



## Updated draft Code of Practices for consultation

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## **1. Overview**

### **Introduction**

RJC is seeking comment from all stakeholders on the updated 2019 Code of Practices (COP) standard as part of this review. RJC is conducting the consultation process as per the [JSEAL standard setting code](#). Whilst RJC has drafted updates to specific provisions we invite comments on all of the RJC COP provisions.

### **Timeline**

This first round of consultation will be open from 08 April 2024 to 07 June 2024. RJC will then produce a summary of the received comments, provide a response to that summary and make this publicly available on the RJC website. An optional third round of 30-day consultation will be held in Q2 2022 is there are issues unresolved.

### **How to provide comments**

We kindly ask that all comments are submitted via an online form, which can be accessed: [here](#). We also welcome feedback via [consultation@responsiblejewellery.com](mailto:consultation@responsiblejewellery.com).

### **Enquiries**

If you have any enquiries or questions on how you can engage in the consultation, or would like to know more about the consultation process, please go to the RJC website: here or email us on: [consultation@responsiblejewellery.com](mailto:consultation@responsiblejewellery.com).



## 2. Updated draft Code of Practices

### **COP1: Legal Compliance**

#### ***COP 1 applies to all Members.***

##### 1.1 Members shall:

- a. Have systems in place that maintain awareness of, and ensure compliance with, applicable law.
- b. Obtain and comply with required operating licences and permits for its operations.
- c. Meet the most stringent requirement between applicable law and the RJC Code of Practices, whilst always adhering to applicable law.

### **COP 2: Policy and Management Systems**

#### ***COP 2 applies to all Members.***

2.1 Members shall adopt a policy/policies that documents their commitment to responsible business practices, that is endorsed by top management, is actively communicated to workers and is made publicly available.

2.2 The Member shall have documented management systems that address all applicable requirements of the standard.

2.3 The Member shall assign authority and responsibility to a senior staff member for the Members' compliance with all applicable requirements of the standard.

2.4 The Member shall establish and implement communications and training measures that make relevant personnel aware of, and competent in, their responsibilities under the standard.

2.5 The Member shall maintain records covering all applicable requirements of the standard and shall retain them for a minimum of five years or for as long as defined by national legislation, whichever is longer.

2.6a The entity shall have a legitimate rights-compatible complaints and grievance mechanism in place, for responding to requests for information, and raising and resolving disputes related to its business operations, as appropriate to the purpose, nature, scale and impact of the business operations.



26.b The complaints and grievance mechanism shall be consistent with prevailing internationally recognised human rights standards, and:

- i. Be easily and publicly accessible.
- ii. Be culturally appropriate, and understandable.
- iii. Be unbiased, equitable, predictable and transparent.
- iv. Include processes designed to avoid retaliation for individuals or groups filing complaints or engaging the grievance mechanism.
- v. Involve the appropriate level of management and personnel that are appropriately trained, sensitive to the situation with instructions on the respectful handling of all grievances.
- vi. ensure timely response to requests for information, and investigation and resolution of complaints and grievances.

2.6c The complaints and grievance mechanism or any resultant resolutions do not waive or preclude the individual's or group's right to have the same grievance addressed through other available external mechanisms, including administrative, judicial or other non-judicial remedies.

2.6d Records of complaints and grievances including responses and outcomes shall be retained in a manner that protects the confidentiality and integrity of those filing the grievance including where anonymity has been requested.

2.6e The Member shall monitor and evaluate the performance of the grievance mechanism over time to determine if outcomes and remedies provided through the mechanism are successful and whether improvement opportunities can be implemented to prevent or mitigate similar grievances in the future.

2.7 Top 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. The review process and outcomes must be documented.

### **COP 3: Reporting**

***COP 3.1 applies to all Members and COP 3.2 applies to members with mining (including exploration) and mineral processing operations.***

3.1 Members shall communicate publicly and directly with Affected People or Groups at least annually on: a. their business practices relevant to the COP.

b. information on finalised and concluded legal proceedings, fines, judgments, penalties and non-monetary sanctions for failure to comply with applicable law.

3.2 Members with mining or mineral processing facilities shall annually publicly report on their sustainability performance in accordance with the Global Reporting Initiative (GRI) Sustainability



Reporting Standards or comparable recognised reporting guidelines. The report's dataset shall be externally assured.

#### **COP 4: Financial Accounts**

***COP 4 applies to all Members.***

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.

#### **COP 5: Business Partners**

***COP 5 applies to all Members.***

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 All workers and visitors to the member's facilities shall be required to comply with the member's policies, systems and procedures relevant to the COP.

#### **COP 6: Human Rights**

***COP 6 applies to all Members.***

6.1 Members shall respect human rights by considering all potential and actual human rights-related risks and impacts in their operations, business relationships and communities. They shall also commit to, and implement, the UN Guiding Principles on Business and Human Rights as appropriate to the purpose, nature, scale and impact of the business operations.

As a minimum, members shall:

a. Have a policy commitment, endorsed by top management, to respect all internationally recognised human rights within their operations and business relationships, and procedures for implementing the policy in alignment with COP 2 (Policy and implementation).

b. Have a human rights due diligence process that includes a human rights impact assessment to identify, prevent, cease, mitigate and account for adverse human rights impacts that are connected to their business. The risk assessment shall be conducted by competent professionals and informed by current, reliable and relevant information including information from consultations with relevant Affected People or Groups.

c. Provide for, or support legitimate processes to enable, the remedy of any adverse human rights impacts that they have caused, contributed to or been linked with.



- d. Use best endeavours based on a Member's ability to influence its business partners to prevent or mitigate their contributions to the human rights risks and impacts.
- e. Provide a publicly accessible and effective complaints and grievance mechanism in line with COP 2.6 for raising human rights related concerns and grievances.
- f. Periodically review, at least annually, the human rights policy, procedures and due diligence process for effectiveness, and take corrective action where improvement opportunities have been identified.
- g. Communicate annually with Affected People or Groups and publicly report about their human rights due diligence efforts including the methods used to determine human rights issues, list of identified human rights impacts and remedy activities in accordance with COP 3 (Reporting).

6.2 Members that have contributed directly or indirectly through association with their business partners to a confirmed adverse human rights impact, shall:

- a. Cease or change any activities that are contributing to the adverse impact.
- b. Mitigate and remediate adverse impacts to the extent of their contribution. Mitigation measures shall involve consultation with Affected People or Groups.
- c. Use best endeavours to influence other business partners to cease or change their activities.
- d. Establish corrective actions to prevent a recurrence of the human rights impact.

### **COP 7: Due Diligence For Responsible Sourcing, Including From Conflict-Affected And High-Risk Areas**

#### ***COP 7 applies to all Members.***

7.1 Members shall exercise due diligence over their RJC Scope Material supply chains in accordance with the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas (the 'OECD Guidance') or other auditable due diligence frameworks recognised by the RJC to be aligned with the OECD Guidance ('RJC-recognised due diligence frameworks'), in ways appropriate to the purpose, nature, scale and impact of the business operations.

- a. The Member's due diligence process shall adopt best endeavours to confirm that suppliers are legitimate and have not been implicated in money laundering, financing of terrorism or fraud, serious human rights abuses, and are not otherwise subject to sanctions.
- b. Members in the gold value chain shall implement the OECD Guidance Supplement on Gold as applicable to their operations and supply chains.
- c. Members in the diamond supply chain shall implement the OECD Guidance while complying with COP 30 (Kimberley Process Certification Scheme and World Diamond Council System of Warranties).



- d. If the due diligence establishes that Members with mining or mineral processing activities, operate in or source from suppliers in conflict-affected and high-risk areas, the member shall:
- e. Not knowingly cause, contribute to or be linked to conflict, human rights infringements, money laundering, extortion or funding terrorist activities upstream or downstream of their operations including during business activities with traders and transportation organisations.
  - ii. Ensure that Affected People or Groups have access to and are informed about a rights-compatible complaints and grievance mechanism at the operational level for raising conflict-related concerns and grievances.
  - iii. Mitigate and remediate any complaints or grievances received (COP 2.6).
  - iv. Measure and communicate the impact from the mitigation and remediation action to affected communities.
- e. The due diligence process shall be reviewed periodically and at least annually, and its determination outcomes updated if required.

7.2 Members shall adopt and communicate a supply chain policy publicly and to their suppliers. The policy shall be consistent at a minimum with Annex II of the OECD Guidance or with other RJC-recognised due diligence frameworks with respect to sourcing from conflict-affected and high-risk areas.

7.3 Refiner members shall additionally:

- a. Maintain internal material control systems that can uniquely identify origin of each material including date received, quantity and assay, and reconcile movement of inventory in and out.
- b. Collect and annually publicly report, with due regard to business confidentiality, information on the quantity, source and characteristics of the materials handled.
- c. Collect and annually publicly report, with due regard to business confidentiality, information on the mine of origin of mined gold received. This information shall be submitted to the RJC on an annual basis.

#### **COP 8: Sourcing Directly from Artisanal and small-scale mining**

***COP 8 applies to all Members that source RJC Scope Materials, directly from artisanal and small-scale mining (ASM) producers.***

- 8.1 Members that source RJC Scope Materials, directly from artisanal and small-scale mining (ASM) producers that are not under their control shall:
- a. Regularly assess risks outlined in COP 7 (Due diligence for responsible sourcing from conflict-affected and high-risk areas) and also risks of unsafe working conditions, uncontrolled mercury or cyanide use, and significant environmental impacts (including impacts to biodiversity), and other risks where applicable.



- b. Seek development opportunities for ASM communities in line with COP 10 (Community development).
- c. Use best endeavours to positively influence practices by working to:
  - i. Reduce or avoid risks and provide for, or co-operate in, remedying adverse human rights impacts and environmental impacts including climate change and biodiversity. Measurable risk mitigation shall aim to promote progressive improvement within a defined period from the adoption of the risk management plan.
  - ii. Actively participate in initiatives, including multi-stakeholder ones, that enable the professionalisation, formalisation and/or certification of ASM, as appropriate to the situation.
  - iii. Seek to understand fair commercial terms and offer these to all ASM suppliers.

