

Version: Stage 1 (of Exploration)

# **IRMA Standard for Responsible Mineral Exploration and Development ("IRMA-Ready" Standard)**

## **Draft v.1.0**

December 2021

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# NOTE TO REVIEWERS

This draft *IRMA-Ready Standard for Responsible Mineral Exploration and Development* (“IRMA-Ready Standard”) has been produced in response to requests from IRMA stakeholders for a comprehensive standard that defines best practices during mineral exploration and development, prior to the operational phase of a mine. It is called IRMA-Ready because it is assumed that any project that meets the requirements in this Standard will be prepared to also meet the requirements in the *IRMA Standard for Responsible Mining* once it becomes operational.

The starting point for development of this draft was the *IRMA Standard for Responsible Mining* (referred to as the “Mining Standard”). However, certain terminology has changed, and numerous requirements have been adapted. Differences in wording between the Mining Standard and this standard, and differences between the various stages are [colored in blue](#).

**Reviewers are welcome to comment on any aspect of this draft Standard.** Throughout the draft Standard, however, you will see **NOTES** and **CONSULTATION QUESTIONS**. These appear with a yellow background.

**NOTES** are informative, to provide readers with a background on the section, or drafters’ notes, for example on why particular requirements were removed or combined in this Standard as compared to the Mining Standard.

**CONSULTATION QUESTIONS** are directed at reviewers. These are areas where the drafters are seeking input to help guide and/or improve the wording, help determine the scope or relevancy of proposed requirements, etc.

**Comments may be submitted to IRMA: [comments@responsiblemining.net](mailto:comments@responsiblemining.net)**

When providing comments back to IRMA, it would be appreciated if reviewers could reference specific Chapters, requirement numbers and/or consultation question numbers.

**Deadline for Comments: 15 April 2022**

## Disclaimer

The draft IRMA-Ready Standard is being released for public review. IRMA seeks feedback, comments, questions and suggestions for improvement from diverse stakeholders globally.

This draft has been prepared by the IRMA Secretariat staff to catalyze global conversation and input, and does not represent content approved or endorsed by IRMA’s multi-stakeholder Board of Directors for final application.

There are six stages of exploration and development included in the draft standard. These include:

**Exploration Stage 1:** Office compilation, photo-geologic study, pre-exploration investigations (e.g., review of previous studies, research, non-invasive site visit), pre-exploration consultations, application for exploration-related permits/approvals.

**Exploration Stage 2:** Aerial examinations, geologic examinations, mapping and investigations, geochemical sampling, geophysics-airborne/ground, surface trenching.

**Exploration Stage 3:** Road construction, rotary drilling, core drilling, underground work, other surface work (e.g., surface facilities to support underground work), bulk sampling, pilot processing plant.

- If additional exploration or in-fill drilling is performed during mine pre-permitting and permitting stages, then the requirements of Stage #3 are applicable to those activities.
- If additional in-fill drilling or exploration directly adjacent to the mine is performed during mine construction and operations, the requirements of the IRMA Standard are applicable.

**Development – Pre-permitting Stage:** Baseline environmental data collection, stakeholder engagement related to mining project proposals, project level FPIC determination, project designs, feasibility study.

**Development – Mine Permitting Stage:** Permit applications and environmental social impact assessment, permit finalization.

**Development – Construction Stage:** For new projects, applies to the period between permit finalization and initiation of operations. Includes site clearing, topsoil salvage, development of utility corridors, construction of roads and facilities (may only be first stage or site – other stages may occur after operations have commenced).

### NOTE TO REVIEWERS ON THE STAGES OF EXPLORATION AND DEVELOPMENT, AND HOW THEY HAVE BEEN MANAGED IN THIS DRAFT STANDARD

We realize that there may be differences of opinion on what can/should be included in each stage.

**CONSULTATION QUESTION 1:** Do you feel strongly that some of the activities in these categories should be shifted to a different stage? Or should any stages be described differently? If so, please explain your rationale.

