e.g. ISO audit?

SECTION: 18.2 Collaborative Watershed Management, Foundational Practice, 3

COMMENT:

This should be in Good Practice and starting with facilities in water scarce areas as the priority.

SECTION: 18.2 Collaborative Watershed Management, Foundational Practice, 4

COMMENT:

This should be Good Practice.

SECTION: 18.2 Collaborative Watershed Management, Good Practice, 1

COMMENT:

Move Foundational Practice (3.) here in Good Practice would help clarify the requirement. Recommendation: Tie this requirement in with Foundational Practice requirement (3.).

SECTION: 18.2 Collaborative Watershed Management, Leading Practice, 3

COMMENT:

Aligned with Leading Practice. It's a stretch but adds value.

SECTION: 18.3 Water Reporting, Foundational Practice, 1

COMMENT:

Should be Good Practice (with the removal of disclosing discharges at the facility level partly due to potential legacy issues for older sites).

Recommend: at the Foundational Practice level -public reporting on water use and performance at corporate level.

SECTION: 18.3 Water Reporting, Good Practice, 1

COMMENT:

Remove water quality to be included in this requirement.

SECTION: 18.3 Water Reporting, Leading Practice, 1

COMMENT:

This should be in Good Practice.

COMMENT:

1. When including requirements related to stakeholders and rights-holders wording is important as not all users will be willing to collaborate. It is important to require engagement but not necessarily collaboration since that will be up to the other party involved.

Performance Area 19: Biodiversity, Ecosystem Services and Nature

SECTION: 19.1 Biodiversity and Ecosystem Services and Nature, Foundational Practice, 5

COMMENT:

The definition for area of influence is not thorough enough in terms of determining a relevant spatial scale. Additional factors to consider determining the area of influence such as those listed in IFC PS6 guidance note 5 could be referenced and/or included. What should the level of effort be for the baseline data gathering? More guidance with regards to this is needed.

SECTION: 19.1 Biodiversity and Ecosystem Services and Nature, Foundational Practice, 6

COMMENT:

More clarity is needed with regards to the area of influence.

SECTION: 19.1 Biodiversity and Ecosystem Services and Nature, Good Practice, 1

COMMENT:

No issues with the requirement. "Engage" wording is good as compared to collaborate.

SECTION: 19.1 Biodiversity and Ecosystem Services and Nature, Good Practice, 2

COMMENT:

Check on "areas of influence" - see the potential impact on operations in terms of costs and time?

To what extent do we do the baseline assessment in terms of scope and scale? What level of requirement is required?

(b) in agreement with this requirement.

SECTION: 19.1 Biodiversity and Ecosystem Services and Nature, Good Practice, 5

COMMENT:

Agreement with this requirement; however, wording is awkward in this requirement (i.e., infeasible).

SECTION: 19.1 Biodiversity and Ecosystem Services and Nature, Leading Practice, 1

COMMENT:

Agreement with this requirement.

Need clarification again - What should the baseline year for no-net loss be?

SECTION: 19.1 Biodiversity and Ecosystem Services and Nature, Leading Practice, 2

COMMENT:

Agreement with this policy.

SECTION: 19.1 Biodiversity and Ecosystem Services and Nature, Leading Practice, 3

COMMENT:

Change wording to "engage" as opposed to collaborate.

SECTION: 19.1 Biodiversity and Ecosystem Services and Nature, Leading Practice, 4

COMMENT:

Language should include no net loss or net gain, "where feasible".

COMMENT:

1. The general approach of this chapter appears somewhat outdated.

Performance Area 20: Climate Action

SECTION: 20.1 Corporate Climate Change Strategy (Corporate Level), Foundational Practice, 1

COMMENT:

Scope 1, 2, and 3 is not captured in the Foundational Practice. ICMM requires a net-zero commitment; so, we are essentially going below the bar of ICMM requirements.

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

COMMENT:

Inconsistency in the guidance provided on standards, leading to potential confusion. Clear and explicit guidance needs to be included to ensure consistency and usability. Currently, key content is embedded within the glossary rather than being presented upfront in the requirements.

Reference to broadly accepted guidance is too vague, given the wide range of available standards. Need more clarity around applicability around criteria (i.e., specific examples or criteria should be included to help users align with the most relevant standards).

SECTION: 20.1 Corporate Climate Change Strategy (Corporate Level), Foundational Practice, 3

COMMENT:

This requirement is too vague. Legal compliance should be explicitly outlined within the Foundational Practice to ensure clarity and alignment with minimum standards. It is not clearly defined. Requiring a plan to establish clear targets and a structured pathway to be followed (i.e., roadmap for achieving compliance -or a basis for progression to higher levels of practice) should be included at all levels.

A climate adaptation and stakeholder and rights-holder engagement strategy should also be a requirement at each level and is missing from the Foundation Practice level.

A budgeted decarbonization roadmap to achieve targets should also be included at each level and is missing from this requirement.

Public disclosure should be included at each level and is missing from this requirement.

Key Performance Indicators and tracking them should be included in each level and is missing here.

SECTION: 20.1 Corporate Climate Change Strategy (Corporate Level), Good Practice, 1

COMMENT:

The wording in this requirement is poor, “consistent with the goals of the Paris Agreement and the TCFD”. The Paris Agreement sets specific climate goals, the TCFD is a reporting framework and does not establish goals i.e., it provides recommendations for climate-related financial disclosures related to risks. This creates confusion.

