

MINUTES

Standards Committee Teleconference

Thursday 29 August, 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 August 29, Sept 5 and Sept 12 calls
- Final draft RJC Code of Practices.
- Final draft RJC Assessment Manual.
- Final draft Guidance Chapters for Human Rights, Provenance Claims, Child Labour, Indigenous Peoples and Free Prior Informed Consent
- Comment Report for Final Comment Period.
- Draft Minutes of August 8 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: Ryan Taylor, David Bouffard, Estelle Levin, Claus Teilmann-Petersen, Jennifer Horning, Steven Oates, Susan Posnock, Felix Hruschka, Larry Drummond, Marcelle Shoop, Marianna Smirnova, Iris van der Veken, Graham Nicholls, Sam Brumale, Fiona Solomon, Marieke van der Mijn.

Guests: Ferial Zerouki (De Beers), K. Chandrasekaran (Astute Consulting) – to discuss items relating to proposed India guidance additions.

Apologies: Andrew Parsons, Didier Backaert, Eva Carlson, Cecilia Gardner, Juliane Kippenberg, Philip Hunter, Jon Hobbs, Wilfried Horner, Assheton Carter, Stan Lurie, Stephane Fischler, Ngomesia Mayer-Kechom, Angelo Palmieri, Michael Rae.

1. Welcome (Chair/s)

2. Minutes of previous meeting

Minutes of the Standards Committee teleconference on 8 August July 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

- **Role of Committee**
 - The role of the Standards Committee is now to finalise the COP review process, and the target decision date is September 12.
 - RJC's commitment to consensus was emphasised and the principles for decision-making contained in the RJC Governance Handbook (2012) were presented.
- **Comments received during 3rd Comment Period/Consolidation of Comments**
 - RJC received 16 submissions representing more than 200 comments, on 34 out of the 40 provisions during the 3rd and final comment period for the COP Review.
 - Half were from civil society and half from industry, representing a good balance of perspectives.
 - RJC has been reviewing all comments carefully, identifying opportunities to improve the COP wording and/or guidance. Bilateral discussions have been held with some submitters to discuss comments made and identify ways to reconcile different perspectives.
 - Major changes to COP provision wording and Guidance are being brought to the Committee for discussion, feedback and agreement.
- **12 Provenance Claims**
 - The proposal to add a new provision (d) on training was supported.
 - The addition of 'documented' to the definition of Provenance Claims was supported.
 - The deletion of 'Synthetic' as a type of source was supported.
 - 'Synthetic' was retained in the introductory sentence of the definition to cover potential claims for ethical or environmental practices relating to Synthetics.
- **21 Health and Safety**
 - Proposed additions to the Standards Guidance relating to the India Factories Act, on safety officer, welfare officer, ambulance room and canteen were supported.
 - Proposed addition re provision of a crèche was supported, pending the addition of a requirement that worker interviews be conducted to ensure there was no coercion.
 - The Committee held significant discussions on the issues of fire safety and emergency exits.
 - A number of Committee members expressed concern about potential exemptions for old/temporary factories, or for not applying the local law.
 - A number of Committee members also noted that the issue presents a real or perceived barrier to uptake of the standard in India, so guidance is required to provide clarity on the issue. This does need to take account of the realities in India and similarly elsewhere.
 - While the proposals were to identify non-conformance situations, it was noted that there was not currently a sufficient rationale, or clarify for auditors, to take forward.
 - More information was needed on the applicable law at national and state level, to what situations it applied (eg factories and/or offices).
 - SAI (Steven Oates) noted that emergency exits are a most significant issue and vital to be properly addressed, and as a result he did not support the current proposal.
 - It was noted that these issues are also likely to be relevant in other countries, and additional guidance may be useful for those circumstances.
 - *Action: RJC to revisit the drafted proposal in further consultation re emergency exits with KC and Feriel Zerouki, and Committee Members who had contributed to the discussion. It will be brought back to the Committee for further discussion.*
 - *Action: RJC to amend the proposed guidance addition re crèches as per above.*
- **13 General Employment Terms**
 - The Committee held significant discussion on the proposed addition re trainee wages to be paid at 75% of the adult normal rate for the sector.
 - The question was raised as to whether the minimum wage reflected a living wage. It was noted that BPP analysis has found that the minimum wage (in India, comprising

a basic wage and dearness allowance for cost of living increases) does exceed a living wage.

- It was noted that ISEAL are currently working on a project researching how a living wage might be set, with an upcoming conference in November.
 - It was noted that nearly all countries permit lower wages for trainees and apprentices. However in the case of India, while the principle is there for other sectors, the diamond sector has not been separately identified in this way. The issue of weak legal frameworks was raised as an additional factor in this situation.
 - Concerns were raised that there need to be controls to make sure that training status is not abused, with trainees kept under these wages for longer than they should.
 - SAI (Steven Oates) noted that this issue was also of importance to SAI and as a result he did not support the current proposal.
 - UL offered to seek any available information on legal precedent in other countries.
 - *Action: RJC to revisit the drafted proposal, researching further information on relevant legislation and consulting with KC and Ferial Zerouki and interested Committee members. It will be brought back to the Committee for further discussion.*
- **14 Working Hours**
 - The Committee held significant discussion on the proposed addition re averaging of overtime hours.
 - Concern was raised as to whether longer working hours were dangerous where tools are in use.
 - Ferial Zerouki noted that under the BPP program, one day off a week was still required, correct overtime paid, and that this approach was permitted is to accommodate the Diwali period where workers wish to take 3-4 weeks leave to return home. It also accommodates seasonal demand for jewellery, so longer workers hours are not for extended periods.
 - SAI requested more detail on how often this occurs, to confirm whether workers are consulted, and confirm that one day off per week is still required. SAI noted they did not support the current proposal.
 - UL agreed that more detail would need to be provided to auditors, as otherwise it requires knowing the approach taken by the BPP program. RJC noted that joint auditor training with BPP in India is being proposed for 2014 on, to help clarify these types of issues and how they are handled under the respective standards. However RJC agreed that further detail should be included in the guidance.
 - *Action: RJC to revisit the drafted proposal, researching further information on relevant legislation and current practices, and consulting with KC and Ferial Zerouki and interested Committee members. It will be brought back to the Committee for further discussion.*
 - **22 Waste and Emissions**
 - The proposed addition in “(d) Monitoring waste and emission trends to drive improvement in environmental performance” was supported.
 - **32 Impact Assessment**
 - It was agreed to delete ‘impact’ from ‘nature, scale and impact’ as this was potentially confusing with the impact assessment process.
 - There was a proposal from Estelle Levin to add wording such as ‘where feasible, enhance positive impact’. Other suggestions for the Guidance will be incorporated.
 - *Action: RJC to develop wording for provision and amended Guidance and recirculate to the Committee for approval.*
 - **Items relating to Biodiversity, Tailings and Waste Rock, and Mercury were held over until the September 5 call.**

4. Standards Committee schedule –2013 dates:

- Scheduled for COP finalisation:
 - **Teleconference** - Thursday September 5 - review of proposed revisions from final comment period – part 2.
 - **Teleconference** – Thursday September 12 – to finalise outstanding issues, and final date for consensus on COP review.
 - The COP, Standards Guidance and Assessment Manual will then go to Legal Review, then Executive Committee, then Board.
- **Please note:** Committee members are welcome to contact Fiona Solomon and Marieke van der Mijl to arrange times to discuss input or feedback in more detail between formal meetings, or initiate discussion by email.