

RJC Code of Practices (COP) Review

Round 2 public consultation - proposed changes to the COP

Comment period: **16 April – 1 July 2018**

Share your comments on proposed changes to the COP using [this template](#) to: consultation@responsiblejewellery.com

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1. Purpose

The Responsible Jewellery Council (RJC) is reviewing its [Code of Practices \(COP\)](#), the standard against which all RJC members must be certified. This document describes the proposed changes to the standard and is used to invite all interested parties to provide input.

2. Background

In December 2009, the RJC formally launched its Code of Practices for responsible business practices in the diamond, gold and/or platinum group metals jewellery supply chain. All RJC members must be certified against the COP, following an independent, third party audit to verify conformance. A second version of the COP was published in November 2013; and the current review will inform a third version, due to be published at the start of 2019.

RJC is committed to developing credible and effective standards and continually improving its systems. We have been a full member of the [ISEAL Alliance](#) since 2012, and we follow ISEAL Codes of Good Practice in our standard setting, assurance and monitoring and evaluation.

We are reviewing the standard through a process of gap analysis and stakeholder consultation which is overseen by our multi-stakeholder [Standards Committee](#). The process includes at least two public consultation periods: Round 1 on the Public Summary document (completed in August 2017), and Round 2 on draft proposed changes to the standard (this document). For more information on the review process, see the [Public Summary](#) document.

Since Round 1, we have updated our timeline for the review of the COP, see [update to the timeline](#) in the annexe of this document.

The proposed changes in this report have been informed by consultation with COP certified companies; a review of logged issues from over 4 years of certification, comments received through the consultation process (as summarised in the [Comment Report](#) on Round 1), and a review of parallel initiatives and engagement with the Standards Committee.

3. Summary of changes

The proposed changes to the COP are presented in two parts:

- [Part 1: Full COP text with proposed changes marked-up](#). This section provides the full COP text with tracked changes, so they can be seen in the context of the whole Code.
- [Part 2: Explanatory notes on proposed changes to the COP and guidance](#). This section provides background on the proposed changes and detail on additions to the guidance.

A section with [glossary additions](#) is also provided at the end.

A note on scope expansion

This review of the COP includes expanding the scope of materials from diamonds, gold, and platinum group metals (PGM) to also include coloured gemstones and silver.

Coloured stones

The number of coloured gemstones which exist is extremely varied. RJC's aim is to include all gemstones used in the jewellery supply chain within the scope of the COP over time. However, a stepwise approach is being used to test the application of COP certification for gemstones first. **The scope of coloured gemstones included at this time is therefore limited to rubies, sapphires and emeralds.** Once COP certification for coloured stones has been implemented, the scope will be expanded to include all other gemstones. This second phase will take place within two years of the launch of the updated COP.

A limited number of changes to the requirements of the COP have been proposed in relation to coloured gemstones, with more substantial changes and additions to the guidance. One important topic is sourcing from artisanal and small-scale mining (ASM) as a high proportion of coloured gemstones come from ASM sources (estimated to be up to 90%). This is to be covered in the guidance and additional tools will be subsequently developed to support responsible sourcing. The main topics with changes are product disclosure (COP 26), grading analysis and appraisal (COP 28), health and safety (COP 21), and hazardous substances (COP 23).

The RJC would like to thank the working group under the Dragonfly Initiative¹ for sharing material and providing input which has informed the changes to the COP.

Silver

The silver supply chain is like that of gold, with key differences being that most silver production (mining) is not from primary silver mines, but a by-product of lead/zinc, copper and gold mines. Silver demand is significantly greater for industrial uses than for jewellery/ coins/ silverware which means that RJC can expect most interest in the COP's coverage of silver from jewellery manufacturers and retailers dealing in silver.

The expansion of scope to silver does not require significant adjustments to existing COP provisions with only minor additions on product disclosure (COP 26) and Cyanide (COP 38).

SILVER OUTPUT BY SOURCE METAL

(million ounces)	2014 Output	% of Total	2015 Output	% of Total
Primary	253.0	29%	264.7	30%
Gold	112.7	13%	118.8	13%
Lead/Zinc	317.8	37%	305.8	34%
Copper	180.0	21%	192.5	22%
Other	4.8	1%	4.8	1%

Source: GFMS, Thomson Reuters

Other changes

As this is the third iteration of the Code of Practices, it is unsurprising that there are not too many significant changes to the provisions. There is only one new topic introduced (sourcing recycled industrial precious metals), with substantial changes made to 12 of the 40 existing provisions. All the

¹ The working group comprises a number of companies, some of whom are RJC members, who are collaborating to develop management tools to help them in the responsible sourcing of coloured gemstones.

provisions with changes are listed in the table below, with those provisions with substantial changes and additions in the left column and those with only clarifications or minor additions on the right.

COP provisions with substantial changes	COP provisions with minor changes
6. Human rights X. (previously 6.2) Due diligence for responsible sourcing 7. Sourcing from Artisanal and Small-Scale Mining (ASM) Y. (new) Sourcing recycled industrial precious metals 10. Know Your Counterparty - money laundering and finance of terrorism 14. Working hours 15. Remuneration 16. Harassment, discipline, grievance procedures and non-retaliation 24. Wastes and emissions 25. Use of natural resources 26. Product disclosure – this includes a new requirement on undisclosed synthetic diamonds 28. Grading, analysis and appraisal 30. Community Engagement	11. Security 13. General employment terms 18. Forced labour 19. Freedom of association and collective bargaining 20. Non-discrimination 22. Environmental management 23. Hazardous substances 31. Indigenous peoples and free prior informed consent 33. Artisanal and small-scale mining and large-scale mining 35. Emergency response 36. Biodiversity 38. Cyanide 40. Mine rehabilitation and closure

4. Next steps

This document will be open for public consultation till 1 July 2018, after which a summary of all the comments received will be published. During the public consultation period, we will be holding workshops and webinars to consult on the proposed changes to the standard, taking place from April to July 2018. This includes sessions in Paris, Antwerp, Mumbai, Surat and New York. Specific consultation sessions on coloured stones and at least one webinar on due diligence for diamonds are anticipated. Please register your interest by contacting consultation@responsiblejewellery.com.

At the close of the public consultation, all the feedback will be consolidated and reviewed by the Standards Committee. The Committee then may decide to trigger a third round of consultation:

- If there is insufficient feedback, or
- If there are substantive unresolved issues that would benefit from further consultation.

Round 3 would take place from August to November 2018 and, if triggered, would change the [updated timeline](#) of the COP.

The consolidated feedback will be used to update changes to the COP which are put forward to the Standards Committee for approvals and finalisation (see timeline for details on approvals).

Publication of the standard is anticipated for end of January 2019 (if there is no Round 3).

Part 1: Full COP text with proposed changes marked-up

New text is marked and underlined.

Deleted text is with ~~striketrough~~.

Text that has been moved from one place to another appears In green with the original text placement appearing ~~In green~~ like so.

General requirements

1. Legal compliance

1.1 Members shall have systems in place that maintain awareness of and ensure compliance with applicable law.

2. Policy and implementation

2.1 Members shall adopt a policy/ies that documents the member's commitment to responsible business practices, is endorsed by senior management, communicated to employees and made publicly available.

2.2 Senior management shall conduct, at least annually, reviews to assess the ongoing suitability and adequacy of the member's business practices in achieving the policy and implement improvements to address any gaps.

3. Reporting

3.1 Members shall communicate to stakeholders at least annually on their business practices relevant to the COP.

3.2 Members with mining facilities shall report annually on their sustainability performance using the Global Reporting Initiative (GRI) Guidelines and GRI Mining and Metals Sector Supplement or comparable reporting guidelines. The reports shall have external assurance.

4. Financial accounts

4.1 Members shall maintain financial accounts of all business transactions in accordance with national or international accounting standards.

4.2 Members shall annually undertake a financial audit, or financial review in jurisdictions where permitted, by an independent qualified accountant.

Responsible supply chains and human rights

5. Business partners

5.1 Members shall use their best endeavours, commensurate with their ability to influence, to promote responsible business practices among their significant business partners.

5.2 Contractors working on members' facilities and visitors to these facilities shall be required to comply with the member's policies, systems and procedures relevant to the COP.

6. Human rights

6.1 Members shall respect human rights and ~~observe~~ commit to the UN Guiding Principles on Business and Human Rights in ways appropriate to their size and circumstances, including as a minimum:

- a. A policy commitment to respect human rights and procedures for implementing it in alignment with COP 2 (policy and implementation);
- b. A human rights due diligence process that seeks to identify, prevent, mitigate and account for how they address their impacts on human rights;
- 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.

~~e-d.~~ Communicating annually to stakeholders on human rights in accordance with COP 3 (reporting) and reporting on any salient human rights issues.

~~6.2 Members, if operating in, or sourcing diamonds, gold or platinum group metals directly from, a conflict-affected area, shall use the human rights due diligence process to assess the heightened risks of adverse human rights impacts.~~

X. Due diligence for responsible sourcing

X.1. Members shall adopt and communicate to their suppliers a supply chain policy with respect to sourcing from conflict-affected and high-risk areas. The policy shall be consistent with Annex II of the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas (the "OECD Guidance") or other due diligence frameworks as identified by RJC.

X.2. Members shall exercise due diligence over their supply chains in accordance with the OECD Guidance, or other due diligence frameworks as identified by RJC, in ways appropriate to their size and circumstances.

- a. Members in the gold value chain shall implement the recommendations of the OECD Guidance Supplement on Gold as applicable to their operations.
- b. Members in the diamond supply chain shall exercise due diligence in ways consistent with the Kimberley Process Certification Scheme and World Diamond Council System of Warranties.