There are inconsistencies in the recommended guidelines. A clear list of options for alignment with different standards / frameworks to specify reporting requirements should be included without necessarily a preference for TCFD e.g. CDP should also be referenced.

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

COMMENT:

Targets or objectives should not be used interchangeably. It would be better to specify that targets need to be set and this could include specific criteria e.g. net-zero carbon emissions by 2050.

It is not clear why the WRI GHG Protocol is specifically referenced here without other options/examples.

SECTION: 20.1 Corporate Climate Change Strategy (Corporate Level), Good Practice, 3

COMMENT:

The term “manage” is too broad, making this requirement difficult to audit effectively. The requirement should include a clear expectation for a plan to be developed and integrated into the corporate risk management framework.

TCFD scenario planning requirements are very high level and not appropriate to this requirement.

SECTION: 20.1 Corporate Climate Change Strategy (Corporate Level), Good Practice, 4

COMMENT:

No specific guidance or examples listed here. This is inconsistent. Missing scope 3 target.

SECTION: 20.1 Corporate Climate Change Strategy (Corporate Level), Leading Practice, 1

COMMENT:

Requirement (1.) should be in Good Practice as it is an ICMM requirement.

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

COMMENT:

Requirement (2.) seems to be aligned with Good Practice and not Leading Practice. “Collaborate” is difficult to monitor or audit (e.g., specify what the actions should be with the suppliers). What is actionable here? If the intent is to use primary scope 3 data, then yes include in Leading Practice. However, Leading Practice today may be Good Practice in a few years.

SECTION: 20.1 Corporate Climate Change Strategy (Corporate Level), Leading Practice, 3

COMMENT:

Requirement (3.) options seem random with no alignment or relevancy with each other. An odd approach here. To be Leading Practice shouldn't they all be included?

a. *What is planned and actual? Need more clarity here. What is measurable improvement? If the organization is to be audited against these, it is not clear on what the actions are here. Actions associated for audit purposes. Need a budgeted decarbonization road map -how are these targets are to be achieved?*

b. *Having KPI's should be fundamental and in Foundational Practice. Is this really a valid point to be in Leading Practice?*

SECTION: 20.1 Corporate Climate Change Strategy (Corporate Level), Leading Practice, 4

COMMENT:

The term "social value" is not defined within this requirement. There should be an elaboration or clarity on how social value can be quantified as it seems to be the aim in this requirement. Doesn't make sense to be in 20.1 as this work with local stakeholders are done at the facility level.

SECTION: 20.1 Corporate Climate Change Strategy (Corporate Level), Leading Practice, 5

COMMENT:

This requirement does not align with Leading Practice. This should be in Good Practice. Additionally, Good Practice today could be legislatively required in five (5) year; therefore, there is a need for some kind of time-frame for which all this is revisited to either move the requirements into a different level of practice and include requirements as shift occurs (i.e., carbon pricing).

SECTION: 20.1 Corporate Climate Change Strategy (Corporate Level), Leading Practice, 6

COMMENT:

There is net-zero in ICMM expectation from all members; therefore, this requirement should be foundational.

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

COMMENT:

There seems to be a lack of generic reporting mechanism or something that gives different levels of reporting in different levels of adherence as the organization reports on the progress of their decarbonization strategy i.e., sustainability reporting is a basic requirement.

SECTION: 20.2 Climate Change Management (Facility Level), Foundational Practice, 2

COMMENT:

This is implied as part of the facility level requirements but the wording of "high-level" seems to be vague and needs to be defined.

SECTION: 20.2 Climate Change Management (Facility Level), Good Practice, 1

COMMENT:

"Targets or objectives" lacks clarity and could lead to inconsistent interpretation. The requirement should focus on "targets" and remove the mention of "objectives". Additionally, there is a lack of clarity around the word "define" i.e., does this entail having a plan? The word "define" should be replaced with "identity", or "measure", or "determine".

SECTION: 20.2 Climate Change Management (Facility Level), Good Practice, 3

COMMENT:

Progress towards targets should be shown at the corporate level and not required at the facility level in Good Practice.

SECTION: 20.2 Climate Change Management (Facility Level), Good Practice, 4

COMMENT:

There is overlap between requirement (4.) and (5.).

SECTION: 20.2 Climate Change Management (Facility Level), Good Practice, 5

COMMENT:

There is overlap between requirement (4.) and (5.).

SECTION: 20.2 Climate Change Management (Facility Level), Good Practice, 7

COMMENT:

The requirement for an "internal review" lacks clarity regarding its purpose, scope and deliverables. It is unclear how this differs from annual tracking and what specific actions and outcomes the internal review is intended to achieve. There is a lack of clear guidance on the intent and expected deliverables.

SECTION: 20.2 Climate Change Management (Facility Level), Good Practice, 8

COMMENT:

Requirement (8.) should be removed as companies identify their own solutions for lowering GHG emissions.

SECTION: 20.2 Climate Change Management (Facility Level), Leading Practice, 1

COMMENT:

There is no additional value added as a Leading Practice. Scope 3 emissions are tied to material flow inputs and outputs, which are closely defined by the facility. There is a lack of consistency and ambition in this requirement. Clearer, more impactful criteria is needed to justify this requirement as leading.

