

CMSI Consultation Response

Respondent Details

NAME

Anonymous

COUNTRY

Canada

PERMISSION

Yes, CMSI can disclose my anonymous feedback.

STAKEHOLDER

Industry (upstream)

ORGANISATION

Anonymous

COMMENTS & QUESTIONS BY DOCUMENT

QUESTION 1

Overall does the revised version of the Consolidated Standard system (including Standard, Assurance Process, Governance Model* and Claims Policy) meet your expectations for improvement relative to the original public consultation version?

Response: 3: Meets expectations

QUESTION 2

From your perspective, does the updated Consolidated Standard system, including Standard, Assurance Process, Governance Model* and Claims Policy meet expectations for driving performance improvement across the industry at a global scale?

Response: 3: Meets expectations

Document:
Assurance

2. Roles and Responsibilities

SECTION: A. Facilities and their Parent Companies

COMMENT:

Details of what the annual self-assessment is required so that the requirement is clear and transparent to those not implementing the standard.

From our current understanding this self-assessment preparation requirement in the assurance standard follows the same process undertaken at MAC TSM which is a submission of performance scores as self-assessed scores during non assurance years. There is no qualitative descriptions required and the summary report submitted in the assurance year is not updated in self-assessment years for public disclosure (internally updates are done to inform the self-assessment)

SECTION: B. Assurance Providers

COMMENT:

Challenging for assurance providers to contact stakeholders when there is no relationship. Suggestion for facility to introduce assurance provider and then assurance provider shares information.

4. Consolidated Standard External Assurance Process

SECTION: 4.1 Methodology

COMMENT:

generating an approved final assurance report within 3 months of the on-site assurance engagement is unattainable because of robust review processes with the assurance provider and in larger companies corporate governance. Suggestion to remove this requirement but to still maintain the requirement of having the completed final assurance report published within the 12 months from the commencement date. This will allow companies with more complex corporate governance to still meet the 12 month publication requirement

SECTION: 4.2 Planning, 4.2.2 Review and Acceptance of Facility Applications

COMMENT:

What is the fee?

COMMENT:

"The Facility will have 3-6 months from the commencement date to submit an initial self-assessment report " - suggest that the initial self-assessment report is sent to the assurance provider, not the secretariat.

SECTION: 4.2 Planning, 4.2.4 Self

COMMENT:

Should the self-assessment report be required to be sent to the secretariat, it should explicitly state that it is only the self-assessed performance rating and not the qualitative description and evidence

SECTION: 4.5 Reporting

COMMENT:

The publication of the finalized assurance report within 3 months of the completion of the facility site visit needs to be reconsidered as it does not allow time for robust corporate governance processes

COMMENT:

This statement means that the draft assurance report is required to be completed within 8 weeks of the site visit so that it can get to the secretariat 1 month before the publication date. 8 weeks is not sufficient time for finalizing document requests, assurance provider report drafting and review, site management report review, corporate review and disclosure committee review.

SECTION: 4.6 Continual Improvement Plan, 4.6.1 Self

COMMENT:

Confirm that self-assessed report is the performance scores, not a full self-assessment with qualitative description and documented evidence. Confirm same as current MAC TSM self-assessed reporting which is performance ratings.

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 03: Responsible Supply Chains

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

COMMENT:

For consistency align this requirement with Performance Area 5 Human rights and Performance Area 17 Grievance Management where the requirement reads as follows: "Where the facility has not caused or contributed to, but is directly linked to an adverse human-rights impacts through a business relationship, it must use, and where appropriate, build leverage to influence the entity causing the harm to prevent recurrence and enable effective remedy"

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

COMMENT:

The use of vague terms such as "encourage" makes this requirement difficult to audit or objectively assess. Without clear, measurable expectations or defined actions, it is not possible to determine compliance or track progress in a consistent and reliable manner.

SECTION: Intent

COMMENT:

Link this section to other performance areas (Performance Area 6: Child and Forced Labour and Performance Area 7: Rights of Workers, 11: Security Management) as these have separate requirements that are linked to identifying, assessing and prioritizing supply chain risks

Performance Area 04: New Projects, Expansions and Resettlement

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

COMMENT:

This requirement is challenging where government dont have a process established for resolution of existing claims and conflicts of land title. Especially relevant with claims over Indigenous territories / Indigenous groups, Indigenous title on crown land, etc.

