



Responsible Jewellery Council



Assessment Questions



NOVEMBER 2013



The Responsible Jewellery Council

The Responsible Jewellery Council (RJC) is a not-for-profit standards setting and certification organisation founded in 2005.

Our vision is a responsible world-wide supply chain that promotes trust in the global fine jewellery and watch industry.

About the Assessment Questions

The RJC Assessment Questions (T002_2013) specify the relevant requirements of the Code of Practices (S001_2013) for Members' business practices. Members and auditors use the same set of questions for Self Assessments and Certification Audits.

The Assessment Questions and further prompts and guidance on Objective Evidence are also in the Assessment Workbook (T003_2013). General guidance on carrying out Assessments can be found in the Assessment Manual (T001_2013).

This is a 'living document' and the RJC reserves the right to revise this document based on implementation experience and emerging good practice. The version posted on the RJC website supersedes all other versions. To verify this document is current, please visit:

www.responsiblejewellery.com

Disclaimer

No guarantee, warranty or representation is made as to the accuracy or completeness of this document and other documents or information sources referenced in the document. Compliance with the document is not intended to, nor does it replace, contravene or otherwise alter the requirements of any applicable national, state or local governmental statutes, laws, regulations, ordinances, or other requirements regarding the matters included herein.

Please note this document gives general guidance only and should not be regarded as a complete and authoritative statement on the subject matter contained herein.

Compliance with the document by non-members is entirely voluntary and is neither intended to, nor does it create, establish, or recognise any legally enforceable obligations or rights against the RJC and/or its members or signatories. The document does not create, establish, or recognise any legally enforceable obligations of the RJC and/or its member or signatories to non-members. Non-members shall have no legal cause of action against the RJC and/or its members or signatories for failure to comply with the document.

Inquiries or feedback

The RJC welcomes feedback on this document and the Assessment Questions. Please contact the Responsible Jewellery Council by email, telephone or post:

Email: info@responsiblejewellery.com

Telephone: +44 (0)20 7836 6376

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

1. Legal Compliance

1. Check that the Member has systems in place that maintain awareness of and ensure compliance with Applicable Law.

2. Policy and Implementation

2. Demonstrate that the Member has adopted a policy/ies that:
 - documents the its commitment to responsible business practices,
 - is endorsed by senior management,
 - communicated to Employees and
 - made publicly available.
3. Demonstrate that Senior management conduct reviews, at least annually, to assess the ongoing suitability and adequacy of the Member's business practices in achieving the policy, and check that they implement improvements to address any gaps.

3. Reporting

4. Demonstrate that Members communicate to stakeholders at least annually on their business practices relevant to the RJC Code of Practices.
5. Demonstrate that Mining Members report on their sustainability performance annually.
6. Check that Mining Members report on their sustainability performance using the Global Reporting Initiative (GRI) Guidelines and GRI Mining and Metals Sector Supplement or comparable reporting guidelines.
7. Check that the Sustainability Performance Reports have been externally assured.

4. Financial Accounts

8. Check that Members maintain financial accounts of all business transactions in accordance with national or international accounting standards.
9. Demonstrate that Members undertake a financial review, or financial review in jurisdictions where permitted, annually.
10. Check that the financial audit or financial review is conducted by an independent qualified accountant.

5. Business Partners

11. Determine how Members use their best endeavours, commensurate with their ability to influence, to promote responsible business practices among their significant Business Partners.
12. Determine how Contactors working on Members' Facilities and Visitors to these Facilities comply with the Member's policies, systems and procedures relevant to the Code of Practices.

6. Human Rights

13. Check that there is a policy or policies that documents respect for Human Rights.
14. Demonstrate that a Human Rights due diligence process has been carried out.
15. Determine how any identified adverse Human Rights impacts, have been or are being remediated.
16. Check that the Human Rights due diligence process assesses the Risks in Conflict-Affected Areas.