SECTION: 20.2 Climate Change Management (Facility Level), Leading Practice, 2

COMMENT:

This requirement lacks a clearly defined strategy for engagement.

SECTION: 20.2 Climate Change Management (Facility Level), Leading Practice, 3

COMMENT:

This requirement should be embedded in all practice levels, not just Leading Practice.

SECTION: 20.2 Climate Change Management (Facility Level), Leading Practice, 4

COMMENT:

The wording of this requirement is not sufficiently strong and lacks actionable clarity.

- *The term “relevant employees” should be replaced with “relevant leaders” to emphasize accountability at the leadership level.*

- *The phrase “pursue active leadership” is vague and does not clearly define the expected action. There is a lacking guidance or specific examples of what constitutes “active partnership”.*

Requirement (4)(d) should be moved to the foundational level - it is a baseline expectation for all facilities and does not align with Leading Practice.

SECTION: 20.3 Annual Climate Change Public Reporting, Foundational Practice, 1

COMMENT:

Separating public reporting from the rest of the Performance Area feels misaligned. Reporting implies “publicly disclose” and would be more appropriately integrated into the corporate level requirements (Section 20.1).

SECTION: 20.3 Annual Climate Change Public Reporting, Good Practice, 1

COMMENT:

Reporting of Scope 3 emission should not be reserved for Leading Practice; it is fundamental and should be part of Foundational Practice level.

A reference to the Carbon Disclosure Project (CDP) is missing in Leading Practice.

For requirement (1)(c), once criteria are established, the origin of the recommendations becomes less relevant. The level of specificity in this subsection is excessive.

SECTION: 20.3 Annual Climate Change Public Reporting, Leading Practice

COMMENT:

Section 20.3 lacks clarity, with numerous requirements from fundamental and Good Practice pushed into Leading Practice.

COMMENT:

1. The current draft CMS feels like a step down from more robust existing standards. A matrix structure showing the common requirements (e.g., targets, plan to achieve targets, budgeted roadmaps to support plan, adaptation strategies, KPIs, and public disclosure) across performance levels would improve clarity and consistency. This approach, with varying ambition and stringency for foundational, good, and Leading Practices, would be more effective than the current table format of the standard.

2. The foundational level should explicitly include compliance with legislative standards to ensure clarity. Additionally, the current Leading Practice lacks ambition, with many of its requirements better suited to the foundational or Good Practice levels. Introducing a higher level beyond Leading Practice could encourage more ambitious climate goals and better alignment with industry standards that are progressive.

3. Leadership KPIs should be aligned with Good Practice requirements to ensure consistency as well as a roadmap for facilities to progress from foundational compliance to leadership. There is currently a lack of connection in this Performance Area.

4. Additional examples of external guidance should be included which is currently lacking in the draft Standard. The guidance currently referenced is either not as relevant or not as robust as standards like ICMM.

5. Many criteria appear scattered and misaligned across levels i.e., there is a need for more clarity between the practice levels.

6. Section 20.2 of this Performance Area is more clearly written and robust compared to the corporate-level requirements in Section 20.1. There seems to be a lack of consistency and effectiveness -the Performance Area needs to undergo a rigorous review.

7. The corporate level requirements of this Performance Area are missing clear stakeholder engagement plan(s).

8. Section 20.3 feels redundant given the abundance of existing guidelines and legal requirements on emissions reporting. Providing specific, and at times random details on what to report adds little value and creates unnecessary complexity. The section lacks clarity with requirements with fundamental elements inappropriately placed in Leading Practice. Overall, the reporting requirements seem loosely connected and fail to add value compared to existing standards.

9. Overall, this Performance Area/ and draft Standard seems to lack the ambition and quality expected of a leadership standard. Rather than elevating the standard, the strengths of established/existing standards appear to have been diluted into a low-caliber standard -clearly reflected in this Performance Area.

Performance Area 21: Tailings Management

SECTION: 21.1 Tailings Management, Foundational Practice, 1

COMMENT:

This requirement lacks clarity around the expectations for member companies. It is unclear whether there is an expectation to follow a single global standard or adapt commitments based on geography. Guidance is needed to address varying standards across regions -e.g., committing to "X" in certain geographies and "Y" in others.

SECTION: 21.1 Tailings Management, Good Practice, 1

COMMENT:

The "or" statement gives flexibility but also ambiguity. There is an ambiguity on what "pursue conformance" means as the definition of conformance varies significantly between standards like GISTM and MAC. These differences can lead to vastly different scenarios for what constitutes Good Practice and acceptable risk. An explicit definition or alignment of conformance expectations is needed to ensure consistency.

SECTION: 21.1 Tailings Management, Good Practice, 2

COMMENT:

Further clarity on what would be "relevant", this could be filtered through the application of the Standards, but there may still be ambiguity. Exclusions are missing from this requirement. There is a need to apply CDA guidance (dependent on which jurisdiction the facility is in).

SECTION: 21.1 Tailings Management, Good Practice, 4

COMMENT:

It is unclear how compliance with disclosed gaps, actions, and plans should be demonstrated. Guidance is needed on the level of detail required for public disclosure of these elements (including whether a summary or action plan is expected). Additionally, the requirement does not specify how to establish or disclose timelines

for closing identified gaps. There is a lack of clarity around the expectation to publish detailed timeframes or to provide periodic updates. Additionally, there is a lack of an exemption process i.e., there could be business related reasons where it would unfairly inhibit a company based on what they're disclosing.