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We also realize that there can be overlap between the stages. We are proposing, therefore, that when applying for an assessment a company would be assessed against the latest stage of exploration or development that includes any of the IRMA-defined activities being carried out by the company. For example, an exploration company may be trenching and starting to drill. They should be assessed using the Exploration Stage 3 criteria, even though trenching is also listed in Stage 2.

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Some aspects of Stage 3 exploration, such as in-fill drilling, bulk sampling and reclamation of exploration sites, may happen concurrent with Pre-Permitting/Permitting/Construction. In such cases, the company will be expected to be meeting both the exploration-related requirements for Stage 3 activities and the Pre-Permitting/Permitting/Construction requirements.

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Reviewers should be aware that during Pre-permitting and Permitting there are two aspects that are relevant in some chapters:

- 1) Requirements usually need to apply to the proposed mining project (e.g., stakeholder engagement, assessments of mine proposals, preparation of management plans, monitoring plans, etc.).
- 2) Requirements sometimes need to apply to project development activities<sup>1</sup> (e.g., sampling or data collection, preparing permit applications, meeting with stakeholders, fulfilling regulatory obligations, etc.).

This creates some complexity in some requirements, because where both aspects are relevant the requirements can be dual-faceted. **For example:**

<sup>1</sup> We are proposing the following definition for **project development activities**:

Field- and office-based activities carried out during the pre-permitting and permitting stages to develop a mine proposal, support the environmental and social impact assessment of a proposal, generate information necessary to fulfill regulatory and permitting requirements, engage with stakeholders and rights holders, and maintain company operations.

“3.2.2.1. The company shall . . . identify and assess the significance/consequence of the full range of potential hazards associated with project development activities. **It shall also carry out a separate process for the proposed mining project, that includes, at minimum, assessing hazards related to. . .**”

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Construction often includes many of the requirements found in Permitting. The rationale is that if a company decides to commission an IRMA audit at the Construction stage, and certain activities that were supposed to have happened during Permitting did not occur (e.g., assessments, development of policies, procedures, etc.), then in most cases we set the expectation that these elements be fulfilled before the mine is operational, i.e., during the Construction stage.

## HOW THE STAGES ARE REPRESENTED

Beneath each requirement, there will be a list of all of the stages of exploration and development to which the requirement applies. If a stage is missing, it means that the requirement does not apply at that stage.

Stage 1	Stage 2	Stage 3	Pre-permitting	Mine Permitting	Construction
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# Introduction to the IRMA-Ready Standard

Modern societies rely on mined minerals and metals to function. Nearly everything manufactured or constructed – from buildings to roads to computers to automobiles – contains material mined from the Earth. Mining provides important employment and financial opportunities for host communities and host countries. But it is a complex and intensive process that can impact the physical environment, such as through the loss of habitat or contamination of water, and affect local communities' social and economic lives, such as through displacement of livelihoods or cultural impacts.

The Initiative for Responsible Mining Assurance (IRMA) believes that many of the negative social and environmental impacts can be avoided if exploration projects and mines operate according to leading practices, and if mines are designed and planned well from their inception.

The *Standard for Responsible Mining* v.1.0 specifies a set of objectives and leading performance requirements for environmentally and socially responsible practice at mine sites. That Standard serves as the basis of a voluntary system offering independent third-party assessment and certification of environmental and social performance measures at industrial-scale mine sites around the world.

The *IRMA Standard for Responsible Mineral Exploration and Development* (IRMA-Ready Standard) defines best practices during mineral exploration and development, prior to the operational phase of a mine. It is referred to, in short, as the IRMA-Ready Standard because it is assumed that any project that meets the requirements in this Standard will be well prepared to also meet the requirements in the *IRMA Standard for Responsible Mining* once the project becomes an operational mine.

## Principles and Objectives

The *IRMA Standard for Responsible Mineral Exploration and Development* (the IRMA Standard) is designed to support the achievement of four overarching principles. Additionally, each chapter of the IRMA Standard has an objective that meets one or more of these principles. For organizational purposes, chapters are listed under one core principle. It should be noted, however, that most chapters and their objectives are relevant to more than one principle.