#### **COP 9: Sourcing Post-Consumer Industrial Precious Metals Directly From Informal Recyclers**

***COP 9 applies to all Members that source gold, silver and/or PGM directly from informal recyclers.***

9.1 Members that source gold, silver and/or PGM directly from informal recyclers that are not under their control shall:

- a. Regularly assess risks outlined in COP 7 (Due diligence for responsible sourcing from conflict-affected and high-risk areas) and risks of unsafe working conditions, exposure to toxic chemicals and metals, and other significant environmental impacts; and seek opportunities for the development of informal recycling communities in line with COP 10 (Community development).
- b. Use best endeavours to positively influence practices by working to:
  - i. Reduce or avoid risks and provide for or cooperate in remedying adverse human rights and environmental impacts. Measurable risk mitigation should aim to promote progressive improvement within a defined period from the adoption of the risk management plan.
  - ii. Support development opportunities for informal recycling communities.

#### **COP 10: Community Development**

***COP 10 applies to all Members.***

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

#### **COP 11: Bribery and Facilitation Payments**

***COP 11 applies to all Members.***



11.1 Members shall establish and publicly disclose policy/policies and procedures that:

- a. Prohibit all forms of corruption, including bribery in all business practices and transactions carried out by themselves and by agents acting on their behalf.
- b. Protect workers from any penalty or adverse consequences for identifying in good faith concerns related to suspected bribery, 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 in line with internationally recognised standards for workers to follow when offering and/or accepting gifts to or from third parties.

11.2 Members shall have systems in place to manage bribery risk in their organisation. The systems shall include:

- a. Identification and monitoring of those parts of their business that pose high risk of participation in bribery.
- b. Training of relevant managers and workers 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. A whistle-blowing or other mechanism for Workers or other Affected People or Groups to raise concerns.
- e. Investigation of any incidences of suspected bribery within their organisation.
- f. Sanctions for bribery and attempted bribery.

11.3 Where facilitation payments are allowed by applicable law, members shall:

- a. Act to eliminate all facilitation payments and where elimination is not possible, 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 them or made on their behalf.
- d. Annually publicly disclose facilitation payments made to public or government officials.

## **COP 12: KYC**

### ***COP 12 applies to all Members.***

12.1 Members shall document and apply a Know Your Counterparty (KYC) policy and procedures for counterparties and business partners that are suppliers and customers of RJC Scope Materials, or jewellery products containing these materials. The policy and procedures shall:





- a. Establish the identity of the counterparty by checking government-issued identification. Where triggered by a risk assessment or applicable law, establish the beneficial ownership and principals of the counterparty.
- b. Verify 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.
- c. Maintain an understanding of the nature and legitimacy of their business.
- d. Monitor transactions for unusual or suspicious activity and report suspicions of money laundering or finance of terrorism to the relevant authority as applicable.
- e. Maintain adequate records for either five years minimum or as long as required by national legislation, whichever is longer.

12.2 Members shall assign authority and responsibility to a senior staff member for implementing the KYC policy and procedures.

12.3 Members' KYC policy and procedures shall be up to date and appropriate, and shall include training, documentation procedures and regular reviews.

12.4 Members shall maintain records of all single or apparently linked cash or cash-like transactions equal to or above 10,000 euros/US dollars or the threshold defined by applicable law (whichever is lower). Where required by law, members shall report such transactions to the relevant designated authority.

### **COP 13: Security**

***COP 13.1, 13.2 and 13.4 applies to all Members, and 13.3 also applies to members with mining (including exploration) and mineral processing operations.***

13.1 Members shall assess security risks and establish measures that protect workers, visitors and personnel employed by relevant business partners against product theft, damage or substitution of products within the premises and during events, exhibitions and shipments.

13.2 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.

13.3 Members with mining or mineral processing operations shall ensure that their security approaches are:

- a. Consistent with the Voluntary Principles on Security and Human Rights.
- b. Consistent with the United Nations Basic Principles on the Use of Force and Firearms.
- c. Include commitments to acknowledge their security approaches in a publicly available policy in line with COP 2.1 (Policy and implementation).



13.4 Third party security service providers used by members, or Members whose business it is to provide private security services to the jewellery supply chain shall be certified members of the International Code of Conduct Association (ICoCA).

#### **COP 14: Claims**

***COP 14 applies to all Members that make claims.***

14.1 Members shall check whether they make any claims that apply under this provision that relate to:

- RJC Membership
  - RJC Certification
  - Provenance claims about RJC Scope materials, or products containing RJC Scope materials
  - Product claims or marketing claims
- Sustainability claims about the Member or its products, services and business practices in relation to the scope of the RIC Standards

14.2 Members that make one or more claims, whether to other businesses, the end consumer or the public shall:

- a. Have systems to ensure that the claims are truthful and substantiated by evidence.
- b. Ensure that workers who are responsible for implementing the claims and responding to enquiries about the claims, are trained, understand the claims and can explain them accurately.
- c. Provide information to suppliers, customers, end consumers or members of the public who ask about a claim.
- d. Have a complaints or grievance mechanism in line with COP 2.6, and make this publicly available to allow interested parties to voice concerns.
- e. Revoke claims that are found to be misleading, untruthful or not verifiable, take corrective action to avoid this recurrence, and inform Affected People or Groups about the revoked claim, and the corrective actions.

14.3 Members that make one or more provenance claims shall ensure:

- a. Claims being made are clear, unambiguous and are not misleading.
- b. Claims being made include statements about the underpinning systems and verifiable supporting evidence that substantiate the claims.
- c. all provenance claims are independently verified during an RJC audit and approved for inclusion on the Members RJC Certificate .

14.4. Members that make one or more product claims shall ensure that the claims being made are not misleading and are verifiable. This includes environmental or sustainability claims.



14.5 Members who sell directly to consumers must make available at the point of sale, and on their website, further detail about the claim/s being made including data to support the verification of the claims, and the systems in place to achieve them.

## **COP 15: General Employment Terms**

### ***COP 15 applies to all Members.***

15.1 Members shall implement policies and procedures regarding its approach to managing workers and employment terms with regards to wages, working hours and other employment conditions and communicate these policies and terms to workers in writing before employment starts, in a language that is understood by them. This shall include:

- a. Informing workers of their employment rights under applicable law including that they are free to join a workers' organisation of their choosing without any negative consequences or retaliation from the operating company, and of their rights to applicable collective bargaining in line with COP 21 (Freedom of Association and Collective Bargaining).
- b. Where applicable, provide workers with a copy of the collective agreement and the contact information for the appropriate workers' representative.

15.2 Members shall not:

- a. Avoid fulfilling legal labour and social security obligations including a collective bargaining agreement or other legitimate worker organising effort to workers by using labour-only contracts, false apprenticeship schemes, excessive consecutive short-term employment contracts or zero hour contracts, and/or subcontracting or homeworking arrangements.
- b. Hire replacement workers in order to prevent, undermine or cease a legal strike, support a lockout, or avoid negotiating in good faith, unless the labour hire replacement workers are to ensure that critical maintenance, health and safety, and environmental control measures are maintained during a legal strike.

15.3 Members shall maintain appropriate 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.

15.4 Prior to implementing any collective dismissals or retrenchments, the Member shall carry out an analysis and explore alternatives to retrenchment. If the analysis does not identify viable alternatives to retrenchment, a retrenchment plan that is based on the principle of non-discrimination (see COP 22) and where practicable, to minimise adverse impacts to the retrenched workers, shall be developed in consultation with workers, their representatives, and, where appropriate, relevant official agencies.

15.5 Members shall provide workers with reasonable notice of dismissal and severance payments mandated by applicable law and collective agreements. Severance payments including outstanding back pay, social security benefits, and pension contributions and benefits shall be paid on or before



the termination of the working relationship, or in accordance with a timeline agreed through a collective agreement. Payments shall be made directly to workers, or to appropriate institutions for the benefit of workers, and records of the payment provided to the worker in line with COP 17 (Remuneration).

## **COP 16: Working Hours**

### ***COP 16 applies to all Members.***

16.1 Members shall comply with applicable law on working hours. The normal working week, not including overtime, shall not exceed 48 hours, with a maximum of 8 hours a day. Where workers are employed in shifts, the 48-hour week may be exceeded provided that the average number of normal hours worked over a 3-week period does not exceed 48 hours per week.

16.2 If overtime work is required for business needs, Members shall ensure that:

- a. They use voluntary systems for overtime work. Required overtime is only acceptable where it is allowed under applicable law or collective bargaining agreements, within the limits defined by COP 16 (Working Hours) and outlined in employment contracts.
- b. In all other circumstances, overtime work shall be requested under a voluntary system and within limits set under applicable law or collective bargaining agreements. The imposition of overtime where workers cannot 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 penalised in any way.
- c. Overtime is limited to 12 hours per week. 12hrs per week may be exceeded provided that the average number of overtime hours worked over a 3-week period does not exceed 12 hours per week.
- d. The sum of the normal working week and overtime hours shall not exceed 60 hours in a week unless:
  - i. Defined otherwise by applicable law or a collective bargaining agreement, which allow for work-time averaging including adequate rest periods;
  - ii. There are exceptional circumstances (such as production peaks, accidents or emergencies), which will be assessed as outlined in the guidance for COP 16 (Working Hours). Peak production periods are allowed so long as the longer work time is occasional, voluntarily performed, and compensated at the appropriate premium level established by law and in line with COP 17.2 Remuneration.
  - iii. Through consultations with workers (or workers' representatives, where applicable) members conduct a risk assessment for extended working hours and take appropriate measures to protect workers and minimize the impact of longer working hours on the health, safety and welfare of workers in line with COP 24.

16.3 Members shall provide all workers with at least one rest day in seven consecutive working days in accordance with International Labour Organization (ILO) Convention 14.



