



## RJC Code of Practices Review

### Proposed Draft Revisions to the Code of Practices

#### Public Comment Period

13 December 2012 to 01 March 2013

Please send your comments and feedback to:

Email: [consultation@responsiblejewellery.com](mailto:consultation@responsiblejewellery.com)

Telephone: +44 (0)20 7836 6376

Fax: +44 (0)20 7240 5150

Post: First Floor, Dudley House, 34-38 Southampton Street, London, UK,  
WC2E 7HF.

[www.responsiblejewellery.com](http://www.responsiblejewellery.com)

The Responsible Jewellery Council is the trading name of the Council for Responsible Jewellery Practices Ltd. The Council for Responsible Jewellery Practices Ltd is registered in England and Wales with company number 05449042.

## Introduction

- The RJC is reviewing its Code of Practices, the standard against which all RJC Members, from mine to retail, must achieve certification within 2 years of joining the RJC. This document contains the proposed draft revisions to the Code of Practices and seeks stakeholder feedback during a 12 week public comment period.
- The draft revisions have been developed from:
  - Stakeholder comments on a proposed scope for the COP review;
  - Review of parallel standards and initiatives;
  - RJC’s log of comments and questions from the past 3 years of implementation;
  - RJC Standards Committee discussions on a number of key topics.
- Background and additional information on the COP Review is available at <http://www.responsiblejewellery.com/standards-development/code-of-practices-review/> and on the RJC Standards Committee and its discussions at <http://www.responsiblejewellery.com/rjc-standards-committee/>
- A further round of comment in mid-2013 will publish a second draft revision of the COP and a revised RJC Standards Guidance for public comment. Associated documents such as the RJC Certification Handbook, Assessment Workbook and Assessment Manual will also be updated accordingly. The Standards Guidance revision will include: break-out boxes with specific guidance for small business and regions such as India/China; more direct implementation guidance at the provision level; and general updating of references and background information.

## Summary of Changes

- Table 1 provides a one-page quick reference guide to the proposed revisions. Changes have been categorised into **minor and editorial (green)**; **major change to requirement (orange)**; and **new requirement (red)**.
- Table 2 uses this colour code to identify and explain each of the proposed changes in detail, linking to relevant references and/or comments received on specific topics and issues.
- In general, the proposed revisions aim to simplify wording and structure in the COP to support an improved assessment framework, consistent interpretation and translations into other languages. Broad changes include:
  - Platinum Group Metals added to the scope of the COP throughout.
  - Consistency of terms: Changed various uses of ‘will’, ‘shall’, ‘should’, ‘must’, etc to ‘shall’ in all cases.
  - Glossary updates with significant changes and new definitions noted in this document.
- Major changes and new requirements (for more information see Table 2):

○ Business Ethics

- 1.1.5: Strengthen movement away from Facilitation payments.
- 1.2: Require audited accounts; Clarify Know Your Customer procedures; Spell out 15000 USD/Euro threshold for recording cash transactions, in absence of limit defined by Applicable Law.
- 1.5: Simplify wording and reduce detail for Product Disclosure.
- 1.7: **New** provision on Grading and Appraisal.
- 1.8: **New** provision on Provenance Claims.

○ Human Rights and Social Performance

- 2.1: **New** provisions that align with the UN Guiding Principles on Business and Human Rights.
- 2.2: Revision of Child Labour provisions to align with UN and ILO definitions.
- 2.3: **New** provisions relating to Human Trafficking.
- 2.4: Changes to wording on Freedom of Association and Collective Bargaining to align with SA8000 / ILO Conventions.
- 2.6: Simplify wording and improve structure/flow of Health and Safety provisions.
- 2.7: More detail on how employee grievance procedures should be designed and operated.
- 2.8: Combined sum of normal working week and overtime hours not more than 60 hours per week.
- 2.9: Piece-rate pay must still meet minimum wage; overtime paid at premium rate; deductions do not take wages below minimum wages and must be permitted by law; **new** provision on wage advances/loans.
- 2.10: **New** provision that employees should understand their employment terms (via contract or other means).
- 2.11: Mining-community engagement – some changes in structure and terms to align with IFC Performance Standard 1.
- 2.13: Mining and Indigenous Peoples: **new** provision on Free, Prior and Informed Consent (FPIC) to align with IFC Performance Standard 7.
- 2.14: **New** provision to support potential sourcing from on-concession ASM by CoC Certified Entities, and by any other Member, to address supply chain risks under the OECD Due Diligence Guidance.

○ Environmental Performance

- 3.1: Major changes to structure and wording that aim to spell out what is meant by environmental ‘management and operating systems’, particularly for smaller businesses.
- 3.2: **New** provision on mercury used in processing or contained in saleable products, by-products or emissions.
- 3.3: Changes to Wastes and Emissions provisions to clarify intent and applicability. Introduces requirement to minimise post-closure costs and risks for mine tailings and waste rock.

- 3.4: Retitled 'Climate Change', and requirement made more specific.
- 3.5: Changes in biodiversity provisions regarding critical habitat, mitigation hierarchy, decline of threatened species etc.
- **Management Systems**
  - 4.1: Systems for awareness/compliance with Applicable Law; accompanying changes to Non-Conformance definitions.
  - 4.2: Policy and Implementation: change to provision that does not require reference to the COP for a policy on responsible practices; **new** provisions relating to regular review of policy implementation, and record-keeping.
  - 4.3: Major changes to wording to align with UN Guiding Principles on Business and Human Rights. Previously the provision was directed at impacts on the Member's practices. The proposed revision focuses on significant adverse impacts by Business Partners, and asks Members to seek to prevent or mitigate significant adverse impacts.
  - 4.5: Adds that 'rehabilitation and closure planning shall consider residual impacts from infrastructure, subsidence, or acid-generating material'.
  - 4.6: **New** provision for all Members: 'Members shall periodically communicate to stakeholders on their business practices relevant to the RJC Code of Practices.'
- Associated changes in progress:
  - Principles will be redrafted as a more high-level statement of intent, rather than a summary of each provision topic.
  - A new section on 'Recognition of Parallel Certifications' will be added to the COP.
  - The 'Application' section will be expanded with more information on the types of businesses and activities to which the COP can apply.
  - A new section on 'Effective Date' will be added. It is proposed that for 1 year from publication of the Board-approved revision of the COP, RJC Members may be certified or re-certified against either the 2009 or 2013 standard. After the 1 year period, the 2009 version will be superseded and only the 2013 version will be in effect. For existing RJC Members, current certifications against the 2009 Code of Practices will still be effective for the remainder of the certification period and re-certification will not be required until the expiry of the period. New RJC Members that join on or after the date of publication of the revised COP should only use the revised COP. The COP version used for each Member's certification will be identified on the RJC website.
  - Certification Handbook will be updated to address Certification Scope transparency and encourage broader uptake of the Code of Practices among businesses that begin with RJC certification of a subsidiary. It is proposed that Auditors will be required to identify in their verification reports to RJC whether the Member is a part of a larger parent group that also deals with diamond, gold and platinum group metals, or whether it represents all relevant parts of a company or group of companies with common ownership. This can then be noted in the published information about the Member's certification.

**Feedback welcome**

- RJC seeks comment from all stakeholders on the proposed COP revisions. Contact details can be found on the cover page of this document. To find out about COP Review webinars and workshops to be held in January-February 2013, contact [consultation@responsiblejewellery.com](mailto:consultation@responsiblejewellery.com)
- Comments are welcome in any format. A comments report summarising all comments received will be prepared and published on the RJC website. If you do not want your comment published, or attributed to you, please let us know.

Some questions to consider

- Do you agree with the proposed change/s to the COP? Why/why not? Can you suggest alternative wording?
- What should the Standards Guidance cover to help with interpretation? Are there practical examples or issues that should be discussed? Are there key references that would be useful? What type of guidance, tools and support might be useful to small businesses or to particular sectors?

**Thank you for your interest and we look forward to your input.**

**Table 1 – Quick-reference guide to proposed changes by provision**

Provision	No change	Editorial change and/or minor change to requirement	Major change of requirement	New requirement
1.1 Business Ethics		1.1.1, 1.1.2, 1.1.3	1.1.4 (previously 1.1.5)	
1.2 Money Laundering and Finance of Terrorism			1.2.1, 1.2.2, 1.2.3	
1.3 Kimberley Process	1.3.1, 1.3.2	1.3.3, 1.3.4		
1.4 Product Security	1.4.1	1.4.2		
1.5 Product Disclosure		1.5 (all)	1.5.2	
1.6 Extractive Industries Transparency Initiative	1.6			
1.7 Grading and Appraisal				1.7 (all)
1.8 Provenance Claims				1.8 (all)
2.1 Human Rights				2.1 (complete revision)
2.2 Child Labour		2.2.2	2.2.1	
2.3 Forced Labour		2.3.1		2.3.2
2.4 Freedom of Association and Collective Bargaining			2.4 (all)	
2.5 Discrimination	2.5			
2.6 Health and Safety	2.6 (some)	2.6 (restructuring)	2.6 (some)	
2.7 Discipline and Grievance Procedures	2.7.2	2.7.1	2.7.3	
2.8 Working Hours	2.8.3	2.8.1, 2.8.4, 2.8.5	2.8.2	
2.9 Remuneration	2.9.5	2.9.3	2.9.1	2.9.2, 2.9.4, 2.9.6
2.10 General Employment Terms		2.10.2, 2.10.3		2.10.1
2.11 Community Engagement and Development	2.11.1	2.11.3, 2.11.4	2.11.2	
2.12 Use of Security Personnel	2.12.1	2.12.2, 2.12.3		
2.13 Indigenous Peoples		2.13.1		2.13.2
2.14 Artisanal and Small-Scale Mining		2.14.1		2.14.2
3.1 Environmental Management			3.1 (all)	
3.2 Hazardous Substances	3.2.1, 3.2.4	3.2.2, 3.2.3		3.2.5
3.3 Wastes and Emissions			3.3 (all)	
3.4 Use of Energy and Natural Resources			3.4	
3.5 Biodiversity	3.5.2	3.5.1	3.5.3, 3.5.4, 3.5.5	
4.1 Legal Compliance			4.1	
4.2 Policy and Implementation			4.2.1	4.2.2, 4.2.3
4.3 Business Partners		4.3.3	4.3.1, 4.3.2	
4.4 Impact Assessment	4.4.1	4.4.2		
4.5 Mine Closure Planning	4.5.1, 4.5.4	4.5.3	4.5.2	
4.6 Reporting		4.6.2		4.6.1

**Table 2 - Proposed revisions to the RJC Code of Practices**

Original Text	Proposed Revision	Reasons for Revision / Comments
<b>1 BUSINESS ETHICS</b>	<b>1 BUSINESS ETHICS</b>	
<b>1.1 Bribery And Facilitation Payments</b>	<b>1.1 Bribery and Facilitation Payments</b>	
<p>1 Members will prohibit Bribery in all business practices and transactions that are carried out by them, or on their behalf by Business Partners. They will not offer, accept or countenance any payments, gifts in kind, hospitality, expenses or promises as such that may compromise the principles of fair competition or constitute an attempt to obtain or retain business for or with, or direct business to, any person; to influence the course of the business or governmental decision-making process.</p>	<p>1 Members shall prohibit Bribery in all business practices and transactions that are carried out by them, or on their behalf by Business Partners. <b>Members shall not offer, accept or countenance any financial or other advantages that may compromise fair competition to obtain or retain business, or influence the course of business or governmental decision-making processes.</b></p>	<p><b>Minor and editorial changes</b> to align with UK Bribery Act ('financial or other advantages'), and to simplify wording and punctuation.</p> <p>Two comments were received during Comment Period 1 recommending changes to align with UK Bribery Act.</p>
<p>2 Members will consider Bribery Risk as it applies to their organisation (including agents) to identify which areas pose high Risks. Members will develop appropriate methods to monitor conduct of Employees and agents and eliminate Bribery based on this understanding.</p>	<p>2 Members shall consider Bribery Risk as it applies to their organisation (<b>including Business Partners acting as agents</b>) to identify which areas pose high Risks. Members shall develop <b>policies and procedures</b> to monitor conduct of Employees and agents and eliminate Bribery based on this understanding.</p>	<p><b>Minor change</b> to use defined term (Business Partners) in connection with role as agents; and change from 'methods' to 'policies and procedures', for consistency with other provisions. 'Appropriate' has been deleted, and guidance for small business will be added to the Standards Guidance. 'Agents' has been added to the definition of Business Partners.</p>
<p>3 Members will facilitate the reporting of incidences of attempted Bribery or inappropriate gifts within their organisation and will apply the appropriate sanctions for Bribery and attempted Bribery in all forms.</p>	<p>3 Members shall have systems in place to:</p> <ol style="list-style-type: none"> <li>a. <b>Record business-related gifts and considerations in a register;</b></li> <li>b. Clearly communicate to their Employees that <b>the organisation shall not apply any penalty</b> for voicing a concern, or for refusing to participate in Bribery or pay a Facilitation Payment even if this action may result in the enterprise losing business;</li> </ol>	<p><b>Minor and editorial changes</b> to combine provisions 1.1.3 and 1.1.4 and clarify implementation requirements.</p> <p>Changed 'inappropriate gifts' to 'business-related gifts and considerations' to help clarify implementation of provision. The requirement for a register is consistent with previous guidance from RJC in FAQ documents. The Standards Guidance will note that business will determine</p>