7. Sourcing from Artisanal and Small-Scale Mining

17. Determine how Risks of Forced Labour, Worst Forms of Child Labour, unsafe working conditions, uncontrolled mercury use, and other significant environmental impacts of ASM producers not under the Member's Control, from which the Member directly sources, are assessed.
18. Determine how best endeavours are used to reduce or avoid risks or how Members cooperate for the remediation of identified adverse human rights and environmental impacts is supported.

8. Community Development

19. Determine how Members support the development of the communities in which they operate.

9. Bribery and Facilitation Payments

20. Check that there is/are policy/ies that prohibit bribery in all business practices and transactions carried out by the Member and by agents acting on behalf of the Member.
21. Check that there is/are policy/ies that 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.
22. Check that there is/are policy/ies that set the criteria and approval procedures to be followed by Employees in respect of the offer and/or acceptance of gifts with third parties.
23. Check that Members have systems in place to manage Bribery Risk in their organization by:
 - Identifying and monitoring parts of the business that pose high Risks of participation in Bribery
 - Recording receipt of all relevant gifts to and from third parties in a gift register as per the Member's policy.
 - Demonstrating how incidences of suspected Bribery within the organization are or would be investigated.
24. Demonstrate that relevant managers and employees are trained on the Member's systems to manage Bribery Risk.
25. Check that Facilitation Payments have been eliminated, or are being reduced in size and frequency over time.
26. Demonstrate that any Facilitation Payments are of a limited nature and scope.
27. Check that Members implement controls to monitor, oversee and fully account for any Facilitation Payments made by them or on their behalf.

10. Money Laundering and Finance of Terrorism

28. Check that Members apply Know Your Customer principles for Business Partners.
29. Determine how Members establish the identity, and where triggered by a Risk Assessment or Applicable Law, the beneficial ownership and principals of suppliers or customers of Diamonds, Gold and Platinum Group Metals or Jewellery Products containing these.
30. Determine how Members maintain an understanding of the nature of the business of these suppliers or customers.
31. Demonstrate that Members monitor relevant transactions for unusual or suspicious activity and report suspicions of money laundering or finance of terrorism to the relevant designated authority.
32. Check that the relevant financial thresholds are known – either under Applicable Law or those equal to or above Euro / USD 15,000, where the transaction is carried out in a single operation or in several operations that appear to be linked.
33. Check that records are maintained of all relevant cash or cash-like transactions and, where required, reported to the relevant designated authority.

11. Security

34. Check that Members assess security Risks and establish measures that protect against product theft, damage or substitution of products within the premises and during shipments.
35. Demonstrate that product security measures prioritise the protection of Employees, Contractors, Visitors and personnel employed by relevant Business Partners.
36. Determine how the Member ensures that security personnel respect the Human Rights and dignity of all people.
37. Demonstrate that force is only used when strictly necessary and the minimum proportionate to the threat.
38. Demonstrate that security personnel receive training on and operate in accordance with the Voluntary Principles on Security and Human Rights (2000).
39. Check that the human rights of any Artisanal and Small-Scale Mining (ASM) are addressed in training of private security personnel.

40. Demonstrate that the Member is a signatory to the International Code of Conduct for Private Security Service Providers (ICoC) if it provides private security services to the Jewellery supply chain.

12. Provenance Claims

41. Verify that there are systems in place to ensure that:
- Provenance Claim(s) is/are valid and supported by evidence
 - Provenance Claim(s) is/are valid and supported by evidence
 - There are documented criteria or requirements compatible with the Provenance Claim(s) being made.
 - Include procedures for keeping and verification that the criteria or requirements are met .
42. Check that employees who are responsible for responding to product inquiries are trained and understand the Provenance Claim(s) and can explain them accurately.
43. Check that a complaints or grievance mechanism appropriate to the nature, scale and impact of the business exists, to allow interested parties to voice concerns about the veracity of the Provenance Claim(s).

13. General Employment Terms

44. Demonstrate that Members ensure their Employees understand their current employment terms with regards to wages, working hours and other employment conditions.
45. Demonstrate the Members do 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.
46. Demonstrate that Members 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.