SECTION: 21.1 Tailings Management, Leading Practice, 1

COMMENT:

Critical question: has ICMM, and by extension the GTMI, the Global Tailings Management Institute, endorsed this notion of equivalency?

COMMENT:

- 1. This Performance Area requires clearer expectations for member companies, especially on adapting commitments across different geographies.*
 - 2. Additionally, the lack of an exemption process or elaboration on exclusions limits the practical aspects of some requirements (e.g., Good Practice -requirement (4.)).*
 - 3. As GISTM assurance protocols continue to evolve, how does this standard articulate how it aligns or complements those frameworks to avoid redundancy and confusion?*
-

Performance Area 23: Circular Economy

SECTION: 23.1 Circular Economy Management at all facilities, Foundational Practice, 2

COMMENT:

Stakeholder mapping, engagement, and feedback not explicit in Foundational Practice.

For requirement (2.), understanding the "opportunities to separate waste" involves estimating volumes for base metals and other tailings contents that have very high value and can be owned through the value chain (and for product circularity, this does not only happen through recycling, but through other business models e.g. leasing), as well as production practices (i.e., how do silica, sulfur etc. end up in tailings and contribute to footprint). This is how the exercise becomes regenerative and can lead to different operating models that create more value for the company, the local economy, and the broader ecosystem.

SECTION: 23.1 Circular Economy Management at all facilities, Good Practice

COMMENT:

The requirement should include "and its relevance/materiality to the business" to ensure a direct connection between waste stream (or material flows) identification and the value it brings to operations. Currently the standard requires to identify opportunities to minimize waste generation, but it lacks a mechanism to quantify it, and a requirement to adopt a target for taking action. A stronger Good Practice would require facilities to demonstrate not only what waste streams are present, but also how much can be minimized (the value of minimization) and how that compares to the cost or value of the activities generating the scrap.

The standard as currently written is focused on disclosure: while this is an essential step, it may lack an element of measurable demonstration -showing that the facility is actively progressing toward a defined pathway to deliver a circular economy strategy. To be considered Good Practice, disclosure should not only involve disclosure about current operations but also include evidence that the facility is taking steps toward achieving both process and product circularity. Setting a measurable target could be considered as a first step in that direction.

SECTION: 23.1 Circular Economy Management at all facilities, Leading Practice

COMMENT:

The intent is for facilities to demonstrate actionable progress with clear evidence of delivery on both process and product circularity. It could be preferable to state “make documented progress” instead of “advance” so that it’s clear that some delivery is expected (above the “Good Practice” standard, for which setting a measurable target should suffice).

SECTION: 23.2 Additional Requirements for Smelters, Good Practice

COMMENT:

How auditable are these requirements and their materiality to the business from a financial, environmental and social point of view? The Good Practice level for smelters may be improved by adding an explicit reference to a desired disclosure framework e.g. CSRD E5.

SECTION: 23.2 Additional Requirements for Smelters, Leading Practice, 3

COMMENT:

There is an instance of stakeholder collaboration here in Leading Practice (23.2); but missing from 23.1.

COMMENT:

1. Currently, this framework provides a structured pathway for facilities to progress through different levels of circularity practice:

a. Foundational practice: focuses on the groundwork, requiring facilities to undertake preliminary tasks such as mapping and understanding their material flows -i.e., essential “homework” to establish a baseline. The Foundational Practice step is about mapping waste streams and ensuring there is a baseline to track and manage waste.

b. Good practice: Moves beyond the basics to incorporate both process and product circularity considerations. This level emphasizes disclosure. The Good Practice step goes beyond identification and documenting waste streams, it involves disclosure (i.e., data and insights about waste streams are shared with relevant stakeholders).

c. Leading practice: Demonstrates actionable progress with clear evidence of delivery on both process and product circularity. It focuses on measurable outcomes that contribute to higher financial, social, and environmental performance. Leading Practice takes “Good Practice” a step further by integrating waste stream management into a strategic pathway -delivery to this pathway/ strategy is driving higher financial, social and environmental performance, increasing competitiveness, increasing the contribution to society, and increasing the contribution to the planet.

2. To consider/ discuss further (rather than a critical flaw in the Standard): The Good Practice level ensures that an organization knows where it stands in terms of its circular economy efforts. While the organization may be complying with the standard or investing in circularity initiatives based on principles, this level of practice may not translate into improved competitiveness. It reflects a commitment to Foundational Practices but might lack alignment with broader strategic objectives. Transforming operations (actively) is in the Leading Practice, the level at which the organization’s pathway or strategy is actively driving measurable improvements in financial, social, and environmental performance. Good practice may lack a clear pathway to drive measurable value -may miss opportunities to align with strategic outcomes that enhance competitiveness, innovation, or any meaningful environmental and social impact. IT could be improved by an explicit requirement of setting measurable targets.

3. The draft Standard of Performance Area 23.1 appears to lack an explicit reference to stakeholders at the facility level, as it does not mandate or encourage facilities to identify, map, or engage stakeholders i.e., there is no alignment with stakeholder expectations or concerns, and missed opportunities for collaboration on circular economy initiatives (i.e., mapping stakeholders at a Foundational Level).