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	<p>c. Investigate any incidences of suspected Bribery within their organisation;</p> <p>d. Apply appropriate sanctions for Bribery and attempted Bribery in all forms.</p>	<p>their own policy about what types / value of gifts are to be included in the register.                      Changed ‘attempted’ to ‘suspected’ in the context of beginning an investigation into the matter.</p>
<p>4 Members will clearly communicate to their Employees that no Employee will suffer demotion, penalty or other adverse consequences for voicing a concern, or for refusing to pay a bribe or Facilitation Payment even if this action may result in the enterprise losing business.</p>		<p><b>Editorial change:</b> Combined into 1.1.3 above and ‘demotion, penalty or adverse consequences’ has been summarised to ‘penalty’ for simpler wording.</p>
<p>5 Where Members have not yet been able to eliminate Facilitation Payments, they will implement appropriate controls to monitor, oversee and fully account for all Facilitation Payments made. They will work to ensure that they are of limited nature and scope, with an ultimate objective to eliminate all Facilitation Payments.</p>	<p>4 Members shall work to eliminate all Facilitation Payments. Where Facilitation Payments are permitted by Applicable Law, Members shall implement controls to monitor, oversee and fully account for any Facilitation Payments made and ensure that they are of limited nature and scope.</p>	<p><b>Major change</b> to align with UN Convention Against Corruption, and the UK Bribery Act, which does not distinguish facilitation payments from bribery. The revision aims to strengthen movement towards elimination of facilitation payments. The provision now begins with a requirement to work towards eliminating facilitation payments, and clarifies that facilitation payments may only take place where permitted by law, and under strict controls.                      Change to numbering due to combining 1.1.3 and 1.1.4.</p>
<p><b>1.2 Money Laundering And Finance Of Terrorism</b></p>	<p><b>1.2 Money Laundering and Finance of Terrorism</b></p>	
<p>1 Members must maintain financial accounts of all business transactions where required by Applicable Law and in accordance with national or international accounting standards. These accounts must be independently certified and/or audited by a properly qualified auditor who is appointed free of any bias or influence.</p>	<p>1 Members shall maintain financial accounts of all business transactions in accordance with national or international accounting standards, and have them independently audited by a properly qualified auditor who is appointed free of any bias or influence.</p>	<p><b>Major change</b> to require financial accounts in all cases, irrespective of applicable law. Auditing of financial accounts is now required as a mechanism to support anti-money laundering efforts.                      Removed reference to ‘independently certified’ as this was unclear in context of RJC audit.</p>
<p>2 Members should be aware that international transactions may be subject to more than one regulatory jurisdiction.</p>	<p>2 Members shall apply Know Your Customer principles for Business Partners that deal in precious metals, precious stones and high-value goods, including:</p>	<p><b>Major change</b> to restructure provisions 1.2.2 and 1.2.3 and in this sector for clarity. Changes include:</p>

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<p>a. Where no Applicable Law exists, Members should comply with the provisions in the Financial Action Task Force (FATF) 40 Recommendations and 9 Special Recommendations as applicable to dealers in Precious Metals and gemstones under the Designated Non-Financial Business Professions (DNFBP).</p> <p>b. Cash or cash-like transactions should always take place in compliance with Applicable Law. Where they occur above the relevant defined financial threshold, records need to be lodged with the relevant designated authority.</p>	<p>a. Establishing the identity, beneficial ownership and principals of relevant Business Partners;</p> <p>b. Maintaining an understanding of the nature of their business circumstances;</p> <p>c. Monitoring relevant transactions for unusual or suspicious activity and reporting suspicions of money laundering or finance of terrorism to the relevant authorities.</p>	<ul style="list-style-type: none"> <li>- Know Your Customer (KYC) principles now frame 1.2.2, and are defined (Proposed Glossary definition: “Principles established to combat money laundering and finance of terrorism. KYC principles require businesses to establish the identity of all organisations with which they deal, have a clear understanding of their business relationships and have a reasonable ability to identify and react to transaction patterns appearing out of the ordinary or suspicious.”)</li> <li>- Sub-provisions a, b and c are drawn from original 1.2.3 and align with RJC Chain-of-Custody standard</li> <li>- Being aware of international transactions to be addressed in Guidance.</li> </ul>
<p>3 Members must operate according to the principles of “know your customer” so as to establish the identity of all organisations with which they deal, have a clear understanding of their business relationships and have a reasonable ability to identify and react to transaction patterns appearing out of the ordinary or suspicious.</p>	<p>3 Members shall maintain records of all cash or cash-like transactions which occur above the relevant defined financial threshold under Applicable Law and, where required, report these to the relevant designated authority. Where no Applicable Law exists, Members shall monitor and maintain records of all cash transactions equal to or above 15,000 Euro / US Dollars.</p>	<p>Major change to restructure provisions for clarity and more clearly address situations where there is no applicable law and which FATF recommendations may therefore apply. 1.3.3 combines aspects of the original 1.2.2a and b, and specifies a cash limit in accordance with FATF recommendations above which records should be kept in the absence of applicable law defining other requirements.</p>
<p><b>1.3 Kimberley Process</b></p>	<p><b>1.3 Kimberley Process Certification Scheme and World Diamond Council System of Warranties</b></p>	<p>Minor change to title for consistency.</p>
<p>1 Members must not knowingly buy or sell Conflict Diamonds or assist others to do so.</p>	<p>1 Members shall not knowingly buy or sell Conflict Diamonds or assist others to do so.</p>	<p>No change. Currently all provisions under 1.3 are rated as ‘Critical Breach’ provisions. It is proposed to reduce</p>

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		to 1.3.1 only (actually trade in conflict diamonds) as a Critical Breach. Situations where auditors found missing documentation or inadequate controls under 1.3.2, 1.3.3 and 1.3.4 would be non-conformances requiring correction, however these may not mean there is actual trade in conflict diamonds. If evidence of such was found, this would be attributed under 1.3.1 and Membership disciplinary processes would apply.
<p>2 Members, where involved with the international trade of rough Diamonds must apply the rough Diamond export and import verification system and controls as laid out by the Kimberley Process Certification Scheme and relevant national legislation. Members must keep records of Kimberley Process Certificates for rough Diamonds. Kimberley Process certificates must be independently audited and reconciled by a company’s own independent auditor on an annual basis. If asked for by a duly authorised government agency, these records must be able to prove compliance with the Kimberley Process.</p>	<p>2 Members, where involved with the international trade of rough Diamonds, shall apply the rough Diamond export and import verification system and controls as laid out by the Kimberley Process Certification Scheme and relevant national legislation.</p>	<p>No change to wording under 1.3.2, remainder of provision moved to new 1.3.4 so as to group together record-keeping, reconciliation and audit requirements of KP and SOW.                      Comment received during Comment Period 1 regarding relevant US and EU sanctions will be addressed in Standards Guidance.</p>

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<p>3 Members, where involved in buying and selling Diamonds, whether rough, polished or set in Jewellery, must fully adhere to the principles of the “World Diamond Council Resolution on Industry Self-Regulation”. Members are required to have systems in place so that all invoices for Diamonds, whether rough, polished or set in Jewellery, either bought or sold, contain the World Diamond Council warranty statement. Members must keep records of all such invoices. Members must have systems in place so that they do not purchase from sources that do not provide the World Diamond Council warranty statement on their invoices.</p>	<p>3 Members, where involved in buying and selling Diamonds, whether rough, polished or set in Jewellery, shall adopt the World Diamond Council System of Warranties and have systems to ensure that all associated invoices contain the following affirmative statement, or equivalent wording which provides the same warranty:</p> <p><i>“The Diamonds herein invoiced have been purchased from legitimate sources not involved in the funding of conflict and in conformance with United Nations resolutions. The seller hereby guarantees that these Diamonds are conflict free, based on personal knowledge and/or written guarantees provided by the Supplier of these Diamonds.”</i></p>	<p>Minor editorial changes to simplify the wording of the provision for clarity; and bring the WDC warranty statement out of a footnote and into the provision directly. As per previous guidance provided by RJC, the provision clarifies that equivalent wording of the statement is permitted so long as it provides the same warranty.</p>
	<p>4 Members shall keep records of all Kimberley Process certificates and System of Warranties invoices received and issued, and have them audited and reconciled on an annual basis either as part of an RJC Verification Assessment, or by an RJC Accredited Auditor during the Certification Period, or by a separate independent auditor, as suits the circumstances of the business. If asked for by a duly authorised government agency, these records must be able to prove compliance with the Kimberley Process.</p>	<p>Minor structural and editorial changes to bring together the record-keeping, reconciliation and audit requirements of KP and SOW under a new separate provision. As per previous guidance provided by RJC, the provision also clarifies that the audit of KP and/or SOW invoices can take place as part of the RJC audit, by an RJC Auditor at any other time, or by a separate independent audit.</p>
<p>4 Members will inform all Employees that buy or sell Diamonds about government restrictions on the trade in Conflict Diamonds, the Kimberley Process Certification Scheme and the World Diamond Council System of Warranties.</p>	<p>5 Members shall inform all Employees that buy or sell Diamonds about government restrictions on the trade in Conflict Diamonds, the Kimberley Process Certification Scheme and the World Diamond Council System of Warranties.</p>	<p>Change to numbering only, due to restructured 1.3.4 above.</p>
<p><b>1.4 PRODUCT SECURITY</b></p>	<p><b>1.4 PRODUCT SECURITY MEASURES</b></p>	<p>Minor change to title for clarity.</p>

Original Text	Proposed Revision	Reasons for Revision / Comments
1 Members will establish product security measures within the premises and during shipments to protect against product theft, damage or substitution.	1 Members will establish product security measures within the premises and during shipments to protect against product theft, damage or substitution.	No change to wording proposed. The Standards Guidance will include additional discussion for auditors regarding the detail of the audit in this area so as not to introduce additional security risks.
2 The security and well being of Employees, Visitors and other relevant Business Partners shall be prioritised when establishing product security measures.	2 The product security measures shall prioritise the protection of Employees, Visitors and other relevant Business Partners.	Minor editorial changes.
<b>1.5 PRODUCT INTEGRITY</b>	<b>1.5 PRODUCT DISCLOSURE</b>	Minor change to title to convey content of provision.
1 General: Members will at all times comply with relevant trading standards legislation and, where they exist, specific national and/or local regulations applicable to Diamond and Gold Jewellery products. Where no specific trading standards or product integrity regulations apply, Members must comply with the requirements listed below.	1 Members shall not make any untruthful, misleading or deceptive representation, or make any material omission in the selling, advertising or marketing of any Diamond, Synthetic or Simulant, and/or any Gold, and/or any Platinum Group Metals Jewellery Products.	Major structural and editorial changes throughout 1.5 to simplify wording wherever possible, and reduce detail on some issues to be consistent with level of COP in general. Provision ‘titles’ (eg ‘General’, ‘Proper Disclosure’) have been deleted for consistency with other provisions. Platinum Group Metals has been added to the scope. Original 1.5.1 is now captured under 1.5.2.  Minor editorial changes to new 1.5.1 to simplify terms. The wording has been drawn from the original 1.3 on Misrepresentation, and is used to introduce the provision. ‘Statement’ has been changed to ‘representation’ and ‘distribution’ to ‘marketing’ as these are broader terms and more consistent with applicable legislation.
2 Proper Disclosure: Members must make all reasonable efforts to properly disclose all relevant information on the physical characteristics, such as mass/weight, cut, colour, clarity or fineness, of a Diamond or Gold Jewellery product.	2 Information on the physical characteristics of Diamond, Synthetic or Simulant, Gold and/or Platinum Group Metals Jewellery Products shall be disclosed in compliance with Applicable Law. Unless a conflict with Applicable Law exists, Members shall apply the	Major structural and editorial changes to 1.5.2 to simplify wording wherever possible, and reduce detail on some issues to be consistent with level of COP in general.

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<p>3 Misrepresentation: Members will not make any untruthful, misleading or deceptive statement, representation or material omission in the selling, advertising or distribution of any Diamond, Treated Diamond, Synthetic or Simulant, or any Gold product, in any medium, including the Internet.</p> <p>4 Gold:</p> <p>a. Members will accurately disclose the fineness of the Gold used in their products.</p> <p>b. When applying Gold Quality Marks to articles wholly or in part composed of Gold, Members will apply a Mark authorised to be applied thereto under Applicable Law that correctly indicates the quality of the Gold of which the article is in whole or in part composed. The Mark will be applied in a manner authorised by Applicable Law or relevant international standards.</p> <p>5 Treated diamonds:</p> <p>a. A Treated Diamond must be disclosed as either “Treated” or with specific reference to the particular Treatment. The description must be as equally conspicuous and placed immediately preceding the word(s) “Diamond” or “Synthetic”, as the case may be. Specifically:</p> <ul style="list-style-type: none"> <li>- Any term that is designed to disguise that Treatment has occurred, or to imply that a Treatment is part of the normal polishing process, or that misleads the consumer in any way, must not be used. For example, the term “improved” must not</li> </ul>	<p>following requirements to support relevant disclosure about physical characteristics.</p> <p>a. Gold and Platinum Group Metals: Jewellery Products represented to contain Gold and/or a Platinum Group Metal shall have the fineness or content of the Gold or Platinum Group Metal accurately disclosed. The description of fineness or content shall be equally conspicuous as the word “Gold”, or the Platinum Group Metal, or abbreviation, and any Quality Marks used shall be properly applied.</p> <p>b. Treated Diamonds: Treated Diamonds shall be disclosed as either “Treated” or with specific reference to the particular Treatment. The description shall be equally conspicuous as the word(s) “Diamond”. Any special care requirements that the Treatment creates shall be disclosed.</p> <p>c. Synthetic Diamonds: Wholly or partially Synthetic diamonds shall be disclosed as “laboratory created”, “laboratory grown”, and/or “Synthetic” and the description shall be equally conspicuous as the word “diamond”.</p> <p>d. Diamond Simulants: Simulants shall be disclosed either as the mineral or compound that it is, or as a “diamond Simulant” or “imitation diamond”. The unqualified word “Diamond” must never be used with Simulants.</p> <p>e. Diamond Quality – Polished Diamonds: When</p>	<p>1.5.2 combines aspects of original 1.5.1 and 1.5.2, and brings in under it the specific provisions for materials (previously 1.5.4, 1.5.5, 1.5.6, 1.5.7 and 1.5.8). These requirements now apply unless there is a conflict with Applicable Law.</p> <p>Minor editorial and structural changes are proposed for these issues now arranged in a-e, to simplify wording, aggregate relevant points and reduce level of detail proportional to the rest of the Code of Practices. Previous detail is being moved to the Standards Guidance. Comment received during Comment Period 1 regarding applicability to smaller diamonds and black diamonds will also be addressed in the Standards Guidance.</p> <p>1.5.2.a has minor editorial changes from the original 1.5.4 to summarise the requirements.</p> <p>1.5.2.b has reduced detail from the original 1.5.5 to summarise the requirements. Additional information will be included in the Standards Guidance.</p> <p>1.5.2.c has reduced detail from the original 1.5.6 to summarise the requirements and align with the 2012 International Diamond Council Rules for Grading Polished Diamonds. Additional information will be included in the Standards Guidance.</p>