14. Working Hours

47. Demonstrate that Members comply with Applicable Law on working hours.
48. Check that the normal work week, not including overtime, does not exceed 48 hours unless higher limits have been set by Applicable Law for the sector in which the Member operates.
49. Demonstrate that Members ensure that overtime work is voluntary and is permitted only where it is within the limits allowed under Applicable Law or Collective Bargaining Agreements.
50. Check that 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.
51. Check that Employees have at least one rest day in seven consecutive working days in accordance with ILO Convention 14.
52. Check that where work time exceeds this limit under a Collective Bargaining Agreement or Applicable Law, that work time averaging includes adequate rest periods.
53. Check that Employees have 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 consist of no less than 3 weeks per one year of service.

15. Remuneration

54. Check that all Employees are paid 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.
55. Check that wages paid on a performance-related basis are not less than the legal minimum wage for a normal work week.
56. Check that overtime work is remunerated at a rate at least equal to that required by Applicable Law or a Collective Bargaining Agreement.
57. Check that where overtime work is unregulated, that it is remunerated at a premium rate at least equal to the prevailing industry standards.

58. Check that wage payments to Employees are on a regular and pre-determined basis, and not delayed or deferred.
59. Check that wage payments to Employees are 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.
60. Check that wage payments to Employees are accompanied by a wage slip which clearly details wage rates, benefits and deductions where applicable.
61. Check that any wage deductions are determined and calculated following a documented due process that is clearly communicated to Employees.
62. Check that wage deductions do not result in the Employee making less than the minimum wage.
63. Check that deductions for disciplinary purposes are governed by a Collective Bargaining Agreement and/or are permitted under Applicable Law.
64. Check that Employees are not forced to buy provisions from the Member's own business or Facilities.
65. Check that if any wage advances or loans are provided, that the interest and repayment terms are transparent and fair, and not deceptive to the Employee.

16. Discipline and Grievance Procedures

66. Check that Employees are not subjected to corporal punishment, harsh or degrading treatment, sexual or physical harassment, mental, physical or verbal abuse, coercion or intimidation, or threats of these towards themselves, family or colleagues.
67. Demonstrate that the Member has clearly communicated to its Employees, the business' disciplinary process, and related standards on appropriate disciplinary procedures and Employee treatment.
68. Check that the business' disciplinary process is applied equally to all management and staff.
69. Check that grievance procedures and investigation processes are clear and explained to all Employees.
70. Demonstrate that Employees acting individually or with other workers are free to submit a grievance without suffering any penalty or retaliation.
71. Demonstrate that grievance procedures are designed to function effectively and reach a timely outcome.
72. Demonstrate that records of Employee grievances raised, investigation processes and outcomes are maintained.

17. Child Labour

73. Check that no Employee is under the minimum working age of 15 years, so to enable Children to complete compulsory schooling.
74. Check that if operating in developing countries where a minimum working age of 14 is permitted under Applicable Law and in place, that a minimum working age in Facilities of 15 years will be achieved by the end of the Member's first Certification Period.
75. Check that persons younger than 18 years do not engage in hazardous work that could jeopardise health, safety or morals.
76. Demonstrate that for any workers 16-18 years of age in potentially hazardous work, this is allowed by Applicable Law, supported by assessment of Risks and implementation of controls under COP 21.3 Health and Safety so as 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.
77. Check that Members do not engage in any form 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.
78. Determine how any Children engaged in Child Labour Members are immediately withdrawn.
79. Determine how safe alternative income generation and/or vocational training opportunities are found for any Child not still subject to compulsory education laws or attending school.
80. Determine how adequate support to enable the Children to attend and remain in school until the completion of compulsory education is provided. .

18. Forced Labour

81. Check that no Forced Labour is used, including bonded, indentured or involuntary prison labour.

82. Demonstrate that the freedom of movement of Employees neither in the workplace nor in on-site housing is not unreasonably restricted.
83. Demonstrate that original copies of Employee personal documentation are not retained.
84. Demonstrate that deposits, recruitment fee, or equipment advance are not required from Employees either directly or through recruitment agencies.
85. Demonstrate that Employees are not prevented from terminating their employment after reasonable notice or as established by Applicable Law.
86. Demonstrate that Human Trafficking is not engaged in or supported by the business or any entity supplying labour.
87. Check that relationships with recruitment agencies are monitored for Risks of Human Trafficking.