16.4 Members shall provide workers with all legally mandated public holidays and leave, including maternity and paternity, compassionate, sick and paid annual leave. Where no applicable law exists, three weeks' paid annual leave and parental leave shall be provided, in accordance with ILO Convention 183. Special leave or working-time arrangements for workers with family responsibilities shall apply to all workers regardless of gender.

16.5 Members shall provide all workers with time off for meals and breaks, in accordance with applicable law. If there is no applicable law, then members shall provide workers with at least one uninterrupted meal and work break of reasonable duration if they work longer than six hours.

16.6 Members shall maintain records of work hours, overtime and annual and sick leave for each worker, in accordance with Applicable Law and in line with COP 2.5.

## **COP 17: Remuneration**

### ***COP 17 applies to all Members.***

17.1 Members shall pay all workers a wage rate for normal hours worked, not including overtime, based on the higher of either the applicable legal or collective agreement minimum wage, plus associated statutory benefits, or the prevailing industry standards or where possible a living wage. Wages paid on a performance-related basis shall not be less than the higher of either the applicable legal or collective agreement minimum wage plus associated statutory benefits, or the prevailing industry standard for a normal working week. Members shall ensure that comparable wages are given to all workers for carrying out work of equal value with processes to assess and remediate any potential wage disparity that discriminates against any category of workers.

17.2 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 minimum of 1.25 x base wage or a premium rate above the regular wage at least equal to the prevailing industry standards.

17.3 Members shall make wage payments to workers in accordance with the law that are:

- a. Regular and predetermined, and not delayed or deferred.
- b. By bank transfer to an account controlled by the worker, or in cash or cheque form in a manner and location convenient to the workers.
- c. Accompanied by a wage slip that clearly details wage rates, benefits and deductions where applicable, and is in a format that workers can easily understand.
- d. If employment agencies are used, members shall have systems to ensure equitable compensation and workplace standards, and to ensure that wages are effectively received by workers, including migrant, contract, contingent and temporary workers.

17.4 Members shall only make deductions from wages if these deductions:

- a. Comply with the law and, if applicable, are governed by collective bargaining agreements.



b. Are determined and calculated following a documented due process that is clearly communicated to workers.

c. Do not result in an worker receiving less than the minimum wage.

17.5 Members shall not make deductions for disciplinary purposes.

17.6 Members shall not force workers to buy provisions or services from their own business or facilities; where there is no alternative, members shall not charge excessive rates for these.

17.7 Members that provide wage advances or loans shall ensure that the interest and repayment terms are transparent and fair, and not deceptive to the worker.

17.8 Members shall ensure that all benefits are given to workers in accordance with applicable law.

17.9 Members shall ensure that workers, and/or their dependents where relevant, are compensated for work-related injuries, illnesses and fatalities in accordance with Applicable Law, and any collective bargaining agreements. Where legal instruments do not exist, the ILO Standard 102 on employment injury benefits or a comparable internationally recognised standard shall be met.

## **COP 18: Harassment, Discipline, Grievance Procedures & Non-Retaliation**

### ***COP 18 applies to all Members.***

18.1 All forms of workplace violence and harassment, directly and indirectly in any form, including intimidation or during disciplinary actions, are prohibited.

18.2 Members shall develop and implement measures to ensure that workers are treated with dignity and respect and are not subjected to violence or harassment, or threatened with these towards themselves, their family or colleagues.

18.3 Managers, medical professionals and other key personnel among security staff and others shall be regularly trained to recognise signs of violence and harassment and understand relevant laws and organisational policies.

18.4 Members shall clearly and actively communicate their disciplinary process and related standards on appropriate disciplinary procedures and worker treatment in line with COP 18.1 and apply these equally to all management and staff. Members shall keep records of all disciplinary actions taken, and ensure confidentiality and anonymity are protected, as appropriate.

18.5 In addition to the requirements of COP 2.6, the Member's complaints and grievance mechanism in line with COP 2.6 shall:

a. Actively communicate its complaints and grievance mechanism to all workers including new workers at the time of recruitment.

b. Ensure that workers acting individually or with other workers shall be free to submit a grievance without suffering any penalty or retaliation.



c. Allow for the involvement of workers' representative, if requested by the worker.

### **COP 19: Child Labour**

#### ***COP 19 applies to all Members.***

19.1 Members shall not engage in or support child labour as defined in ILO Convention 138 and Recommendation 146, which set 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 countries where compulsory schooling ends earlier than 15 years can start RJC membership but cannot achieve or maintain RJC certification if there are workers below the minimum working age of 15 years.

19.2 Members shall not engage in or support the 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.
- 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.

19.3 Notwithstanding COP 19.1 and COP 19.2, where child labour is discovered, members shall immediately withdraw Children engaged in Child Labour and develop documented remediation processes that include steps for the continued welfare of the child and the financial situation of the child's family. Remediation shall include:

- a. For a Child not still subject to compulsory education laws or attending school, attempt to source alternative income generation and/or vocational training opportunities which can include decent and permissible employment.
- b. 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.
- c. 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.

### **COP 20: Forced Labour**

#### ***COP 20 applies to all Members.***

20.1 Members shall not engage in or support the use of forced labour, including bonded, indentured or involuntary prison labour as defined in ILO Convention 29.

20.2 Members shall ensure that all workers are working in voluntary situations. Members shall not:



- a. Unduly restrict the freedom of movement of workers in the workplace or in on-site housing.
- b. Retain original copies of a worker's personal documentation, such as identity papers.
- c. Use deceptive recruitment practices and/or require workers to pay any deposits, equipment advances or recruitment fees (either wholly or partially) as part of the recruitment process. If any such fees are found to have been paid by workers, they shall be reimbursed.
- d. Withhold any part of a worker's salary, benefits or property to force a worker to continue working.
- e. Prevent workers from terminating their employment after reasonable notice or as established by applicable law.

20.3 Members shall not engage in or support human trafficking or any other type of deceptive recruitment and/or bonded labour practices. Members shall clearly communicate this requirement to labour recruiters, agencies and providers with whom they work, and shall monitor their relationships and remedy negative human rights impacts as they may occur, as defined in COP 6.1 (Human rights).

## **COP 21: Freedom of Association and Collective Bargaining**

### ***COP 21 applies to all Members.***

21.1 Members shall respect the right of workers to associate freely in workers' organisations of their choice, without interference or negative consequences in alignment with the 1998 ILO Declaration on Fundamental Principles and Rights at Work. Members shall ensure that workers seeking to form, join or participate in an organisation of their own choosing, including participating in a legal strike, are not subject to any form of harassment as outlined in COP 18.1 (Harassment, discipline, grievance procedures and non-retaliation).

21.2 Members shall respect the right of workers to collective bargaining, and shall adhere to collective bargaining agreements, where these exist. Members shall, subject to applicable law, participate in any collective bargaining processes in good faith.

21.3 Where legislation restricts the right to freedom of association and collective bargaining, members shall not obstruct alternative means that are allowable under applicable law, and not seek to influence or control these mechanisms.

## **COP 22: Non-Discrimination**

### ***COP 22 applies to all Members.***

22.1 Members shall base employment relationships on the principles of equal opportunity and fair treatment, and Members shall not practise 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 in alignment with the 1998 ILO Declaration on





Fundamental Principles and Rights at Work. This includes discrimination based on race, colour, ethnicity, caste, national origin, religion, disability or genetic information, gender, sexual orientation, union membership or partaking in a legal strike, political affiliation, marital status, parental or pregnancy status, physical appearance, HIV status, age or any other personal characteristic unrelated to the inherent requirements of the work. Members shall ensure that all individuals who are 'fit for work' are given equal opportunities and are not discriminated against on the basis of factors unrelated to their ability to perform their job.

### **COP 23 Diversity and Inclusivity**

#### ***COP 23 applies to all Members.***

23.1. The Member shall establish and maintain:

a. A publicly available documented policy endorsed by top management with commitments that promote worker diversity and inclusivity in all levels of the organisation and across functions including (but not limited to) recruitment, professional development and mobility, and equitable employment conditions.

b. Supporting systems and procedures with measures to support the policy implementation. The systems and procedures must be reviewed at least every 3 years.

23.2. The Member shall provide training to its workers and visitors where appropriate, that promotes a culture of diversity and inclusivity, the Policy commitments and the supporting systems and procedures.

23.3. The Member shall:

a) Review the effectiveness of the diversity and inclusivity policy and systems, at a frequency appropriate to the purpose, nature, scale and impact of its business operations.

b) Document the outcomes of the assessment and make this publicly available.

### **COP 24: Health and Safety**

#### ***COP 24 applies to all Members.***

24.1 Members shall provide safe and healthy working conditions for all workers and visitors in accordance with applicable law and other relevant internationally recognised industry health and safety standards.

24.2 Members shall:

a. Develop and implement an occupational health and safety policy with commitments to prevent work-related injury and ill health to workers, to provide safe and healthy workplaces and to prioritise the health and safety of its workers over profits.

b. Communicate the policy to all workers and visitors to site, and ensure the policy is publicly available.



c. Identify hazards and assess the risks of workplace hazards and implement controls to minimise the risks of accidents and injury to workers. The risk assessment shall consider hazards associated with the members' activities and products

d. Establish and implement occupational health and safety management systems with procedures and processes to managing operations in a manner that aims to eliminate hazards, manage identified risks, verify the effectiveness of controls, prevents injuries and fatalities, and demonstrate continuing improvement in health and safety performance.

e. Conduct, at least annually, documented reviews to assess the ongoing suitability and adequacy of the occupational health and safety management systems, verify the effectiveness of risk controls, and implement improvements to address any gaps.

24.3 Members shall provide workers with a mechanism, such as a joint health and safety committee, by which they can raise and discuss health and safety issues with management, and participate in the development and implementation of the health and safety management systems, risk assessments, and establishment of risk controls.

24.4 Members shall provide health and safety training to workers and information to visitors in a format and language that ~~easy~~ is understandable. This will include training and information on:

- a. Specific role-related health and safety hazards and controls.
- b. Appropriate action in the event of an accident or emergency.
- c. Workers' right and responsibility to stop work or refuse to work in situations with uncontrolled hazards, and for any worker or visitor to immediately flag these situations to those at imminent risk and to management.