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<p>be used to describe a Treated Diamond.</p> <ul style="list-style-type: none"> <li>- Any special care requirements that the Treatment creates must be disclosed.</li> <li>b. Names of firms, manufacturers or trademarks are not to be used in connection with Treated Diamonds, unless such names are clearly succeeded by the word “Treated” as defined in this section or are otherwise equally conspicuously and prominently disclosed as Treated.</li> </ul> <p>6 Synthetic diamonds:</p> <ul style="list-style-type: none"> <li>a. A wholly or partially Synthetic diamond must always be disclosed as “laboratory created”, “laboratory grown”, “man-made”, “[Manufacturer’s name] created”, and/or “Synthetic” and the description must be equally as conspicuous and immediately preceding the word “diamond”.</li> <li>b. Members will not use the words “real”, “genuine” or “natural” to describe any Synthetic, or any terms that may disguise the fact that a diamond is Synthetic or that mislead the consumer in any way.</li> </ul> <p>7 Diamond Simulants</p> <ul style="list-style-type: none"> <li>a. Members must always disclose a Simulant either as the mineral or compound that it is, or as a “diamond Simulant” or “imitation diamond”. The unqualified word “Diamond” must never be used with Simulants.</li> <li>b. Members will not use the words “real” and “genuine” to describe any Simulant.</li> <li>c. Members will not use the word “natural” to describe any Simulant if the Simulant is not a</li> </ul>	<p>describing the weight, colour, clarity or cut of Diamonds and Synthetics this shall be in accordance with the recognised guidelines appropriate to the particular jurisdiction.</p> <p>f. Product Health and Safety Information: Any relevant health and safety information about Diamond, Synthetic, Gold and/or Platinum Group Metals Jewellery Products sold by Members to end consumers shall be disclosed.</p>	<p>1.5.2.d has reduced detail from the original 1.5.7 to summarise the requirements. Additional information will be included in the Standards Guidance.</p> <p>1.5.2.e has reduced detail from the original 1.5.8 to summarise the requirements, and avoid detailed technical specifications in the COP itself. Additional information will be included in the Standards Guidance.</p> <p>1.5.2.f has been moved here from 2.6.12 on Health and Safety and re-worded from a focus on legal compliance (covered under 4.1 and 1.5.2) to disclosure for consumers.</p>

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<p>naturally occurring mineral or compound.</p> <p>8a Diamond Quality – Cut and Polished Diamonds</p> <p>a. Members when describing the weight, colour, clarity or cut of Diamonds will at all times do so in accordance with the recognised guidelines appropriate to the particular jurisdiction.</p> <p>b. Members will not use the word “flawless” or “perfect” to describe either:</p> <ul style="list-style-type: none"> <li>- any Diamond that discloses flaws, cracks, inclusions, carbon spots, clouds, internal lasering, or other blemishes or imperfections of any sort when examined under a corrected magnifier at 10-power, with adequate illumination by a person skilled in Diamond grading; or</li> <li>- any article of jewellery that contains any Diamonds that do not meet the definition of “flawless” or “perfect”.</li> </ul> <p>c. Members will not use the terms “brilliant”, “brilliant cut” or “full cut” to describe, identify or refer to any Diamond except a round Diamond that has at least 32 facets plus the table above the girdle, and at least 24 facets below it.</p>		
<p><b>1.6 EXTRACTIVE INDUSTRIES TRANSPARENCY INITIATIVE</b></p>	<p><b>1.6 EXTRACTIVE INDUSTRIES TRANSPARENCY INITIATIVE</b></p>	
<p>1 Members with Mining Facilities will commit to and support implementation of the Extractive Industries Transparency Initiative (EITI).</p>	<p>1 Members with Mining Facilities shall commit to and support implementation of the Extractive Industries Transparency Initiative (EITI).</p>	<p>No change proposed and Guidance will be updated to take account of recent regulatory changes.</p>
	<p><b>1.7 GRADING AND APPRAISAL</b></p>	<p>New provision</p>

Original Text	Proposed Revision	Reasons for Revision / Comments
	<p>1 Members that generate independent Diamond Grading Reports shall identify whether detection of Synthetics and/or any Treatments are part of the assessment.</p> <p>2 Members that generate independent Appraisal Reports for consumers shall include the name of the consumer to whom the report is given and a statement of the purpose of the appraisal.</p> <p>3 Members that offer Diamond Grading Reports or Appraisal Reports to consumers that might reasonably be construed to be independent shall disclose any relevant vested interests in the sale of the Jewellery Product held by the grader or appraiser.</p> <p>4 Members shall not use discounting against Appraisal Reports, or any valuation information that might be reasonably construed to be independent, as a strategy to encourage consumers to purchase Jewellery Products.</p>	<p><b>New provisions under 1.7</b> arising from proposal in the Code of Practices Review Scope document for additional specific business ethics requirements applicable to diamond grading and jewellery appraisal activities. The proposed provisions were discussed with the RJC Standards Committee in September 2012.</p> <p><b>1.7.1</b> aims to address rising use of synthetics and treatments that are not necessarily disclosed in the supply chain or to consumers.</p> <p><b>1.7.2</b> aims to support legitimate appraisal reports for consumers. It requires appraisal reports to include a statement of the purpose of the appraisal, (for example, replacement of an item for insurance purposes, or market value).</p> <p><b>1.7.3</b> also addresses legitimacy by requiring independence and separation between the grader/appraiser and their client, if the opinion is represented to be independent.</p> <p><b>1.7.4</b> aims to address the situations where supposedly independent appraisals and certificates with valuations are used as a deceptive selling tool to consumers.</p> <p><b>New Glossary definitions:</b>  <u>Appraisal Reports</u>: An opinion of monetary value based on the identity, composition, and qualities of a jewellery item.</p>

Original Text	Proposed Revision	Reasons for Revision / Comments
		<p><u>Diamond Grading Reports</u>: A report on the grading of a Diamond’s physical characteristics, usually in terms of cut, colour, clarity and carat weight. If an opinion on monetary value is included in a Diamond Grading Report, it is also considered to be an Appraisal Report.</p>
	<p><b>1.8 PROVENANCE CLAIMS</b></p>	<p><b>New provision</b></p>
	<p>1 Members that make Provenance Representations to their customers as to the origin, source or practices in the supply chain of Diamonds, Synthetics, Gold and/or Platinum Group Metals shall have as a minimum:</p> <p>a. Credible documented information to support the Provenance Representation for those materials.</p> <p>b. Internal material controls and record-keeping to maintain the integrity of the materials covered by the Provenance Representation.</p>	<p><b>New provision 1.7</b> arising from proposal during RJC Chain-of-Custody Standard development process to consider making a new requirement in COP that if a Member makes a provenance claim, it needs to be evidence based and thus able to be backed up. The RJC Chain-of-Custody Standard remains relevant as a voluntary additional standard. The new COP provision instead aims to set a minimum expectation about provenance claims aligned with legal requirements re misrepresentation.</p> <p>The proposed provisions were discussed with the RJC Standards Committee in November 2012. Proposed definition of <u>Provenance Representation</u>: <b>documented descriptions or symbols that are shown in a manner that may reasonably be regarded as relating to Diamonds, Synthetics, Gold and/or Platinum Group Metals, and that also relate to their:</b></p> <p><b>Origin</b> - Geographical origin or place of manufacturing; and/ or</p> <p><b>Source</b> - Type of source, for example recycled, mined, or date of production; and/or</p>

Original Text	Proposed Revision	Reasons for Revision / Comments
		<b>Practices</b> - Practices applied in the supply chain, including but not limited to, circumstances of extraction or manufacturing, conflict-free status, due diligence towards sources, etc.
<b>2 HUMAN RIGHTS AND SOCIAL PERFORMANCE</b>	<b>2 HUMAN RIGHTS AND SOCIAL PERFORMANCE</b>	
<b>2.1 HUMAN RIGHTS</b>	<b>2.1 HUMAN RIGHTS</b>	
<p>1 Members shall at all times respect the fundamental human rights and the dignity of the individual, according to the United Nations Universal Declaration of Human Rights.</p>	<p>1 Members shall respect human rights and have policies and processes that support implementation of Section II of the UN Guiding Principles on Business and Human Rights, which are appropriate to their size and circumstances, but include as a minimum:</p> <ul style="list-style-type: none"> <li>a. A policy commitment to respect human rights;</li> <li>b. A human rights due diligence process to identify, prevent, mitigate and account for how they address their impacts on human rights;</li> <li>c. Where Members identify that they have caused or contributed to adverse human rights impacts, they shall provide for or cooperate in legitimate processes to enable the remediation of those impacts.</li> </ul>	<p><b>Major changes</b> arising from proposal in the Code of Practices Review Scope document to align 2.1 with the UN Guiding Principles on Business and Human Rights (“Ruggie Principles”), released in 2011. The proposed provisions were discussed with the RJC Standards Committee in August 2012.</p> <p>Reference to the UN Guiding Principles and other international human rights treaties—including the ICCPR, the ICESCR, and the CRC - has been added to the introduction to the Code of Practices.</p> <p>RJC aims to develop additional guidance and a template to inform the development of human rights due diligence processes, particularly for smaller businesses.</p>
	<p>2 Members, if operating in or sourcing directly from a Conflict-Affected Area, shall review the heightened risks of adverse human rights impacts and take steps to avoid contributing to Conflict.</p> <p><u>Glossary definitions</u> (as per RJC CoC Standard):  <b>Conflict:</b> Armed aggression, widespread violence, and/or widespread human rights abuses.  <b>Conflict-Affected Area:</b> Area where Conflict is</p>	<p><b>New provision 2.1.2</b> arising from proposal in the Code of Practices Review Scope document to address ‘mining in conflict zones’ as a key topic. The proposed provision was discussed with the RJC Standards Committee in August 2012.</p> <p>It identifies conflict as a specific human rights-related issue in some mineral supply chains, and aims to integrate it with human rights due</p>

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	<p>prevalent. The area may be a region, a country, an area within a country, or an area that crosses one or more country boundaries. Operations are not necessarily complicit in Conflict if they are located in a Conflict-Affected Area. The DRC and Adjoining Countries as defined under Section 1502 of the United States’ Dodd-Frank Wall Street Reform and Consumer Protection Act are deemed a Conflict-Affected Area.</p>	<p>diligence under 1.2.1b. This approach also supports the RJC Chain-of-Custody Standard and implementation of the <i>OECD Due Diligence Guidance on Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas</i>. Other relevant standards, including those of World Gold Council, London Bullion Market Association and Conflict-Free Smelter Program will also be noted in the Guidance.</p>
<p><b>2.2 CHILD LABOUR AND YOUNG PERSONS</b></p>	<p><b>2.2 CHILD LABOUR <del>AND YOUNG PERSONS</del></b></p>	<p><b>Minor change</b> – delete reference to Young Persons</p>
<p>1 Members shall not engage in or support the employment of Children (younger than 15 years, or 14 years where the law of the country permits) beyond those circumstances defined in ILO Convention 138 and Recommendation 146 unless sanctioned by national and/or local government or as part of a recognised apprentice scheme, in accordance with the guidelines laid down in the Global Compact.</p>	<p><b>1 Members shall not engage in or support:</b></p> <p><b>a. Child Labour, as defined in ILO Convention 138 and Recommendation 146, which sets the following minimum ages for work:</b></p> <p><b>i. A basic minimum working age of 15 years, to enable Children to complete compulsory schooling.</b></p> <p><b>ii. Members operating in developing countries where compulsory schooling ends earlier than 15 years, may initially adopt a minimum working age of 14 subject to Applicable Law, but should achieve a basic minimum working age in Facilities of 15 years by the end of the Member’s first Certification Period.</b></p> <p><b>iii. Light Work is permitted for Children between the ages of 13 and 15 years old where allowed by Applicable Law, as long as it does not threaten their health and safety, or hinder their education or vocational orientation and training.</b></p> <p><b>b. Worst Forms of Child Labour, as defined in ILO Convention 182 and Recommendation 190, which includes:</b></p>	<p><b>Major change</b> to provision arising from proposal in the Code of Practices Review Scope document to review emerging best practice. The proposed provisions were discussed with the RJC Standards Committee in September 2012.</p> <p>Comments in Comment Period 1 recommended that the COP define a Child in accordance with the Convention on the Rights of the Child = under 18 years; give more attention to worst forms of child labour (ILO C182) in provision and guidance; and move to a minimum age requirement of 15 years even in developing countries. These recommendations have been incorporated.</p> <p>The proposed Child Labour provisions are restructured into two parts: minimum ages for work and hazardous labour, no worst forms of child labour (2.2.1) and remediation processes for where child labour is found (2.2.2).</p> <p><b>New Glossary definitions:</b></p>