X.3. Refiner members shall:

- a. Maintain internal material control systems that allow for the reconciliation of movement of inventory in and out over a given time.
- b. Gold refiners shall additionally collect and, with due regard to business confidentiality, share information on the mine of origin of mined gold received with the RJC on an annual basis.

7. Sourcing from Artisanal and Small-Scale Mining (ASM)

7.1 Members that source diamonds, gold, PGM, silver and/or coloured gemstones directly from ASM producers that are not under the control of the member shall:

- a. Regularly assess risks of forced labour, worst forms of child labour, unsafe working conditions, uncontrolled mercury use, and other significant environmental impacts, and
- b. Use best endeavours to positively influence practices and reduce or avoid the risks and provide for or cooperate in remediation of adverse human rights and environmental impacts.

Y. Sourcing recycled industrial precious metals

Y.1. Refiner members that source gold, PGM and/or silver from informal recyclers that are not under the control of the member shall:

- a. Regularly assess risks of forced labour, child labour, unsafe working conditions, exposure to toxic chemicals and metals, and other significant environmental impacts, and
- b. Use best endeavours to positively influence practices and reduce or avoid the risks and provide for or cooperate in remediation of adverse human rights and environmental impacts.

8. Community development

8.1 Members shall seek to support the social, economic and institutional development of the communities in which they operate through the support of community initiatives.

9. Bribery and facilitation payments

9.1 Members shall establish policy/ies that:

- a. Prohibit bribery in all business practices and transactions carried out by the member and by agents acting on behalf of the member.
- b. Protect employees from any penalty or adverse consequences for identifying in good faith concerns related to suspected bribery, for refusing to participate in bribery, or refusing to pay a facilitation payment where facilitation payments are prohibited, even if this action may result in the enterprise losing business.
- c. Set the criteria and approval procedures to be followed by employees in respect of the offer and/or acceptance of gifts with third parties.

9.2 Members shall have systems in place to manage bribery risk in their organization. The systems shall include:

- a. Identification and monitoring of those parts of the member's business that pose high risks of participation in bribery.
- b. Training relevant managers and employees on policies and procedures.
- c. Recording of relevant gifts to and from third parties in a gift register, as per the member's policy.
- d. Investigation of any incidences of suspected bribery within their organisation.
- e. Sanctions for Bribery and attempted Bribery.

9.3 Where facilitation payments are permitted by applicable law, members shall:

- a. Undertake actions to eliminate all facilitation payments, or to reduce the size and frequency of facilitation payments over time.
- b. Ensure that any facilitation payments are of limited nature and scope.
- c. Implement controls to monitor, oversee and fully account for any facilitation payments made by or on behalf of the member.

10. Know Your Counterparty - money laundering and finance of terrorism

10.1 Members shall document and apply a Know Your Counterparty (KYC) policy and procedures for business partners. Business partners include suppliers and customers of gold, silver, PGM, diamonds, coloured gemstones or jewellery products containing these materials. The policy and procedures shall include: Members shall apply know your customer principles for business partners that are suppliers or customers of diamonds, gold and platinum group metals or jewellery products containing these, including:

- a. Establishing the identity of the counterparty by checking government issued identification., ~~and where~~ triggered by a risk assessment or applicable law, establish the beneficial ownership and principals of the ~~supplier or customer~~ counterparty;
- b. Verifying that the counterparty and, if applicable, their beneficial owners, are not named on relevant government lists for individuals or organisations implicated in money laundering, fraud or involvement with prohibited organisations and/or those financing conflict.
- ~~b-c.~~ Maintaining an understanding of the nature and legitimacy of their business;
- d. Monitoring transactions for unusual or suspicious activity and reporting suspicions of money laundering or finance of terrorism to the relevant ~~designated~~ authority as applicable.
- ~~e-e.~~ Maintaining adequate records for a minimum of five years or for as long as required by national legislation, whichever is longer

10.2 Members shall nominate an individual to be responsible for implementing the KYC policy and procedures.

10.3 Members shall carry out a regular review of the KYC policy and procedures to ensure they are up to date and appropriate.

~~10.2~~10.4 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~~ 10,000 euro / us dollars, where the transaction is carried out in a single operation or in several operations that appear to be linked.

11. Security

- 11.1 Members shall assess security risks and establish measures that protect against product theft, damage or substitution of products within the premises and during shipments. Product security measures shall prioritise the protection of employees, contractors, visitors and personnel employed by relevant business partners.
- 11.2 Members shall ensure that all security personnel respect the human rights and dignity of all people and use force only when strictly necessary and the minimum proportionate to the threat.
- 11.3 Members with mining facilities shall ensure that security personnel receive training on and operate in accordance with the Voluntary Principles on Security and Human Rights (2000). Adherence to the Voluntary Principles should be a contractual requirement for private security contractors. When there is ASM present, the human rights of any ~~artisanal and small-scale mining (ASM)~~ ASM communities should be explicitly addressed in training of private security personnel ~~and other relevant staff.~~
- 11.4 Members whose business is to provide private security services to the jewellery supply chain shall be a signatory to the International Code of Conduct for Private Security Service Providers (ICoC).

12. Provenance claims

- 12.1 Members that make a provenance claim(s) shall have systems in place to ensure that the provenance claim(s) is valid and supported by evidence. The systems shall include:
 - a. Documented criteria or requirements that are compatible with the provenance claim(s);
 - b. Procedures for record keeping and verification that the criteria or requirements are met;
 - c. Controls to maintain the integrity of the materials covered by the provenance claim(s);
 - d. Training to ensure that employees who are responsible for responding to product inquiries understand the provenance claim(s) and can explain them accurately;
 - e. A complaints or grievance mechanism appropriate to the nature, scale and impact of the

business, to allow interested parties to voice concerns about the veracity of the provenance claim(s).

Labour rights and working conditions

13. General employment terms

- 13.1 Members shall ensure that ~~employees understand their current~~ employment terms with regards to wages, working hours and other employment conditions are communicated to employees in writing prior to employment commencing, in a language that is understood by them.
- 13.2 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, false apprenticeship schemes, excessive consecutive short-term employment contracts, and/or sub-contracting or home-working arrangements.
- 13.3 Members shall maintain appropriate employee records, including records of piece rate and wage payments as well as working hours, for all employees, whether on a full time, part time or seasonal basis. Members shall ensure that such data is collated in a gender-disaggregated way.

14. Working hours

- 14.1 Members shall comply with applicable law on working hours. The normal work week, not including overtime, shall be defined by local law but shall not exceed 48 hours.~~shall not exceed 48 hours unless higher limits have been set by applicable law for the sector in which the member operates~~
- 14.2 If overtime work is required for business needs, members shall ensure that:
- Overtime work is requested by the member under a voluntary overtime system. Required overtime is permitted only where it is within the limits allowed under applicable law or collective bargaining agreements. The imposition of overtime where women or men employees are unable to leave the work premises or are in any way forced to accept it (through abuse, threats of dismissal, or other) is not allowed. Refusal to work overtime shall not be punished, retaliated against, or penalized in any way.
 - The sum of the normal work week and overtime hours shall not exceed 60 hours in a week unless defined otherwise by applicable law or permitted under a collective bargaining agreement or unless there are exceptional circumstances (such as production peaks, accidents or emergencies). In all cases, appropriate safeguards shall be taken to protect the workers' health and safety.
- 14.3 Members shall provide all employees with at least one rest day in seven consecutive working days in accordance with ILO Convention 14. Work time exceeding this limit is permitted only under ~~a collective bargaining agreement or applicable law that allows for work time averaging including adequate rest periods~~ the following circumstances:
- A collective bargaining agreement or applicable law that allows for work time averaging including adequate rest periods.
 - During peak production periods if it is rare, voluntarily performed, and compensated at the appropriate premium level established by law.
- 14.4 Members shall provide employees with all legally mandated public holidays and 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. Special leave or working time arrangements for employees with family responsibilities should apply to both men and women employees.

~~14.4~~14.5 Members shall provide all employees with a workday break in accordance with applicable law. If there is no applicable law, then members should provide employees with at least one uninterrupted work break if they work longer than 6 hours

15. Remuneration

15.1 Members shall pay all employees a wage for a normal work 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 paid on a performance-related basis shall not be less than the legal minimum wage for a normal work week. Members shall ensure that comparable wages are provided to all employees for carrying out the same work or work of equal value with processes to assess and remediate any gender wage gaps.

15.2 Members shall reimburse overtime work at a rate at least equal to that required 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.

15.3 Members shall make wage payments to employees that are:

- a. On a regular and pre-determined basis, and not delayed or deferred;
- 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;
- c. Accompanied by a wage slip which clearly details wage rates, benefits and deductions where applicable.
- ~~c.~~ d. If employment agencies are used, members shall ensure that wages are effectively received by employees, including migrant, contract, contingent and temporary employees, and ensure equality of compensation and workplace standards.

15.4 Members shall only make deductions from wages where:

- a. Deductions are determined and calculated following a documented due process that is clearly communicated to employees;
- b. Employer-determined deductions do not result in an employee making less than the minimum wage;
- c. Any deductions for disciplinary purposes are governed by a collective bargaining agreement or are otherwise permitted under applicable law.

15.5 Members shall not force employees to buy provisions or services from the member's own business or facilities, or where there is no alternative, be charged excessive rates for these.

15.6 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.

~~15.6~~15.7 Members shall ensure that maternity and childcare benefits are provided to employees in accordance with applicable law.

16. ~~Harassment, discipline, and~~ grievance procedures and non-retaliation

16.1 ~~All forms of violence and harassment in the workplace are prohibited, including~~ Members shall ensure that employees are not subjected to corporal punishment, harsh or degrading treatment, sexual or physical harassment, mental, physical, verbal or sexual abuse, retaliation, coercion or intimidation. Harassment in any form is not acceptable in workplace facilities. Members shall ensure that employees are not subjected to such practices, or threats of these towards themselves, family or colleagues.