IRMA and its supporters are committed to promoting the uptake of the IRMA Standard by recognizing and rewarding mineral exploration and development projects that are certified as meeting the requirements in each relevant chapter of the Standard and thereby fulfilling IRMA's overall principles and objectives.

### Principle 1—Business Integrity

**INTENT:** Companies conduct business in a transparent manner that complies with applicable host country and international laws, respects human rights and builds trust and credibility with workers, communities and stakeholders.

**Chapter 1.1—Legal Compliance:** To support the application of the laws and regulations of the country in which mineral exploration and development takes place, or exceed host country laws in a manner consistent with best practice.

**Chapter 1.2—Community and Stakeholder Engagement:** To support mineral exploration and development company decision-making and enable communities and stakeholders to participate in mineral exploration- and development-related decisions that affect their health, well-being, safety, livelihoods, futures and the environment.

**Chapter 1.3—Human Rights Due Diligence:** To respect human rights, and identify, prevent, mitigate and remedy infringements of human rights.

**Chapter 1.4— Complaints and Grievance Mechanism and Access to Remedy:** To provide accessible and effective means for affected communities and individuals to raise and resolve mineral exploration-and-development-related complaints and grievances at the project level, while not limiting their ability to seek remedy through other mechanisms.

**Chapter 1.5—Revenue and Payments Transparency:** To increase transparency of mineral exploration-and-development-related payments, prevent and address corruption and bribery, and provide communities and the general public with the information they need to understand and assess the fairness of financial arrangements related to mineral exploration and development projects.

## Principle 2— Planning and Managing for Positive Legacies

**INTENT:** Companies engage with stakeholders from the early planning stages and throughout the mine life cycle to ensure that mining projects are planned and managed to deliver positive economic, social and environmental legacies for companies, workers and communities.

**Chapter 2.1—Environmental and Social Impact Assessment and Management:** To proactively anticipate and assess environmental and social impacts; manage them in accordance with the mitigation hierarchy; and monitor and adapt environmental and social management systems in a manner that protects affected communities, workers and the environment throughout the entire mine life cycle.

**Chapter 2.2—Free, Prior and Informed Consent (FPIC):** To demonstrate respect for the rights, dignity, aspirations, culture, and livelihoods of indigenous peoples, participate in ongoing dialogue and engagement, and collaborate on strategies to minimize impacts and create benefits for indigenous peoples, thereby creating conditions that allow for indigenous peoples’ free, prior and informed consent and decision-making regarding mineral exploration and development.

**Chapter 2.3—Obtaining Community Support and Delivering Benefits:** To obtain and maintain credible broad support from affected communities, and produce tangible and equitable benefits to communities that are in alignment with their needs and aspirations and sustainable over the long term.

**Chapter 2.4—Resettlement:** To avoid involuntary resettlement, and when that is not possible, equitably compensate affected persons and improve the livelihoods and standards of living of displaced persons.

**Chapter 2.5—Emergency Preparedness and Response:** To plan for and be prepared to respond effectively to industrial emergency situations that may affect offsite resources or communities, and minimize the likelihood of accidents, loss of life, injuries, and damage to property, environment, health and social well-being.

**Chapter 2.6—Planning and Financing Reclamation and Closure:** To protect long-term environmental and social values, and ensure that the costs of site reclamation and closure are not borne by affected communities or the wider public.

## Principle 3— Social Responsibility

**INTENT:** Companies engage with workers, stakeholders and rights holders to maintain or enhance the health, safety, cultural values, quality of life and livelihoods of workers and communities.

**Chapter 3.1—Fair Labor and Terms of Work:** To maintain or enhance the social and economic well-being of mineral exploration and development project workers and respect internationally recognized workers’ rights.

**Chapter 3.2—Occupational Health and Safety:** To identify and avoid or mitigate occupational health and safety hazards, maintain working environments that protect workers’ health and working capacity, and promote workplace safety and health.



**Chapter 3.3—Community Health and Safety:** To protect and improve the health and safety of individuals, families, and communities affected by mineral exploration and development projects.