Original Text	Proposed Revision	Reasons for Revision / Comments
	<p>i. Hazardous Child Labour, which by its nature or circumstances is likely to jeopardise the Health, Safety or morals of persons younger than 18 years. Where allowed by Applicable Law and supported by assessment of risks and implementation of controls under COP 2.6.3 Health and Safety, a minimum age of 16 is permitted on condition that the health, safety and morals of the Children concerned are fully protected, and that the children have received adequate specific instruction or vocational training in the relevant branch of activity.</p> <p>ii. All forms of child slavery and practices similar to slavery, including debt bondage, the trafficking of children, forced child labour and the use of children in armed conflict.</p>	<p><u>Hazardous Child Labour:</u> Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children. [Source: ILO Convention 182]. ILO Recommendation 190 notes the following should be considered when determining whether work is Hazardous Child Labour:</p> <ul style="list-style-type: none"> <li>(a) work which exposes children to physical, psychological or sexual abuse;</li> <li>(b) work underground, under water, at dangerous heights or in confined spaces;</li> <li>(c) work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;</li> <li>(d) work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health;</li> <li>(e) work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.</li> </ul> <p>National laws or regulations or the competent authority could, after consultation with the workers’ and employers’ organizations concerned, authorize employment or work as from the age of 16 on condition that the health, safety and morals of the children concerned are fully protected, and that the children have received adequate specific instruction or vocational training in the relevant branch of activity. [Source: ILO Recommendation</p>

Original Text	Proposed Revision	Reasons for Revision / Comments
		<p>190].</p> <p><u>Worst Forms of Child Labour:</u> ILO Convention 182 defines the worst forms of child labour as:</p> <ul style="list-style-type: none"> <li>• All forms of slavery — including the trafficking of children, debt bondage, forced and compulsory labour, and the use of children in armed conflict.</li> <li>• The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic purposes.</li> <li>• The use, procuring or offering of a child for illicit activities, in particular the production and trafficking of drugs.</li> <li>• Work which is likely to harm the health, safety or morals of the child as a consequence of its nature or the circumstances under which it is carried out.</li> </ul> <p><u>Light Work:</u> Work by Children which is:</p> <p>(a) not likely to be harmful to their health or development; and</p> <p>(b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.</p> <p>[Source: ILO Convention 138]</p>

Original Text	Proposed Revision	Reasons for Revision / Comments
<p>2 Where any Children are found to be in employment, Members shall provide adequate support to enable them to attend and remain in school until no longer a Child. Child Labour Remediation processes shall include steps for the continued welfare of the Child and consider the financial situation of the Child’s family. Children found to be in employment contrary to minimum age requirements may remain in partial employment during a phased Remediation process. Members shall provide a minimum period of night time rest of 12 hours, with customary weekly rest days; and ensure that overtime is prohibited and the Child receives fair payment for the work he or she is undertaking.</p>	<p>2 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. This shall include:</p> <p>a. For a Child still subject to compulsory education laws or attending school, providing adequate support to enable the Child/Children to attend and remain in school until the completion of compulsory education; and ensuring that the Child is not employed during school hours and that combined hours of daily transportation (to and from work and school), school and work time does not exceed 10 hours a day.</p> <p>b. Where a Child not engaged in Worst Forms of Child Labour remains in partial employment during the Remediation process, providing for a minimum period of night time rest of 12 hours, customary weekly rest days, fair payment for the Child’s work and prohibition of overtime for the Child.</p>	<p>Minor structural and editorial changes to provision to clarify requirements for situations where Child Labour is found at a Facility. The proposed provisions were discussed with the RJC Standards Committee in September 2012.</p> <p>The proposed 2.2.2 groups and re-arranges remediation-related provisions previously under the original 2.2.2 and 2.2.3. It clarifies that Child Labour Remediation processes need to be documented, that that overtime is prohibited and that a Child cannot remain employed in a Worst Forms of Child Labour situation.</p>
<p>3 Members shall promote education for Children covered under ILO recommendation 146 and Young Persons who are subject to local compulsory education laws or attending school, including means to ensure that no such Child or Young Person is employed during school hours and that combined hours of daily transportation (to and from work and school), school and work time does not exceed 10 hours a day.</p>	<p>See 2.2.2</p>	<p>Combined under 2.2.2 above re remediation of child labour.</p>

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<p>4 Members shall not expose a Child or Young Person to work, which by its nature or the circumstances in which it is carried out, is likely to jeopardise the Health, Safety or morals of persons younger than 18 years (or 16 years subject to authorisation in Applicable Law and the receipt of adequate and specific instruction or vocational training in the relevant branch of activity).</p>	<p>See 2.2.1</p>	<p>Combined under 2.2.1 above re minimum ages.</p>
<p><b>2.3 FORCED LABOUR</b></p>	<p><b>2.3 FORCED LABOUR</b></p>	
<p>1 Members will not use Forced Labour (including bonded, indentured or prison labour), nor restrict the freedom of movement of Employees.</p>	<p>1 Members shall not use Forced Labour as defined in ILO Convention 29, including bonded, indentured or involuntary prison labour.</p>	<p>Minor editorial changes to include reference to relevant ILO Convention for harmonisation with SA8000 as per comment received in Comment Period 1. Freedom of movement is now incorporated in 2.3.2.</p>
<p>2 Members will not retain original copies of Employee personal documentation, such as identity papers, nor require any form of deposit, recruitment fee, or equipment advance from Employees either directly or through recruitment agencies.</p>	<p>2 Members shall not:</p> <ul style="list-style-type: none"> <li>a. Unreasonably restrict the freedom of movement of Employees in the workplace nor in on-site housing.</li> <li>b. Retain original copies of Employee personal documentation, such as identity papers.</li> <li>c. Require any form of deposit, recruitment fee, or equipment advance from Employees either directly or through recruitment agencies.</li> <li>d. Prevent Employees from freely terminating their employment after reasonable notice.</li> </ul>	<p>Minor editorial and structural changes to group 'freedom of movement' issues previously across 2.3.1 and 2.3.2. The Standards Guidance will discuss examples of unreasonable freedom of movement restrictions, including movement in canteens, during breaks, using toilets, accessing water, or accessing necessary medical attention, as a means to maintain labour discipline.</p> <p>New provision 2.3.2.b on freedom to terminate employment, as part of SA8000 harmonisation and in response to comment received in Comment Period 1.</p>
	<p>3 Members, and any entity supplying labour to a Member, shall not engage in or support Human Trafficking. Members shall monitor relationships with recruitment agencies for risks of Human Trafficking.</p>	<p>New provision 2.3.3 on human trafficking for harmonisation with SA8000 and in response to comments received during Comment Period 1 regarding emerging supply chain legislation.</p>

Original Text	Proposed Revision	Reasons for Revision / Comments
<b>2.4 FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING</b>	<b>2.4 FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING</b>	
1 Members will not prevent Employees from associating freely. Where laws prohibit these freedoms, Members will support parallel means for independent and free association and bargaining.	1 Members shall respect the right of Employees to associate freely in trade unions or workers organisations of their choice, without interference or negative consequences to them from the Member.	Major change to provision wording and structure. Provision 2.4.1 has changed from ‘not prevent’ to ‘respect the right’, and added requirement for non-interference, in order to harmonise with SA8000 and in response to comment received during Comment Period 1. Aspects relating to ‘parallel means’ have been moved to a new 2.4.3, below.
2 Members will not prevent collective bargaining and shall adhere to collective bargaining agreements, where such agreements exist.	2 Members shall respect the right of Employees to collective bargaining, shall participate in any collective bargaining processes in good faith, and shall adhere to collective bargaining agreements, where such agreements exist.	Major change to provision with the change from ‘not prevent’ to ‘respect the right’, and requirement to participate in collective bargaining in good faith. Responds to comment received during Comment Period 1.
	3 Where laws restrict the right to freedom of association and collective bargaining, Members shall allow Employees to freely elect their own representatives.	Major change to provision wording and structure. Previously addressed under 2.4.1, the proposed 2.4.3 aims to harmonise with SA8000 instead of ‘parallel means’.
<b>2.5 DISCRIMINATION</b>	<b>2.5 NON-DISCRIMINATION</b>	Minor change – re-titled ‘Non’-Discrimination
1 Members shall not practice or condone any form of discrimination in the workplace in terms of hiring, remuneration, overtime, access to training, promotion, termination or retirement based on race, ethnicity, caste, national origin, religion, disability, gender, sexual orientation, union membership, political affiliation, marital status, pregnancy status, physical appearance, HIV status, or age, or any other applicable prohibited basis, such that all individuals who are “Fit for Work” are accorded equal opportunities and are not discriminated against on the basis of factors unrelated to their ability to perform their job.	1 Members shall not practice or condone any form of discrimination in the workplace in terms of hiring, remuneration, overtime, access to training, promotion, termination or retirement based on race, ethnicity, caste, national origin, religion, disability, gender, sexual orientation, <u>union membership</u> , political affiliation, marital status, pregnancy status, physical appearance, HIV status, or age, or any other applicable prohibited basis, such that all individuals who are “Fit for Work” are accorded equal opportunities and are not discriminated against on the basis of factors unrelated to their ability to perform their job.	No change.  Note that while comments were received regarding the prohibition of discrimination on the basis of union membership, this is deemed to be covered under this provision [emphasis added in this document only]. Additional discussion of this will be added to the Standards Guidance.

Original Text	Proposed Revision	Reasons for Revision / Comments
<p><b>2.6 HEALTH AND SAFETY</b></p>	<p><b>2.6 HEALTH AND SAFETY</b></p>	<p>Changes to simplify wording and create a more coherent flow of health and safety requirements.</p>
<p>1 Members will provide safe and healthy working conditions for all Employees in accordance with Applicable Law and other relevant industry standards. These conditions include: 1a. minimising, so far as reasonably practicable, the causes of workplace Hazards. 1b. appropriate safeguards and isolation between Employees and all machinery including mobile equipment. 1c. adequate and appropriate labelling and storage of all chemicals and cleaning materials. 1d. methods to protect Employees from exposure to airborne particles and chemical fumes. 1e. identifying and providing appropriate Personal Protective Equipment (PPE) free of charge and verifying that it is current, worn and used correctly. 1f. providing work stations that are designed as appropriate to the task performed, to minimise occupational Health Risks such as repetitive strain. 1g. adequate lighting, ventilation and air quality; safe noise levels and temperatures. 1h. maintaining adequate workplace hygiene at all times by conducting regular routine cleaning, providing safe and accessible potable drinking water and sanitary facilities for food storage, and clean and hygienic washing and toilet facilities commensurate with the number and gender of staff employed. 1i. providing adequately constructed and maintained workplaces that meet local building regulations. 1j. ensuring that if Employees are provided with on-site housing by Members, such housing will be maintained to a reasonable standard of Safety, repair and hygiene; and provided with sufficient and proper sanitation facilities, potable water and access to adequate power supply.</p>	<p>1 Members shall ensure that safe and healthy working conditions are provided for all Employees and on-site Contractors in accordance with Applicable Law and other relevant industry standards.</p> <p>2 Members shall provide and maintain workplaces, and on-site housing where provided, that have: a. safe and accessible potable drinking water; b. sanitary facilities for food consumption and storage; c. clean and hygienic washing and toilet facilities commensurate with the number and gender of staff employed; d. fire safety equipment and alarms; e. clearly marked, unlocked and unblocked emergency exits and escape routes; f. access to adequate power supply and emergency lighting.</p>	<p>Minor change to explicitly include on-site Contractors within the scope of health and safety provisions, as is the intent and in response to comment received in Comment Period 1. On-site Contractors refers to contractors working on a Member’s Facility/ies.</p> <p>Major change to provision wording and structure.</p> <p>New structure groups requirements for workplaces and on-site housing facilities, setting out the minimum conditions that were under previous COP 2.6.1 on general conditions and 2.6.7 on fire safety.</p> <p>Other aspects previously under 2.6.1 are dealt with under the proposed 2.6.3, below.</p> <p>Comments received in Comment Period 1 suggesting additional specific requirements will be addressed in Guidance: for example, sanitary napkin supplies for women, etc.</p>
<p>2 Members who are engaged in the cutting and polishing of Diamonds will use cobalt-free Diamond-impregnated scaifes.</p>	<p>See 2.6.10</p>	<p>Change of order - now renumbered to 2.6.10.</p>

Original Text	Proposed Revision	Reasons for Revision / Comments
	<p>3 Members shall assess the risks of workplace Hazards and implement controls to minimise the risks of accidents and injury to Employees and on-site Contractors. The risk assessment shall consider Hazards associated with the Member’s activities and products which shall include, where relevant: use of machinery and mobile equipment; storage and handling of chemicals including cleaning materials; exposure to excessive fumes, airborne particles, noise and temperature levels, and/or inadequate lighting and ventilation; repetitive strain activities; considerations for any workers under 18 years of age and expectant mothers; and general hygiene and housekeeping issues.</p>	<p>Major change to provision wording and structure.</p> <p>New provision 2.6.3 groups together the risk assessment and implementation of controls for workplace hazards. It specifies specific risks that should be assessed, drawing on issues previously addressed under 2.6.1.</p> <p>New issues added relate to: workers under 18 years of age to cross-reference with changes to COP 2.2 on Child Labour; and expectant mothers.</p>
<p>3 Members will provide Employees with a mechanism, such as a joint Health and Safety committee, by which they can raise and discuss Health and Safety issues with management.</p>	<p>4 Members shall provide Employees and on-site Contractors with a mechanism, such as a joint Health and Safety committee, by which they can raise and discuss Health and Safety issues with management.</p>	<p>Minor change to explicitly include on-site Contractors within the scope of health and safety provisions, as is the intent.</p> <p>Change of order – renumbering the original COP 2.6.3 to 2.6.4, to bring the consultative mechanism alongside the risk assessment of the proposed 2.6.3 above.</p>
<p>4 Members will make information about Health and Safety available to Employees in an understandable form and in an appropriate language. Material Safety Data Sheets (or equivalent necessary information) will be accessible where all Hazardous Substances are in use, and the Risks associated with use of Hazardous Substances must be clearly communicated to all Employees who work with them.</p>	<p>5 Members shall provide training and information about Health and Safety to Employees and on-site Contractors in an understandable form and in an appropriate language. This shall include:</p> <ol style="list-style-type: none"> <li>a. Specific role-related Health and Safety Hazards and controls;</li> <li>b. Appropriate action to take in the event of an accident or emergency;</li> <li>c. Appropriate training in fire Safety and emergency procedures;</li> </ol>	<p>Minor editorial and structural changes to include on-site Contractors; and group together requirements from three related provisions on training and information (previously COP 2.6.4, 2.6.9 and 2.6.11).</p> <p>Aspects relating to Hazardous Substances have been moved to COP 3.2.</p> <p>First-aid training aspect incorporated into new</p>