16.2 Security staff, doctors, nurses, managers and other key personnel shall be regularly trained to recognize signs of gender-based violence and understand relevant laws and organisational policies.

~~16.2~~16.3 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.

~~16.3~~16.4 Members shall ~~have provide~~ clear, confidential and unbiased grievance procedures and investigation processes and ~~clearly actively~~ communicate these to all employees.

- a. Employees acting individually or with other workers shall be free to submit a grievance without suffering any penalty or retaliation.
- b. Grievance procedures shall be designed to function effectively and reach a timely outcome.
- c. Records of employee grievances raised, investigation processes and outcomes shall be maintained.
- ~~c.~~d. The grievance procedures should incorporate gender balance and sensitivity in selecting the individuals who manage and assess the grievances.

~~16.4~~16.5 Members shall have a policy and management systems in place to avoid retaliation for individuals filing complaints or engaging with the grievance mechanism in line with COP 2 (policy and implementation).

17. Child Labour

17.1 Members shall not engage in or support child labour, as defined in ILO Convention 138 and Recommendation 146, which sets the following minimum ages for work:

- a. A basic minimum working age of 15 years, to enable children to complete compulsory schooling.
- b. Members operating in developing countries where compulsory schooling ends earlier than 15 years, may initially permit a minimum working age of 14 subject to applicable law, but should achieve a minimum working age of 15 in facilities by the end of the member's first certification period.

17.2 Members shall not engage in or support worst forms of child labour, as defined in ILO Convention 182 and Recommendation 190, which includes:

- a. 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 21.3 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.
- b. 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.

17.3 Notwithstanding 17.1, where child labour is found at a facility, members shall develop documented child labour remediation processes that include steps for the continued welfare of the child and consider the financial situation of the child's family. Remediation shall include:

- a. Immediately withdrawing any children engaged in child labour.
- b. For a child not still subject to compulsory education laws or attending school, finding alternative income generation and/or vocational training opportunities which can include decent and permissible employment.
- c. For a child still subject to compulsory education laws or attending school, offering adequate support to enable the child to attend and remain in school until the completion of compulsory education.
- d. A systemic review of the member's approach to avoiding child labour, to identify root causes of non-conformances and implement controls to avoid any recurrence.

18. Forced labour

18.1 Members shall not use forced labour as defined in ILO Convention 29, including bonded, indentured or involuntary prison labour.

- 18.2 Members shall not [create a situation whereby the worker feels compelled to work on a non-voluntary basis nor](#):
- a. Unreasonably restrict the freedom of movement of employees in the workplace nor in on-site housing.
 - b. Retain original copies of employee personal documentation, such as identity papers.
 - c. Require any form of deposit, recruitment fee, or equipment advance from employees either directly or through recruitment agencies.
 - d. Prevent employees from terminating their employment after reasonable notice or as established by applicable law.
- 18.3 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 [and if risks are identified, shall attempt to remedy the situation or move away from using that provider](#).

19. Freedom of association and collective bargaining

- 19.1 Members shall respect the right of employees to associate freely in workers organisations of their choice, without interference or negative consequences to them from the member. [Members shall ensure that employees seeking to form or join an organization of their own choosing are not subject to any form of harassment as outlined in 16.1](#).
- 19.2 Members shall respect the right of employees to collective bargaining, and shall adhere to collective bargaining agreements, where such agreements exist. Members shall, subject to applicable law, participate in any collective bargaining processes in good faith.
- 19.3 Where applicable law restricts the right to freedom of association and collective bargaining, members shall not obstruct alternative means of association for employees that are permitted under applicable law.

20. Non-discrimination

- 20.1 Members shall not practice or condone any form of discrimination in the workplace in terms of hiring, [continued employment](#), remuneration, overtime, access to training, [professional development](#), promotion, termination or retirement based on race, [colour](#), ethnicity, caste, national origin, religion, disability [or genetic information](#), gender, sexual orientation, union membership, political affiliation, marital status, [parental or](#) 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.

Health, safety and environment

21. Health & safety

- 21.1 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.
- 21.2 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.](#)
- g. [Childcare and breastfeeding facilities in accordance with applicable law.](#)
- f-h. [Suitable conditions for pregnant or nursing women, or working arrangements are made to avoid unsuitable workplaces](#)

- 21.3 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.
- 21.4 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.
- 21.5 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 [they can understand](#). This will include:
- a. Specific role-related health and safety hazards and controls;
 - b. Appropriate action to take in the event of an accident or emergency;
 - c. Appropriate training in fire safety and emergency procedures;
 - d. First-aid training to designated employee representatives;
 - 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.
- 21.6 Members shall ensure that appropriate personal protective equipment (PPE) is provided free of charge and verify that it is current, worn and used correctly.
- 21.7 Members shall provide access to adequate on-site health and medical facilities, including clearly marked first-aid provisions and trained first-aid personnel, and have appropriate procedures in place for transportation to local medical facilities in the case of a medical emergency.
- 21.8 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.
- 21.9 Members shall investigate health and safety incidents and feed the results into reviews of the controls of related hazards to identify opportunities for improvement.
- [21.10](#) Members who are engaged in the cutting and polishing of diamonds [and/or coloured gemstones](#) shall use cobalt-free diamond-impregnated scaifes.

22. Environmental management

- 22.1 Members shall identify environmental risks, significant environmental impacts, and opportunities for improving environmental performance [by using a systematic process appropriate to their activities. This should be through the implementation of an environmental policy, as the first step to developing a management system designed to achieve continual improvement in environmental performance.](#)
- 22.2 Members shall implement and regularly review controls to minimise and mitigate identified environmental risks and significant environmental impacts, [to manage residual impacts](#) and to improve environmental performance.

22.3 Members shall provide training and information about environmental risks and controls to relevant employees and on-site contractors (or on-site sub-contractors) in an understandable form and in an appropriate language.

23. Hazardous substances

- 23.1 Members shall maintain an inventory of hazardous substances at facilities. 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 and contractors who work with them.
- 23.2 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, irreversible ecological impacts, or depletion of the ozone layer. Any hazardous substances subject to international phase-outs shall not be manufactured or traded and their use shall be phased-out in accordance with the regulation.
- 23.3 Members shall employ alternatives to other hazardous substances used in business processes wherever technically and economically viable.

24. Wastes and emissions

- 24.1 Members shall identify significant wastes and emissions to air, water and land generated in their business processes.
- 24.2 Members shall responsibly manage the identified wastes and emissions by:
- a. Taking into account environmental impact considerations alongside cost considerations;
 - b. Quantifying wastes and emissions as a basis for their management;
 - ~~b.c.~~ Applying the principles of reduce, recover, re-use and recycle to reduce environmental impact where applicable, including reducing greenhouse gas emissions and increasing energy efficiency;
 - ~~c.d.~~ Discharging or disposing wastes and emissions in compliance with applicable law, or where applicable law does not exist, by adopting prevailing international standards;
 - ~~d.e.~~ Monitoring waste and emission trends to drive improvement in environmental performance.

25. Use of natural resources

- 25.1 Members shall monitor energy and water usage in their business operations and put in place energy and water efficiency initiatives.
- 25.2 Members in the mining sector shall
- a. Apply strong and transparent water governance, including policies, procedures, clear allocation of responsibilities and public reporting.
 - b. Manage water at facilities effectively using a water balance and considering cumulative impacts.
 - c. Collaborate to achieve responsible and sustainable water use at a water catchment level.
- 25.3 Members shall identify other significant natural resources used in their business processes and seek to ensure their efficient use.
- ~~25.1~~25.4 Members shall work towards using cleaner energy in alignment with national targets or legislation.

Diamond, gold and platinum group metal products

26. Product disclosure

26.1 Members shall not make any untruthful, misleading or deceptive representation, or make any material omission in the selling, advertising or marketing of any gold, silver and PGM materials or jewellery products, treated diamond or coloured gemstone, synthetic or simulant diamond, and synthetic (or artificial), treated, reconstructed, composite, or simulant (or imitation) coloured gemstone, and/or any gold, and/or any platinum group metals jewellery products.

26.2 Information on the physical characteristics of ~~diamonds, synthetics or simulants, gold and/or platinum group metals~~ the materials listed in 26.1 shall be disclosed in compliance with applicable law. Unless a conflict with applicable law exists, members shall apply the following requirements to support relevant disclosure about physical characteristics.

a. Gold, silver and PGM: The fineness of gold, silver or PGM shall be accurately disclosed. The description of fineness or content shall be equally conspicuous as the word “gold”, “silver” or the platinum group metal, or abbreviation, and any quality marks used shall be applied in accordance with applicable law or industry standards.

b. Plating: The use of gold, silver and PGM as a plating material shall be accurately disclosed. The description of the plating and fineness or content of material used shall be equally conspicuous as the word “gold” or “silver” or the platinum group metal, or abbreviation.

~~b.c.~~ Treated diamonds: treated diamonds or treated or heated coloured gemstones 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” or the name of the material/coloured gemstone. Any special care requirements that the treatment creates shall be disclosed.

~~c.d.~~ Synthetics diamonds: Wholly or partially synthetic diamonds or coloured gemstones (also called artificial coloured gemstones) shall be disclosed as “laboratory created”, “laboratory grown”, and/or “synthetic” and the description shall be equally conspicuous as the word “diamond” or the name of the material/coloured gemstone. This applies to reconstructed and composite coloured gemstones.

~~d.e.~~ Simulants: simulants that imitate the appearance of diamonds or coloured gemstones (also called imitation coloured gemstones) shall be disclosed as the mineral or compound that it is.