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

COMMENT:

Implement actions and remedies that avoid, minimize, mitigate or compensate for adverse impacts of involuntary physical and/or economic displacement, paying particular attention to women, vulnerable and/or underrepresented groups (and Indigenous Peoples)

SECTION: 4.2 Land Acquisition and Resettlement, Good Practice, 4

COMMENT:

suggest providing compensation for lost assets "at fair market value"

SECTION: 4.2 Land Acquisition and Resettlement

COMMENT:

general comment that this section focuses on loss of assets, but should also consider Lacks info about 'economic displacement' or "livelihood restoration plan"

Performance Area 05: Human Rights

SECTION: 5.1 Human Rights, Good Practice, 3

COMMENT:

add Performance area 3: Responsible Supply Chains

Provide remedy for adverse human rights impacts that the Facility has caused

or contributed to or cooperate in their remediation through other legitimate

processes (see Performance Area 3: Responsible Supply Chains and Performance Area 17: Grievance Management).

COMMENT:

Define "legitimate processes"

SECTION: 5.1 Human Rights, Good Practice, 4

COMMENT:

This disclosure should be consistent with the UNGP Reporting framework

SECTION: Glossary and Interpretive Guidance

COMMENT:

In human rights assurance, control and leverage are distinct - control implies management authority and leverage implies influence. This definition conflates this (e.g., what about a joint venture with 25% ownership but with significant influence?)

Opportunity to clarify that operational control means “direct management oversight and decision-making authority”

SECTION: Intent

COMMENT:

Add the following performance areas as these also overlap Human Rights: Performance Area 6: Child and Forced Labour, Performance Area 7: Rights of Workers, Performance Area 11: Security Management

Performance Area 06: Child and Forced Labour

SECTION: 6.1 Prevention of Child and Forced Labour, Good Practice, 1

COMMENT:

This requirement is directly linked to Performance Area 3: Responsible Supply Chains. For alignment and clarity for SMEs, recommend adding language in PA3 that explicitly redirects them to PA6 for guidance on mitigating risks associated with the ILO Indicators of Forced Labour.

SECTION: 6.1 Prevention of Child and Forced Labour, Good Practice, 2

COMMENT:

This requirement is directly linked to Performance Area 3: Responsible Supply Chains. For alignment and clarity for SMEs, recommend adding language in PA3 that explicitly redirects them to PA6 for guidance on mitigating risks associated with Child Labour.

SECTION: 6.1 Prevention of Child and Forced Labour, Good Practice, 5

COMMENT:

‘Directly linked’ and ‘contributing’ are treated as similar here but they shouldn’t be. Suggestion to the following:

If one or more instances of child or forced labour occur and are determined to be caused or contributed by the activities of the Facility, act to cease, prevent, mitigate and remediate the instance(s). If the Facility determines that it is directly linked to such instances due to a relationship with a business partner, cooperate with the business partner to provide remedy

SECTION: 6.1 Prevention of Child and Forced Labour, Towards Good Practice, 1

COMMENT:

Add “and remedy”

Consistent with the UN Guiding Principles on Business and Human Rights (UNGPs) and ILO Conventions 29 & 105, publicly commit to the right to be free from slavery and take action to address and remedy instances of forced labour if they are identified.

SECTION: 6.1 Prevention of Child and Forced Labour, Towards Good Practice, 2

COMMENT:

ILO C138 allows developing countries, whose economy and educational facilities are insufficiently developed, to temporarily set the minimum age for admission to employment at 14 years. This could create challenges in this requirements, so need to state "whichever is highest" to make sure that it is not younger than 15

SECTION: 6.1 Prevention of Child and Forced Labour, Towards Good Practice, 5

COMMENT:

Removed the duplication of "for employees who are responsible for human resources and procurement (mentioned twice in same sentence)

Where risks of forced labour, including child labour and modern slavery, have been identified, provide relevant training at defined intervals for employees responsible for procurement and human resources. Training content should align with the relevant ILO Conventions, ILO Indicators of Forced Labour, and the UNGPs

SECTION: 6.1 Prevention of Child and Forced Labour, Towards Good Practice, 7

COMMENT:

add "consistent with ILO Convention 138 and 182"

Performance Area 07: Rights of Workers

SECTION: 7.1 Rights of Workers, Good Practice, 11

COMMENT:

How would this apply to jurisdictions where regulatory requirements have restrictions on FoA?