Original Text	Proposed Revision	Reasons for Revision / Comments
	<p>d. First aid training to designated Employee representatives;</p> <p>e. Employee and Contractor awareness that they have the right and responsibility to stop work or refuse to work in situations that have Uncontrolled Hazards, and to immediately bring these situations to the attention of those at imminent Risk and to management.</p>	<p>2.6.7.</p>
<p>5 Appropriate procedures must be in place to prevent accidents and injury to Health arising from, or linked to, the course of work-related activities and operations at a Facility.</p>	<p>6 Members shall ensure that appropriate Personal Protective Equipment (PPE) is provided free of charge and verify that it is current, worn and used correctly.</p>	<p><b>Minor editorial and structural changes.</b> Original 2.6.5 has been incorporated into proposed 2.6.3. Proposed 2.6.6 groups PPE related requirements, previously in COP 2.6.1e and COP 2.6.9, and change of order to bring PPE after training (new 2.6.5)</p> <p>Change of language from ‘provide’ to ‘ensure is provided’ to accommodate flexibility with contractor relationships, who may be required to provide PPE free to their employees as part of their contract with the Member.</p>
<p>6 Members will provide access to adequate on-site Health and medical facilities, including clearly marked first aid provisions, and develop procedures for transportation of more serious Health concerns to local hospitals or medical facilities.</p>	<p>7 Members shall provide access to adequate Health and medical facilities, including clearly marked first aid provisions and trained first-aid personnel, and develop procedures for transportation of more serious Health concerns to local medical facilities.</p>	<p><b>Minor editorial and structural changes:</b> re-numbering of provision; first-aid training aspect from 2.6.9 has been incorporated into new 2.6.7 as ‘trained first-aid personnel’; and simplified wording from ‘hospitals and medical facilities’ to ‘medical facilities’ (which includes hospitals).</p> <p>Comments received during Comment Period 1 regarding information on working hours of medical staff, policies to enable access to services to address basic health needs if services are not available after work hours, educational materials</p>

Original Text	Proposed Revision	Reasons for Revision / Comments
		on health accessible to workers, medical staff trained in general and gender-specific health issues and in making referrals to qualified providers as needed, and training for employees in basic health areas, including non-communicable diseases, hygiene, and maternal and reproductive health will be addressed in the Standards Guidance.
7 Members will install appropriate alarms, warning devices and fire Safety mechanisms. This includes fire fighting equipment; clearly marked, unlocked and unblocked emergency exits and escape routes; and emergency lighting in all Facilities.	<i>See 2.6.2</i>	<b>Minor editorial and structural changes:</b> Original 2.6.7 has been moved to proposed 2.6.2 on workspace safety.
8 Members will establish emergency procedures and evacuation plans for all reasonably foreseeable emergencies. Members will ensure that the procedures and plans are accessible or clearly displayed throughout their Facilities, are maintained, regularly tested (including the conduct of evacuation drills), and are updated periodically. Mining Facilities will develop and maintain emergency response plans, in collaboration with potentially affected communities, workers and their representatives, and relevant agencies, pursuant to guidance provided by UNEP on Awareness and Preparedness for Emergencies at the Local Level (APELL) for Mining.	8. a. Members shall establish emergency procedures and evacuation plans for all reasonably foreseeable emergencies, which are accessible or clearly displayed, regularly tested (including evacuation drills), and periodically updated. b. Members with Mining Facilities shall develop and maintain emergency response plans in collaboration with potentially affected communities, workers and their representatives, and relevant agencies, pursuant to guidance provided by UNEP on Awareness and Preparedness for Emergencies at the Local Level (APELL) for Mining.	<b>Minor editorial and structural changes:</b> provision has been split into parts (a) and (b) to simplify Non-Applicables to part (b) for non-mining Members.  Wording of part (a) has been simplified slightly.
9 Members will provide training so that Employees are aware of: specific role-related Health and Safety Risks and Hazards; and methods for appropriate protection from such Hazards, including proper use of PPE and appropriate action to take in the event of an accident or emergency. Training will include first	9 Members shall investigate Health and Safety incidents and feed the results into reviews of the controls of related Hazards to identify opportunities for improvement.	<b>Minor editorial and structural changes:</b> renumbered from 2.6.10 to 2.6.9 and simplified wording.  Original 2.6.9 has been incorporated in proposed 2.6.5 for general training, 2.6.6 on PPE, and 2.6.7

Original Text	Proposed Revision	Reasons for Revision / Comments
aid training to designated Employee representatives and appropriate training in fire Safety and emergency procedures for all Employees. Training undertaken must be recorded and repeated for new and re-assigned Employees.		on first aid training.
10 Members will ensure that serious Health and Safety incidents, as well as the business’ response and outcome from such incidents, are formally documented and investigated with the results of the investigation feeding into regular Health and Safety reviews and improvement plans.	10 Members who are engaged in the cutting and polishing of Diamonds shall use cobalt-free Diamond-impregnated scaifes.	Numbering change from 2.6.2 to 2.6.10 – no change of wording.
11 Members will ensure that Employees and Contractors understand that they have the right and responsibility to stop work or refuse to work in situations that have Uncontrolled Hazards, and to immediately bring these situations to the attention of those at imminent Risk and to management.	<i>See 2.6.5</i>	Incorporated into proposed 2.6.5 on training.
12 Diamond or Gold Jewellery products sold by Members to end consumers will be compliant with the applicable regulations for product Health and Safety.	<i>See 1.5.2.f</i>	Moved to new provision in 1.5.2.f under Product Disclosure re product health and safety information.
<b>2.7 DISCIPLINE AND GRIEVANCE PROCEDURES</b>	<b>2.7 DISCIPLINE AND GRIEVANCE PROCEDURES</b>	
1 Members will not use corporal punishment under any circumstances, and will ensure that Employees are not subjected to harsh or degrading treatment, sexual or physical harassment, mental, physical or verbal abuse, coercion or intimidation in any circumstances.	<b>1 Members shall not</b> subject Employees to corporal punishment, harsh or degrading treatment, sexual or physical harassment, mental, physical or verbal abuse, coercion or intimidation, <b>or threats of these towards themselves, family or colleagues.</b>	<b>Minor editorial and structural changes</b> to simplify language and include threats towards employees or their families or colleagues.  Comment was received during Comment Period 1 on compulsory labour as a discipline measure, and it is proposed that this will be specifically addressed in the Standards Guidance under 2.3 Forced Labour.

Original Text	Proposed Revision	Reasons for Revision / Comments
2 Members will clearly communicate the business' disciplinary process, and related standards on appropriate disciplinary procedures and Employee treatment, and apply these equally to all management and staff.	2 Members shall clearly communicate the business' disciplinary process, and related standards on appropriate disciplinary procedures and Employee treatment, and apply these equally to all management and staff.	No change.
3 Members will provide clear grievance procedures and investigation processes and clearly explain these to all Employees. Records of Employee grievances raised, investigation processes and outcome will be maintained.	<p>3 Members shall provide clear grievance procedures and investigation processes and clearly explain these to all Employees.</p> <p>a. Employees acting individually or with other workers shall be free to submit a grievance without suffering any penalty or retaliation.</p> <p>b. Grievance procedures shall be designed to function effectively and reach a timely outcome.</p> <p>c. Records of Employee grievances raised, investigation processes and outcome shall be maintained.</p>	<p>Minor structural change: provision has been split into parts (a), (b) and (c).</p> <p>Parts (a) and (b) are new proposed provisions for alignment with SA8000. They aim to provide additional detail on how grievance procedures should be designed and operated.</p>
<b>2.8 HOURS OF WORK</b>	<b>2.8 HOURS OF WORK</b>	
1 Members will apply normal working hours that comply with Applicable Law. Where no specific laws and regulations exist, working hours will not exceed, on a regular basis, a maximum of 48 hours per working week in accordance with ILO Convention 1. Where these limits are required to be exceeded in special circumstances (for example on fly-in, fly-out sites), this should be in compliance with Applicable Law and should be planned so as to provide safe and humane working conditions.	1 Members shall comply with Applicable Law and industry standards on working hours and public holidays. The normal work week, not including overtime, shall be defined by Applicable Law but shall not exceed 48 hours in accordance with ILO Convention 1.	<p>Minor editorial and structural changes to simplify wording and align with SA8000. The provision has been re-worded in terms of 'the normal work week' and public holidays have been noted.</p> <p>Exceptions relating to Mining Facilities are grouped into a new 2.8.5, below.</p>
2 If overtime is required for business needs,	2 If overtime work is required for business needs,	Minor editorial and structural changes to clarify

Original Text	Proposed Revision	Reasons for Revision / Comments
<p>Members will compensate overtime to their Employees according to Applicable Law. Overtime will be voluntary and except in special circumstances (for example on fly-in, fly-out sites) be limited to a maximum of 12 hours in a week.</p>	<p>Members shall ensure that:</p> <p>a. <b>Overtime work is requested under a voluntary overtime system.</b> Required overtime is permitted only where it is within the limits allowed under Applicable Law or collective bargaining agreements.</p> <p>b. <b>The sum of the normal work week and overtime hours shall not exceed 60 hours in a week.</b> Overtime hours beyond this limit to meet short-term business demand are permitted only under Applicable Law or collective bargaining agreements that allows for additional overtime hours in special circumstances.</p> <p>c. <b>Excessive overtime hours that create negative impacts on Employee health and safety shall be avoided.</b></p>	<p>intent and situations where exceptions may apply. The provision has been re-structured in parts (a), (b) and (c).</p> <p>Part (a) deals with the <i>voluntary</i> nature of overtime and adds a new exception aligned with SA8000 on allowing <i>required</i> overtime under a collective bargaining agreement.</p> <p>Part (b) deals with overtime <i>hours</i>. <b>A major change is where the hours of overtime and the normal week combined are now specified</b>, in response to various implementation questions. This combines the previous two maximums of 48 hours in a normal work week and 12 hours of overtime. ‘Special circumstances’ are now specified as where a collective bargaining agreement and/or Applicable Law allows additional hours to meet short-term business demand. The Standards Guidance will note that this in practice this may include via collective agreements, government permit, and individual agreements, however all such mechanisms must be supported by Applicable Law. It will also note that these provisions are not applicable to management-level employees who usually set their own working hours. These issues were discussed with the Standards Committee in October and November 2012.</p> <p>Part (c) deals with the potential for excessive overtime hours directly, previously implied under the original 2.8.1 as ‘working hours shall not exceed on a regular basis ...’.</p>

Original Text	Proposed Revision	Reasons for Revision / Comments
		<p>Exceptions relating to Mining Facilities are grouped into a new 2.8.5, below.</p> <p>Overtime <i>compensation</i> has been moved to 2.9 on Remuneration.</p>
<p>3 Members will provide Employees with all legally mandated leave, including maternity and paternity, compassionate and paid annual leave. Where no Applicable Law exists, paid annual leave will be provided in accordance with ILO Convention 132.</p>	<p>3 Members shall provide Employees with all legally mandated leave, including maternity and paternity, compassionate and paid annual leave. Where no Applicable Law exists, paid annual leave shall be provided in accordance with ILO Convention 132.</p>	<p>No change.</p>
<p>4 Members will provide all Employees with at least one rest day in seven consecutive working days in accordance with ILO Convention 14. Where these limits are required to be exceeded in special circumstances (for example on fly-in, fly-out sites), this will be in compliance with Applicable Law, or where no specific laws exist, the prevailing industry standards. All exceedances should be planned so as to provide safe and humane working conditions.</p>	<p>4 Members shall provide all Employees with at least one rest day in seven consecutive working days in accordance with ILO Convention 14. <b>Work time exceeding this limit is permitted only under a collective bargaining agreement and/or Applicable Law that allows for work time averaging including adequate rest periods.</b></p>	<p><b>Minor editorial and structural changes</b> to clarify situations where exceptions may apply, which is under a collective bargaining agreement and/or Applicable Law for work time averaging arrangements.</p> <p>Exceptions relating to Mining Facilities are grouped into a new 2.8.5, below.</p>
	<p><b>5 Where Employees operate on a rotational shift basis at Mining Facilities, Members shall ensure that:</b></p> <ul style="list-style-type: none"> <li><b>a. Working hours and overtime that do not meet 2.8.1 and 2.8.2 above shall be in compliance with Applicable Law;</b></li> <li><b>b. Rest intervals shall be provided on an equivalent basis to 2.8.3 with at least one day off for every seven-day period;</b></li> <li><b>c. Shifts shall be planned to provide safe and humane working conditions.</b></li> </ul>	<p><b>Minor editorial and structural changes</b> that groups exceptions relating to Mining Facilities previously described as ‘for example on fly-in, fly-out sites’ into a new 2.8.5. The proposed change was discussed with the Standards Committee in October 2012.</p> <p>The intent of the requirements has not changed.</p>
<p><b>2.9 REMUNERATION</b></p>	<p><b>2.9 REMUNERATION</b></p>	