24.5 Members shall ensure that appropriate personal protective equipment (PPE) to workers and visitors is provided free of charge and verify that it is current and correctly worn or used.

24.6 Members shall provide access to adequate on-site first-aid provisions and trained first-aid personnel, have appropriate procedures for transportation to local medical facilities in the case of a medical emergency and assist workers with work-related injuries to physically access medical treatment in accordance with country law and company policy.

24.7 Members shall establish emergency procedures and evacuation plans for all reasonably foreseeable health and safety emergencies. These shall be accessible or clearly displayed, regularly tested (including through evacuation drills) and periodically updated.

24.8 Members shall investigate health and safety incidents to establish the contributing causal factors, and feed the results into reviews of relevant hazard controls to identify opportunities for improvement and to prevent a recurrence.

24.9 Members engaged in the cutting and polishing of diamonds and/or coloured gemstones shall use cobalt-free diamond-impregnated scaifes.



## **COP 25: Environmental Management**

### ***COP 25 applies to all Members.***

#### 25.1 Members shall:

- a. Establish an environmental policy with commitments for the protection of the environment, fulfilment of environmental obligations and enhancement of environmental performance.
- b. Communicate the policy to all workers and visitors to site, and ensure the policy is publicly available.
- c. Conduct an environmental risk assessment of its business activities and products to identify its significant impacts including for climate change and biodiversity.
- d. Establish environmental management systems and controls appropriate to the purpose, nature, scale and impact of the business operations to manage the identified significant environmental risks.
- e. Provide training and information about environmental risks and controls to all relevant workers. These shall be given in a format and language that workers can easily understand.
- f. Conduct, at least annually, documented reviews to assess the ongoing suitability and adequacy of the environmental management systems, verify the effectiveness of risk controls, and implement improvements to address any gaps.

## **COP 26: Hazardous Substances**

### ***COP 26 applies to all Members.***

26.1 Members shall maintain an inventory of hazardous substances at facilities. Safety data sheets (or equivalent) shall be accessible wherever hazardous substances are used and their associated risks shall be clearly and actively communicated to all workers who work with them.

26.2 Members shall not manufacture, trade or use chemicals and hazardous substances prohibited by applicable laws or subject to international bans.

26.3 Any hazardous substances subject to phase out by applicable laws or international standards, shall not be manufactured or traded and their use shall be phased out in accordance with the regulation.

26.4 Wherever technically feasible and economically viable, members shall use alternatives to hazardous substances in their business processes.

## **COP 27: Wastes and Emissions**

### ***COP 27.1, 27.2, 27.3, 27.4, 27.5 applies to all Members and COP 27.6 also applies to members with mining (including exploration) and mineral processing operations.***



27.1 Members shall identify significant wastes and emissions to air, water and land generated in their business processes in accordance with COP 25 (Environmental management).

27.2 Members shall responsibly manage the identified wastes and emissions. In particular, they shall:

- a. Quantify wastes and emissions to manage and monitor trends over time and drive continuous improvement in environmental performance.
- b. Apply the principles of reduce, reuse, recycle and recover to minimise environmental impact where applicable, including reducing greenhouse gas emissions and increasing energy efficiency in alignment with COP 27.3 27.4 and 27.5,
- c. Discharge or dispose of wastes and emissions in compliance with applicable law or, where applicable law does not exist, in line with prevailing internationally recognised standards. This includes maintaining documentation for:
  - i. Current and legacy waste disposed of onsite detailing, at minimum disposal date, location and quantities, physical, chemical and biological characteristics of the hazardous waste, nature of the waste disposal site including permeability of layer below waste and leachate/run-off collection system.
  - ii Hazardous wastes transported offsite, whether transported by the operating company or contractors.

#### Greenhouse gas and energy

27.3. Work towards using renewable energy in alignment with national frameworks, targets and/or legislation.

27.4. The Member shall annually quantify and document its annual scope 1 and scope 2 greenhouse gas emissions, and material energy consumption by source, and document the methodologies used with associated assumptions.

27.5 Members with significant greenhouse gas emissions and energy consumption shall:

- a. Set a three year rolling GHG and energy plan with meaningful and achievable annual reduction targets and improvement opportunities for its greenhouse gas emissions and energy per unit production of RJC Scope Material. The plan and the targets shall be reviewed annually.
- b. Independently verify its greenhouse gas emissions, energy usage, and reduction targets on an annual basis by a recognised expert.
- c. Annually publicly report its independently verified scope 1 and scope 2 GHG emissions (absolute or per production weight unit of RJC Scope Material). The public report shall also provide the status of the reduction targets and improvement opportunities.

27.6 In addition to the requirements in COP 27.4 and 27.5, Members with mining or mineral processing activities shall:



- a. Include scope 3 GHG emissions as part of its annual greenhouse gas quantification, where information is readily available and state all assumptions used.
- b. Adopt the processes in the Greenhouse Gas Protocol Corporate Standard or the Global Reporting Initiative's GRI 305 emissions reporting standard to quantify greenhouse gas emissions and energy usage data.
- c. Set reduction targets and improvement opportunities consistent with the Paris Agreement 1.5oC IPCC warming scenario using a science-based approach or other internationally recognised methodology.

### **COP 28: Natural Resources**

#### ***COP 28 applies to all Members.***

28.1 In alignment with the approach required for COP 25 (Environmental management), members shall:

- a. Identify significant natural resources including water and land, used in their business and seek to ensure their efficient use.
- b. Monitor usage of these resources and establish reduction and efficiency initiatives.

#### Water

28.2 Members with significant adverse impacts to water resources shall:

- a. Apply strong and transparent water governance, including policies, procedures and clear allocation of responsibilities to protect water resources and ecosystems.
- b. Manage water at facilities effectively using a water balance and water quality monitoring data, and considering cumulative and legacy impacts and implement actions to mitigate significant adverse impacts on water quantity, water quality and current and potential future water uses.
- c. Identify stakeholders including water users and water rights holders, that may potentially affect or be affected by its water management practices. Engage and collaborate with these stakeholders to agree on sustainable water practices at a water catchment level (where applicable). Where agreed responsible and sustainable water use cannot be achieved, the Member must implement practices that avoid or minimise significant adverse impacts and have these practices independently verified.
- d. Annually publicly report company water withdrawal and efficiency including outcomes arising from COP 28.2a-c, in line with COP 3 (Reporting).

#### Natural capital

28.3 Members with mining or mineral processing operations with significant adverse impacts to natural capital derived/supported by land and soil resources shall:



- a. Apply strong and transparent land management governance, including policies, procedures and clear allocation of responsibilities to the natural capital derived/supported by the land and soil resources.
- b. Manage land contamination including soil erosion and degradation at facilities effectively using soil characterisation, condition assessment and soil monitoring data, considering cumulative and legacy impacts, and implement actions to mitigate significant adverse impacts on land and soil and current and potential future land uses.
- c. Identify stakeholders including land users and land rights holders, that may potentially affect or be affected by its current or legacy land management practices.
- d. Engage and collaborate with relevant stakeholders (identified in 28.3c) to establish and achieve responsible and sustainable land use for the potential future uses.
- e. Annually publicly report company land and soil management practices including outcomes arising from COP 28.3a-c, in line with COP 3 (Reporting).

#### **COP 29: Product Disclosure**

##### ***COP 29 applies to all Members.***

29.1 Members selling, advertising or marketing products containing RJC Scope Materials, jewellery products, or treated, reconstructed, composite or simulant diamonds or coloured gemstones, shall:

- a. Ensure the information provided complies with applicable law and follows internationally recognised standards.
- b. Not make any untruthful, misleading or deceptive representation, or make any material omissions.
- c. Ensure that any claims being made are not misleading and are verifiable in line with COP 14 claims.

29.2 Members shall disclose information on the physical characteristics of the materials listed in COP 29.1 in compliance with applicable law. Unless a conflict with applicable law exists, members shall apply the following requirements to support 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 PGM or abbreviation. Any quality marks used shall be applied in accordance with applicable law or internationally recognised 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', 'silver' or the PGM or abbreviation.



c. Treatments: Treated RJC Scope Materials shall be disclosed as 'treated' with specific description of the treatment, including whether the treatment involves heating, if permanent or non-permanent. The description shall be equally conspicuous as the name of the RJC Scope Material.. Any non-permanent treatment shall be disclosed with specific reference to the treatment. Any special care requirements that the treatment creates shall be disclosed.

d. Laboratory-grown materials: Wholly or partially laboratory-grown materials shall be disclosed as , 'laboratory grown', 'laboratory created' '(manufacturer name) created', and/or 'synthetic'. Abbreviations such as "lab-grown" or "lab-created" are also acceptable. The description shall be equally conspicuous as the word 'diamond' or the name of the coloured gemstone.

e. Composites: Composite (or assembled) RJC Scope Materials constructed of two or more parts shall be disclosed as 'composite', 'assembled', 'doublet' or 'triplet', and by the correct name of the material of which it is composed. The description shall be equally conspicuous as the name of the RJC Scope Material used.

f. Reconstructed stones: Reconstructed RJC Scope Materials shall be disclosed as such and the description shall be equally conspicuous as the name of the RJC Scope Material.

g. Simulants (or imitation): Any artificial product used to imitate the appearance of RJC Scope Materials without having their chemical composition, physical properties and/or their structure shall be disclosed as 'imitation' or 'simulant' along with the correct name of the material of which it is composed, for example, 'x compound', 'glass', 'plastic'. The description shall be equally conspicuous as the word 'diamond' or the name of the coloured gemstone.

h. Descriptions of polished diamonds and coloured gemstones: Describe the dimension or carat weight, colour, clarity and cut of diamonds and coloured gemstones in accordance with the recognised guidelines appropriate to the particular jurisdiction.

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

j. Product health and safety information: Any relevant health and safety information about the materials listed in COP 29.1 in jewellery products sold by members to end consumers shall be disclosed. This includes irradiated RJC Scope Materials.