4. The draft Standard for smelters emphasizes waste and scrap management, missing the broader potential for value creation through product circularity in the case of high-value mined materials (as opposed to, for example, low-value plastics). Instead, it could leverage the highly valuable, extremely durable, and highly recoverable opportunities inherent in mining.

5. Pre-consumer and post-consumer scrap could do with a more nuanced definition. Pre-consumer can be anything in the waste streams (especially tailings), or it can be actual smelted material that does not end up in product exiting the factory gate -these are two different types of pre-consumer “scrap” that warrant their own definition.

6. Both the Good Practice standards at 23.1 and 23.2, could be strengthened by emphasizing the testing of traceability systems and chain of custody mechanisms to inform approach by ensuring actionable outcomes. At a stretch, Good Practice could require defining a target pathway to demonstrate assurance through disclosure standards and gradually move toward action standards as capacity builds. In Leading Practice, this could result in using traceability to inform value creation i.e., identifying high-value material streams and optimizing resource recovery.

Performance Area 24: Closure

SECTION: 24.1 Closure Management, Foundational Practice, 2

COMMENT:

The requirement to engage rights-holders early in the closure planning process may be challenging in certain contexts where engagement could be perceived as premature or misaligned with operational realities. There is a need to clarify the expected scope and timing of the engagements to ensure they are meaningful and appropriate without imposing burden on operations.

The current definition of “rights-holders” and their associated concerns may not adequately reflect the diverse challenges faced in global mining jurisdictions. For instance, in some areas, limited communication infrastructure or local governance capacity may impede the ability to engage meaningfully, i.e., there are regional and contextual challenges.

Clearer guidelines are needed on what constitutes “engagement” with rights-holders in the context of closure planning. For example, the requirement for facilities to convey their responsibility while adapting engagement approaches needs to be more specific. What forms of engagement are acceptable, and how will these approaches be evaluated for conformance?

SECTION: 24.1 Closure Management, Good Practice, 1

COMMENT:

There is vagueness in the definition of consultation, particularly regarding its iterative (ongoing or periodic) nature. It is unclear whether the requirement focuses solely on soliciting feedback on the risks and impacts identified during closure planning or if it extends to a broader dialogue to keep stakeholders informed and involved throughout the process. More specificity around the purpose, frequency, and expected outcomes of these consultations would help clarify the intent and expectations for this requirement.

Identifying risks and impacts is only the first step (requirement 1) in the process. The requirement does not specify whether facilities are expected to manage and mitigate those risks (as well as how they should involve stakeholders in the development and implementation of mitigation strategies).

SECTION: 24.1 Closure Management, Good Practice, 4

COMMENT:

The phrase “engage stakeholders and rights-holders to identify and document potential post-closure opportunities” lacks specificity regarding the expected frequency or timing of these engagements. Guidance on the appropriate cadence for engagements is needed to ensure consistency and alignment across facilities.

SECTION: 24.1 Closure Management, Good Practice, 5

COMMENT:

This requirement assumes that closure plans can readily incorporate “progressive closure” approach. However, some mining facilities, due to their design, or location, or operational characteristics, do not lend themselves to progressive reclamation. There is a lack of flexibility and alternative pathways.

SECTION: 24.1 Closure Management, Good Practice, 7

COMMENT:

“Publicly disclosed” needs to be further defined i.e., is it inclusive of financial statements which are protected under the Freedom of Information Act?

SECTION: 24.1 Closure Management, Good Practice, 8

COMMENT:

Not all operating jurisdictions have financial assurance requirements. If there is an absence of legal instruments for financial assurance for a jurisdiction, how can this requirement be met?

COMMENT:

- 1. This Performance Area could benefit from clearer definitions and guidance, especially around engagement processes and how stakeholder input impacts decision-making.*
 - 2. The intent behind risk disclosures and the level of detail expected should be more straightforward to help facilities align with the standards goals.*
 - 3. Adding flexibility for facilities where “progressive closure” is not feasible and settling clearer boundaries for disclosures would make the requirements more practical and easier to implement.*
 - 4. The draft standard does not explicitly address global operational challenges, such as jurisdictional differences in regulatory frameworks and the availability of resources for consistent engagement with stakeholders. Providing examples of case studies or guidance for operations in regions with complex socio-political landscapes could improve the practicality of implementation.*
-

Performance Area 3: Responsible Supply Chains

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

COMMENT:

Some clarity is needed around the need for an established standalone policy or multiple policies (e.g., operations across UK, Japan, Indonesia and Brazil -how can we consolidate all these differing perspectives into one document).

Auditors often reject lateral policies, e.g., supplier codes of conduct, leading to the creation of overlapping policies. To address this, the requirement should allow broader governance documents or policy commitments to fulfill compliance, if the necessary elements are covered. Additionally, the requirement does not acknowledge that some documents may not be appropriate for public disclosure due to confidentiality or sensitivity.

The requirement seems to lack flexibility for regional adaptation and does not account for confidentiality concerns. There are oftentimes issues applying a single document to all jurisdictions.

The minimal requirements and factors that should compose a Supply Chain policy need to be clearly stated, including themes and metrics. Additionally, it is important to define what constitutes “publicly disclosed” information (e.g. on a web page, in every bid, during vendor registration, at supplier summits, or as a chapter in the sustainability report).