19. Freedom of Association and Collective Bargaining

88. Demonstrate that the right of Employees to associate freely in Workers Organisations of their choice is respected.
89. Check that the Employees can associate freely without interference or negative consequences to them from the Member.
90. Check that the right of Employees to collective bargaining is respected.
91. Demonstrate that Collective Bargaining Agreements are adhered to.
92. Check that, subject to Applicable Law, participation in collective bargaining processes is in good faith.
93. Demonstrate that where Applicable Law restricts the right to freedom of association and collective bargaining, alternative means of association for Employees that are permitted under Applicable Law are not obstructed.

20. Non-Discrimination

94. Check that discrimination in the workplace is not practised or condoned, in terms of hiring, remuneration, overtime, access to training, promotion, termination or retirement based on race, ethnicity, caste, national origin, religion, disability, gender, sexual orientation, union membership, political affiliation, marital status, pregnancy status, physical appearance, HIV status, or age, or any other applicable prohibited basis.
95. Demonstrate 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.

21. Health & Safety

96. Check 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.
97. Check that there is safe and accessible potable drinking water in workplaces and on-site housing where provided.
98. Check that there are sanitary facilities for food consumption and storage in workplaces and on-site housing where provided.
99. Check that there are clean and hygienic washing and toilet facilities commensurate with the number and gender of staff employed in workplaces and on-site housing where provided.
100. Check that there are fire safety equipment and alarms in workplaces and on-site housing where provided.
101. Check that there are clearly marked, unlocked and unblocked emergency exits and escape routes in workplaces and on-site housing where provided.
102. Check that there is access to adequate power supply and emergency lighting in workplaces and on-site housing where provided.
103. Demonstrate that the Risks of workplace Hazards associated with activities and products are assessed.
104. Check that the Risk Assessments consider 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.
105. Demonstrate that controls are implemented to minimise the Risks of accidents and injury to Employees and on-site Contractors.

- 106. Demonstrate that Employees and on-site Contractors are provided with a mechanism by which they can raise and discuss Health and Safety issues with management.
- 107. Demonstrate that training and information is provided to Employees and on-site Contractors on specific role-related Health and Safety Hazards and controls.
- 108. Check that appropriate training and information is provided to Employees and on-site Contractors on actions to take in the event of an accident or emergency.
- 109. Check that appropriate training is provided to Employees and on-site Contractors in fire safety and emergency procedures.
- 110. Check that first-aid training is provided to designated Employee representatives.
- 111. Check that training or information is provided that includes the right and responsibility of Employees and on-site Contractors 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.
- 112. Check that training is in an understandable form and in an appropriate language.
- 113. Demonstrate that appropriate Personal Protective Equipment (PPE) is provided free of charge.
- 114. Check that Personal Protective Equipment (PPE) is current, worn and used correctly.
- 115. Demonstrate that access is provided to adequate on-site Health and medical facilities, including clearly marked first aid provisions and trained first-aid personnel.
- 116. Demonstrate that appropriate procedures are in place for transportation to local medical facilities in the case of a medical emergency.
- 117. Check that there are emergency procedures and evacuations for all reasonably foreseeable emergencies.
- 118. Demonstrate that the emergency procedures and evacuations plans are accessible or clearly displayed, regularly tested (including evacuation drills) and periodically updated.
- 119. Demonstrate that Health and Safety incidents are investigated.
- 120. Check that investigation results feed into reviews of the controls of Hazards to identify opportunities for improvement.
- 121. Demonstrate that the cutting and polishing of Diamonds uses only cobalt-free Diamond-impregnated scaifes.

22. Environmental Management

- 122. Determine how environmental Risks, significant environmental impacts, and opportunities for improving environmental performance are identified.
- 123. Determine how controls are implemented and regularly reviewed to minimise and mitigate identified environmental Risks and significant environmental impacts, and to improve environmental performance.
- 124. Demonstrate that training and information about environmental Risks and controls is provided to relevant Employees and on-site Contractors.
- 125. Check that this training is in an understandable form and in an appropriate language.