~~e.f.~~ Diamond Quality –polished diamonds and coloured gemstones: When describing the weight, colour, clarity or cut of diamonds, coloured gemstones and synthetics, this shall be in accordance with the recognised guidelines appropriate to the particular jurisdiction.

g. Place of origin for coloured gemstones: When describing the place of origin of a stone, information on how this was determined shall be disclosed. The place of origin shall only be used when it denotes an area where gemstones have been mined.

h. Product health and safety information: any relevant health and safety information about the materials listed in 26.1 in diamond, synthetic, gold and/or platinum group metals jewellery products sold by members to end consumers shall be disclosed.

26.3 Members are required to take substantive and documented action to avoid the purchase and sale of undisclosed synthetic diamonds. As such, members sourcing diamonds shall apply the following:

a. Obtain a written warranty from their suppliers to confirm that the parcels supplied to them do not contain undisclosed synthetic diamonds.

b. Have effective policies, procedures, training, and monitoring systems in place to avoid the possibility of undisclosed synthetic diamonds being switched for natural diamonds at their facilities.

c. Employ a documented due diligence process to identify and mitigate risks related to

undisclosed synthetic diamonds entering their supply chain. Possible contamination points will be classified as low, medium or high risk.

- d. Carry out testing of polished diamonds using a defined, credible and transparent protocol that is appropriate to the size and type of company. This can be an existing industry accepted protocol, or one that is defined by the member. The protocol must:
- Incorporate a random sampling approach to testing of diamonds classified as high risk, using a significant sample size.
 - Include testing which can be in-house, using relevant and effective detection equipment, or outsourced to a qualified gemmological laboratory.
 - Include, at a minimum, testing prior to the sale of diamond parcels.
 - The testing protocol must be disclosed to buyers.

27. Kimberley Process Certification Scheme and World Diamond Council System of Warranties

- 27.1 Members shall not knowingly buy or sell conflict diamonds or assist others to do so.
- 27.2 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.
- 27.3 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:
“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.”
- 27.4 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 audit, 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.
- 27.5 Members shall maintain awareness of and comply with applicable international and national sanctions that prohibit transactions involving diamonds with targeted individuals, entities or organisations.
- 27.6 Members shall inform all employees that buy or sell diamonds about government restrictions on the trade in diamonds, conflict diamonds, the Kimberley Process Certification Scheme and the World Diamond Council System of Warranties.

28. Grading, analysis and appraisal

- 28.1 Members that generate independent diamond grading and/or coloured gemstone analysis reports shall identify whether detection of synthetics and/or any treatments are part of the assessment.
- 28.2 Members that generate place of origin reports for coloured gemstones shall have systems in place to ensure the consistency of the determination of origin. They shall also carry out detection of treatments and synthetics as part of the determination.
- ~~28.2~~28.3 Members that generate independent appraisal reports for end consumers shall include the name of the consumer to whom the report is given and a statement of the purpose of the appraisal.

~~28.3~~28.4 Members that offer to end consumers diamond grading reports, coloured gemstone analysis and/or place of origin reports, or appraisal reports ~~to end 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, analyst or appraiser in the sale of the jewellery product.

28.428.5 Members shall not use price-inflated independent appraisal reports as a strategy to mislead end consumers about the attractiveness of the selling price of diamonds, synthetics, coloured gemstones, gold, silver, and/or PGM jewellery products.

Responsible mining

29. Extractive Industries Transparency Initiative

29.1 Members in the mining Sector shall commit to and support implementation of the Extractive Industries Transparency Initiative (EITI).

30. Community Engagement

30.1 Members in the mining sector shall have systems in place for early and ongoing engagement with affected communities and other relevant stakeholders that:

- a. Apply appropriate skills and resources;
- b. Apply throughout the project's lifecycle, from exploration activities and feasibility studies to construction prior to commencement of mining, during mine operations, through to closure and post-closure monitoring;
- c. Identify affected communities and ~~other the full diversity of~~ relevant stakeholders including vulnerable groups, in relation to project risks, impacts, and phase of development ~~and ensure that they are effectively and meaningfully represented throughout the project lifecycle~~;
- d. Establish effective communication measures to disseminate relevant project information and receive feedback in an inclusive, equitable, culturally appropriate and rights-compatible manner;
- e. Through informed consultation, consider the interests and development aspirations of affected communities in ~~major key~~ mining decisions in the project's lifecycle, and seeks broad community support for proposals.
- e.f. Ensure that community engagement is integral to environmental, social and human rights impacts assessment processes and management planning (in alignment with COP 6 and 32).

30.2 Members in the mining sector shall ensure that affected communities have access to rights-compatible complaints and grievance mechanisms at the operational level for raising and resolving disputes, and communicate their availability to the affected communities. The grievance mechanism shall be easily accessible, easily understood and transparent. Grievances shall be addressed within clear timelines, and r-Records maintained of grievances raised, investigation processes and outcomes ~~shall be maintained~~.

31. Indigenous peoples and free prior informed consent

31.1 Members in the mining sector that are active in regions where indigenous peoples are present 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.

~~31.21.1 Members in the mining sector 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.~~

31.2 Members in the mining sector shall, as described in International Finance Corporation (IFC) Performance Standard 7:

- a. Work to obtain the free, prior and informed consent of affected indigenous peoples, during the planning and approval stages, through a process that strives to be consistent with their traditional decision-making processes while respecting internationally recognized human rights and based on good faith negotiation; and
- b. Document the mutually accepted process between the member and the affected indigenous peoples, and relevant government authorities, and the evidence of agreement between the parties as the outcome of the negotiations.

This provision applies fFor new mining facilities, or significant for changes to existing facilities that are likely to have significant adverse impacts on indigenous peoples including, but not limited to, those, that are associated with any of the circumstances identified below:

- Impacts on lands and natural resources subject to traditional ownership or under customary use;
- Relocation of indigenous peoples from lands and natural resources subject to traditional ownership or under customary use;
- Significant impacts on critical cultural heritage that is essential to the identity and/or cultural, ceremonial, or spiritual aspects of indigenous peoples lives; or
- Use of cultural heritage, including knowledge, innovations or practices of indigenous peoples for commercial purposes;

31.3 Members in the mining sector 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.

~~Members in the mining sector shall, as described in International Finance Corporation (IFC) Performance Standard 7:~~

- ~~a. Work to obtain the free, prior and informed consent of affected indigenous peoples, during the planning and approval stages, through a process that strives to be consistent with their traditional decision-making processes while respecting internationally recognized human rights and based on good faith negotiation; and~~
- ~~b. a. Document the mutually accepted process between the member and the affected indigenous peoples, and relevant government authorities, and the evidence of agreement between the parties as the outcome of the negotiations.~~

32. Impact assessment

32.1 Members in the mining sector shall complete an environmental, ~~and~~ social and human rights impact assessment, and associated environmental and social management plans, during the planning and approval of new mining facilities or significant changes to existing facilities.

32.2 Impact assessments shall be comprehensive, appropriate to the nature and scale of the project, and collectively cover assessment of:

- Baseline conditions,
- Design options, where applicable, that mitigate negative impacts, and
- Environmental, ~~and~~ social and human rights impacts, including impacts related to human rights, labour and employment, gender, health and conflict.

32.3 Impact assessments shall involve engagement with affected communities and stakeholders and appropriate subject matter experts.

33. Artisanal and small-scale mining and large-scale mining

- 33.1 Members in the mining sector shall, where artisanal and small-scale mining (ASM) not under the control of the member occurs within their areas of operation:
- Engage directly with the ASM as part of the member's community engagement approaches (30) and social and environmental impact assessments (32);
 - Participate in initiatives, including multi-stakeholder initiatives, that enable the professionalisation and formalisation of the ASM, as appropriate to the situation.

34. Resettlement

- 34.1 Members in the mining sector shall avoid involuntary resettlement. Where resettlement is unavoidable, it shall be minimised and appropriate measures to mitigate adverse impacts shall be carefully planned and implemented, consistent with International Finance Corporation (IFC) Performance Standard 5.

35. Emergency response

- 35.1 Members in the mining sector 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. This should be developed in conjunction with COP 21.2 (health and safety in workplaces and on-site housing) and should consider emergencies arising within the facility that have the potential to impact areas offsite.

36. Biodiversity

- 36.1 Members in the mining sector shall not explore or mine in World Heritage Sites and shall ensure that their activities do not negatively impact directly on adjacent World Heritage Sites.
- 36.2 Members in the mining sector shall respect legally designated protected areas by ensuring that:
- Members have a process to identify nearby legally designated protected areas.
 - Members comply with any regulations, covenants or commitments attributed to these areas.
 - Decisions to proceed with exploration, development, operation and closure activities take into account the presence of, and impact on, legally designated protected areas.
- 36.3 Members in the mining sector shall identify Key Biodiversity Areas affected by their operations, and in those areas apply the principle of no net loss and:
- Use the mitigation hierarchy to avoid, minimise, rehabilitate or offset impacts on biodiversity and ecosystem services;
 - Implement action plans to deliver measurable biodiversity benefits that are at least commensurate with the level of adverse impacts and ideally provide net positive impact gain;
 - In areas of critical habitat, ensure there are no measurable adverse impacts (net loss) on the criteria for which the habitat was designated or on the ecological processes supporting those criteria and provide net gain for critical habitat qualifying features.
- 36.4 Members in the mining sector shall implement controls to ensure that their operations will not 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.
- 36.5 Members in the mining sector shall not, when carrying out exploration or mining activities, including tailings disposal, in deep sea areas, shall ensure that until they there is have sufficient scientific knowledge of potential impacts of their activities, and that controls can be implemented to mitigate adverse impacts.