Original Text	Proposed Revision	Reasons for Revision / Comments
<p>1 Members will pay all Employees a wage based on the higher of either the applicable legal minimum wage plus associated statutory benefits, or the prevailing industry standards.</p>	<p>1 Members shall pay all Employees a wage for a normal week, not including overtime, based on the higher of either the applicable legal minimum wage plus associated statutory benefits, or the prevailing industry standards. Wages calculated on a performance-related basis shall not be less than the legal minimum wage for normal daily working hours.</p>	<p>Minor editorial change specifying wages for a normal work, with a new provision 2.9.2 now dealing with overtime.</p> <p>Major change relating to performance-related wages (for example, piece work) clarifying that legal minimum wage as minimum still applies, in response to a comment received during Comment Period 1. Discussion on piece rate calculations will be developed for the Standards Guidance.</p>
	<p>2 Members shall reimburse overtime work at a premium rate as defined by Applicable Law or a collective bargaining agreement, or where unregulated by either, at a premium rate at least equal to the prevailing industry standards.</p>	<p>New provision that incorporates overtime compensation previously under 2.8.2, and specifies that it be compensated at a premium rate, as per SA8000.</p>
<p>2 Members will make payment to the Employee on a regular and pre-determined basis.</p> <p>3 Members will provide payment by bank transfer or in cash or cheque form, in a manner and location convenient to the Employees.</p> <p>4 Members will accompany all payments by a wage slip which clearly details wage rates, benefits and deductions where applicable.</p>	<p>3 Members shall make wage payments to Employees that are:</p> <p>a. on a regular and pre-determined basis, and not delayed or deferred;</p> <p>b. by bank transfer or in cash or cheque form, in a manner and location convenient to the Employees, and not in the form of vouchers, coupons or promissory notes;</p> <p>c. accompanied by a wage slip which clearly details wage rates, benefits and deductions where applicable.</p>	<p>Minor structural changes to group payment related provisions under 2.9.3; also renumbered.</p> <p>Part (a) is the original 2.9.2 and adds requirement to avoid accumulating wage arrears, as per comment received in Comment Period 1.</p> <p>Part (b) is the original 2.9.3, and adds additional specific prohibitions, as per comment received in Comment Period 1.</p> <p>Part (c) is the original 2.9.4.</p>
<p>5 Members will not make deductions from wages without following due process.</p>	<p>4. Members shall only make deductions from wages where:</p> <p>a. Deductions are determined and calculated following a documented due process that is clearly</p>	<p>Minor structural changes and new provisions to provide additional conditions to any deductions from wages; also renumbered.</p> <p>The provision has split into 3 parts, (a), (b) and (c). Part (a) is as per the original provision, but adds</p>

Original Text	Proposed Revision	Reasons for Revision / Comments
	<p>communicated to Employees;</p> <p>b. Deductions do not result in an Employee making less than the minimum wage;</p> <p>c. Any deductions for disciplinary purposes are governed by a collective bargaining agreement and/or are permitted under Applicable Law.</p>	<p>more detail on what due process should entail.</p> <p>Part (b) is a new provision that clarifies that minimum wage requirements of 2.9.1 still apply, and is proposed in response to comment made in Comment Period 1.</p> <p>Part (c) is a new provision regarding any deductions for disciplinary purposes, which aligns with SA8000.</p>
<p>6 Members will not force Employees to buy provisions from the Member’s own business or Facilities.</p>	<p>5 Members shall not force Employees to buy provisions from the Member’s own business or Facilities.</p>	<p>No change to wording, renumbered.</p>
	<p>6 Members that provide wage advances or loans shall ensure that the interest and repayment terms are transparent and fair, and not deceptive to the Employee.</p>	<p>New provision regarding advances or loans against wages, in response to comment received during Comment Period 1.</p>
<p><b>2.10 GENERAL EMPLOYMENT TERMS</b></p>	<p><b>2.10 GENERAL EMPLOYMENT TERMS</b></p>	
	<p>1 Members shall ensure that Employees understand their current employment terms with regards to wages, working hours and other employment conditions.</p>	<p>New provision regarding Employee terms and conditions is proposed to strengthen the section on Employment Terms, in response to comment received in Comment Period 1. In accordance with the definition of ‘Employee’, this could be via written contracts or other communication that ensures that employees are aware of their terms of employment. This will be discussed in the Standards Guidance.</p>
<p>1 Obligations to Employees under Applicable Law relating to labour or social security arising from the regular employment relationship will not be avoided through the use of labour-only contracting, sub-contracting, or home-working arrangements; or through apprenticeship schemes where there is no real intent to impart skills or provide regular</p>	<p>2 Members shall not avoid fulfilling obligations to Employees relating to labour and social security under Applicable Law through the use of labour-only contracting arrangements, excessive consecutive short-term contracts, false apprenticeship schemes, and/or sub-contracting or home-working arrangements.</p>	<p>Minor editorial changes to simplify wording and renumbering. It clarifies that excessive use of fixed-term contracts is excessive when they are consecutive. It summarises ‘apprenticeship schemes where there is no real intent to impart skills or provide regular employment’ to ‘false apprenticeship schemes’, and additional detail will</p>

Original Text	Proposed Revision	Reasons for Revision / Comments
employment; or through the excessive use of fixed-term contracts of employment.		be given in the Guidance. The Guidance will also explain that sub-contracting and home-working arrangements are permitted, so long as they are not used to avoid fulfilling statutory obligations to employees.
2 Members will maintain appropriate Employee records, including records of piece rate and wage payments as well as working hours, for all staff employed, whether on a full time, part time or seasonal basis.	3 Members shall maintain appropriate Employee records, including records of piece rate and wage payments as well as working hours, for all <b>Employees including home-workers</b> , whether on a full time, part time or seasonal basis.	<b>Minor change</b> to clarify use defined term ('Employees') and clarify that it includes home-workers, as per comment received in Comment Period 1. Also renumbered.
<b>2.11 COMMUNITY ENGAGEMENT AND DEVELOPMENT</b>	<b>2.11 COMMUNITY ENGAGEMENT AND DEVELOPMENT</b>	
1 Members will seek to support the development of the communities in which they operate through support of community initiatives.	1 Members shall seek to support the development of the communities in which they operate through support of community initiatives.	No change.
2 Members with Mining Facilities will have appropriate skills, resources and systems in place for early and ongoing engagement with affected communities and stakeholders throughout the project's lifecycle, from earliest exploration activities, construction prior to commencement of mining, during mine operations, through to closure and post-closure monitoring. The interests and development aspirations of affected communities must be considered in major mining decisions in the project's lifecycle, and broad community support for proposals should be sought. Engagement must be carried out in an inclusive, equitable, culturally appropriate and rights-compatible manner.	2 Members with Mining Facilities shall have appropriate skills, resources and systems in place for early and ongoing <b>stakeholder</b> engagement that: <ul style="list-style-type: none"> <li>a. Applies throughout the project's lifecycle, from exploration activities, construction prior to commencement of mining, during mine operations, through to closure and post-closure monitoring;</li> <li>b. <b>Identifies affected communities and other relevant stakeholders in relation to project risks, impacts, and phase of development;</b></li> <li>c. <b>Establishes effective communication measures to disseminate relevant project information and receive feedback</b> in an inclusive, equitable, culturally appropriate and rights-compatible manner;</li> </ul>	<b>Major changes to structure and wording.</b> These aim to enhance alignment with IFC Performance Standard 1, particularly the parts relating to Stakeholder Engagement. <p>The provision has been broken into parts (a), (b), (c) and (d) to clarify the individual requirements. The introduction is now framed in terms of stakeholder engagement.</p> <p>Part (a) has wording that is unchanged. <b>Part (b)</b> clarifies that stakeholder identification is a pre-requisite to a stakeholder engagement process. The Standards Guidance will discuss that affected communities includes workers and local communities.</p> <p><b>Part (c)</b> clarifies that an effective communication</p>

Original Text	Proposed Revision	Reasons for Revision / Comments
	<p>d. <b>Through informed consultation</b>, considers the interests and development aspirations of affected communities in major mining decisions in the project’s lifecycle, and seeks broad community support for proposals.</p>	<p>process that discloses project information and seeks feedback is a pre-requisite for seeking broad community support for proposals.  <b>Part (d)</b> clarifies that a process of informed consultation is required to achieve this.</p>
<p>3 Members with Mining Facilities will avoid or otherwise minimise involuntary resettlement. Where resettlement is unavoidable, its implementation should be consistent with International Finance Corporation (IFC) Performance Standard 5.</p>	<p>3 Members with Mining Facilities shall avoid involuntary resettlement. Where resettlement is unavoidable, <b>it should be minimised and appropriate measures to mitigate adverse impacts should be carefully planned and implemented</b>, consistent with International Finance Corporation (IFC) Performance Standard 5.</p>	<p><b>Minor change</b> to emphasise that involuntary resettlement should be avoided. The second sentence includes more detail on the objectives of IFC Performance Standard 5.                      The Standards Guidance will be updated in light of the 2012 revision to IFC Performance Standard 5. The Guidance will also include reference to the <i>UN Basic Principles and Guidelines on Development-Based Evictions and Displacement</i>.</p>
<p>4 Members with Mining Facilities must ensure that affected communities have access to rights-compatible complaints and grievance mechanisms at the operational level for raising and resolving disputes and clearly explain these to the affected communities. Records of grievances raised, investigation processes and outcomes will be maintained.</p>	<p>4 Members with Mining Facilities shall ensure that affected communities have access to rights-compatible complaints and grievance mechanisms at the operational level for raising and resolving disputes and <b>communicate their availability</b> to the affected communities. Records of grievances raised, investigation processes and outcomes shall be maintained.</p>	<p><b>Minor change</b> to clarify requirement, in response to comment received during Comment Period 1.</p>
<p><b>2.12 USE OF SECURITY PERSONNEL</b></p>	<p><b>2.12 USE OF SECURITY PERSONNEL</b></p>	
<p>1 Members will use armed security personnel only when there is no acceptable alternative to manage Risk or to ensure the personal Safety of Employees, Contractors and Visitors to the Facility.</p>	<p>1 Members shall use armed security personnel only when there is no acceptable alternative to manage Risk or to ensure the personal Safety of Employees, Contractors and Visitors to the Facility.</p>	<p>No change.</p>
<p>2 Members will ensure that all security personnel respect the human rights and dignity of all people and use the minimum force proportionate to the threat.</p>	<p>2 Members shall ensure that all security personnel respect the human rights and dignity of all people and use <b>force only when strictly necessary</b> and the minimum proportionate to the threat.</p>	<p><b>Minor change</b> to clarify requirement.                      The Standards Guidance will be updated to include reference to the International Code of Conduct for</p>

Original Text	Proposed Revision	Reasons for Revision / Comments
		Private Security Service Providers, in response to a comment received during Comment Period 1.
3 Members with Mining Facilities will ensure that security risk assessments are conducted and that in situations of ongoing unrest or conflict, security personnel receive training and operate, in accordance with the Voluntary Principles on Security and Human Rights (2000).	3 Members with Mining Facilities shall ensure that security risk assessments are conducted and that security personnel receive training and operate in accordance with the Voluntary Principles on Security and Human Rights (2000). <i>The human rights of any Artisanal and Small-Scale Mining (ASM) should be explicitly addressed in training of private security personnel.</i>	<i>Minor change</i> to explicitly highlight potential issues relating to conflict between ASM and security forces around mine sites. Previously this issue had been referred to in Guidance for COP 2.14.
<b>2.13 INDIGENOUS PEOPLES</b>	<b>2.13 INDIGENOUS PEOPLES</b>	
1 Mining Facilities will respect the rights of Indigenous Peoples as articulated and defined in applicable provincial, national and international laws and their social, cultural, environmental and economic interests, including their connection with lands and waters.	1 <i>Members with</i> Mining Facilities shall respect the rights of Indigenous Peoples as articulated and defined in applicable provincial, national and international laws and their social, cultural, environmental and economic interests, including their connection with lands and waters.	<i>Minor editorial change</i> to add ‘Members’ to provision. No change to remainder of wording.
2 Mining Facilities will seek to obtain broad-based support of affected Indigenous Peoples and to have this support formally documented, including partnerships and/or programs to provide benefits and mitigate impacts.	2 <i>Members with</i> Mining Facilities shall seek to obtain broad-based support of affected Indigenous Peoples and to have this support formally documented, including partnerships and/or programs to provide benefits and mitigate impacts.	<i>Minor editorial change</i> to add ‘Members’ to provision. No change to remainder of wording.
	3 <i>To implement 2.13.2, Members with Mining Facilities shall facilitate a process of Free, Prior and Informed Consent with affected Indigenous Peoples, consistent with International Finance Standard (IFC) Performance Standard 7, during the planning and approval stages for new mining projects, or significant changes to existing projects, that are associated with any of the circumstances identified below:</i>  • <i>Impacts on lands and natural resources subject to</i>	<i>New provision</i> to address Free Prior and Informed Consent (FPIC) arising from proposal in the Code of Practices Review Scope document to review emerging best practice. Several comments were received during Comment Period 1 on this issue. The proposed provisions were discussed with the RJC Standards Committee in August 2012.  The proposed new provision is aligned with IFC Performance Standard 7. The Standards Guidance