29.3 Members shall take substantive and documented action to avoid buying or selling undisclosed laboratory-grown materials. To that end, members buying or selling diamonds and coloured gemstones shall:

a. Obtain a written warranty from their suppliers.

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



- c. Employ a documented due diligence process to identify and mitigate risks related to undisclosed laboratory-grown materials entering their supply chain. Identify possible high-risk contamination points.
- d. For polished diamonds and coloured gemstones classified as high risk, carry out testing using a defined, credible and transparent protocol. This can be an existing industry-accepted protocol or one that is defined by the member. The protocol must:
  - i. Incorporate an appropriate approach for testing loose and set polished diamonds and coloured gemstones.
  - ii. Include either in-house testing, using relevant and effective detection equipment, or outsourced testing by a qualified service provider, such as a gemmological laboratory.
  - iii. Include testing at least once at a point in the process where there is no longer any risk of introducing undisclosed laboratory-grown materials before the parcel is sold. This is normally just before sale.
  - iv. The testing protocol must be disclosed to clients (not end consumers), including the procedure for managing test referrals.

### **COP 30: Kimberley Process Certification Scheme and World Diamond Council System of Warranties**

#### ***COP 30 applies to all Members.***

30.1 Members shall neither knowingly buy or sell conflict diamonds nor help others to do so.

30.2 Members involved in the international trade of rough diamonds shall comply with the Kimberley Process Certification Scheme (KPCS) minimum requirements and recommendations as incorporated into the applicable legislation of countries where they operate.

30.3 Members involved in buying and selling diamonds, whether rough, polished or set in jewellery, shall adopt the World Diamond Council System of Warranties (SoW).

30.4 Members shall ensure that all workers who buy or sell diamonds are well informed about trade association resolutions and government restrictions prohibiting the trade in conflict diamonds.

### **COP 31: Grading Analysis and Appraisal**

#### ***COP 31 applies to all Members.***

31.1 Gemmological laboratories and businesses issuing grading, research, analysis or appraisal reports, shall have:

- a. Clearly documented policies and procedures in place to ensure the laboratory or business is organised around a formal management system, with clearly defined roles and responsibilities for graders and appraiser, that support consistency and integrity.





b. Members who issue grading, research, analysis or appraisal reports that also engage in the business of the sale of products covered by this Code of Practices, must establish and document the procedures undertaken to avoid all potential or actual conflicts of interest in compliance with Sections 31.7 and 31.8 below.

c. Technical requirements documented and implemented related to any process-related factors that impact the chain of custody through the lab, validity, and reliability of testing, grading, or reporting of results.

d. Equipment and calibration documentation and processes implemented that define and control conditions, determine the appropriate equipment for use, establish maintenance requirements, and calibration procedures of equipment and instruments to ensure accuracy and consistency in their testing results.

31.2 Members that generate reports on grading, research, analysis, and appraisal shall:

a. Maintain and employ the minimum baseline technological equipment required to produce the reports offered.

b. Have systems in place, based on scientific methodology, that are sufficiently thorough and comprehensive to produce valid and reproducible results, and have management systems in place to ensure both the quality and the independence of the analysis and reports produced.

c. Establish necessary additional quality control and assurance systems (including sufficient data collection and timely calibration and verification systems for testing equipment employed) and a robust chain of custody program for products in their possession to ensure necessary segregation of products while in their possession.

d. Ensure client anonymity during the testing process is maintained.

31.3 Members that generate diamond grading and/or coloured gemstone analysis reports shall identify whether detection of synthetics and/or any treatments are part of the assessment and whether this has been carried out for all stones.

31.4 Members that generate geographical place of origin reports for coloured gemstones shall have systems in place, based on scientific methodology, to ensure consistency of this determination. They shall also carry out detection of treatments and synthetics as part of the determination.

31.5 Members that generate reports assessing monetary value based on expert opinion shall identify the person or entity that has requested the report and provide a statement of the purpose for which the report was sought. Such members shall ensure that appropriate client confidentiality and conflict of interest policies are in place.

31.6 Members that offer diamond grading reports, coloured gemstone analysis and/or geographical origin reports, or monetary value reports shall disclose their relationship, if any, to the seller of the item, any relevant vested interests held by the grader, analyst or appraiser or organisation in the sale of the jewellery product; describe the grading system employed; provide disclaimers or limitations on liability and any other specific information pertaining to the report. Such information shall be in plain language and readily accessible.



### **COP 32: Extractive Industries Transparency Initiative**

***COP 32 applies to members with mining (including exploration) operations.***

32.1 Members with mining activities shall support implementation of the Extractive Industries Transparency Initiative (EITI) in EITI implementing countries.

32.2 In all countries, members shall:

- a. Promote transparency throughout the mining industry, helping public debate and providing opportunities for sustainable development.
- b. As a guiding principle, aim to publicly disclose taxes and payments in all countries of operation. Where companies choose not to, they should state why not.
- c. Aim to publicly disclose beneficial owners.
- d. Engage in rigorous procurement processes, including due diligence in respect to partners and vendors.
- e. Support countries to put into practice their decisions to disclose future licences and contracts.
- f. Work with governments to deliver natural resources in a way that benefits societies and communities.
- g. Establish appropriate accountability checks to ensure the accuracy and quality of the disclosed information.

### **COP 33: Stakeholder engagement**

***COP 33 applies to members with mining (including exploration) and mineral processing operations.***

33.1 Members shall foster dialogue and carry out meaningful engagement with Affected People or Groups. The engagement shall:

- a. Be conducted at all stages of the operations lifecycle, including during early planning, exploration (for mining) through to closure and in post closure planning.
- b. Based on the level of the operations impacts, consider the interests of Affected People or Groups in key mining decisions in the lifecycle of the operations and seeking broad community support for new proposals.
- c. Be respectful, and free from manipulation, interference, coercion or intimidation, and to prevent or mitigate community conflicts.
- d. Be conducted in an inclusive, equitable, culturally appropriate and rights compatible way, and work to remove any barriers to engagement.
- e. Demonstrate that efforts have been made to include participation by women, marginalised and vulnerable groups or their representatives. Where stakeholder engagement processes depend on



community representatives, Members shall adopt best endeavours appropriate to the purpose, nature, scale and impact of their business operations, to ensure these actors are genuine representatives of affected communities.

33.2 Members shall have documented systems for early and ongoing engagement throughout the operation's lifecycle that:

- a. Identify and analyse the full diversity of relevant Affected People or Groups including marginalised and vulnerable groups, and ensure these are effectively and meaningfully represented.
- b. Draw on appropriate skills, resources and suitably experienced personnel including participation by site management and subject-matter experts especially when addressing concerns of significance.
- c. Be designed in consultation with the identified Affected People or Groups.
- d. Establish processes for timely and effective communication channels to disseminate relevant project information using understandable formats. This shall cover receiving feedback and to report back issues raised during engagement processes and how the Member has taken their input into account.
- e. Have a process to respond to requests for information including performance against the COP that is not unreasonable or involve commercially sensitive information and explain reasons for any delays or omissions.
- f. Be responsive to systemic and site-induced vulnerability with engagement plans specific to vulnerable groups.
- g. Processes for periodic reviews and to implement corrective actions to address situations where engagement systems are not effective and to maintain broad community support in a mutually acceptable manner.

33.3 In addition to the requirements of COP 2.6, Members shall:

- a. Ensure that affected communities have access to and are informed about its rights-compatible complaints and grievance mechanism at the operational level for raising and resolving disputes about the Member and its mining and/or related mineral processing operations, including grievances related to human rights. The mechanism shall be consistent with internationally-recognised human rights standards.
- b. Consult with Affected People or Groups including marginalised and vulnerable groups, on the design, implementation and continual improvement of the grievance mechanisms.
- c. Periodically report to Affected People or Groups on grievances received and responses provided in a manner that protects the confidentiality and integrity of those filing the grievance.

**COP 34: Indigenous Peoples and Free Prior Informed Consent (FPIC)**

***COP 34 applies to members with mining (including exploration) and mineral processing operations.***



34.1 Members that operate in regions where Indigenous Peoples are present shall:

- a. Respect the rights of Indigenous Peoples as articulated and defined in applicable local, national and international laws and their social, cultural, environmental and economic interests, including their connection with lands and waters.
- b. Establish documented policies with supporting systems that recognise these rights, which are communicated to affected parties and made publicly available.
- c. Where applicable, determine whether an adequate consultation process was undertaken by the host government in order to obtain Indigenous People's informed consent prior to granting access rights.

34.2 Provision 34.2 applies to new mining or mineral processing operations, changes to existing operations, that are likely to have significant adverse impacts on Indigenous Peoples including, but not limited to, those associated with:

- 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 indigenous peoples' identity and/or their cultures, ceremonies or spiritualities.
- Use of cultural heritage (including Indigenous Peoples' knowledge, innovations or practices) for commercial purposes.

Members with mining or mineral processing operations shall, as described in International Finance Corporation (IFC) Performance Standard 7:

- a. Disclose to Indigenous Peoples, in a culturally appropriate manner, the scope and concepts of the proposed project, and the Indigenous Peoples right to FPIC.
- b. Collaborate with the affected Indigenous Peoples or their representatives design, document and implement a mutually agreed FPIC process based on good-faith negotiation that strives to be consistent with their traditional decision-making processes while respecting internationally recognised human rights. The process must include a methodology to address the information gaps and needs identified through the FPIC process and take into account the different groups affected and their traditional decision-making processes.
- c. Make the FPIC process publicly available, unless the affected Indigenous Peoples or their representatives have explicitly requested otherwise.
- d. Work in good faith to obtain the free, prior and informed consent of affected Indigenous Peoples during the planning and approval stages.
- e. Document the mutually accepted process between the member, the affected Indigenous Peoples and relevant government authorities that was followed, outcomes of the process and the evidence



of agreement between the parties and the outcome of the negotiations including compensation, if applicable.

f. Once support for the proposed project has been obtained, the Member shall continue engagement with Indigenous Peoples, monitor implementation of the FPIC agreement, and document the status of the commitments made in the agreement.

g. Where the affected or their representatives clearly communicate, at any point during engagement, that they do not wish to proceed with FPIC-related discussions or consent is not given, the Member shall:

- i. Publish this outcome in a manner that is respectful to the affected Indigenous Peoples
- ii. Implement good faith actions to supports positive relationships with affected Indigenous Peoples,
- iv. Mitigate significant adverse impacts with the new project or major expansion to existing operations, in line with COP 35 Impact Assessment. 34.3 Where FPIC is found not to apply, members shall seek to obtain broad based support of affected Indigenous Peoples before carrying out any new or expanded operations and seek to maintain it throughout the operations lifecycle. This support shall be formally documented before the project begins. The documentation shall include any compensation, partnerships and/or programmes to provide benefits and mitigate impacts.