37. Tailings and waste rock

- 37.1 Members in the mining sector shall carry out physical and geochemical characterisations of mine tailings and waste rock.
- 37.2 Members in the mining sector shall design, construct, maintain, monitor and close all tailings and waste rock facilities and supporting infrastructure to:
- Ensure structural stability and, where applicable, controlled discharge;
 - Protect the surrounding environment and local communities from potential impacts of acidification, metal leaching, loss of containment or contamination, including contamination of groundwater during the mine's operation and post-closure;
 - Implement appropriate mitigation or treatment if impacts are identified.
- 37.3 Members in the mining sector shall not use riverine disposal of tailings or waste rock.
- 37.4 Members in the mining sector shall not use marine or lake disposal of tailings and waste rock from land-based mining facilities, unless:
- A thorough environmental and social analysis of alternatives, using scientifically valid data, was conducted that showed that marine or lake tailings disposal creates less environmental and social impact and risk than a land-based tailings facility, and
 - It can be scientifically demonstrated that a significant adverse effect on coastal or marine species and habitats does not result, and
 - There is long-term impact monitoring, including for cumulative impacts, and provision made for a mitigation plan.

38. Cyanide

- 38.1 Members in the mining sector using cyanide in the recovery of gold [and silver](#) shall ensure applicable sites are certified to the International Cyanide Management Code.

39. Mercury

- 39.1 Members in the mining sector where mercury is contained in saleable products, by-products or emissions shall adopt responsible management practices that are at minimum in accordance with applicable law to control and, where feasible, reduce mercury emissions using best available techniques or best environmental practices that take into account technical and economic considerations.
- 39.2 Members in the mining sector using mercury in artisanal and small-scale mining and processing activities shall take steps to control, reduce, and where feasible eliminate, the use of mercury and mercury compounds in, and the emissions and releases to the environment of mercury from, such mining and processing. Members shall not practice whole ore amalgamation, open burning of amalgam or processed amalgam, and burning of amalgam in residential areas; and cyanide leaching in sediment, ore or tailings to which mercury has been added without first removing the mercury.

40. Mine rehabilitation and closure

- 40.1 Members in the mining sector shall prepare and regularly review a mine rehabilitation and 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.
- 40.2 Members in the mining sector 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.

- 40.3 Members in the mining sector shall estimate the cost for implementation of the mine rehabilitation and closure plan for each mining facility, and shall put in place financial provisions to ensure availability of adequate resources to meet closure requirements. Closure funding estimates should be reviewed periodically during the life of the mine to ensure that they are as accurate as possible and subject to third-party review.
- 40.4 Members in the mining sector shall adopt good practice techniques for the rehabilitation of environments disturbed or occupied by mining facilities, to establish an appropriate self-sustaining -sustainable native ecosystem, or other post-mining use developed through engagement with key stakeholders in the mine closure planning process.

Part 2: Explanatory notes on proposed changes to the COP and guidance

The following table provides a descriptive overview of the proposed changes, with details regarding the reasons and justification for each change.

Provision and Title	Description of changes
Scope expansion	All reference to the scope of materials covered by the COP are updated to include coloured gemstones and silver. At this time, coloured gemstones include rubies, sapphires and emeralds with the plan to expand this scope within two years of the release of the updated COP.
2 Policy and Implementation	Changes to the guidance only: <ul style="list-style-type: none"> • Several changes on other topics in the COP relate to the need to develop policies and systems. The guidance will be updated to cross-reference these. • The guidance will cover how to align company policies with the UN Sustainable Development Goals (SDGs).
5 Business Partners	Changes to the guidance only. <ul style="list-style-type: none"> • Many RJC members use ‘supplier requirement agreements’ to improve sustainability practices in their supply chains. The guidance is expanded to encourage the use of supplier standards that require suppliers to uphold labour rights such as equal opportunities, equal pay for equal work, rights of migrant workers, and safe working conditions.
6 Human Rights	Changes are introduced to better align with the UN Guiding Principles on Human Rights, including: <ul style="list-style-type: none"> • More emphasis on the need to have procedures to ‘embed’ the human rights policy in business practices. • A new requirement for reporting on salient human rights issues. Salient human rights are “those human rights that are at risk of the most severe negative impacts through a company’s activities or business relationships. They therefore vary from company to company” as defined by the glossary of the UN Guiding Principles Reporting Framework. <p>The guidance will provide detail on how to embed human rights as well as pointers and tools for reporting on human rights, particularly for small business.</p> <p>The requirement to use human rights due diligence processes for sourcing from conflict-affected areas has been replaced by the new provision on due diligence (provision X)</p>

Provision and Title	Description of changes
<p>X (previously 6.2) Due diligence for responsible sourcing</p>	<p>This provision re-works the previous COP 6.2 into a separate requirement focussed on the due diligence process which companies undertake to manage risks in their supply chains related to conflict-affected and high-risk areas. The changes bring the requirement for due diligence into closer alignment with the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas (the 'OECD Guidance'). The provision has been modelled on the due diligence requirement which was developed for the 2017 Chain-of-Custody Standard (provision 1) for gold and PGM.</p> <p>The COP guidance will have substantial new sections on how to undertake due diligence and what requirements apply to the diverse types of companies in the supply chain.</p> <ul style="list-style-type: none"> • The guidance for companies dealing with gold, PGM and silver will be taken from 2017 RJC Chain-of-Custody Guidance (see pages 10-23). • The detailed guidance for companies dealing with diamonds and coloured stones is being developed in consultation with stakeholders. This will be the subject of a consultation webinar anticipated to take place in June/July. Please register your interest in this by contacting consultation@responsiblejewellery.com. <p>The COP guidance will outline a practical approach for the implementation of due diligence with the following characteristics:</p> <ul style="list-style-type: none"> • The due diligence approach follows the OECD Guidance 5-Step framework with different requirements for different companies and supply chains. • Management systems are required to support due diligence (step 1) including the identification of upstream actors. This is not a requirement for full traceability, but rather requires engagement with suppliers as well as a grievance mechanism. • Due diligence involves identifying and assessing risks in the supply chain (i.e., identifying 'red flags') (step 2), and only if risks are identified then mitigating these risks (step 3) and reporting on supply chain due diligence (step 5). • It's important to note that for members in the diamond supply chain, due diligence will be carried out in accordance with the Kimberley Process Certification Scheme (KPCS) and World Diamond Council System of Warranties (SoW). This means that sourcing diamonds is restricted to those countries and regions that are in compliance with KPCS. • Downstream companies dealing in precious metals will focus due diligence efforts on refiners supplying gold, silver and PGMs and ensuring that all gold is from independently validated refiners conformant with a standard based on the OECD Guidance (Step 4 – Supplement on Gold). • Upstream companies will focus on communicating required information downstream and, if operating or sourcing from any conflict-affected or high-risk areas, use on-the-ground teams for mitigating risks.

Provision and Title	Description of changes
X.3 Due diligence for responsible sourcing (refiners only)	<p>Specific requirements for refiners of precious metals are introduced on internal material control systems and also for sharing information on mine of origin data with RJC on an annual basis. The mine of origin data is for informing RJC's training (on how to identify conflict-affected and high-risk areas) and for the integrity of cross-recognition of due diligence certification with the Responsible Minerals Initiative (formerly Conflict-Free Smelter Initiative) and the London Bullion Market Association (LBMA). This will include:</p> <ul style="list-style-type: none"> a) A list of mines of origin of gold material received during the audit period; b) Identification of conflict-affected and high-risks in the countries disclosed; c) Summary of the criteria applied to determine conflict-affected and high-risk countries.
7 Sourcing from ASM	<p>This addition expands the scope to cover coloured gemstones and silver. The background section and references in the guidance will be updated, for example to:</p> <ul style="list-style-type: none"> • Include a reference to the Alliance for Responsible Mining (ARM)'s Code of Risk mitigation for Artisanal and small-scale mining engaging in Formal Trade (CRAFT) tool as a framework for assessing risks and positively influencing ASM practices. • Replace 'CASM' with Artisanal and Small-scale Mining Knowledge Sharing Archive.
Y (new) Sourcing recycled industrial precious metals	<p>This new provision is proposed to manage the risk of negative human rights or environmental impacts from sourcing recycled precious metals. Recyclable precious metals from industrial sources, such as e-waste, can involve many different entities, including informal actors in the collection, dismantling and separation of recycled material. Unregulated, informal recycling activities represent risks like those present in the ASM sector: health, working conditions, exposure to toxic chemicals and metals, child labour and environmental impacts.</p> <p>This provision applies to refiners and follows the same approach as that outlined in COP 7 for sourcing from ASM in recognition of the fact that the risks are related to the informal nature of activities in the recycling supply chain.</p>
8 Community Development	<p>The guidance is updated to reference the UN Sustainable Development Goals (SDG) as an important framework against which community development projects can be identified and prioritised. Examples of relevant initiatives will be included, e.g., working towards SDG 1 (no poverty) by supporting local business development, SDG 5 (gender equality) through women's empowerment initiatives, or SDG 7 (affordable and clean energy) through local community renewable energy initiatives.</p>