SECTION: 3.1 Responsible Supply Chain (applicable to all facilities), Foundational Practice, 2

COMMENT:

Clearly state that this is a due diligence system/framework. A standardized risk matrix to define different risk levels, such as Low, Moderate, High, and Very High should be part of this document, to properly assess practice levels across this Standard signatory

SECTION: 3.1 Responsible Supply Chain (applicable to all facilities), Foundational Practice, 3

COMMENT:

Is this a performance criterion or a due diligence aspect?

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

COMMENT:

A standardized risk matrix to define different risk levels, such as Low, Moderate, High, and Very High should be part of this document, to properly assess practice levels across this Standard signatory.

SECTION: 3.1 Responsible Supply Chain (applicable to all facilities), Good Practice, 2

COMMENT:

The term “reasonable action” is unclear and/or open to interpretation by both an operation and an auditor.

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

COMMENT:

This requirement needs more clarity as the terms are unclear. Remove the word “access’ as instructions are required for business relationships to be aware of the mechanisms available for filing complaints and grievances

SECTION: 3.1 Responsible Supply Chain (applicable to all facilities), Good Practice, 4

COMMENT:

Include “yearly internal review”

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

COMMENT:

State the frequency and remove “where applicable”

SECTION: 3.1 Responsible Supply Chain (applicable to all facilities), Good Practice, 6

COMMENT:

This requirement lacks clarity on internal procedures e.g., regarding what should be disclosed and the associated timeframes for disclosure. Further guidance on the type and level of detail required for disclosures, as well as clear timelines for reporting is requested.

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

COMMENT:

This should be Good Practice.

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

COMMENT:

This should be Good Practice. Remove “Where appropriate and feasible”

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

COMMENT:

Substitute “encourage” for another word that would drive action.

SECTION: 3.1 Responsible Supply Chain (applicable to all facilities), Leading Practice, 5

COMMENT:

Remove “where possible”

SECTION: 3.1 Responsible Supply Chain (applicable to all facilities), Leading Practice, 6

COMMENT:

“Where possible” questions applicability and it is open to interpretation by an operation and by an auditor. It is recommended that this requirement includes a minimum expectation of assessment, and “where possible” is applied to mitigation.

SECTION: 3.1 Responsible Supply Chain (applicable to all facilities), Leading Practice, 7

COMMENT:

The term “industry-wide engagements” requires further definition and clarity to ensure consistent interpretation. Need for guidance for this requirement to be actionable e.g., providing specific examples of what constitutes industry-wide engagement.

SECTION: 3.1 Responsible Supply Chain (applicable to all facilities), Leading Practice, 8

COMMENT:

Need clear guidance on collaboration process, identifying and addressing conflict process.

COMMENT:

1. The language of this Performance Area, specifically Section 3.1 reads more like best practice recommendations rather than enforceable requirements, with lack of clear evaluation criteria. While the outlined processes are useful, the lack of guidance and specific details makes this Performance Area confusing. More clarity and deeper explanations are needed to ensure actionable and measurable implementation.

Performance Area 4: New Projects, Expansions and Resettlement

SECTION: 4.1 Risk and Impact Assessments of New Projects and Expansions, Foundational Practice, 2

COMMENT:

Depending on the jurisdiction, an IFC aligned ESIA and an ESIA that meets country regulations could vary vastly in content, robustness of assessment and level of stakeholder participation. As such, ESIA's that meet this Performance Level may not be consistent.

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

COMMENT:

The expectation to engage with stakeholders and rightsholders during baseline data collection is broadly accepted and this requirement s should be Foundational Practice.

SECTION: 4.1 Risk and Impact Assessments of New Projects and Expansions, Good Practice, 2

COMMENT:

The consideration of alternatives and cumulative impacts should be Foundational Practice

SECTION: 4.1 Risk and Impact Assessments of New Projects and Expansions, Good Practice, 3

COMMENT:

The development of mitigation measures and management plans to manage adverse impacts should be Foundational Practice, with the exception of the management of cumulative impacts, recognizing the complexity involved in managing cumulative impacts.

SECTION: 4.1 Risk and Impact Assessments of New Projects and Expansions, Good Practice, 4

COMMENT:

In the absence of defined monitoring cadence, monitoring intervals could vary vastly among operations achieving "Good Practice".

SECTION: 4.1 Risk and Impact Assessments of New Projects and Expansions, Good Practice, 5

COMMENT:

The disclosure of ESIA outcomes should be Foundational Practice.

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

COMMENT:

Facilitating separate consultation sessions with vulnerable and rights-seeking groups is broadly considered Good Practice

SECTION: 4.1 Risk and Impact Assessments of New Projects and Expansions, Leading Practice, 2

COMMENT:

This requirement may be considered Good Practice.

SECTION: 4.1 Risk and Impact Assessments of New Projects and Expansions, Leading Practice, 3

COMMENT:

Mitigation measures around cumulative impacts are the outcome of collaboration with other projects. This aligns with Leading Practice.

SECTION: 4.2 Land Acquisition and Resettlement, Foundational Practice, 1

COMMENT:

Refer to comment in "General Feedback"

SECTION: 4.2 Land Acquisition and Resettlement, Good Practice, 1

COMMENT:

It would be challenging to develop a RAP/LRP in accordance with IFC PS5, if the ESIA has been developed in accordance with regulatory standards rather than IFC PS1.

