

MINUTES

Standards Committee Teleconference

Thursday 5 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 5 call
- Draft Minutes of August 29 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, Eva Carlson, Claus Teilmann-Petersen, Steven Oates, Susan Posnock, Felix Hruschka, Wilfried Horner, Juliane Kippenberg, Philip Hunter, Marcelle Shoop, Marianna Smirnova, Graham Nicholls, Sam Brumale, Fiona Solomon, Marieke van der Mijn.

Apologies: Andrew Parsons, Didier Backaert, Cecilia Gardner, Jennifer Horning, Jon Hobbs, Assheton Carter, Larry Drummond, Estelle Levin, Iris van der Veken, 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 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

- **Role of Committee**
 - Second last call of the COP review process, with the target final decision date remaining as September 12.
 - Aim is to ensure that Committee are aligned and in support of the final edits and updates being proposed.
- **7 Sourcing from ASM**

- The Committee discussed the complexities of sourcing decisions where sometimes the decision becomes binary: yes/no to initiate or continue a sourcing relationship. It was noted that the OECD Guidance and UN Guiding Principles also discusses this point, which is referred to the RJC Guidance on this topic.
- HRW offered examples of practical remediation in ASM gold mines with child labour issues: engaging with suppliers in a more hands-on way, training suppliers on the issues, support for specific programs such as access to education, and help suppliers to take steps to carry out remediation. RJC will ensure these are covered in the Guidance chapter.
- There was discussion of the role of existing ASM standards such as Fairmined and Fairtrade to help raise standards generally, though these are still in their early stages of accessing the broader ASM community.
- The proposal from SAI to include both the 'best endeavours' and 'remediation' language in the provision was agreed by the Committee, as follows:
7.1 Members that source Diamonds, Gold and/or Platinum Group Metals directly from ASM producers that are not under the Control of the Member shall:
 - a. regularly assess Risks of Forced Labour, Worst Forms of Child Labour, unsafe working conditions, uncontrolled mercury use, and other significant environmental impacts, and*
 - b. use best endeavours to positively influence practices and reduce or avoid the Risks and provide for or cooperate in remediation of adverse human rights and environmental impacts.*
- **32 Impacts Assessment**
 - It was noted that while the aspirational dimension of positive impacts is important, there were concerns about the measurability and auditability of the proposed addition to the provision. It was suggested that the proposed language be incorporated in the Guidance.
 - Further discussion of these issues would be valuable during the life of the standard, for example through the RJC M&E program.
 - The Committee agreed to retain the blue proposed text and delete the red text, as follows:
32.2 Impact Assessments shall be comprehensive, appropriate to the nature and scale and impact of the project, and collectively cover assessment of:
 - a. baseline conditions,*
 - b. design options where applicable that mitigate negative impacts, and*
 - c. environmental and social impacts, including impacts related to Human Rights, labour and employment, gender, health and Conflict.*
- **36 Biodiversity**
 - 36.2: The proposed wording raised some questions requiring further discussion and decision was postponed until the September 12 Committee call. RJC will try to seek clarification on the questions offline in advance of the Committee call.
 - 36.3: The Committee agreed with the proposed wording:
b. Implement action plans to deliver measurable biodiversity benefits that are at least commensurate with the level of adverse impacts and ideally provide net positive impact;
 - 36.6: The Committee suggested ensuring reference to the Law of the Sea Convention in the Guidance and agreed to the proposed wording:
36.6 Members in the Mining Sector, when carrying out exploration or mining activities in deep sea areas, shall ensure that there is sufficient scientific knowledge of potential impacts of their activities, and that controls can be implemented to mitigate adverse impacts.
- **37 Tailings and waste rock**

- 37.2 The Committee agreed to the proposed revised wording:
37.2 Members in the Mining Sector shall design, construct, maintain, monitor and close all tailings and waste rock facilities and supporting infrastructure to:
 - a. Ensure structural stability and, where applicable, controlled discharge;*
 - b. Protect the surrounding environment and local communities from potential impacts of acidification, metal leaching, loss of containment or contamination, including contamination of groundwater during the mine's operation and post-closure;*
 - c. Implement appropriate mitigation or treatment if impacts are identified.*
- 37.3: The Committee agreed to the proposed revised wording:
37.3 Members in the Mining Sector shall not use riverine disposal of tailings or waste rock.
- 37.4: The Committee agreed to the proposed revised wording:
37.4 Members in the Mining Sector shall not use marine or lake disposal of tailings and waste rock for land-based Mining Facilities, unless:
 - a. a thorough environmental and social analysis of alternatives, using scientifically valid data, was conducted that showed that marine or lake disposal creates less environmental and social impact and risk than a land-based facility.*
 - b. it can be scientifically demonstrated that a significant adverse effect on coastal or marine species and habitats does not result.*
 - c. there is long-term impact monitoring, including for cumulative impacts, and provision made for a mitigation plan.*
- **31 Free, Prior and Informed Consent**
 - Further discussion was requested on the wording of 'work to obtain'.
 - It was noted that FPIC is a process and outcome that the wording of the proposed a and b aims to take account of that. As it takes significant time to undertake an FPIC process, the wording needs to take account of potentially multiple audit cycles where the process may still be ongoing. Further 'obtain' alone implies that consent is the only available outcome to Indigenous Peoples.
 - Article 4 of UNDRIP was referenced as relevant, though noted as applicable to governments.
 - Further discussion will be convened offline and at the September 12 Committee call.
- **6 Human Rights**
 - An alternative to the proposal for 'strive to implement' was offered: 'observe'.
 - The Committee agreed to this proposed wording:
6.1 Members shall respect Human Rights and observe the UN Guiding Principles on Business and Human Rights in ways appropriate to their size and circumstances, including as a minimum:
 ...
- **17 Child Labour**
 - It was questioned whether (d) in the Remediation provision could be retained, with tight rules. It was noted that remediation processes can be very difficult to monitor in some circumstances where an underage worker is completely removed from the work place. The challenge is whether partial employment can in practice still allow for school attendance.
 - In (b), it was proposed to delete 'safe', and add 'including decent and permissible employment' to the end of the sentence. This proposal was supported.

- It was noted that ‘offering’ support, may be better wording than ‘providing’ because it is not always possible in practice to enforce the outcomes of staying in school until the completion of compulsory education.
 - There was extensive discussion of the ILO Conventions and occurrence of child labour in jewellery supply chains in various countries. It was noted that not all work by children is Child Labour: which is defined as work that interferes with schooling etc. The difference between vocational education and vocational training was discussed.
 - RJC agreed to review and update the Guidance chapter, ensuring sufficient reference to relevant ILO recommendations, and to follow up with individuals on further discussions before the September 12 Committee call.
- **3 Reporting**
 - The proposed change to the reporting provision was agreed by the Committee:
3.2 Members with Mining Facilities shall report annually on their sustainability performance using the Global Reporting Initiative (GRI) Guidelines and GRI Mining and Metals Sector Supplement or comparable reporting guidelines. The reports shall have external assurance.
 - **9 Bribery and Facilitation Payments**
 - There was discussion about gifts from third parties, and it was confirmed that any requirements for registering these is in accordance with the Member’s set policy.
 - The proposed addition to this provision, with the addition of ‘relevant’, was agreed by the Committee:
b. Training relevant managers and employees on policies and procedures.

4. Standards Committee schedule –2013 dates:

- Scheduled for COP finalisation:
 - **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 Mijn to arrange times to discuss input or feedback in more detail between formal meetings, or initiate discussion by email.