Provision and Title	Description of changes
<p>10 Know Your Counterparty - money laundering and finance of terrorism</p>	<p>Know your Counterparty' (KYC) policies and procedures are key for avoiding illegitimate sources of material from money laundering and finance of terrorism. This provision is reworked under a new title to emphasise the practice.</p> <p>The COP provision is modelled on the KYC requirement developed for the 2017 Chain-of-Custody Standard (provision 2). The COP guidance will follow the 2017 RJC Chain-of-Custody Guidance (see pages 24-27) and include the following points:</p> <ul style="list-style-type: none"> • The term 'counterparty' is used to clarify that both suppliers and customers are included. • 10.1 a. The establishment of the identity of counterparties must be through government issued identification (eg, personal identification for individuals and licences for entities). • 10.1 b. The procedures now include a requirement to verify if counterparties are named on government sanctions lists. <i>Relevant</i> lists are those in both your and your counterparty's countries of operation/ headquartering. A list of references for checking government lists will be included in the guidance. • 10.1e. (keep records for five years), 10.2 (nominate responsible individual) and 10.3 (regular review of KYC practices) are introduced. Under 10.2, the nominated individual needs to be suitably qualified and experienced and can be an existing employee with the capacity and resources to undertake the role. • 10.4 revises the cash transaction threshold to 10,000 Euro/US Dollars in alignment with the 4th EU Anti-Money Laundering Directive.
<p>11 Security</p>	<p>The introduction of contractual requirements for private security contractors strengthens the provision. There is also a new specification that ASM security training is only necessary when ASM is present. The training requirement is expanded to relevant staff, for example, community liaison, resettlement and livelihood replacement staff.</p>
<p>12 Provenance Claims</p>	<p>Changes to guidance only.</p> <ul style="list-style-type: none"> • The guidance outlines more detail on acceptable provenance claims, specifically on the need to reference the criteria and/or systems in the claim itself. These are based on a website reference page (see here) which includes real examples of acceptable and not acceptable claims for certification. The website material will be regularly updated as new questions arise from the certification process. • An audit report template is also being designed to improve all the relevant information on the Provenance Claim that is captured at audit and communicated to the RJC for certification.
<p>13 General employment terms</p>	<p>Some minor modifications to the provision are supplemented by the introduction of a new requirement to gather gender-disaggregated data to enable the tracking of gender equality performance</p>

Provision and Title	Description of changes																								
14.1 Working hours (normal working week)	<p>The change proposes limiting the normal working week to 48 hours universally. Most countries have statutory limits of weekly working hours of 48 hours, this promotes higher productivity while safeguarding workers’ physical and mental health. This change brings the COP into alignment with the ILO Labour Standards on Working Time and with best practice standards BSCI, ETI, SMETA and SA 8000.</p>																								
14.2 Working hours (overtime)	<p>The additions specify conditions for overtime work, based on an assessment of international frameworks.</p> <ul style="list-style-type: none"> • Overtime where workers are unable to leave the work premises or are in any way forced to accept it is not allowed. • An additional exception for overtime limits is defined (eg peak production) providing greater flexibility, whilst ensuring the health & safety of workers is protected. • Peak production is limited to 17 weeks annually (32% of work weeks). This limit is based on manufacturing industry norm for defining peak production periods. • The guidance will make clear the distinction between routine excessive working hours and isolated instances of excessive hours, defining what is an acceptable level of tolerance for determining compliance with the standard requirements (see below). <table border="1" data-bbox="779 724 1733 1177"> <thead> <tr> <th data-bbox="786 729 1162 807">Total working hours per week</th> <th data-bbox="1171 729 1339 807">1% to 5% of work weeks</th> <th data-bbox="1348 729 1516 807">5% to 32% of work weeks</th> <th data-bbox="1525 729 1727 807">More than 32% of work weeks</th> </tr> </thead> <tbody> <tr> <td data-bbox="786 813 1162 884">More than local law limit and 84 hours/week +</td> <td colspan="3" data-bbox="1171 813 1727 884">Critical non-conformance (NC)</td> </tr> <tr> <td data-bbox="786 890 1162 960">More than local law limit and Between 72 and 84 hours/week</td> <td data-bbox="1171 890 1339 960">Major NC</td> <td data-bbox="1348 890 1516 960">Critical NC</td> <td data-bbox="1525 890 1727 960">Critical NC</td> </tr> <tr> <td data-bbox="786 967 1162 1037">More than local law limit and between 60 and 72 hours/week</td> <td data-bbox="1171 967 1339 1037">Minor NC</td> <td data-bbox="1348 967 1516 1037">Major NC</td> <td data-bbox="1525 967 1727 1037">Critical NC</td> </tr> <tr> <td data-bbox="786 1043 1162 1114">More than local law limit and less than or equal 60 hours/week</td> <td data-bbox="1171 1043 1339 1114">Minor NC</td> <td data-bbox="1348 1043 1516 1114">Minor NC</td> <td data-bbox="1525 1043 1727 1114">Major NC</td> </tr> <tr> <td data-bbox="786 1120 1162 1177">< 60 hours/week and local law</td> <td colspan="3" data-bbox="1171 1120 1727 1177">Conformance</td> </tr> </tbody> </table> <ul style="list-style-type: none"> • This new guidance will apply to all members and supersede the existing guidance on overtime variations in India. 	Total working hours per week	1% to 5% of work weeks	5% to 32% of work weeks	More than 32% of work weeks	More than local law limit and 84 hours/week +	Critical non-conformance (NC)			More than local law limit and Between 72 and 84 hours/week	Major NC	Critical NC	Critical NC	More than local law limit and between 60 and 72 hours/week	Minor NC	Major NC	Critical NC	More than local law limit and less than or equal 60 hours/week	Minor NC	Minor NC	Major NC	< 60 hours/week and local law	Conformance		
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< 60 hours/week and local law	Conformance																								

Provision and Title	Description of changes
14.3 Working hours (rest days)	<p>The exception criteria for working on rest days has been broadened as stakeholder consultation highlighted the need for greater flexibility to accommodate the industry’s seasonal production peaks.</p> <ul style="list-style-type: none"> • The supporting guidance will be updated to define that the exception for the requirement rest day during peak production is limited to 17 weeks annually (this limit is based on manufacturing industry norm for defining peak production periods).
14.4 Working hours (special leave)	<p>Special leave is added to this provision. It is defined as leave that would usually be granted to an employee that needs to be away from work for grounds that are not covered by other types of leaves (eg, maternity/paternity or sick leave): this can include care of dependents, bereavement, special medical appointments, etc.</p>
14.5 Working hours (workday breaks)	<p>The guidance will cover the following points:</p> <ul style="list-style-type: none"> • A workday break is defined as an uninterrupted break organised during the working day by pausing the work for resting, eating or other needs. Most national legislation and EU regulations require a break when the workday is longer than six hours and after a maximum of six consecutive hours of work. • If there is no applicable law, employees working 6-8 hours should have a minimum of one meal break which should be a minimum of 30mins. Employees working 8 hours or more should have a minimum of one meal break and an additional water / tea / coffee break of 10-30 minutes. (from ILO document “Rest periods: definitions and dimensions”) • Special consideration for rest and water breaks should be given to pregnant and nursing women and to those who work overtime, evening hours or very physical roles.
15 Remuneration	<p>Several changes are introduced to strengthen coverage of wage gaps, risks of wage deductions, illegal charging or other unfair practices by employment agencies and payment of maternity and childcare benefits.</p>

Provision and Title	Description of changes
17 Harassment, discipline, grievance procedures and non-retaliation	<p>The change to the title and additional text and requirements clarify the prohibition of harassment and broaden the focus from the employer’s responsibility alone. Gender-sensitive additions are also included as well as a new requirement on non-retaliation. The guidance will:</p> <ul style="list-style-type: none"> • Include a definition of ‘sexual harassment’ with examples. The ILO defines sexual harassment as “a sex-based behaviour that is unwelcome and offensive to its recipient. For sexual harassment to exist these two conditions must be present.” The United States' Equal Employment Opportunity Commission (EEOC) will also be referenced (see ‘What is Sexual harassment’) • ‘Workplace facilities’ are defined as including dormitories and company-controlled transport. • Specify that the frequency of ‘regular training’ for recognising signs of gender-based violence shall be related to the risk of such violence occurring in the workplace, for example depending on the number and gender balance of employees. • Outline the need for active communication of the grievance procedure to ensure employees are aware, fully informed and free to use it. • Clarify that a policy and management systems on non-retaliation can be part of an overarching system on harassment, discipline, grievances and other business policies.
18 Forced labour	<p>Minor changes, providing further detail and specifying what action to take if human trafficking is discovered. Some additions to the guidance on recent related legislation will be added.</p>
19 Freedom of association	<p>This addition clarifies the responsibility to prohibit employee harassment from anyone in the workplace in relation to freedom of association.</p>
20 Non-discrimination	<p>Minor additions to the provision and guidance, including text on potential gender-based discriminatory practices and measures for equal opportunities for women and men in all aspects of training and personal and professional development regardless of gender and parental responsibilities.</p> <p>The guidance will refer to ‘protected characteristics’ such as race, gender, national origin, age or disability, and an individual's genetic information, which is information not considered relevant to a person's ability to work under USA federal law. ‘Genetic information’ refers to an individual’s genetic information including any genetic tests or the manifestation of a disease or disorder in an individual's family (i.e. family medical history).</p>

Provision and Title	Description of changes
<p>21 Health & safety</p>	<p>New additions emphasise considerations for pregnant and nursing women and childcare. Changes to guidance include:</p> <ul style="list-style-type: none"> • Related to access to water, a reference to the World Business Council for Sustainable Development (WBCSD) WASH pledge, a voluntary commitment for companies to commit to implementing access to safe water, sanitation and hygiene. • On sanitary facilities for food, members who have a work canteen or provide food to their workforce are encouraged to ensure that the food aims to achieve good nutrition. This can include a nutrition policy and should consider pregnant and nursing mothers. • On adequate on-site health and medical facilities, these should include consideration of the needs of pregnant and nursing women. • Members are encouraged to make material available on family planning, pregnancy, maternity and childcare.
<p>22 Environmental management</p>	<ul style="list-style-type: none"> • Changes emphasises the adoption of a “Plan-Do-Check-Act” management approach which can be developed for any size and type of organisation. This usually requires the development of an environmental policy, identification of risks and impacts, management plans, ensuring organisational capacity and competence, implementing operational controls, evaluating performance and improving the management system and environmental performance. • The concept of residual impacts and the mitigation hierarchy (anticipate, avoid, minimise, compensate or offset) is added. Residual risks are those which remain after the application of the mitigation hierarchy, and plans should be developed to manage these throughout the life of the activity. The guidance will include a reference to the mitigation hierarchy. • The guidance will include an addition on the use of a risk register.
<p>23.2 Hazardous substances</p>	<p>This change is made to clarify coverage of substances subject to phase-outs under international or national frameworks.</p>
<p>24.2 Wastes and emissions</p>	<p>These changes provide more detail on responsible management of wastes and emissions and emphasise measures related to climate change. Changes to guidance include:</p> <ul style="list-style-type: none"> • Updated references to relevant tools such as the Simplified Greenhouse Gas Emissions Calculator (Center for Corporate Climate Leadership) • Consideration of potential transboundary effects of emissions, for example to water and air • Inclusion of the concept of offsets as part of the mitigation hierarchy (ie, carbon offsets)