Original Text	Proposed Revision	Reasons for Revision / Comments
	<p>traditional ownership or under customary use;</p> <ul style="list-style-type: none"> <li>• Relocation of Indigenous Peoples from lands and natural resources subject to traditional ownership or under customary use;</li> <li>• Significant impacts on critical cultural heritage that is essential to the identity and/or cultural, ceremonial, or spiritual aspects of Indigenous Peoples lives; or</li> <li>• Use of cultural heritage, including knowledge, innovations or practices of Indigenous Peoples for commercial purposes.</li> </ul>	<p>will be updated accordingly and cross-referenced to other relevant provisions (eg COP 2.11 on Community Engagement and Development).</p> <p>A reference to the UN Declaration on the Rights of Indigenous Peoples has been added to the ‘Standards Development’ section in the introduction to the Code of Practices.</p>
<p><b>2.14 ARTISANAL AND SMALL-SCALE MINING</b></p>	<p><b>2.14 ARTISANAL AND SMALL-SCALE MINING</b></p>	
<p>1 Members with Mining Facilities will, as appropriate, participate in initiatives, including multi-stakeholder initiatives, that enable the professionalisation and formalisation of artisanal and small-scale mining (ASM), where it occurs within their areas of operation.</p>	<p>1 Members with Mining Facilities shall, where artisanal and small-scale mining (ASM) occurs within their areas of operation:</p> <ul style="list-style-type: none"> <li>a. Engage directly with ASM as part of Social and Environmental Impact Assessments (4.4) and community engagement approaches (2.11);</li> <li>b. Participate in initiatives, including multi-stakeholder initiatives, that enable the professionalisation and formalisation of artisanal and small-scale mining (ASM), as appropriate to the situation.</li> </ul>	<p>Minor editorial and structural changes, to group original provisions 2.14.1 and 2.14.2 relating to mining Members under 2.14.1, and create a more logical sequence and cross-reference relevant provisions. The wording remains largely the same.</p>
<p>2 Where ASM operates on or around a Mining Facility, Members will engage directly with them as part of their Social and Environmental Impact Assessment and community engagement processes.</p>	<p>See 2.14.1</p>	<p>Combined into 2.14.1 above.</p>
	<p>2 Members that source Diamonds, Gold and/or Platinum Group Metals directly from ASM producers shall regularly review risks of child labour, uncontrolled mercury use, and other major environmental impacts and support initiatives to manage or avoid the risks.</p>	<p>New provision to support potential sourcing from on-concession ASM by CoC Certified Entities, and by any other Member, to address supply chain risks under the OECD Due Diligence Guidance beyond conflict (which is covered under 2.1), and to respond to comments received in Comment Period 1.</p>

Original Text	Proposed Revision	Reasons for Revision / Comments
<b>3 ENVIRONMENTAL PERFORMANCE</b>	<b>3 ENVIRONMENTAL PERFORMANCE</b>	
<b>3.1 ENVIRONMENTAL PROTECTION</b>	<b>3.1 ENVIRONMENTAL MANAGEMENT</b>	Minor change of title.
1 Members will, wherever appropriate, introduce management and operating systems to minimise the detrimental environmental impacts of its business practices.	1 Members shall identify environmental risks, significant environmental impacts, and opportunities for improving environmental performance.	Major changes to structure and wording. These aim to break down what is meant by ‘management and operating systems’, particularly for smaller businesses. The proposed 3.1.1 is an initial assessment step, identifying environmental risks, impacts and improvement opportunities. The Standards Guidance will give examples of what may be appropriate for smaller businesses, and different parts of the supply chain.
	2 Members shall implement and regularly review controls to minimise identified environmental risks and significant environmental impacts, and to improve environmental performance.	The proposed 3.1.2 is the next step, acting on identified environmental risks and impacts from 3.1.1. It also incorporates regular review.
	3 Members shall provide training and information about environmental risks and controls to Employees and on-site Contractors in an understandable form and in an appropriate language.	The proposed 3.1.3 supports the above through training and information.
<b>3.2 HAZARDOUS SUBSTANCES</b>	<b>3.2 HAZARDOUS SUBSTANCES</b>	
1 Members will not manufacture, trade, and/or use chemicals and Hazardous Substances subject to international bans due to their high toxicity to living organisms, environmental persistence, potential for bioaccumulation, or potential for depletion of the ozone layer.	1 Members shall not manufacture, trade, and/or use chemicals and Hazardous Substances subject to international bans due to their high toxicity to living organisms, environmental persistence, or potential for bioaccumulation, or depletion of the ozone layer.	No change.
2 Members will employ alternatives to other Hazardous Substances used in production processes wherever technically and economically viable.	2 Members shall employ alternatives to other Hazardous Substances used in business processes wherever technically and economically viable.	Minor editorial change to change ‘production’ to ‘business’ processes to clarify intent.

Original Text	Proposed Revision	Reasons for Revision / Comments
	<p>3 Members shall maintain an inventory of Hazardous Substances at Facilities by type and quantity. Material Safety Data Sheets (or equivalent) shall be accessible where all Hazardous Substances are in use and their associated Risks shall be clearly communicated to all Employees who work with them.</p>	<p>Minor structural and editorial changes, moving from COP 2.6 Health and Safety (previously part of 2.6.4). Clarified the need for an inventory of Hazardous Substances, to support use of MSDS (or equivalent) for all areas of application. Some minor editorial improvements have been made to the second sentence, but no change of intent.</p>
<p>3 All Members with Mining Facilities using cyanide in the recovery of Gold will comply with the International Cyanide Management Code and will ensure applicable sites are certified to the International Cyanide Management Code within 3 years from the date of joining the RJC.</p>	<p>4 Members with Mining Facilities using cyanide in the recovery of Gold shall ensure applicable sites are certified to the International Cyanide Management Code.</p>	<p>Minor editorial change to simplify wording and clarify that timing now relates to the RJC audit cycle, rather than the date of joining.</p> <p>Change of numbering.</p>
	<p>5 Members with Mining Facilities where mercury is used in processing or contained in saleable products, by-products or emissions shall adopt responsible management practices that are at minimum in accordance with Applicable Law.</p>	<p>New provision to address Mercury, as noted in the Code of Practices Review Scope document. The proposed provision was discussed with the RJC Standards Committee in October 2012. The provision aims to support implementation of good practice guidance (e.g. ICMM) and emerging international instruments on mercury. Mercury is also referenced in the new 2.14.3 re sourcing from artisanal mining.</p>
<p><b>3.3 WASTE AND EMISSIONS</b></p>	<p><b>3.3 WASTES AND EMISSIONS</b></p>	<p>'Wastes' is now plural.</p>
<p>1 Members will dispose of waste substances in compliance with Applicable Law. Where Applicable Law does not exist, prevailing international standards will be adopted.</p>	<p>1 Members shall identify significant wastes and emissions to air, water and land generated in their business processes.</p>	<p>Major structural and editorial changes to the original 3.3.1, 3.3.2 and 3.3.3, to re-order and clarify intent. The proposed 3.3.1 starts with an identification of significant waste and emission streams.</p>
<p>2 Members will take steps to reduce the quantity of waste produced from their operations through the principles of reduce, recover, re-use and recycle. All waste will be responsibly managed and the waste</p>	<p>2 Members shall responsibly manage the identified wastes and emissions by: a. Taking into account environmental impact considerations alongside cost considerations;</p>	<p>The proposed 3.3.2 then groups together the principles of responsible waste and emissions management in a more logical sequence.</p>

Original Text	Proposed Revision	Reasons for Revision / Comments
<p>disposal decision making process will take into account environmental considerations as well as cost considerations.</p> <p>3 Members will seek to decrease emissions to air, water and land relative to production output.</p>	<p>b. Applying the principles of reduce, recover, re-use and recycle <b>to reduce environmental impact where applicable</b>;</p> <p>c. <b>Discharging or disposing wastes and emissions</b> in compliance with Applicable Law, or where Applicable Law does not exist, by adopting prevailing international standards.</p>	<p>Part (a) is drawn from the original 3.3.2. <b>Part (b)</b> is drawn from the original 3.3.2. Proposed change from ‘take steps to reduce waste’.</p> <p><b>Part (c)</b> is drawn from the original 3.3.1. Minor editorial change from ‘dispose of waste substances’.</p>
<p>4 Members with Mining Facilities will:</p> <p>a. Design, construct, maintain and monitor tailings facilities and waste rock facilities to ensure structural stability, and protect the surrounding environment and local communities.</p> <p>b. Not use riverine tailings disposal at new Facilities. Any Mining Facilities that currently use riverine tailings disposal cannot be included in the Member’s RJC Certification. These Facilities will be excluded from the Certification, but all other relevant COP provisions apply.</p> <p>c. Not use submarine tailings disposal for land-based Mining Facilities, unless:</p> <ul style="list-style-type: none"> <li>- a thorough environmental and social analysis of alternatives was conducted which showed that submarine tailings disposal creates fewer environmental and social impacts and risks than a land-based tailings facility, and</li> <li>- it can be scientifically demonstrated that a significant adverse effect on coastal resources does</li> </ul>	<p>3. Members with Mining Facilities shall:</p> <p>a. Carry out physical and geochemical characterisations of mine tailings and waste rock.</p> <p>b. Design, construct, maintain and monitor <b>all</b> tailings and waste rock facilities <b>and supporting infrastructure</b> to:</p> <ul style="list-style-type: none"> <li>i. Ensure structural stability and, <b>where applicable, controlled discharge</b>;</li> <li>ii. Protect the surrounding environment and local communities from potential impacts of acidification, metal leaching, <b>loss of containment or contamination</b>;</li> <li>iii. <b>Minimise legacy impacts and risks after closure.</b></li> </ul> <p>c. Not use riverine tailings disposal at new Mining Facilities. Any Mining Facilities that currently use riverine tailings disposal <b>shall be excluded from the Member’s Certification Scope, but all other relevant COP provisions still apply to that Facility.</b></p> <p>d. Not use <b>marine</b> tailings disposal for land-based Mining Facilities, unless:</p> <ul style="list-style-type: none"> <li>• a thorough environmental and social analysis of alternatives was conducted which showed that</li> </ul>	<p><b>Minor editorial and structural changes</b> to re-order and clarify intent. Also renumbering of provision.</p> <p>Part (a) is drawn from the original 3.2.4.d, as characterisations should be done before deciding tailings management strategies.</p> <p>Part (b) has been restructured to clarify that it includes any form and location of tailings and waste rock facilities, including situations to which (c) or (d) may apply. <b>Part (i)</b> draws from original 3.2.4d <b>and refers to discharge where tailings are not contained</b> (eg submarine). <b>Part (ii)</b> draws from original 3.2.4.d re acidification and leaching <b>and adds other potential risks</b>, and from 3.2.4.a re protecting environments and communities. <b>Part (iii)</b> emphasises the need under COP 4.5 to plan and resource for <b>closure and adds an expectation that post-closure impacts and risks should be minimised.</b></p> <p>Part (c) is the original 3.3.4.b, and has <b>minor editorial changes to simplify the wording and clarify intent.</b> The intent is that any Facility with riverine tailings disposal cannot be included in the Member’s Certification, but all other aspects of</p>

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<p>not result, and - the tailings are released in seawater below the surface thermocline and euphotic zone.</p> <p>d. Carry out physical and geochemical characterisations of mining wastes so as to identify and manage potential impacts arising from acid rock drainage and metal leaching.</p>	<p><b>marine</b> tailings disposal creates fewer environmental and social impacts and risks than a land-based tailings facility, and</p> <ul style="list-style-type: none"> <li>it can be scientifically demonstrated that a significant adverse effect on coastal <b>or marine</b> resources <b>or ecosystems</b> does not result, and</li> <li><b>the</b> tailings are released in seawater below the surface thermocline and euphotic zone.</li> </ul>	<p>responsible business practices under the COP must still be implemented by the Member at that Facility. Such Facilities may therefore still be included in the Verification Assessment (audit) of the Member.</p> <p>Part (d) is the original 3.3.4.c and has <b>minor editorial changes to simplify the wording and clarify intent</b>. ‘Submarine’ has been changed to ‘marine’.</p>
<p><b>3.4 USE OF ENERGY AND NATURAL RESOURCES</b></p>	<p><b>3.4 CLIMATE CHANGE</b></p>	<p>Change of title.</p>
<p>1 Members will seek to ensure the efficiency of their business operations in terms of consumption of natural resources including, but not limited to, water and energy.</p>	<p><b>1 Members shall monitor energy usage in their business operations and put in place energy efficiency initiatives, including through measures that reduce any significant use of fossil fuels and associated greenhouse gas emissions.</b></p>	<p><b>Major change and restructure</b> to make provisions more specific. The proposed 3.4.1 is focused on energy and climate change issues, previously covered under 3.4.2. The Standards Guidance will point to resources for small businesses conducting an energy audit for the first time.</p>
<p>2 Where transportation of people, goods and materials is a significant business impact, Members will seek to identify and implement practices that reduce use of fossil fuels and associated greenhouse gas emissions from transportation.</p>		<p>Covered under 3.4.1.</p>
<p><b>3.5 BIODIVERSITY</b></p>	<p><b>3.5 BIODIVERSITY</b></p>	
<p>1 Members with Mining Facilities will not explore or mine in World Heritage Sites and will ensure that their activities do not negatively impact directly on adjacent World Heritage Sites.</p>	<p>1 Members with Mining Facilities shall not explore or mine in World Heritage Sites and shall ensure that their activities do not negatively impact on the Outstanding Universal Value of any adjacent World Heritage Sites.</p>	<p><b>Minor change</b> proposed, to directly refer to ‘Outstanding Universal Value’ language of World Heritage Convention. Proposed definition:</p> <p><u>Outstanding Universal Value</u>: Cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of</p>

Original Text	Proposed Revision	Reasons for Revision / Comments
		<p>common importance for present and future generations of all humanity. <i>[Source: Operational Guidelines for Implementation of the World Heritage Convention, July 2012]</i></p> <p>Comment was received in Comment Period 1 which recommended expanding ‘no-go’ areas. The Standards Committee discussed this issue in October 2012, however consensus was not reached. Further discussion is planned.</p>
<p>2 Members with Mining Facilities will respect legally designated protected areas by ensuring that:</p> <p>a. Members have a process to identify nearby legally designated protected areas.</p> <p>b. Members comply with any regulations, covenants or commitments attributed to these areas.</p> <p>c. Decisions to proceed with exploration, development, operation and closure activities take into account the presence of, and impact on, legally designated protected areas.</p>	<p>2 Members with Mining Facilities shall respect legally designated protected areas by ensuring that:</p> <p>a. Members have a process to identify nearby legally designated protected areas.</p> <p>b. Members comply with any regulations, covenants or commitments attributed to these areas.</p> <p>c. Decisions to proceed with exploration, development, operation and closure activities take into account the presence of, and impact on, legally designated protected areas.</p>	<p>No change proposed.</p>
<p>3 Members with Mining Facilities will identify Key Biodiversity Areas within their operating boundaries and implement action plans to deliver measurable biodiversity benefits commensurate with the level of biodiversity impacts.</p>	<p>3 Members with Mining Facilities shall identify Key Biodiversity Areas <b>affected by their operations</b> and:</p> <p><b>a. Use the mitigation hierarchy to avoid, minimise, rehabilitate or offset impacts on biodiversity and ecosystem services;</b></p> <p><b>b. Implement action plans to deliver measurable biodiversity benefits commensurate with the level of impacts and where practicable, deliver net positive impact;</b></p> <p><b>c. In areas of Critical Habitat, ensure there are no</b></p>	<p><b>Major change</b> to address comments received and arising from RJC participation in UNEP-WCMC study on biodiversity in standards. It also draws on work in the BBOP program.</p> <p><b>The scope of application</b> has been broadened from ‘within operating boundaries’ to areas ‘affected by operations’.</p> <p><b>Part (a)</b> incorporates the mitigation hierarchy approach. Additional information will be included in the Standards Guidance.</p> <p><b>Part (b)</b> incorporates the concept of ‘net positive</p>