### **COP 35 Impact Assessment**

***COP 35 applies to members with mining (including exploration) and mineral processing operations.***

35.1 When planning and approving new mining or mineral processing projects or major changes to existing projects or operations, members shall complete an environmental and social (including human rights) impact assessment (ESIA), for the entire project scope and lifecycle.

35.2 The ESIA shall be comprehensive and consistent with International Finance Corporation (IFC) Performance Standard 1, appropriate to the purpose, nature, scale and impact of the project.

35.3 The ESIA shall:

- a. Establish environmental and social baselines,
- b. Assess the direct and indirect cumulative impacts and potential impacts of extreme climate change events, relative to the baseline conditions.
- c. Design options to avoid and minimise negative impacts where applicable.
- d. Develop associated environmental and social management plans to manage impacts. The plans are maintained and relevant for the relevant lifecycle stage.

35.4 The ESIA shall be documented in a summary report that is publicly disclosed in a format and language appropriate to Affected People or Groups . The summary report shall include:



- a. the public engagement and consultation process, the views and concerns expressed by Affected People or Groups including marginalised and vulnerable groups and other interested parties, and how the concerns were taken into account with Affected People or Groups anonymised unless written consent for their identity to be published has been provided.
- b. Names and affiliations of ESIA authors and others involved in technical studies.
- c. Baseline and supporting data, analyses, studies, assessments and monitoring programs.
- d. An integrated detailed presentation of the information covered in COP 35.1 and 35.2.

35.5 Members with existing mining or mineral processing operations shall:

- a. Undertake a comprehensive evaluation of its actual and potential environmental and social (including human rights) direct and cumulative lifecycle impacts. The assessment shall involve engagement and input from Affected People or Groups including marginalised and vulnerable groups and other interested parties.
- b. Established effective mitigation measures that take into account the views of the consulted Affected People or Groups to minimise and manage its impacts.
- c. Prepare and maintain documented management plans that include the mitigation measures and monitoring programs, as appropriate.

## **COP 36: ASM & LSM**

***COP 36 applies to members with mining (including exploration) and mineral processing operations.***

36.1 Members where artisanal and small-scale mining (ASM) not under their control occurs within their areas of operation or located in close proximity such that it affects their areas of operation shall, as appropriate to the purpose, nature, and scale and impact of their operations:

- a. Engage directly with the ASM community as appropriate and seek to maintain a continuous dialogue with them as a distinct group within the stakeholder engagement programme (COP 33 Stakeholder engagement), to understand their legal operating context, where relevant assist with social and environmental impact assessment and ongoing risk management of the ASM activities (COP 35 Impact assessment) and with closure planning in line with COP 43 (Mine and mineral processing facilities rehabilitation and closure).
- b. Actively participate in initiatives, including multi-stakeholder ones, that support the professionalisation, formalisation and certification of ASM, to improve safety, environmental and social performance of ASM activities for the benefit of ASM entities and host communities, as appropriate to the situation.
- c. Engage where appropriate, with communities that are or may be affected by ASM activities in the members areas of operations including informing communities and the ASM that they have access to its complaints and grievance mechanism to raise concerns and resolve conflicts (COP 2.6 and COP 33.3).



### **COP 37: Resettlement**

***COP 37 applies to members with mining (including exploration) and mineral processing operations.***

37.1 Members shall:

- a. Avoid involuntary physical resettlement and/or economic displacement of people, including women, children, marginalised and vulnerable groups.
- b. Where resettlement is unavoidable, it shall develop and implement a resettlement plan with appropriate measures consistent with International Finance Corporation (IFC) Performance Standard 5. The plan and its measures shall take into account the views of consulted and Affected People or Groups and be established to minimise and mitigate adverse impacts. The plan shall be independently reviewed by competent and experienced professionals and then communicated with relevant Affected People or Groups.

37.2 Members planning new projects or major changes to existing projects or operations for all designs and alternatives, shall include as part of their ESIA, an assessment of risks and impacts related to the physical and/or economic resettlement of people, including potential impacts on women, children, marginalised and vulnerable groups in line with COP 35 (Impact assessment and Management).

37.3 For resettlement at an existing mine or mineral processing operation that was completed after [insert date post consultation feedback], members shall:

- a. Commission an independent completion audit that verifies that the resettlement process has been completed as per the Members Resettlement Plan as per COP Provision 37.1b and in alignment with IFC Performance Standard 5.
- b. Until the completion audit has been completed, annually evaluate and confirm that displaced persons and affected communities have been compensated and their livelihoods restored as per the Resettlement Plan, and that its complaints and grievance mechanism is active to address any residual concerns (COP 2.6 and COP 33.3).
- c. Implement new restorative actions in consultation with affected persons and communities or their representatives, where the evaluation identifies gaps with the agreed compensation, ineffective improvement in livelihoods, lingering human rights impacts or other introduced adverse impacts attributed with the historical resettlement.
- d. At least every year, report to Affected People or Groups progress made toward full implementation of the historical and any new restorative actions.

37.4 Forced evictions shall not be carried out except in accordance with the applicable law and prevailing United Nations guidance about Human Rights associated with forced evictions.



### **COP 38: Emergency Response**

***COP 38 applies to members with mining (including exploration) and mineral processing operations.***

38.1 Members shall develop, maintain and regularly test (through drills and emergency response exercises conducted at least annually) emergency response plans in collaboration with potentially affected communities, workers and their representatives, relevant agencies and, in accordance with UN Environment guidance on Awareness and Preparedness for Emergencies at Local Level (APELL) methodology for Mining. Plans shall:

- a. Include up-to-date emergency contact details.
- b. Be developed with COP 24.2 (Health and safety).
- c. Provide response for any emergencies arising within the facility that have the potential to impact off-site areas including the surrounding environment and communities.
- d. Include evacuation and emergency medical procedures, for all potential industrial accidents that pose a significant risk to worker health or safety.
- e. Be reviewed at least annually.

### **COP 39: Biodiversity**

***COP 39 applies to members with mining (including exploration) and mineral processing operations.***

39.1 Members shall not operate in World Heritage sites and shall ensure that their activities do not negatively impact directly on adjacent World Heritage sites.

39.2 Members shall respect protected areas by ensuring:

- a. They have a process to identify nearby protected areas.
  - b. Compliance with any regulations, covenants or commitments attributed to these areas.
  - c. They take impacts on protected areas into account when making decisions throughout the operations lifecycle.
- 39.3 If existing operations are located entirely or partially in or adjacent to a protected area, the Member shall:

- a. Comply with COP provision 39.1
- b. Demonstrate that its operations commenced prior to the area's official designation.
- c. Develop and implement documented management plans in collaboration with the relevant protected area management authorities, and where relevant affected Indigenous Peoples, for the lifecycle of the operation with actions to maintain the special values for which the area was designated for protection.

39.4 Members with proposed projects , or major expansion of existing operations shall:

- a. Comply with COP provision 39.1.





b. Not proceed with the project or major expansion in or adjacent to a protected area unless the Member:

i: Carries out a biodiversity and ecosystem services impact assessment and management requirements in line with COP 35 (Impact Assessment and Management) and commission an additional assessment that is carried out or independently peer-reviewed by a reputable conservation organisation and/or academic institution to demonstrate that activities will not damage the integrity of the special values for which the area was designated for protection.

ii: Obtains approvals required by Applicable Law, and where relevant, FPIC in line with COP 34 (Indigenous Peoples and Free Prior Informed Consent).

iii: Consults with protected area sponsors, managers and Affected People or Groups in line with COP 33 (Stakeholder engagement).

iv: For the lifecycle of the operation with actions to maintain the special values for which the area was designated for protection.

v: Implements additional conservation actions or programs to promote and enhance the conservation aims and/or effective management of the area. 39.5 Members shall not carry out mining or mineral processing operations, including tailings disposal, in deep sea areas until they have sufficient scientific knowledge of potential impacts of their activities and evidence that controls can be implemented to mitigate adverse impacts.

39.6 Members shall identify Key Biodiversity Areas affected by their operations and:

a. Use the mitigation hierarchy to avoid, minimise and rehabilitate impacts on biodiversity values.

b. Where residual impacts remain, set an objective for a no net loss with preference explored for a net gain outcome, where feasible. Offsets to address the residual impact shall only be employed after these steps are applied and meet international best practice.

c. Maintain the functionality of ecosystem services and the ecological processes, habitats and species necessary to support them.

d. Implement and maintain action plans that follow the mitigation hierarchy and include context-based objectives targets, with clearly defined roles and responsibilities to deliver measurable biodiversity benefits that are self-sustaining after decommissioning and reclamation of the area.

e. In areas of critical habitat or priority ecosystem services, ensure there are no measurable adverse impacts (no net loss) on the criteria for which the habitat was designated or on the ecological processes supporting those criteria, and provide an overall net gain in biodiversity benefits for the area.

39.7 Members shall implement controls to ensure that their operations will not lead to the significant decline (no net loss) of a threatened species, as listed by the IUCN, or create adverse impacts on the habitat critical to supporting their survival.