**Chapter 3.4—Mining and Conflict-Affected or High-Risk Areas:** To prevent contribution to conflict or the perpetration of serious human rights abuses in conflict-affected or high-risk areas.

**Chapter 3.5—Security Arrangements:** To manage security in a manner that protects mineral exploration and development projects without infringing on human rights.

**Chapter 3.6—Artisanal and Small-Scale Mining:** To avoid conflict and, where possible within the scope of national law, foster positive relationships between mineral exploration and development companies and artisanal and small-scale mining (ASM) entities, and support the development of ASM that provides positive livelihood opportunities and is protective of human rights, health, safety and the environment.

**Chapter 3.7—Cultural Heritage:** To protect and respect the cultural heritage of communities and indigenous peoples.

## Principle 4—Environmental Responsibility

**INTENT:** Companies engage with stakeholders to ensure that mining is planned and carried out in a manner that maintains or enhances environmental values, and avoids or minimizes impacts to the environment and communities.

**Chapter 4.1—Waste and Materials Management:** To manage wastes and materials in a manner that minimizes their short- and long-term physical and chemical risks, and protects the health and safety of communities and future land and water uses.

**Chapter 4.2—Water Management:** To manage water resources in a manner that strives to protect current and future uses of water.

**Chapter 4.3—Air Quality:** To protect human health and the environment from airborne contaminants.

**Chapter 4.4—Noise and Vibration:** To preserve the health and well-being of nearby noise receptors and the amenity of properties and community values, and to protect offsite structures from vibration impacts.

**Chapter 4.5—Greenhouse Gas Emissions:** To minimize climate change impacts through increased energy efficiency, reduced energy consumption and reduced emissions of greenhouse gases.

**Chapter 4.6—Biodiversity, Ecosystem Services and Protected Areas:** To protect biodiversity, maintain the benefits of ecosystem services and respect the values being safeguarded in protected areas.

**Chapter 4.7—Cyanide:** To protect human health and the environment through the responsible management of cyanide.

**Chapter 4.8—Mercury Management:** To protect human health and the environment through the responsible management of mercury.

## Scope of the IRMA-Ready Standard

The IRMA-Ready Standard is intended to be applicable to exploration projects and proposals to develop any type of industrial- or large-scale mining operation (including surface, sub-surface and solution or brine “mining”), and all mined materials (e.g., minerals, metals) with the exception of energy fuels. IRMA will not certify oil and gas exploration or development projects, and more work is needed before thermal coal or uranium can be considered for inclusion.

For the mineral development phases, the scope also includes any associated mineral processing activities that are included in the proposed projects, as these are included in IRMA mining audits (if facilities are co-located with a mine).

To make this clear, we are proposing to revise the definition of Mining Project by adding the text in blue:

Mining Project - Any set of activities undertaken for the purpose of extracting mineral resources, and the infrastructure required to support these activities. Mining projects may include exploration, mine construction, mining, **associated mineral processing**, mine closure, post-closure and related activities either as separately or in combination.

IRMA also has a draft Mineral Processing Standard that, when finalized and approved, will be applicable at mineral processing facilities that are not co-located with mines.

**CONSULTATION QUESTION 2:** Currently, we have not included the two new chapters added to the draft Mineral Processing Standard, since that standard has not yet been finalized or approved. (English or Spanish versions of the draft Mineral Processing Standard can be downloaded from the IRMA website.<sup>2</sup>)

We are considering that those two chapters, and certain requirements that are different for mining operations and mineral processing facilities, could be added to the IRMA-Ready Standard so that a company can be prepared for future IRMA audits of mines and mineral processing facilities (either co-located or stand-alone). Would that be of value to mineral development companies?

There is no defined minimum cut-off point for the scale of exploration or mineral development projects to which the IRMA Standard may apply, but it is not designed to be applicable to artisanal or small-scale mining.

The subsections below provide more information on the applicability of the Standard under different conditions.