SECTION: 4.2 Land Acquisition and Resettlement, Leading Practice, 2

COMMENT:

This requirement should be considered Good Practice.

COMMENT:

This requirement should be considered Good Practice.

SECTION: 4.2 Land Acquisition and Resettlement, Leading Practice, 3

COMMENT:

A third-party close-out audit could be considered Good Practice and is a requirement in a number of other industry guidelines and standards.

COMMENT:

1. *This Performance Area would benefit from further revision as the performance level does not build from Foundational Practice to Leading Practice in a practical and logical manner. There are a number of requirements in Performance Area 4.1 that may not be placed in the appropriate performance level (these are indicated below).*
2. *Further guidance on how this Performance Area would apply to existing facilities is requested, together with a defined timeframe related to applicability for “new projects”. For example, new projects or expansion projects that were initiated after the launch of the Standard or post-adoption of the IFC Performance Standards.*
3. *While the Performance Area makes provision for the initial collection of baseline data and assessment of impacts, it lacks a requirement for regular updates to the baseline and impact assessment outside of certain triggers, such as an expansion. An up to date baseline and regular review of potential impacts is important to understand whether management measures are still effective, or whether changes are required.*
4. *Foundational Practice does not require compensation for involuntary displace. This is a shortfall that makes the Standard appear to endorse displacement without compensation. At a minimum, Foundational Practice should include a requirement that stipulates physically and/or economically displaced persons must be compensated for the loss of property/asset/land.*
5. *It would be challenging to develop a RAP/LRP in accordance with IFC PS5 (see 4.2 Good Practice), if the ESIA has been developed in accordance with regulatory standards.*

Performance Area 5: Human Rights

SECTION: 5.1 Human Rights, Foundational Practice, 1

COMMENT:

State what would constitute a sufficient public commitment

SECTION: 5.1 Human Rights, Foundational Practice, 2

COMMENT:

The reference to human rights defenders should be strengthened by the removal of the parenthesis. Clearly reference the document that states the rights, groups and individuals

SECTION: 5.1 Human Rights, Foundational Practice, 4

COMMENT:

Requirement (4.) -Provide training to all staff, tailored to each role and context and risks. There is a need to broaden training to staff groups to be more specific and contextual.

SECTION: 5.1 Human Rights, Good Practice, 1

COMMENT:

The minimal requirements and factors that should compose a policy need to be clearly stated, including themes and metrics. Additionally, it is important to define what constitutes “publicly disclosed” information (e.g. on a web page, in every bid, during vendor registration, at supplier summits, or as a chapter in the sustainability report).

SECTION: 5.1 Human Rights, Good Practice, 2

COMMENT:

We recognize that this requirement leans on the UNGPs guidelines for a due diligence process, however, further guidance on this requirement is requested.

SECTION: 5.1 Human Rights, Good Practice, 6

COMMENT:

Define what constitutes "publicly disclosed" information (e.g. on a web page, in every bid, during vendor registration, at supplier summits, or as a chapter in the sustainability report).

SECTION: 5.1 Human Rights, Good Practice, 7

COMMENT:

Add a cadence of once a year.

SECTION: 5.1 Human Rights, Leading Practice, 3

COMMENT:

This requirement does not align with Leading Practice, should be Good Practice. Integrating stakeholder input into risk identification, mitigation and grievance management -such as through co-designing processes.

Performance Area 6: Child Labour and Modern Slavery

SECTION: 6.1 Risk, Mitigation and Operating Performance, Foundational Practice, 1

COMMENT:

This requirement is not clear on needs for specific policy or the inclusion into other policies and is open to interpretation.

SECTION: 6.1 Risk, Mitigation and Operating Performance, Foundational Practice, 2

COMMENT:

Consider whether policies should include clear consequences for non-compliance? This requirement is vague particularly around the use of worst forms of child labour or hazardous work .

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

COMMENT:

This requirement lacks specificity on risks within business and tiers within supply chain -i.e., tier 1, 2, or 3. Due diligence requirements could be broken down by asset and supply chain tier level.

SECTION: 6.1 Risk, Mitigation and Operating Performance, Good Practice, 1

COMMENT:

Should be Leading Practice as vendors could be signatory to distinct Standard.

SECTION: 6.1 Risk, Mitigation and Operating Performance, Good Practice, 2

COMMENT:

Should be Leading Practice as vendors could be signatory to distinct Standard.

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

COMMENT:

Written contracts are missing. Auditing of recruitment agencies needed. /

SECTION: 6.1 Risk, Mitigation and Operating Performance, Good Practice, 5

COMMENT:

Disclosures should include measures to prevent reoccurrence and future mitigation efforts.

SECTION: 6.1 Risk, Mitigation and Operating Performance, Leading Practice, 1

COMMENT:

This requirement aligns with Good Practice , not Leading Practice

SECTION: 6.1 Risk, Mitigation and Operating Performance, Leading Practice, 2

COMMENT:

This requirement aligns with Good Practice , not Leading Practice

COMMENT:

1. This Performance Area requires more guidance to support the implementation of its requirements. There is vagueness around reinforcing age verification systems during recruitment, such as the use of written contracts, and a lack of explicit reference to prohibiting hazardous work for workers under the age of 18. The language alternates between being overly specific and too generalized. There is a lack of inconsistency.