Performance Area 08: Diversity, Equity, and Inclusion

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

COMMENT:

The development of the strategy should be requirement number 1 and then implementing the strategy should be requirement number 2 for logical flow

SECTION: 8.1 Governance of Diversity, Equity, and Inclusion (Corporate Level), Good Practice, 8

COMMENT:

Requirement 8 and requirement 4 could possibly be combined for simplicity

SECTION: 8.1 Governance of Diversity, Equity, and Inclusion (Corporate Level), Leading Practice, 3

COMMENT:

this requirement should be more than making the board aware of the corporate strategy, but rather the board approving the strategy as corporate governance

SECTION: 8.2 Management of Diversity, Equity, and Inclusion (Facility Level), Good Practice, 3

COMMENT:

Could this be leading practice?

SECTION: 8.2 Management of Diversity, Equity, and Inclusion (Facility Level), Leading Practice, 2

COMMENT:

Collaborating with industry peers should be a corporate level requirement, not a facility level.

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

COMMENT:

Requirement should be corporate requirement.

What is the expectation of external reporting on the internal review of effectiveness

Performance Area 09: Safe, Healthy and Respectful Workplaces

SECTION: 9.1 Health and Safety Management, Towards Good Practice, 5

COMMENT:

Requirement 5 and 6 Recommend adding minimum features for reporting pathways, such as confidentiality, non-retaliation, and multilingual access, and specifying medical and hygienic facilities standards by risk profile.

Performance Area 11: Security Management

SECTION: 11.1 Security Management, Good Practice, 4

COMMENT:

Unclear whether this is a separate requirement to the overall human rights due diligence requirements under Performance Area 5: Human Rights. Opportunity to clarify whether HRDD processes that includes security management as a risk category, is sufficient to meet this requirement.

Performance Area 13: Community Impacts and Benefits

SECTION: 13.2 Community Development and Benefits, Good Practice

COMMENT:

In requirement 1,4 and 5 the terms "collaborate" and "collaboration" are used (and in italics) but are not defined

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

COMMENT:

Suggestion to include "where appropriate"

SECTION: Glossary and Interpretive Guidance

COMMENT:

Add definition for "community resiliency"

COMMENT:

In the definition for "Area of influence" add in socio economic considerations to the definition as it is currently environmental focused "indirect project impacts on biodiversity and ecosystem services"

Performance Area 14: Indigenous Peoples

SECTION: 14.1 Indigenous Peoples, Good Practice, 2

COMMENT:

suggestion of steps to "avoid" before prevention or possible mitigation

SECTION: 14.1 Indigenous Peoples, Good Practice, 4

COMMENT:

Seek Indigenous knowledge, voices and perspectives from local Indigenous Peoples and respectfully apply these to inform decisions and practices, where appropriate. Obtain permission prior to collecting, storing, accessing, using or reusing cultural and intellectual information and knowledge.

In this paragraph suggest changing "local" to "affected Indigenous Peoples" to be clear on rights

SECTION: 14.1 Indigenous Peoples, Good Practice, 6

COMMENT:

This requirement is overly prescriptive and may not meet the needs of Indigenous Peoples in agreements. "Agreements include at a minimum mitigation measures developed through the human rights due diligence (HRDD) process"

SECTION: 14.1 Indigenous Peoples, Leading Practice, 6

COMMENT:

is permission is not granted to publicly disclose, how would this criteria be assessed?

SECTION: 14.1 Indigenous Peoples, Towards Good Practice, 3

COMMENT:

Suggest FPIC be included in this requirement

SECTION: 14.1 Indigenous Peoples, Towards Good Practice, 5

COMMENT:

to be consistent with other sections suggest to align with "seek FPIC" rather than "obtain" FPIC

Performance Area 15: Cultural Heritage

SECTION: 15.1 Cultural Heritage, Good Practice

COMMENT:

Suggestion to add requirement for safe access to cultural heritage for communities that are not indigenous peoples (as this requirement is included for Indigenous Peoples in the Indigenous Peoples section) but would exclude safe access for those cultural heritage sites for communities that are not indigenous

SECTION: 15.1 Cultural Heritage, Towards Good Practice

COMMENT:

Suggestion to add requirement to develop a chance finds procedure in towards good practice to build onto the good practice which is to develop chance finds procedure in collaboration

SECTION: Glossary and Interpretive Guidance

COMMENT:

Suggestion to add definition to "safeguard"

Performance Area 18: Water Stewardship

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

COMMENT:

Could operational water balance be changed to "predictive water balance"?