Provision and Title	Description of changes
<p>25 Use of natural resources</p>	<p>Two new sub-provisions are introduced, one for mining companies only related to water stewardship and one which emphasises working towards national climate change targets. Changes to guidance include:</p> <ul style="list-style-type: none"> • Follow the same approach as the ICMM position statement on water stewardship for the water stewardship requirement for mining companies. Guidance for smaller mining companies will also be developed • Encouraging members who invest in developing water provision to their facilities to identify opportunities to develop community access to water. For example, if investing in water purification, desalination plants or improved water infrastructure these can be designed with the capacity to generate potable water for the wider community (contributing to SDG 6 on clean water and sanitation). • Promoting seeking opportunities to source raw materials and energy from large scale recycling projects in urban areas. • Considering the use of data for benchmarking performance and establishing relative levels of efficiency and targets.
<p>26.2 Product disclosure</p>	<p>A number changes are made on disclosure provisions on coloured stones, bringing in references from CIBJO and AGTA, as well as silver and plating.</p> <ul style="list-style-type: none"> • Terminology specific to coloured gemstones is added (artificial, imitation, reconstructed, composite) and is defined in the glossary. The guidance will contain background information on treatments and synthetic materials for coloured stones, using the CIBJO Blue Books 'Official Gemstone Book' as the key reference. These include stone coating, heat treatment, diffusion treatment, clarity enhancement and impregnation. • 26.2 b. The provision on disclosure is expanded to include "plating". Members should ensure compliance with applicable law on product disclosure of metal plating of all methods and applications. If there is none, FTC Guides for the Jewelry, Precious Metals, and Pewter Industries on best practice for plating disclosure should be used. • 26.2 d. Changes to the guidance provide alignment with ISO 18323:2015 'Jewellery - Consumer confidence in the diamond industry' and the Diamond Terminology Guidelines which specify a set of permitted descriptors for the diamond industry. The guidance is also revised to include terms that should not be used: <ul style="list-style-type: none"> ○ A synthetic diamond is an artificial product that has essentially the same chemical composition, crystal structure and physical (including optical) properties as a diamond (as per section 2.4 of ISO) ○ Abbreviations such as 'lab grown', 'lab created' "lab diamond" or 'synthetic diamond' shall not be used. ○ The word "laboratory" refers to the facility which produces the synthetic diamonds. This should not to be confused with a gemmological laboratory that is dedicated to the analysis, authentication, identification, classification (grading) of diamonds • 26.2 f. (quality): The Guidance will Include a reference to the CIBJO Blue Books 'Official Gemstone Book' for describing weight, colour, clarity or cut of coloured stones.

Provision and Title	Description of changes
<p>26.2 g. Product disclosure (place of origin for coloured tones)</p>	<p>The use of ‘place of origin’ for coloured stones is common in the trade when describing the stone. Information on the determination of place of origin for coloured gemstones can be very diverse: from "This was assessed by [name of reputable lab]" to "My supplier said it was from...". The guidance will:</p> <ul style="list-style-type: none"> • Refer to the CIBJO Blue Book for good practice when stating place of origin. <ul style="list-style-type: none"> ○ Names of geographical areas shall only be used when they denote the areas where gemstones have been mined ○ When places of origin for gemstones are presented they shall be considered as a matter of opinion. ○ Place of origin does not imply a level of quality. ○ Names of cutting, processing or exporting centres shall not be used to imply geographical origin. • Specify that the disclosure should clearly state whether the place of origin determination is based on a gemmological laboratory analysis or not, and if so, include the name of the laboratory and the date of the analysis. • List the types of place of origin descriptions that are commonly accepted in the coloured stones supply chain (eg, lab reports, supplier information) • Describe how place of origin descriptions are different to Provenance Claims on origin (COP 12). <ul style="list-style-type: none"> ○ Provenance claims are documented claims on the geographic origin of material that are made by companies to provide assurance that certain risk conditions (like conflict, child labour, poor mining practices) are not found in the supply chain. They can include things like traceability schemes, paternity testing and nanoparticle marking. ○ ‘Place of origin’ descriptions for coloured stones are used to denote the area where the gemstone has been mined as a descriptor of the product. Place of origin is a matter of opinion and has no association to risk conditions.

Provision and Title	Description of changes
<p>26.3 Product disclosure (undisclosed synthetic diamonds)</p>	<p>This provision introduces new minimum requirements on detecting undisclosed synthetic diamonds. This aims to address the growing concern that undisclosed mixing is a serious problem for the jewellery industry. The provision draws from the DeBeers Best Practice Principles (BPP) and the Signet Responsible Sourcing Protocol for Diamonds (D-SRSP) and balances the need for detection of synthetics while considering flexibility in cost of and access to detection equipment.</p> <p>The provision focusses on the use of reliable internal policies, procedures and training. A due diligence approach is used which maps and mitigates risks in the diamond pipeline:</p> <ul style="list-style-type: none"> • Low Risk: Strong level of confidence, implausible risk of contamination, simple distinction between synthetic diamond and natural diamond component. • Medium Risk: Moderate level of confidence, possible risk of contamination, simple distinction between synthetic diamond and natural diamond and/or existing systems in place: policy, procedure and training required. • High Risk: Moderate to low level of confidence, high risk of contamination-testing required for distinction between natural diamond and synthetic diamond component alongside policy, procedure and training. <p>The testing protocol incorporates the following definitions:</p> <ul style="list-style-type: none"> • Qualified gemmological laboratory: A qualified laboratory that specialises the analysis, authentication, identification, classification (grading) of diamonds, jewellery and gemstones. • Random sampling approach: Random sampling is a part of the sampling technique in which each sample has an equal probability of being chosen. A sample chosen randomly is meant to be an unbiased representation of the total population. • Relevant and effective testing equipment: Instruments that are specifically designed to detect synthetic diamonds. Examples include DiamondView and DiamondSure, however other devices are available on the market.
<p>28 Grading, analysis, and appraisal</p>	<p>The term ‘analysis’ is included in the title to reflect the terminology used for coloured gemstones. Analysis is like diamond grading but also covers the identification of the type of gemstone and an assessment of the colour (see glossary changes below).</p> <ul style="list-style-type: none"> • Place of origin reports shall include treatments and synthetic stone detection. The guidance will further specify that any place of origin determination is considered a matter of opinion. • The guidance will outline how members making place of origin determinations should be able to demonstrate during the audit how the determination was made, and the consistency of the system used.

Provision and Title	Description of changes
<p>29 Extractive Industry Transparency Initiative</p>	<p>Changes to guidance only.</p> <ul style="list-style-type: none"> • The Extractive Industries Transparency Initiative provision of the COP is applicable to all to members in the mining sector carrying out exploration, other pre-production operations, mining or mine closure in EITI candidate or compliant countries only. • Voluntary Disclosure of payments to governments in non-EITI countries is encouraged, where contract confidentiality provisions allow such disclosure. • Note that the Global Reporting Initiative (see COP 4 on Reporting) requires public reporting of payments to governments at the international, national and local levels, including a breakdown by country. • A summary of the company’s contribution to EITI should be included in the company’s public reporting, as well as on their external website.
<p>30 Community engagement</p>	<p>The additions clarify the full scope of community engagement activities. The guidance will be expanded with points on:</p> <ul style="list-style-type: none"> • Community and stakeholder engagement as an important part of maintaining a ‘social license to operate’ which allows the views, interests and concerns of different stakeholders to be heard, understood, and considered in project decisions and in the creation of development benefits. • The importance of stakeholder consultation overall, identifying stakeholders at the local, national and international level, with distinct engagement plans and dialogue approaches. • The need to identify and include all parts of communities including vulnerable groups, women, youth, etc. and the need for regular stakeholder mapping as a valuable tool for doing so. • The need for engagement planning and record keeping as part of stakeholder engagement. • Examples of ‘key mining decisions’ will be provided (eg, where to build roads, changing the blast schedule, water extraction points, etc) • Communicating the grievance mechanism to stakeholders, which may take several (or ongoing) activities. • Ensuring that grievances received by all departments and project personnel are passed to the relevant person or team.
<p>31 Indigenous peoples and FPIC</p>	<p>The changes to this provision are mostly to the order of the wording to emphasise that free, prior and informed consent (FPIC) for indigenous peoples <u>is</u> a COP requirement and under what circumstances. The requirement for seeking to obtain broad-based support (formerly 31.2) has been moved to 31.3</p>

Provision and Title	Description of changes
32 Impact assessment	<p>The additions emphasise the importance of human rights impact assessments. Changes to the guidance include:</p> <ul style="list-style-type: none"> • Specifying that impact assessment needs to start at the scoping phase of a project (new mining facility or change to an existing facility). • More detail on using a mitigation hierarchy and what to do about residual impacts. • An emphasis on the integration of environmental, social and human rights aspects in one process and on the iterative nature of impact assessment throughout mining project design. • Coverage of ecosystem services as well as biodiversity as part of the environmental impact assessment. • A section on implementation of environmental and social management plans during the construction phase of a project.
33 ASM and LSM	<p>The title of this provision is changed to clarify that its scope is limited to large-scale mining (LSM) operations interacting with artisanal and small-scale (ASM) communities. Changes to the guidance are minor and include:</p> <ul style="list-style-type: none"> • In the background section, more coverage of environmental damage, use of cyanide and conflict with LSM as key issues. • Emphasis on the need for LSM operations to understand the structure and interrelationships of ASM activities (mining, hauling, rock breaking, milling, panning, amalgamation, buyers, suppliers etc)
35 Emergency response	<p>The minor addition to the standard and changes to the guidance emphasise the potential of incidents to affect nearby communities (downwind, downstream) and the need to include this in emergency response planning.</p>
36 Biodiversity	<p>These changes clarify the goal of no net loss to biodiversity in Key Biodiversity Areas. The guidance will:</p> <ul style="list-style-type: none"> • Emphasise that biodiversity baseline studies for mining projects are often the first detailed studies to be carried out in an area and reference COP 32 (impact assessment). • Ensure associated facilities (roads, rail lines, power lines, water reservoirs) are included, even if distant from the mine site • On 36.3, reference IFC Performance Standard 6 (biodiversity) and the Business and Biodiversity Offset Programme (BBOP) with respect to the principles of ‘no net loss’ and ‘net gain’ in critical habitat • On 36.4, define ‘species threatened by extinction’ in relation to IUCN Categories.