23. Hazardous Substances

- 126. Demonstrate that an inventory of Hazardous Substances at Facilities is maintained.
- 127. Demonstrate that Safety Data Sheets (or equivalent) are accessible where all Hazardous Substances are in use.
- 128. Check that the associated Risks of working with Hazardous Substances have been clearly communicated to all Employees and Contractors who work with them.
- 129. Check that chemicals and Hazardous Substances are not manufactured, traded or used where these are subject to international bans.
- 130. Demonstrate that alternatives to other Hazardous Substances used in business processes are employed wherever technically and economically viable.

24. Wastes and Emissions

- 131. Determine how significant wastes and emissions to air, water and land generated in their business processes are identified.
- 132. Demonstrate that identified wastes and emissions are responsibly managed by taking into account environmental impact considerations alongside cost considerations.

- 133. Demonstrate that the principles of reduce, recover, re-use and recycle to reduce environmental impact are applied where relevant to identified wastes and emissions.
- 134. Demonstrate that identified wastes and emissions are discharged or disposed in compliance with Applicable Law, or where Applicable Law does not exist, by adopting the prevailing international standards.
- 135. Demonstrate that waste and emission trends for identified wastes and emissions are monitored to drive improvement in environmental performance.

25. Use of Natural Resources

- 136. Demonstrate that energy and water usage is monitored.
- 137. Check that Member implement energy and water efficiency initiatives.
- 138. Determine how other significant natural resources used in business processes are identified.
- 139. Determine how the business seeks to ensure the efficient use of other significant natural resources.

26. Product Disclosure

- 140. Demonstrate that untruthful, misleading or deceptive representations, or material omissions, are not made in the selling, advertising or marketing of Diamond, Synthetic or Simulant, and/or Gold, and/or Platinum Group Metals Jewellery Products.
- 141. Demonstrate that Members disclose the physical characteristics of Diamonds, Synthetics or Simulants, Gold and/or Platinum Group Metals in accordance with Applicable Law.
- 142. Demonstrate that the fineness of Gold or Platinum Group Metal is accurately disclosed; that the description of fineness or content is equally conspicuous as the word "Gold", or the Platinum Group Metal, or abbreviation; and that Quality Marks used are applied in accordance with Applicable Law or industry standards.
- 143. Demonstrate that Treated Diamonds are disclosed as either "Treated" or with specific reference to the particular Treatment; and that the description is equally conspicuous as the word(s) "Diamond". Any special care requirements that the Treatment creates are also disclosed.
- 144. Demonstrate that wholly or partially Synthetic diamonds are disclosed as "laboratory created", "laboratory grown", and/or "Synthetic" and the description is equally conspicuous as the word "Diamond".
- 145. Demonstrate that Simulants that imitate the appearance of Diamonds are disclosed as the mineral or compound that it is.
- 146. Demonstrate that the weight, colour, clarity or cut of Diamonds and Synthetics are described in accordance with the recognised guidelines appropriate to the particular jurisdiction.
- 147. Demonstrate that any relevant health and safety information is disclosed about Diamond, Synthetic, Gold and/or Platinum Group Metals Jewellery Products sold by the Member to end consumers.

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

- 148. Demonstrate that the Member does not knowingly buy or sell Conflict Diamonds or assist others to do so.
- 149. Demonstrate that where required, the Member applies the rough Diamond export and import verification system and controls as laid out by the Kimberley Process Certification Scheme and relevant national legislation.
- 150. Demonstrate that where required, the Member adopts the World Diamond Council System of Warranties.
- 151. Check that there are systems in place to ensure all associated invoices contain the following affirmative World Diamond Council System of Warranties Statement or equivalent wording which provides the same warranty.
- 152. Demonstrate that records are kept of all Kimberley Process certificates and System of Warranties invoices received and issued.
- 153. Check that these records are 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.
- 154. If the records are being audited as part of the RJC Certification Audit, check that the records would be sufficient to prove compliance with the Kimberley Process, if asked for by a duly authorised government agency.
- 155. Demonstrate that the Member maintains awareness of and compliance with applicable international and national sanctions that prohibit transactions involving Diamonds with targeted individuals, entities or organisations.

