

# MINUTES

## Standards Committee Teleconference

Thursday 12 September, 2013

Teleconference dial-in times (allow 2 hours):

City	Local Time (24 hr)
Vancouver/Carlsbad/Seattle	0600
Salt Lake City	0700
New York/Toronto/Ottawa	0900
London	1400
Milan/Antwerp/Paris	1500
Johannesburg	1500
Nairobi	1600
Mumbai	1830
Melbourne	2300



### Documents circulated:

- Powerpoint slides for Sept 12 call
- Draft Minutes of Sept 5 teleconference

*Attendees are kindly reminded that the RJC is committed to complying with all relevant antitrust and competition laws and regulations and, to that end, has adopted an [Anti-trust Policy Statement](#), compliance with which is a condition of continued RJC membership. Failure to abide by these laws can potentially have extremely serious consequences for the RJC and its members, including heavy fines and, in some jurisdictions, imprisonment for individuals. You are therefore asked to have due regard to this Policy today and indeed in respect of all other RJC activity.*

**Participants:** David Bouffard, Eva Carlson, Claus Teilmann-Petersen, Steven Oates, Susan Posnock, Jennifer Horning, Alan Martin, Andrew Parsons, Felix Hruschka, Estelle Levin, Juliane Kippenberg, Philip Hunter, Marcelle Shoop, Sam Brumale, Graham Nicholls, Fiona Solomon, Marieke van der Mijn.

**Apologies:** Ryan Taylor, Didier Backaert, Larry Drummond, Cecilia Gardner, Jon Hobbs, Assheton Carter, Iris van der Veken, Marianna Smirnova, Ngomesia Mayer-Kechom, Stan Lurie, Stephane Fischler, Wilfried Horner, Angelo Palmieri, Michael Rae.

### 1. Welcome (Chair/s)

### 2. Minutes of previous meeting

Minutes of the Standards Committee teleconference on 5 September 2013 were approved and will be posted on the RJC website at: <http://www.responsiblejewellery.com/rjc-standards-committee/>

### 3. RJC Code of Practices review

- **Proposed Guidance additions re India**
  - Since the previous Standards Committee teleconference, the RJC has carried out additional research and consultations to refine proposed Guidance additions. All Non-Conformance information from Certified Members with facilities in India has been collected from audit reports. Further research on the ground relating to fire

exits and wages will be required. RJC will be in India from 16-20 Sept with BPP to start groundwork for M&E program on these issues.

- **14 Working Hours**

- There was a query whether the added guidance for conformance, major and minor non-conformance is a guideline on how to apply the Code of Practices. It was explained that the purpose of the guidance is to offer Members/Auditors a framework for interpretation to rate non-conformance situations – the definitions of major and minor still stand.
- The addition to the Guidance to contact RJC for questions/clarification when similar scenarios in other countries may arise was welcomed.
- *The Committee agreed with the proposed addition to the Standards Guidance.*

- **RJC Monitoring & Evaluation Program**

- RJC continues to monitor non-conformance data in these areas and carry out research to evaluate the impacts and outcomes for emergency exits in affected facilities, costs of minimum wages for trainees, working hours and seasonal variations.
- Scope for more detailed M&E framework for India will be developed during an initial trip from 16-20 Sept 2013.
- The more detailed M&E program will be developed over the next month and discussed during the following Standards Committee calls.

- **39 Mercury**

- 39.2: There was discussion about the suggestion to eliminate the wording ‘take steps to’ before ‘eliminate’.
  - It was agreed to keep the wording as closely aligned with the Minamata Convention and therefore keep the wording of ‘take steps to’. The individual country context is very important as time may be required for adaptation, including technical assistance.
  - Given the toxicity of mercury, it was proposed to add ‘control’ to the COP wording.
- It was confirmed that this provision applies to ASM that are themselves RJC Members. It was agreed to confirm that this is clear in the Guidance.
- The Committee agreed with the proposed revised wording:  
*39.2 Members in the Mining Sector using mercury in artisanal and small-scale mining and processing activities shall take steps to control, reduce, and where feasible eliminate, the use of mercury and mercury compounds in, and the emissions and releases to the environment of mercury from, such mining and processing. Members shall not practise whole ore amalgamation, open burning of amalgam or processed amalgam, and burning of amalgam in residential areas; and cyanide leaching in sediment, ore or tailings to which mercury has been added without first removing the mercury.*