Performance Area 7: Rights of Workers

SECTION: 7.1 Workers' Rights Risk, Mitigation and Operational Performance, Foundational Practice, 1

COMMENT:

The Foundational Practice requirements are well constructed and complete. They are clear, consistent, and free from ambiguity or inhibitors to implementation. The language used adds value and establishes a strong baseline for workers' rights.

SECTION: 7.1 Workers' Rights Risk, Mitigation and Operational Performance, Good Practice, 10

COMMENT:

Where there is mention of time or hours in the Performance Area, include a footnote or caveat to provide clarity and context, especially if different regions are governed by different legislation. The inclusion of a note to address situations where specific regulations or requirements may not apply universally or where there are variations in stringency across jurisdictions. There is a need for more context.

SECTION: 7.1 Workers' Rights Risk, Mitigation and Operational Performance, Good Practice, 11

COMMENT:

The requirement suggesting that all overtime be voluntary may conflict with jurisdictional legislation, such as Ontario's labour laws, where employers can mandate up to 48 hours per week, with overtime paid after 44 hours as a minimum standard. To avoid conflicts and ensure practicality, a footnote or caveat should be included to clarify that this requirement is subject to applicable laws or specific country regulations.

SECTION: 7.1 Workers' Rights Risk, Mitigation and Operational Performance, Good Practice, 2

COMMENT:

Narrowing this requirement exclusively to women risks unintentionally excluding individuals who identify as women or belong to other gender-diverse groups. This could undermine the broader goal of equitable participation and representation. A gender-informed approach should be integrated to ensure inclusivity and diversity across all gender identities.

SECTION: 7.1 Workers' Rights Risk, Mitigation and Operational Performance, Good Practice, 5

COMMENT:

This requirement should address how jurisdictional and cultural differences impact the implementation of DEI initiatives. For example, Western approaches to DEI may not align with cultural norms or legal frameworks in regions like Japan or Indonesia, potentially complicating verification and audits. Clearer guidance is needed to ensure that the requirement accommodates these differences while maintaining its intent.

SECTION: 7.1 Workers' Rights Risk, Mitigation and Operational Performance, Good Practice, 9

COMMENT:

Where there is mention of time or hours in the Performance Area, include a footnote or caveat to provide clarity and context, especially if different regions are governed by different legislation. The inclusion of a note to address situations where specific regulations or requirements may not apply universally or where there are variations in stringency across jurisdictions. There is a need for more context.

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

COMMENT:

It's challenging to assess value when comparisons are limited to the current jurisdiction. A favorable score in one area might not align with Leading Practices elsewhere, especially if the jurisdiction has low standards. This could result in the unintended consequence of misrepresenting performance as leading when it lacks broader context or impact.

SECTION: 7.2 Grievance Mechanism for Employees and Contractors (Workers), Good Practice, 1

COMMENT:

Requirements 1. through 5. in Good Practice are clear.

SECTION: 7.2 Grievance Mechanism for Employees and Contractors (Workers), Good Practice, 6

COMMENT:

This requirement is overly broad and lacks clarity. It is unclear whether actions such as sending a bulletin or email are sufficient to meet the intent.

SECTION: 7.2 Grievance Mechanism for Employees and Contractors (Workers), Leading Practice, 1

COMMENT:

This requirement could be strengthened by emphasizing the process is inclusive of non-unionized workers.

SECTION: 7.2 Grievance Mechanism for Employees and Contractors (Workers), Leading Practice, 2

COMMENT:

Could be included as part of the collective bargaining processes -all of which is required by some jurisdictions.

COMMENT:

1. The draft standard language lacks clarity on addressing gender-pay differences across regions, as legislation like Canada's prohibits such disparities, but this may not be uniformly applicable elsewhere. The approach to DEI reflects a Western perspective, which may not align with cultural norms or legal frameworks in Eastern regions. Clearer guidance on regional applicability and reconciliation of these differences is needed.

Performance Area 8: Diversity, Equity, and Inclusion

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

COMMENT:

Requirements 1. through 7. are clear requirements.

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

COMMENT:

The term "corporate leadership" and the associated objectives need clearer definitions to avoid ambiguity. Additionally, this requirement focuses on recruitment and retention without sufficient groundwork or progression from the Good Practice level. There is a need for a clearer pathway to be established and steps outlined in Good Practice.

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

COMMENT:

Requirements 1 - 5 are clear requirements.

SECTION: 8.2 Diversity, Equity, and Inclusion Management (Facility Level), Good Practice, 6

COMMENT:

It is not clear as to why the corporate level is mentioned in this requirement. There lacks a clear connection between the corporate and the facility level.

SECTION: 8.2 Diversity, Equity, and Inclusion Management (Facility Level), Leading Practice, 4

COMMENT:

This requirement makes more sense to be at the corporate level rather than the facility level to achieve this collaboration.

SECTION: 8.2 Diversity, Equity, and Inclusion Management (Facility Level), Leading Practice, 6

COMMENT:

This requirement lacks a clear connection to the corporate level. The corporate level should include a requirement for collecting and disclosing relevant DEI information.

COMMENT:

1. The Foundational Practice level sets a low bar for diversity, equity, and inclusion (DEI), offering minimal ambition for driving meaningful change.

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: 3: Meets 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