156. Demonstrate that Employees that buy or sell Diamonds are informed 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 and Appraisal

157. Demonstrate that if independent Diamond Grading Reports are generated, the Member identifies whether detection of Synthetics and/or any Treatments are part of the assessment.
158. Demonstrate that if independent Appraisal Reports are generated for end consumers, these include the name of the consumer to whom the report is given and a statement of the purpose of the appraisal.
159. Demonstrate that if Diamond Grading Reports or Appraisal Reports are offered to end consumers that might reasonably be construed to be independent, any relevant vested interests in the sale of the Jewellery Product held by the grader or appraiser are disclosed.
160. Demonstrate that if Members use independent Appraisal Reports in the selling of Diamonds, Synthetics, Gold and/or Platinum Group Metals Jewellery Products, the Appraisal Reports do not use inflated prices as a strategy to mislead end consumers about the attractiveness of the selling price.

29. Extractive Industries Transparency Initiative

161. Demonstrate that the Member commits to and support implementation of the Extractive Industries Transparency Initiative (EITI).

30. Community Engagement

162. Check that the Member has systems in place for early and ongoing engagement with affected communities and other relevant stakeholders.
163. Demonstrate that these systems apply appropriate skills and resources.
164. Demonstrate that these systems apply throughout the project's lifecycle, from exploration activities, construction prior to commencement of mining, during mine operations, through to closure and post-closure monitoring.
165. Demonstrate that these systems identify affected communities and other relevant stakeholders in relation to project Risks, impacts, and phase of development.
166. Demonstrate that these systems establish effective communication measures to disseminate relevant project information and receive feedback in an inclusive, equitable, culturally appropriate and rights-compatible manner.
167. Demonstrate that these systems through informed consultation, consider the interests and development aspirations of affected communities in major mining decisions in the project's lifecycle, and seek broad community support for proposals.
168. Demonstrate that affected communities have access to rights-compatible complaints and grievance mechanisms at the operational level for raising and resolving disputes.
169. Check that the availability of these mechanisms are communicated to the affected communities.
170. Demonstrate that Members maintains records of grievances raised, investigation processes and outcomes.

31. Indigenous Peoples and Free Prior Informed Consent

171. Demonstrate that the Member commits to respects 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.
172. Demonstrate that the Member seeks to obtain broad-based support of affected Indigenous Peoples.
173. Check that this support is formally documented, including partnerships and/or programs to provide benefits and mitigate impacts.
174. Determine how, if applicable, the Member works 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.

175. Demonstrate that Members 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

176. Demonstrate that the Member completes an environmental and social Impact Assessment, and associated environmental and social management plans, during the planning and approval of new Mining Facilities or significant changes to existing Facilities.
177. Demonstrate that the Impact Assessments are comprehensive and appropriate to the nature, scale and impact of the project.
178. Check that Impact Assessments include an assessment of baseline conditions, design options where applicable that mitigate negative impacts, and environmental and social impacts, including impacts related to Human Rights, labour and employment, gender, health and Conflict.
179. Determine how the Member engages directly with ASM not under their Control within their area of operation, as part of the Member's community engagement approaches (30) and social and environmental impact assessments (32).

33. Artisanal and Small-scale Mining

180. Determine how the Member engages directly with ASM not under their Control within their area of operation, as part of the Member's community engagement approaches (30) and social and environmental impact assessments (32).
181. Determine how the Member participates in initiatives, including multi-stakeholder initiatives that enable the professionalisation and formalisation of the ASM, as appropriate to the situation.

34. Resettlement

182. Demonstrate that Members avoid Involuntary Resettlement.
183. Check that where resettlement is unavoidable, it is minimised and appropriate measures to mitigate adverse impacts are carefully planned and implemented, consistent with International Finance Corporation (IFC) Performance Standard 5.