39.8 Members shall develop and implement a program to monitor the implementation of its action plan(s), controls and targets throughout the lifecycle of the operations. The program shall include:



- a. Monitoring of key biodiversity, ecosystems services or other indicators to evaluate the effectiveness of mitigation strategies and progress toward the objectives of at least no net loss or net gain in biodiversity over time.
- b. Mechanisms to identify and implement timely and effective corrective action developed in consultation with relevant Affected People or Groups to address situations where the monitoring program reveals that the actions, controls or targets are not achieved or implemented as expected.
- c. Processes for independent review monitoring information.
- d. At least annual reporting that is publicly available, of the monitoring information and effectiveness of actions, controls or targets in line with applicable laws and internationally recognised standards for sustainability reporting.

#### **COP 40: Tailings and Waste Rock**

***COP 40 applies to members with mining (including exploration) and mineral processing operations.***

40.1 Members shall carry out physical and geochemical characterisations of mine waste rock or tailings from mining or mineral processing operations.

40.2 Members shall manage tailings and waste rock consistent with the Global Industry Standard on Tailings Management (GISTM), as appropriate. Members shall design, construct, maintain, monitor and close all tailings and mine waste rock facilities and supporting infrastructure to:

- a. Ensure structural stability and take measures to prevent catastrophic failures.
- b. Ensure controlled discharge and 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 or mineral processing facilities' operation and post-closure.
- c. Implement appropriate mitigation or treatment if impacts are identified.

40.3 Members shall not use riverine disposal of tailings or waste rock.

40.4 Members shall not use marine or lake disposal of tailings and waste rock from land-based mining and/or mineral processing facilities unless:

- a. A thorough environmental and social analysis of alternatives, using scientifically valid data, was conducted that showed marine or lake tailings disposal creates less environmental and social impact and risk than a land-based tailings facility; and
- b. It can be scientifically demonstrated that there will be no significant adverse effect on coastal or marine species and habitats; and
- c. There is long-term impact monitoring, including for cumulative impacts, and provision made for a mitigation plan.



#### **COP 41: Cyanide**

***COP 40 applies to members with mining (including exploration) and mineral processing operations.***

41.1 Members using cyanide in the recovery of gold, silver or PGMs shall ensure applicable sites are certified to the International Cyanide Management Code.

#### **COP 42: Mercury**

***COP 42 applies to members with mining (including exploration) and mineral processing operations.***

42.1 Members where mercury is contained in saleable products, by-products or emissions shall adopt responsible management practices to control and reduce mercury emissions using best available techniques or best environmental practices that take into account technical and economic considerations. At minimum, this shall be in accordance with applicable law and in line with the Minamata Convention.

42.2 Members using mercury shall take steps to control, reduce and, where feasible, eliminate their use of mercury and mercury compounds, and their emissions and releases to the environment of mercury. They shall use time-bound action plans for doing so.

a. Members shall not practise whole ore amalgamation or open burning of amalgam (or processed amalgam) under any circumstances; in residential areas they shall not practise the burning of amalgam. They shall not practise cyanide leaching in sediment, ore or tailings to which mercury has been added without first removing the mercury.

b. Members shall take steps to prevent vulnerable groups being exposed to mercury, particularly children, women of childbearing age and pregnant women.

#### **COP 43: Mine and mineral processing operation rehabilitation and closure**

***COP 43 applies to members with mining (including exploration) and mineral processing operations.***

43.1 Members shall prepare and regularly review a mine rehabilitation and closure plan for each site and its associated facilities including mine exploration activities. New operations shall have a closure plan from start-up, and existing facilities shall establish a comprehensive plan as early as possible. Plans shall be designed to prioritise protection of human health and the environment with the area returned to a stable landscape to suit the agreed post-mining and/or post-mineral processing use and include:

a. A clear purpose, scope with location and relevant background information.

b. A description of the operations, and the site features.



c. Agreed-upon post-operational use including details of the consultation undertaken and Affected People or Groups involved to achieve the agreed use.

d. Methods and timeline for land and ecosystem restoration earthworks, revegetation and disposal of hazardous materials.

e. Rehabilitation maintenance and monitoring.

f. Role of communities in post restoration monitoring activities.

43.2 Members , shall engage regularly with Affected People or Groups, including indigenous peoples, communities, artisanal and small-scale miners, workers and regulators, about site closure and rehabilitation plans.

43.3 Members shall:

a. Estimate the cost for implementing the site rehabilitation and closure plan for each site including mine exploration activities.

b. Establish financial provisions to ensure availability of adequate resources to meet rehabilitation and closure requirements including exploration and post closure monitoring.

c. Ensure sufficient financial assurances and guarantees to cover rehabilitation and closure are in place at all times of the operations lifecycle including decommissioning, rehabilitation, closure and post closure rehabilitation.

d. Periodically review at least every three years or earlier if there is a major change to the Member's operations, and report on site closure funding estimates.

43.4 Members shall adopt good practice techniques for rehabilitating environments disturbed or occupied by mining or mineral processing operations. They shall:

a. Implement mine exploration-related reclamation in a timely manner and progressively rehabilitate all other sites and operations, as appropriate.

b. Only adopt long term post closure water treatment subject to an independent engineering and risk assessment that evaluates the environmental, social and financial impacts and with consideration of Affected People or Groups including technical experts.

c. Seek to establish an appropriate self-sustaining ecosystem, or other post-operational use agreed through stakeholder engagement during site closure planning.

#### **COP 44: Community Health and Safety**

***COP 44 applies to members with mining (including exploration) and mineral processing operations.***

44.1 Members shall identify and assess potential risks and impacts to community health and safety from mining or mineral processing related activities that may occur throughout the operations' life cycle. The assessment shall at a minimum:



- a. Be informed by relevant data including information sourced from collaboration with Affected People or Groups, health agencies and workers who live in affected communities and individuals or representatives of marginalised and vulnerable groups.
- b. Consider potential risks and impacts arising from incidents, failure of controls and infrastructure, impacts on priority ecosystem services used by the communities, release of hazardous materials, contamination and degradation of land, soil, water and air, effects on community demographics and other community services.
- c. Identify differential impacts on vulnerable groups or susceptible members of affected communities.
- d. Evaluate the significance of each impact with consideration of relevant public health and safety Applicable Law or in the absence of Applicable Law, internationally recognised standards, to determine whether it is acceptable, requires mitigation, or is unacceptable. Where deemed unacceptable, the activity shall cease until the impacts can be reassessed as acceptable.

44.2 Members shall identify and assess risks of worker exposure to communicable infectious disease. Where significant risks have been identified, the Member shall engage with workers or their representatives, relevant stakeholders including health agencies and government policy makers to establish:

- a. Prevention or mitigation initiatives to address the identified risks. This includes:
  - i. Establishing understandable information for its workers about the risks and the initiatives.
  - ii Providing free and voluntary testing for its workers where this is inaccessible to workers.
- b. Health and safety monitoring programs.

44.3 Members shall communicate relevant information on community health and safety risks and impacts and monitoring results to relevant Affected People or Groups.

#### **COP 45: Cultural Heritage**

***COP 45 applies to members with mining (including exploration) and mineral processing operations.***

45.1 Members, in consultation and in cooperation with Affected People or Groups and competent professionals, shall identify and protect tangible forms of cultural heritage, unique natural features or tangible objects that embody cultural values and/or intangible forms of cultural heritage, whether these are legally protected or previously disturbed. This shall be consistent with COP 34 (Indigenous Peoples and FPIC) and COP 39 (Biodiversity), where applicable.

45.2 Members shall:

- a. Avoid impacts, damage, removal or significant alteration of critical cultural heritage sites or values.



b. Not remove any cultural heritage items unless, there are no technically or financially feasible alternatives to removal based on the overall benefits of the mining or mineral processing operations, removal is carried out by competent professionals, items are registered, and information shared with Affected People or Groups.

c. For new and major changes to existing mining and mineral processing operations proposed within a legally protected cultural heritage area, areas proposed by host governments for such designation, or a legally defined protected area buffer zone, Members shall consult with agencies responsible for protected area governance and management, Affected People or Groups on the proposed new or major expansion project.

45.3 Where sacred or cultural heritage sites and values have been identified, documented management plans with appropriate action and control measures that use internationally recognised standards for the protection of cultural heritage to avoid or remedy impacts, shall be developed and maintained. Management plans and control measures shall:

a. Be developed by competent professionals in consultation with Affected People or Groups.

b. Favour avoidance of impacts for all non-replicable cultural heritage sites, and where prevention is not possible take measures to minimise adverse impacts.

c. Ensure continued rights of access to such sites or values subject to consultations with affected communities and overriding health, safety, and security risks.

45.4 Where impacts to sacred or cultural heritage sites and values have been caused by mining and mineral processing operations, mitigation and remedial action shall be carried out and documented by competent professionals, using internationally recognised standards for the protection of cultural heritage in consultation with relevant agencies responsible for protected area governance and management, Affected People or Groups: In addition:

a. The Member shall establish in-situ restorative measures in keeping with the value and functionality of the cultural heritage, including supporting ecosystem.

b. Where in-situ restorative measures are not possible, the Member shall adopt the value and functionality of the cultural heritage, including supporting ecosystem in a different location.

c. Where relocation is not possible, the member shall comply with laws, covenants and internationally recognised standards for the removal and cataloguing of historical and archaeological artifacts and structures and make records available to local heritage agencies and Affected People or Groups.

e. Members shall implement its cultural heritage management plans and controls and educate relevant workers, contractors and visitors with respect to cultural awareness, cultural heritage site recognition and adherence to the protection controls as documented in the management plans.

### 3. Key definitions



### **Affected People or Groups**

Those impacted, directly or indirectly by the Member's business operations and include:

- Individuals
- Local communities
- Indigenous Peoples
- Rights holders
- Stakeholders
- Other interested parties.

It may also include marginalised and vulnerable (or at risk) groups.

### **Bribery**

The offering, promising, giving, accepting or soliciting of an advantage as an inducement for an action which is illegal, unethical or a breach of trust. Inducements can take the form of gifts, loans, fees, rewards or other advantages (taxes, services, donations, favours etc.).