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	measurable adverse impacts on the criteria for which the habitat was designated or on the ecological processes supporting those criteria.	impact’ and additional information will be included in the Standards Guidance, including on how ‘where practicable’ can be interpreted in practice. Part (c) incorporates Critical Habitat, which is defined in accordance with IFC Performance Standard 6 (paragraph 16).
4 Members with Mining Facilities will not undertake an activity that will, or is likely to, lead to the extinction of a species listed by the IUCN as threatened with extinction.	4 Members with Mining Facilities shall not undertake an activity that will, or is likely to, lead to the significant decline of a species listed by the IUCN as threatened with extinction, or create adverse impacts on habitat critical to supporting their survival.	Major change expanding scope of application, changing from may ‘lead to extinction’ to ‘lead to significant decline’.
5 Land disturbed or occupied by Mining Facilities shall be rehabilitated by adopting good practice techniques. The rehabilitation objective should be to establish a sustainable native ecosystem, in accordance with post-mining land uses developed through engagement with key stakeholders in the mine closure planning process.	See 4.5	Moved to COP 4.5 on Mine Closure.
<b>4 MANAGEMENT SYSTEMS</b>	<b>4 MANAGEMENT PRACTICES</b>	
<b>4.1 Legal Compliance</b>	<b>4.1 Legal Compliance</b>	
1 Members will be aware of and comply with Applicable Law.	1 Members shall have systems in place to maintain awareness of and ensure compliance with Applicable Law.  <u>Major Non-Conformance:</u> The Member’s business practices including the policies, systems, procedures and processes perform in a manner that is not conformant with the Code of Practices. Major Non-Conformances are defined as the occurrence of one or more of the following situations:	Major changes to address implementation questions for auditors, in line with previous guidance provided by RJC. The RJC certification process does not aim to encompass a full legal compliance audit, which could be implied by the previous wording. The focus in this provision is for systems to be in place for maintaining awareness of Applicable Law and ensuring compliance. Other provisions that specifically refer to Applicable Law will trigger closer review of those areas. These changes were discussed with the Standards

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	<ul style="list-style-type: none"> <li>• The total absence of implementation of a required provision;</li> <li>• A Member-wide systemic failure or total lack of controls required to manage business risks related to the RJC System;</li> <li>• A situation where the Member has not identified relevant legislative or regulatory requirements, or there is a <b>known</b> non-compliance of legislative or regulatory requirements and inadequate attempt to rectify the non-complying condition;</li> <li>• A group of related, repetitive or persistent Minor Non-Conformances indicating inadequate implementation;</li> <li>• Any finding or observation supported with Objective Evidence to prove a Critical Breach, or which raises serious doubts as to whether the Member has the business practices to avoid any Critical Breach.</li> </ul> <p><u>Minor Non-Conformance:</u> The Member’s business practices including the policies, systems, procedures and processes perform in a manner that is not wholly conformant with the Code of Practices. Minor Non-Conformances are defined as the occurrence of one or more of the following situations:</p> <ul style="list-style-type: none"> <li>• An isolated lapse of either performance, discipline or control of the Member’s business practices, which does not lead to a Major Non-Conformance of the RJC Code of Practices;</li> <li>• <b>A situation where the Member has a known non-compliance of legislative or regulatory</b></li> </ul>	<p>Committee in October 2012. The Standards Guidance will be updated to provide additional information on approaches and specific questions that have arisen, for example in India.</p> <p><b>Changes have also been made to the definitions of non-conformance</b>, see at left, to accommodate different types of legal-non-compliance situations that an auditor may find and. This aims to support the broad intent of the changes proposed to provision 4.1, and also responds to comments received during the Comment Period.</p> <p>The Assessment Manual will also be updated to include more detail on these issues.</p>

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	<p>requirements and there is adequate attempt to rectify the non-complying condition and the non-compliance does not result in an imminent risk to Workers, the Community or the Environment;</p> <ul style="list-style-type: none"> <li>• A finding which may not be an actual breach of the RJC Code of Practices at this point in time, but is judged to be a potential inadequacy in the Member’s business practices during the Certification Period.</li> </ul>	
<b>4.2 Policy</b>	<b>4.2 Policy and Implementation</b>	Title change to reflect proposed provision changes.
1 Members must adopt a policy that is endorsed by senior management, supports achievement of this Code of Practices and make the policy publicly available.	1 Members shall adopt a policy that documents the Member’s commitment to responsible ethical, human rights, social and environmental business practices, is endorsed by senior management, communicated to Employees and made publicly available.	Major change in response to comments received during Comment Period. The proposed provision does not specify the Code of Practices specifically, but Guidance will note that this is one means to implement. It confirms the policy should be documented, and adds that it should be communicated to Employees.
	2 Senior management shall conduct periodic reviews to assess the ongoing suitability and adequacy of the Member's business practices in achieving the policy and implement improvements where identified.	New provision to align with SA8000 and reinforce a systematic approach to conformance, which applies during the certification period. It also aims to connect to implementation, as per a comment received during Comment Period 1.
	3 Records relating to provisions in the Code of Practices should be kept for a minimum of 3 years (the maximum Certification Period) or longer as required by Applicable Law.	New provision that brings requirements on record-keeping, previously noted in the Introduction to the COP, into 4.2.
<b>4.3 Business Partners</b>	<b>4.3 Business Partners</b>	
1 Members will consider Risks related to business ethics, human rights, social and environmental business practices of significant Business Partners in the Gold and Diamond Jewellery supply chain, which	1 Members shall assess Risks of significant adverse impacts related to business ethics, human rights, social and environmental business practices caused by Business Partners that are directly linked to their	Minor editorial and structural changes to simplify wording and clarify intent. ‘Consider’ has been changed to ‘assess’, to align with the second sentence which referred to ‘this Risk Assessment’.

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<p>have the potential to impact the Members’ own practices arising from such business relationships. Based on this Risk Assessment, Members will use their best endeavours, commensurate with their ability to influence, to promote responsible business practices among their Business Partners.</p>	<p><b>operations, products or services.</b></p>	<p>The provision has also been split into two parts (see proposed 4.3.2).</p> <p><b>Major changes to wording</b> to align with UN Guiding Principles on Business and Human Rights, and associated proposed changes in COP 2.1. Previously the provision was directed at impacts on the Member’s practices; the proposed provision wording focuses on significant adverse impacts by Business Partners.</p> <p>The Standards Guidance will be updated accordingly and cross-reference relevant provisions under COP 2.1, as well as address implementation questions that have arisen over the past three years.</p>
	<p>2 Based on this Risk Assessment, Members shall use their best endeavours, commensurate with their ability to influence, to promote responsible business practices among their Business Partners <b>and seek to prevent or mitigate significant adverse impacts.</b></p>	<p><b>Major change</b> to align with UN Guiding Principles on Business and Human Rights, and related initiatives such as the OECD Due Diligence Guidance for the Responsible Supply Chain of Minerals from Conflict-Affected and High-Risk Areas. It asks Members to seek to prevent or mitigate significant adverse impacts. The Standards Guidance will cross-reference to other relevant provisions, for example COP 2.1 on Human Rights and COP 2.6 which includes provisions on emergency response.</p>
<p>2 Contractors working on Members’ Facilities and Visitors to these Facilities will be required to comply with the Member’s management and operating systems relevant to the Code of Practices.</p>	<p>3 Contractors working on Members’ Facilities and Visitors to these Facilities shall be required to comply with the Member’s <b>policies, systems and procedures</b> relevant to the Code of Practices.</p>	<p><b>Minor editorial change</b> to clarify meaning. Renumbering of provision.</p>
<p><b>4.4 Impact Assessment</b></p>	<p><b>4.4 Impact Assessment</b></p>	

Original Text	Proposed Revision	Reasons for Revision / Comments
<p>1 Members with Mining Facilities will engage with affected communities and stakeholders to complete an environmental and social impact assessment, and associated environmental and social management plans, for exploration and new Mining Facilities or significant changes to operations at existing Facilities. Social impact assessments and management plans should include assessment of human rights, gender and conflict.</p>	<p>1 Members with Mining Facilities shall complete an environmental and social impact assessment, and associated environmental and social management plans, for exploration and new Mining Facilities or significant changes to operations at existing Facilities.</p> <p>2 Impact assessments shall include assessment of <b>baseline conditions, and design options that consider prevailing international standards including those related to environmental protection</b>, human rights, gender and conflict.</p> <p>3 Impact assessments shall involve engagement with affected communities and stakeholders <b>and appropriate subject matter experts</b>.</p>	<p><b>Minor editorial and structural changes</b> that aim to provide more detail under this provision. They are consistent with guidance provided, and respond to comments received during the Comment Period.</p> <p>The provision has been split into 3 parts to cover <b>(a) when</b> an impact assessment should be carried out; <b>(b) what</b> it should address and <b>(c) how</b> it should be conducted.</p> <p>Note Impact Assessment is covered under ‘Management Systems’ in the COP as it addresses both social and environmental issues. The Standards Guidance will be updated to refer to the ongoing human rights due diligence, aligned with the UN Guiding Principles, proposed to be included under COP 2.1.</p>
<p><b>4.5 Mine Closure Planning</b></p>	<p><b>4.5 Mine <b>Rehabilitation and Closure</b></b></p>	<p><b>Change of title to reflect provision.</b></p>
<p>1 Members with Mining Facilities will prepare and regularly review a mine closure plan in relation to each Mining Facility, and ensure that adequate resources, including financial resources, are available to meet closure and rehabilitation requirements. New Facilities require a closure plan from start-up and existing Facilities need to put in place a comprehensive plan as early as possible.</p>	<p>1 Members with Mining Facilities shall prepare and regularly review a mine closure plan in relation to each Mining Facility. New Facilities require a closure plan from start-up and existing Facilities need to put in place a comprehensive plan as early as possible.</p>	<p>This provision has been split into two parts (see proposed 4.5.2 below). No changes to wording in 4.5.1.</p> <p>Note Mine Closure is covered under ‘Management Systems’ in the COP as it addresses both social and environmental issues.</p>
	<p><b>2 <b>Rehabilitation and closure planning shall consider residual impacts from infrastructure, subsidence, or acid-generating material</b></b>, and ensure availability of adequate resources, including financial resources to meet closure requirements.</p>	<p><b>Major addition</b> to provision, which aims to include a broader set of considerations that rehabilitation and closure planning should address. The second part of relating to resources was previously under 4.5.1. The changes aim to respond to comments received during Comment Period 1.</p>

Original Text	Proposed Revision	Reasons for Revision / Comments
	3 Good practice techniques shall be adopted for the rehabilitation of <b>environments</b> disturbed or occupied by Mining Facilities, to establish a sustainable native ecosystem, or other post-mining use developed through engagement with key stakeholders in the mine closure planning process.	<b>Moved</b> from 3.5 Biodiversity, as addresses all types of environments (including those that are biodiversity-poor). The provision has been re-titled ‘Mine Rehabilitation and Closure’ accordingly. <b>Minor editorial changes</b> to capture non-land environments and simplify wording.
2 Members with Mining Facilities will engage regularly with local stakeholders in relation to each Mining Facility, including Indigenous Peoples, communities, ASM, employees and regulators, regarding mine closure and rehabilitation plans.	4 Members with Mining Facilities shall engage regularly with local stakeholders in relation to each Mining Facility, including Indigenous Peoples, communities, ASM, employees and regulators, regarding mine closure and rehabilitation plans.	No change to wording, and renumbering of provision.
<b>4.6 Sustainability Reporting</b>	<b>4.6 Reporting</b>	Change of title to accommodate new provision.
	<b>1 Members shall periodically communicate to stakeholders on their business practices relevant to the RJC Code of Practices.</b>	<b>New provision</b> proposed to require all Members, not just mining companies, to communicate externally about their practices. This responds to a comment received during Comment Period 1, and aligns with the UN Guiding Principles on Business and Human Rights. The Standards Guidance will discuss how this is scalable and can be achieved by small businesses.
1 Members with Mining Facilities will report annually on their sustainability performance using the Global Reporting Initiative (GRI) Guidelines and GRI Mining and Metals Sector Supplement. The reports must have external assurance as defined by the GRI.	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. <b>The reports shall have external assurance.</b>	<b>Minor editorial changes</b> to leave discussion of the type of external assurance required to the Standards Guidance. The provision could previously have been interpreted to require GRI Reporting at an Application A+ level. It is meant to require external assurance of GRI reports at any GRI Application Level, and indicate that GRI provides guidance on what constitutes appropriate external assurance (which is already contained in the Standards Guidance). RJC is aware that the current GRI 4 revision process is expected to conclude in May 2013. The results will be

<b>Original Text</b>	<b>Proposed Revision</b>	<b>Reasons for Revision / Comments</b>
		reviewed and the draft provision and Guidance updated accordingly.

END.