Provision and Title	Description of changes
36.5 Biodiversity (deep sea areas)	<p>Editorial changes to 36.5 (deep sea areas) clarify that this activity is prohibited unless the specified conditions are met. The guidance will cover the following point:</p> <ul style="list-style-type: none"> • Deep sea is defined as the lowest layer in the ocean existing at a depth of 1800m or more. • Sufficient knowledge of potential impacts needs to be gathered by identifying and documenting biodiversity values in marine ecosystems through a biodiversity impact assessment (COP 32). This needs to be carried out by competent personnel who can assess the sufficient status of the scientific knowledge of potential impacts and adequacy of controls to manage them. The severity of any impacts to the marine ecosystem should be assessed and the results communicated to management prior to making decisions to proceed with undersea mining activities. • Management decisions should be documented.
37.2 Tailings and waste rock	<p>Changes to guidance only:</p> <ul style="list-style-type: none"> • A new section on risk-based design requirements for tailings and waste rock disposal facilities and the need to design tailings dams to withstand storm or flood events and seismic events typical of the region in which it is being developed. • Clarification of risks of acid rock drainage, more detailed information on geochemical test work and its limitations, and a reference to the Global Acid Rock Drainage (GARD) Guide by the International Networks for Acid Prevention (INAP). • Reference to the commitments in the ICMM position statement on preventing catastrophic failures of tailings facilities: <ul style="list-style-type: none"> ○ Accountabilities, responsibilities and associated competencies need to be defined to support appropriate identification and management of risks associated with tailings impoundments; this includes construction supervision and sign-off. ○ The financial and human resources needed to support continued tailings facility management and governance are maintained throughout a facility's life cycle. ○ Risk identification, an appropriate control regime and the verification of control performance is carried out. ○ Risks associated with potential changes are assessed, controlled and communicated ○ Processes are in place to recognise and respond to impending failure of tailings facilities. ○ Internal and external review and assurance processes are in place so that controls for TSF risks can be comprehensively assessed and continually improved. • Addition of active backfilling as a disposal method (i.e. during mining rather than post mining) and closure of heap leach pads. • Cross reference between marine disposal of tailings and requirements in COP 36 on Biodiversity • Addition of guidance on appropriately sizing river diversion structures.
38 Cyanide	<p>Cyanide is used to recover silver in the same way that it is used to recover gold, although for silver a higher cyanide concentration is typically required. The International Cyanide Management Code is therefore also applicable to silver mining industries.</p>

Provision and Title	Description of changes
39 Mercury	Changes to guidance only: <ul style="list-style-type: none"> • Update facts and figures about implementation of the Minamata Convention • Requirement for a mercury mass balance including mercury in waste rock and ore, and releases during processing, mercury produced as a by-product and that which remains in tailing and waste rock • Clarify management and disposal of mercury produced as a by-product in line with the Minamata Convention requirements • Inclusion of organisations working to reduce or eliminate mercury use such as the Artisanal Gold Council and Mercury Free Challenge.
40 Mine rehabilitation and closure	Further detail on estimating closure funding requirements is added. Changes to guidance to cover: <ul style="list-style-type: none"> • Third party review of closure funding estimates need to cover both technical and financial aspects and be carried out by any qualified third party (not necessarily an RJC accredited auditor nor as part of the RJC audit). The review will check that the closure plan and estimated costs are up to date, and that financial provision is sufficient to address the closure activities. A full technical review will be required • The cost of mine closure and post closure liabilities should be included in feasibility studies during the mine planning phase • The availability of all necessary funds, by appropriate financial instruments, to cover the cost of closure at any stage in the mine life need to be considered. This includes provision for early, or temporary closure. • Funding should be by either a cash accrual system or a financial guarantee. Acceptable cash accrual systems are fully funded escrow accounts (including government managed arrangements) or sinking funds. An acceptable form of financial guarantee must be provided by a reputable financial institution. • Mine closure requirements should be reviewed on an annual basis
40.4 Mine rehabilitation and closure	Native ecosystems may not always be the most appropriate and resilient options for rehabilitating land disturbed by mining. For example, in areas where foreign species are already a part of local ecosystems they may allow for better self-sustaining ecosystems.

5. Glossary additions:

- **Analysis report:** A report identifying the type of coloured gemstone, whether it is natural or synthetic, and with a detailed description of the coloured gemstone such as cut, shape, weight, measurement, and colour, and listing any detectable treatments.
- **Coloured gemstone (or gemstone):** A natural inorganic or organic material/ substance which has been formed completely by nature without human interference during its formation. Gemstones are usually used in jewellery or objets d'art due to a combination of properties that provide them with beauty, rarity and relative durability. A gemstone may subsequently be modified by normal lapidary practices. (CIBJO, The Gemstone Book, 2015)
- **Coloured gemstones:** artificial, composite, imitation, or reconstructed coloured gemstone ((Reference: CIBJO Gemstone Book)
 - **Artificial:** Artificial crystalline products with no known natural counterparts.
 - **Composite:** Artificial products composed of two or more, previously separate, parts or layers assembled by bonding or other artificial methods. Their components may be natural and/or artificial.
 - **Imitation:** Artificial products that imitate the appearance of coloured gemstones without having their chemical composition and/or their physical properties and/or their structure.
 - **Reconstructed:** Artificial products manufactured by melting (without subsequent crystallization), fusing natural materials to form a coherent whole.
- **Place of origin report (coloured gemstones):** A report containing an opinion on the geographic origin of the coloured gemstone.
- **Enhancement (coloured gemstones):** Any traditional process that changes, interferes with and/or improves the appearance (colour/ clarity/ phenomena), durability or availability of a coloured gemstone other than the historically accepted practices of cutting and polishing. A gemstone enhancement is considered permanent if the effect of the enhancement does not change under normal wear, cutting, repair, cleaning or display conditions. If a gemstone enhancement is not permanent, appropriate disclosure is required. (Adapted from: AGTA, Gemstone information manual, fifteenth edition.)
- **Qualified gemmological laboratory:** A qualified laboratory that specialises the analysis, authentication, identification, classification (grading) of diamonds, jewellery and gemstones.
- **Random sampling approach:** Random sampling is a part of the sampling technique in which each sample has an equal probability of being chosen. A sample chosen randomly is meant to be an unbiased representation of the total population.
- **Relevant and effective testing equipment:** Instruments that are specifically designed to detect synthetic diamonds. Examples include DiamondView and DiamondSure, however other devices are available on the market.
- **Treatment:** Treatment means any human intervention on a diamond or a coloured gemstone other than the historically accepted practices of cutting and polishing cleaning and setting that alter the appearance of a stone. Types of treatments include fracture filling, laser drilling, high pressure high temperature (HPHT) treatment, coating, and colour (and decolourisation), irradiation treatment, bleaching, dyeing, oiling/resin infusion, diffusion, waxing or any other physical or chemical process. See enhancement.

To provide RJC with feedback on the proposed changes contained in this document, please record your comments using [this template](#) and send it to consultation@responsiblejewellery.com

RJC Code of Practices (COP) Review – Comment Form 2017-2018

Name:

Organisation Name:

Date:

Please check this box if you would like your comments to remain anonymous

New provision number	Comment	Proposed change

Annexe. Updated COP review timeline – April 2018

Round 1: Review of scope - COMPLETE

- Undertake gap analysis and stakeholder mapping
- Round 1 public comment on scope of review (min 60 days, 10 July – 8 Sept 2017): [Public Summary](#)
- Publish summary of comments received: [Comment report](#)
- Facilitate dialogue on input received with Standards Committee
- Research and draft proposed changes to COP

Round 2: Proposed changes to standard

- Round 2 public comment on proposed changes to COP and key guidance (min 60 days, 16 April - 1 July 2018): *this document*
- Workshops and consultation from 20 March - 16 July 2018
- Publish summary of comments received
- Facilitate dialogue on input received with Standards Committee (24 July). Decision on whether to do Round 3.
- Update COP review timeline (if needed)
- Research and revise proposed changes

Round 3 (optional): Revise changes to standard

- Round 3 public comment on revised changes for outstanding issues (min 30 days, 21 Aug - 5 Oct)
- Publish summary of comments received
- Facilitate dialogue on input received with Standards Committee

Approvals and finalisation

- Standards Committee recommends approval of the revised COP (7 Nov 2018)
- RJC Executive Committee accepts recommendation or sends back to Committee for further review (Nov 2018)
- Board of Directors accepts recommendation or sends back to Committee for further review (Dec 2018)
- Editorial and legal review
- Publish revised COP (31 Jan 2019)
- Certification starts 1 May 2019