- **36 Biodiversity**

- 36.2b: The proposed wording from Solidaridad to add ‘including complying with any legal prohibitions on mining in or near protected areas’ was discussed.
- It was questioned whether this additional wording would make the text of the Provision stronger, or whether it was redundant and/or weakened the wording.
- It was noted that as per Provision 1 every Member of the RJC has to apply with Applicable Law and this point should not be in doubt. Therefore the additional proposed wording should not be necessary as this is already given in Provision 1. It

was noted that sometimes parts of the law may be in conflict and this would be up to the country how the law is interpreted. It was agreed to note in the Guidance that where there is doubt, companies are expected to respect environmental law protection.

- The Committee agreed to the proposed revised wording:
- *36.2 Members in the Mining Sector shall respect legally designated protected areas by ensuring that:*
  - a. Members have a process to identify nearby legally designated protected areas.*
  - b. Members comply with any regulations, covenants or commitments attributed to these areas.*
  - c. Decisions to proceed with exploration, development, operation and closure activities take into account the presence of, and impact on, legally designated protected areas.*
  
- **17 Child Labour**
  - It was suggested to replace ‘including’ with ‘can include’ in (b).
  - The Committee agreed to the proposed revised wording:

*17.3 Notwithstanding 17.1, where Child Labour is found at a Facility, Members shall develop documented Child Labour Remediation processes that include steps for the continued welfare of the Child and consider the financial situation of the Child’s family. Remediation shall include:*

    - a. Immediately withdrawing any Children engaged in Child Labour.*
    - b. For a Child not still subject to compulsory education laws or attending school, finding alternative income generation and/or vocational training opportunities which can include decent and permissible employment.*
    - c. For a Child still subject to compulsory education laws or attending school, offering adequate support to enable the Child to attend and remain in school until the completion of compulsory education.*
    - d. A systemic review of the Member’s approach to avoiding Child Labour, to identify root causes of non-conformances and implement controls to avoid any recurrence.*
  
- **31 Free, Prior and Informed Consent**
  - A summary was provided of a pre-call that was held between several Standards Committee participants and an FPIC practitioner prior to the Sept 12 meeting. The practitioner discussed ongoing work to elaborate FPIC in practice, and provided feedback confirming that FPIC is both a process and outcome and the wording of ‘work to obtain’ provides for that. It was also expressed that it is still early days for implementation for all parties and the reality on the ground is often complex. The wording of ‘obtain’ alone implies that consent is the only available outcome to Indigenous Peoples. It also provides for consistency with existing standards such as IFC and ICMM, which have done a lot of work in this area, so that multi-stakeholder groups that have formed to work on implementation can fit the RJC approach within that framework too.
  - It was further questioned how the proposed text is relation to the UNDRIP. It was noted that UNDRIP is a nonbinding instrument that established responsibilities for states. Articles 10 and 32 are relevant, and the RJC proposed wording is similar in intent to 32 where it speaks to ‘consult and cooperate in good faith in order to obtain ...’. The role of the RJC COP is to place an expectation on Member companies to uphold Indigenous Peoples’ rights and not interfere with States obligations.
  - The Committee agreed to the proposed revised wording:

*31. Members in the Mining Sector shall, as described in International Finance Corporation (IFC) Performance Standard 7:*

- a. Work to obtain the Free, Prior and Informed Consent of affected Indigenous Peoples, during the planning and approval stages, through a process that strives to be consistent with their traditional decision-making processes while respecting internationally recognized human rights and based on good faith negotiation; and*
- b. Document the mutually accepted process between the Member and the affected Indigenous Peoples, and relevant government authorities, and the evidence of agreement between the parties as the outcome of the negotiations.*

#### **4. Motion for Approval**

The Standards Committee approved the proposed revisions to the RJC:

- Code of Practices,
- Standards Guidance, and
- Assessment Manual

arising from the formal Review process and recommended their adoption by the RJC Board.

- A suggestion was made to make any reference to defined terms clearer in the final layout of the COP, perhaps bolding or highlighting them further.

RJC sincerely thanked all Committee members for their efforts over the past two years, and the RJC team were thanked for their efforts in guiding the Committee through the revision process. The next Standards Committee meeting will be held in late October, the date to be confirmed.