*Adapted from Transparency International Anti-Corruption Glossary*

### **Compliance (with Applicable Law)**

Refers to the procedures, systems or departments within organisations that ensure all legal, operational and financial activities are in conformity with current laws, rules, norms, regulations, standards and public expectations.

*Source: Adapted from Transparency International Anti-Corruption Glossary*

### **Control (by a Member)**

1. Direct or indirect majority ownership or Control (alone or pursuant to an agreement with other entities) of 50% or more of the voting rights (or equivalent) of the Controlled business or facility or operation; and/or
2. Direct or indirect (including pursuant to an agreement with other entities) power to remove, nominate or appoint at least half of the members of the Board of the directors or management (or equivalent of the Controlled business or facility or operation); and/or
3. Day-to-day executive management of the Controlled Business or facility or operation such as by setting workplace standards and enforcing their application; or
4. Any legally recognised concept of 'Control' analogous to those described in (1) to (2) above in a relevant jurisdiction.

Although the above defines 'Control' in a corporate context, the same principles will apply by analogy to other organisational arrangements, including franchisees, licensees and Control by an individual or a family, where applicable.

### **Corruption**

The abuse of entrusted power for private gain. Corruption can be classified as grand, petty and political, depending on the amounts of money lost and the sector where it occurs.

(Adapted from Transparency International, The Anti-Corruption Plain Language Guide, 2009)



Corruption includes practices such as Bribery, Facilitation Payments, fraud, Extortion, collusion, and money laundering. Corruption can also include the offer or receipt of gifts, loans, fees, rewards, or other advantages as an inducement to do something that is dishonest, illegal, or represents a breach of trust. It can also include practices such as embezzlement, trading in influence, abuse of function, illicit enrichment, concealment, and obstructing justice.

*Source: Adapted from GRI 205: Anti-corruption 2016, p10*

#### **Facilitation Payment**

A small bribe, also called a 'facilitating', 'speed' or 'grease' payment; made to secure or expedite the performance of a routine or necessary action to which the payer has legal or other entitlement.

*Source: Adapted from Transparency International Anti-Corruption Glossary*

#### **Indigenous peoples**

Considering the diversity of Indigenous Peoples, an official definition of "Indigenous" has not been adopted by any UN-system body. Instead, the UN system has developed a modern understanding of this term based on the following:

- Self-identification as Indigenous Peoples at the individual level and accepted by the community as their member;
- Historical continuity with pre-colonial and/or pre-settler societies;
- Strong link to territories and surrounding natural resources;
- Distinct social, economic or political systems;
- Distinct language, culture and beliefs;
- From non-dominant groups of society;
- Resolve to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities.

*Source: Adapted from the UN Permanent Forum on Indigenous Issues*

#### **Individual**

A single person or thing, especially when compared to the group or set to which they belong.

#### **Interested party/parties**

Person or organisations that can affect or be affected by or perceive itself to be affected by a decision or activity.

*Source: ISO 14001*

#### **Legacy (impacts)**

Significant impacts which historically occurred at the Facility that have not been remediated and are still impacting Affected People or Groups. These may be impacts that occurred:





- prior to RJC Certification, and/or
- prior to the current owner purchasing the facility or operation, and/or
- in the establishment of the facility or operation.

Legacy Impacts may have occurred many years prior; there is no 'cut-off' at which Legacy Impacts meeting the above requirements are not to be considered.

*Source: Adapted from ASI Performance Standard*

### **Living wage**

Remuneration received for a standard work week by a worker in a particular place sufficient to afford a decent standard of living for the worker and her or his family." Elements of a decent standard of living include food, water, housing, education, health care, transport, clothing, and other essential needs, including provision for unexpected events.

*Source: IRMA/ISEAL*

### **Local community/communities**

A term generally applied to any people or communities located in an operation's or project's geographical proximity, particularly those subject to actual or potential direct project-related risks and/or adverse impacts on their physical environment, health or livelihoods. Additionally, it often refers to a group of people or families who live in a particular locality, sometimes share a common interest (water users associations, fishers, herders, grazers, and the like), often have common cultural and historical heritage and have different degrees of cohesiveness.

*Source: Adapted from IFC Performance Standard 1 – Assessment and Management of Environmental and Social Risks and Impacts – Guidance Note.*

### **Major change/expansion**

A significant change to an existing facility or operation that has occurred since a Member has joined the RJC. This would be a change that may have a Material risk to the environment or Human Rights that was not evaluated, or that changes the situation compared to a previous Impact Assessment.

### **Material Risk:**

Any external risk that a reasonable person would consider important or the impacts of which could translate into financial risk for the Member. An extension of the key accounting concept of materiality of financial information to encompass ESG and other sustainability impacts ("double materiality").

### **Marginalised**

Those treated or at risk of being treated as if they are not important or experience discrimination and exclusion (social, political and economic) because of unequal power relationships across economic, political, social and cultural dimensions.

*Source: Adapted from National Collaborating Centre for Determinants of Health.*

Or



Those subjected or at risk of being subjected to multiple discrimination due to the interplay of different personal characteristics or grounds, such as sex, gender, age, ethnicity, religion or belief, health status, disability, sexual orientation, gender identity, education or income, or living in various geographic localities.

*Source: Adapted from European Institute for Gender Equality*

### **Migrant worker**

A person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.

*Source: Adapted from the UN Convention on the Rights of Migrants*

### **Mineral processors**

The process to extract or separate a valuable product as either a mineral concentrate or a metal (elemental or as an alloy) that is contained in a mined metal bearing ore from the waste rock (also known as gangue or tailings). Mineral processing typically include a combination of a mineral concentrate stage followed by extractive metallurgy by adopting some or all of the follow methods:

- Production of a mineral concentrate via methods such as:
  - comminution (particle size reduction),
  - sizing (separation of particle sizes by screening or classification),
  - concentration of minerals (using physical and surface chemical properties)
  - dewatering (separation of solids and liquids).
- extractive metallurgy to extract metals from metal-bearing minerals via methods such as:
  - hydrometallurgy (the use of aqueous solutions to extract metals),
  - pyrometallurgy (the use of high temperature processes)
  - electrometallurgy (the use of some form of electrolytic cell).

Mineral concentrate processing and extractive metallurgy generally changes the physical and chemical form of the mined ore. Some exceptions do exist, such as gold which may be present as free metal in the ore and which will ultimately be extracted as free metal in bullion form.

*Source: Adapted from the IRMA draft Mineral Processing Standard*

### **New (proposal, project, operation)**

A new project, facility or operation that has been constructed or proposed for construction since a Member has joined the RJC.

### **Rights holder**

Persons and/or groups vested with collective rights (e.g., Indigenous Peoples) that have their Human Rights put at risk or impacted by a project or its associated activities. For example, individuals living in a Local Community whose only water source has been impacted by an extractive operation may be Rightsholders. Workers facing discrimination in the workplace may also be Rightsholders.

*Source: Adapted from ASI Performance Standard.*

### **Science-based approach**

Action commensurate with what the latest climate science deems necessary to meet the goals of the Paris Agreement – limiting global warming to well-below 2°C above pre-industrial levels and pursuing efforts to limit warming to 1.5°C.

### **Seek to influence**

Where rights to freedom of association and collective bargaining are restricted under law (for example in China, Jordan, Vietnam and other countries), operating companies should facilitate and not hinder the development of parallel means for independent and free association and bargaining. This may include the facilitation of free choice by workers to elect their own workplace representatives; education of workforce on worker representation framework prior to elections; formation of issues committees; and external independent training for elected worker representatives.

*Source: IRMA/Ethical Trading Initiative*

### **Significant risk**

A Significant Risk is usually defined by a Member's or an Auditor's risk processes. However, it should consider situations where there is a high chance of:

- Injury or illness to one or more people resulting in permanent partial impairment or disability or death
- Long term irreversible impacts to the environment, sensitive species, habitat, ecosystems or areas of cultural importance affecting large numbers of the Local Community (one stakeholder group) or multiple stakeholder groups and impacting on the Member's ability to retain its 'social licence to operate'.

### **Stakeholder**

Persons or groups who are directly or indirectly affected by a project and its associated facilities, as well as those who may have interests in a project and/or the ability to influence its outcome, either positively or negatively. From a Due Diligence perspective impacted Stakeholders will be the priority for engagement and may include but are not limited to:

- Workers (including local and Migrant Workers) and Labour Unions
- Landowners and other resource users
- Artisanal miners
- Governments (local, regional and national)
- Civil society organisations, including environmental and Community-based organisations and local Human Rights defenders

Additionally, interested Stakeholders that may be important for meaningful engagement can include:

- Industry peers
- Investors/shareholders
- Business partners



- Scientific community
- The media
- Ecosystems and biodiversity features (represented by advocates)

*Source: Derived from the OECD Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractives Sector.*

### **Third party/parties**

A person or body independent of the person or organisation being evaluated, and of material interests in that person or organisation.

*Source: Adapted from ASI Performance Standard*

### **Top management**

Top management is a person or group of people who directs and controls an organisation at the highest level.

Note 1: Top management has the power to delegate authority and provide resources within the organisation.

Note 2: If the scope of the management system covers only part of an organisation, then top management refers to those who direct and control that part of the organisation.

*Source: ISO 14001*

### **Visitor**

A person visiting an Members's facility or operation or location under the Members's Control who is not a Worker at the facility or operation or location.

### **Vulnerable (or at risk)**

Those at risk of having their rights denied or who lack the capacity or means to secure them.

*Source: HSE*

### **Worker**

Person performing work or work-related activities that are under the control of the organization (member). Workers can include Migrant workers.

Note 1: Persons perform work or work-related activities under various arrangements, paid or unpaid, such as regularly or temporarily, intermittently or seasonally, casually or on a part-time basis.

Note 2: Workers include top management (also defined), managerial and non-managerial persons.

Note 3: The work or work-related activities performed under the control of the organization may be performed by workers employed by the organization, workers of external providers, contractors, individuals, agency workers, and by other persons to the extent the organization shares control over their work or work-related activities, according to the context of the organization.

*Source: ISO 45001*