35. Emergency Response

184. Demonstrate that the Member develops and maintains emergency response plans in collaboration with potentially affected communities, workers and their representatives, and relevant agencies.
185. Check that these plans are pursuant to guidance provided by UNEP on Awareness and Preparedness for Emergencies at the Local Level (APELL) for Mining.

36. Biodiversity

186. Demonstrate that the Member does not explore or mine in World Heritage Sites.
187. Determine how the Member ensures that their activities do not negatively impact directly on adjacent World Heritage Sites.
188. Demonstrate that the Member respects legally designated protected areas.
189. Check that Members have a process to identify nearby legally designated protected areas.
190. Demonstrate that the Member complies with regulations, covenants or commitments attributed to these areas.
191. Determine how the Member's decisions to proceed with exploration, development, operation and closure activities take into account the presence of, and impact on, legally designated protected areas.
192. Demonstrate that the Member identifies Key Biodiversity Areas affected by their operations.

193. Determine how Members use the mitigation hierarchy to avoid, minimise, rehabilitate or offset impacts on biodiversity and ecosystem services.
194. Determine how the Member implements action plans to deliver measurable biodiversity benefits that are at least commensurate with the level of adverse impacts and ideally provide net positive impact.
195. Determine how the Member ensures that in areas of Critical Habitat there are no measurable adverse impacts on the criteria for which the habitat was designated or on the ecological processes supporting those criteria.
196. Determine how the Member implements 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.
197. Determine how the Member ensures there is sufficient knowledge of the potential impacts when carrying out exploration or mining activities in deep sea areas, and that controls are implemented to mitigate any adverse impacts.

37. Tailings and Waste Rock

198. Demonstrate that Members carry out physical and geochemical characterisations of mine tailings and waste rock.
199. Determine how the Member ensures structural stability and, where applicable, controlled discharge of all tailings and waste rock facilities and supporting infrastructure.
200. Determine how the Member protects 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.
201. Determine how the Member implements appropriate mitigation or treatment if impacts are identified.
202. Demonstrate that the Member does not use riverine disposal of tailings or waste rock.
203. Demonstrate that the Member only uses marine or lake disposal of tailings and waste rock from land-based Mining Facilities if 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.
204. Check that the Member only uses marine or lake disposal of tailings and waste rock from land-based Mining Facilities if it is scientifically demonstrated that a significant adverse effect on coastal or marine species and habitats does not result.
205. Demonstrate that the Member only uses marine or lake disposal of tailings and waste rock from land-based Mining Facilities if there is long-term impact monitoring, including for cumulative impacts, and provision made for a mitigation plan.

38. Cyanide

206. Demonstrate that Members using cyanide in the recovery of Gold ensure applicable sites are certified to the International Cyanide Management Code.

39. Mercury

207. Determine how Members adopt responsible management practices to control and, where feasible, reduce mercury emissions using best available techniques or best environmental practices that take into account technical and economic consideration.
208. Check that management practices are at a minimum in accordance with Applicable Law.
209. Determine how the Member takes steps to 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.
210. Check that the Member does not practise whole ore amalgamation, open burning of amalgam or processed amalgam, and burning of amalgam in residential areas; and cyanide leaching in sediment, ore or tailings to which mercury has been added without first removing the mercury.

40. Mine Rehabilitation and Closure

211. Demonstrate that the Member prepares and regularly reviews a mine rehabilitation and closure plan in relation to each Mining Facility.
212. Check that a closure plan for new Facilities is developed at start-up and existing Facilities have a comprehensive plan as early as possible.
213. Determine how the Member engages regularly with local stakeholders in relation to each Mining Facility, including Indigenous Peoples, communities, ASM, employees and regulators, regarding mine closure and rehabilitation plans.
214. Determine how the Member estimates the cost for implementation of the mine rehabilitation and closure plan for each Mining Facility.
215. Check that Members have the financial provisions to ensure availability of adequate resources to meet closure requirements.
216. Determine how the Member adopts good practice techniques for the rehabilitation of environments disturbed or occupied by Mining Facilities, to establish a sustainable native ecosystem, or other post-mining use.
217. Check that the Member develops these plans through engagement with key stakeholders in the mine closure planning process.