Performance Area 20: Climate Action

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

COMMENT:

Aware that this is an existing requirement. Suggestion to simplify this sentence to make it digestible

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

COMMENT:

Define "External Engagement Processes" - is the specifically with communities and rights holders or broader considering this is under the corporate requirements?

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

COMMENT:

suggestion to add in a term "where possible" - as sometimes stakeholder and rights-holders do not want to be consulted or have investments in climate adaptation or mitigation.

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

COMMENT:

This was an early criteria in MAC to drive certain behaviors, but may not be true that a company who doesn't do this but does the other criteria isn't undertaking leading climate practices. I would recommend removing this criterion or writing something more suitable to the intent

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

COMMENT:

Disclosure of the methodology seems unnecessary here.

Suggest simplifying to "Establish a commitment to achieve net-zero emissions by no later than 2050 and include interim science-informed targets and actions to achieve this commitment."

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

COMMENT:

(c) - this requirement requires simplification.

If publicly disclosed, would this not meet the intent of the requirement (including stakeholders and rights holders by publicly disclosing?)

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

COMMENT:

what if there is no mutual interest - how will this be managed in the assurance of this requirement?

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

COMMENT:

what about downstream customers? Also suggest having a level of materiality on this requirement

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

COMMENT:

Suggestion to include "where material / or where significant"

Performance Area 21: Tailings Management

SECTION: 21.1 Tailings Management, Leading Practice, 1

COMMENT:

There would be more value in leading practice being linked to "effectiveness reviews" or "continual improvement" than the current requirement in the standard

SECTION: Glossary and Interpretive Guidance

COMMENT:

In-Lake disposal glossary has specific country reference to Canada, suggest this be removed as it adds no value to the standard

Performance Area 22: Pollution Prevention

SECTION: 22.2 Mineral Wastes, Good Practice, 2

COMMENT:

No requirement currently included to identify risks of adverse impacts from mineral waste, only a requirement to implement actions to address the identified risks of adverse impacts

SECTION: 22.2 Mineral Wastes, Good Practice, 3

COMMENT:

This requirement states to "construct, maintain and rehabilitate mineral wastes FOR safe, stable and non-polluting landforms. This requirement challenging to audit (to achieve) - should be intent driven so suggest adding "seek opportunities to rehabilitate" or "assess opportunities" or "develop plan for rehabilitation" for safe, stable and non-polluting landforms

SECTION: 22.4 Mercury, Towards Good Practice, 3

COMMENT:

Use of the term significant - but this term is not defined in the standard

SECTION: 22.7 Noise, Vibration and Light Pollution/Nuisance, Towards Good Practice, 1

COMMENT:

Identify potential sources of noise, vibration, or light pollution/nuisance, identify the presence and location of sensitive receptors (people, flora and fauna) and implement a monitoring programme informed by regulatory or permit requirements (where required)

SECTION: Glossary and Interpretive Guidance

COMMENT:

General waste is not defined

hazardous materials has a different meaning to hazardous waste - need to be defined

Performance Area 23: Circular Economy

SECTION: 23.1 Circular Economy for all Facilities, Leading Practice, 3

COMMENT:

While the intent to reduce or eliminate tailings and other waste is commendable, the requirement assumes that technologically feasible solutions are always available and applicable to every facility. In reality, there may be instances where no viable technologies currently exist that can be implemented at a specific site due to technical, operational, or economic constraints.

The phrase "make documented progress" also implies a continuous improvement trajectory that may not be achievable in all contexts, particularly when existing technologies have already been optimized or when further reductions are not feasible without significant breakthroughs.

QUESTION 1

Does the scope, content, and narrative style of the consolidated standard meet your individual expectations 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: 3: Meets expectations

QUESTION 3

From your perspective, does the three-level performance structure (Towards Good Practice, Good Practice, Leading Practice) 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

3. Claims

SECTION: 3.1 Types of Claims, 3.1.3 Performance Claim

COMMENT:

3.1.3.1 is very complicated to explain - suggest a simpler way to show this so that it is understandable but the implementor, the governance structure and the stakeholders reading this

COMMENT:

Be explicit that to maintain the performance claim the facility must meet good practice in all performance levels within one assurance cycle - confirm if this means when undertaking the second assurance cycle all requirements need to be met at that assurance or before the facility commences the second cycle?

QUESTION 1

Does the level of transparency provided by the Claims Policy (i.e. through disclosing scores for each Performance Area, aggregated scores to indicate overall progress towards Good Practice, and Performance Claims) meet your expectations to incentivise continuous performance improvement?

Response: 3: Meets expectations