## IRMA-Ready Assessment Stages

There are six stages of exploration and development included in the draft IRMA-Ready standard. These include:

**Exploration Stage 1:** Office compilation, photo-geologic study, pre-exploration investigations (e.g., review of previous studies, research, non-invasive site visit), pre-exploration consultations, application for exploration-related permits/approvals.

**Exploration Stage 2:** Aerial examinations, geologic examinations, mapping and investigations, geochemical sampling, geophysics-airborne/ground, surface trenching.

**Exploration Stage 3:** Road construction, rotary drilling, core drilling, underground work, other surface work (e.g., surface facilities to support underground work), bulk sampling, pilot processing plant.

- If additional exploration or in-fill drilling is performed during mine pre-permitting and permitting stages, then the requirements of Stage #3 are applicable to those activities.
- If additional in-fill drilling or exploration directly adjacent to the mine is performed during mine construction and operations, the requirements of the IRMA Standard are applicable.

**Development – Pre-permitting Stage:** Baseline environmental data collection, stakeholder engagement related to mining project proposals, project level FPIC determination, project designs, feasibility study.

**Development – Mine Permitting Stage:** Permit application and environmental social impact assessment, permit finalization

**Development – Construction Stage:** For new projects, applies to the period between permit finalization and initiation of operations. Includes site clearing, topsoil salvage, development of utility corridors, construction of roads and facilities (may only be first stage or site – other stages may occur after operations have commenced).

When applying for an assessment a company would apply the IRMA-Ready Standard criteria for the latest stage of exploration or development that includes any of the activities from the list above that are being carried out. For

<sup>2</sup> Download the draft IRMA Standard for Responsible Mineral Processing (Draft v.1.0) **in English:** <https://responsiblemining.net/irma-mineral-processing-standard-draft-14june2021-2/> **or Spanish:** <https://responsiblemining.net/irma-estandar-para-el-procesamiento-responsable-de-minerales-borrador1-0-27sept2021/>

example, an exploration company may be trenching and starting to drill. They should be assessed using the Exploration Stage 3 criteria, even though trenching is listed in Stage 2.

Some aspects of Stage 3 exploration, such as in-fill drilling, bulk sampling and reclamation of exploration sites, may happen concurrent with Pre-Permitting/Permitting/Construction. In such cases, the company will be expected to be meeting both the exploration-related requirements for Stage 3 activities and the Pre-Permitting, Permitting or Construction requirements.

Readers will note, as well, that construction includes many of the requirements found in Permitting. If a company decides to commission an IRMA audit at the construction stage, all of the activities/actions that were supposed to have happened during permitting will still apply because if not done during permitting these elements should be carried out during Construction (e.g., assessments, policies, etc.).

## **Application in Relation to Scale of Company/Project**

IRMA is interested in exploring if there may be issues related to small-to-medium-sized companies or related to the scale of an exploration or development project that pose barriers to meeting some of the IRMA requirements. IRMA leaders understand that smaller companies may have less experience with some planning, monitoring, reporting and other formal processes than larger companies, or during early stages of development, they may not have access to sufficient capital to simultaneously carry out all of the expectations in the IRMA-Ready Standard.

IRMA desires to create a Standard that is accessible to all companies wanting to demonstrate their commitment to greater social and environmental performance, and as a result, IRMA is evaluating potential barriers to smaller operators and is considering ways to reduce barriers while still maintaining a Standard that is protective of social and environmental values. Possible strategies being considered include longer timelines allowed to accomplish some tasks, adjusted fees for participation in IRMA, and technical and financial resources to support capacity building and training opportunities for smaller companies, especially those producing low-value commodities.

## **Language**

The IRMA Standard follows ISO guidance in the use of the word ‘shall’ to indicate a requirement that must be met. For example, “There shall be an environmental impact assessment for the mine site.”

The requirements of the IRMA Standard have been drafted taking account of the intent that conformity will be strictly assessed in accordance with the wording.

If flexibility is intended, for example, if mines can choose to implement one or more elements from a longer list, then this is specified in the wording of the requirement.

Technical terms are defined in the Glossary located at the end of the document. The definitions are considered to be normative for the purpose of interpreting the IRMA Standard. As mentioned above, defined terms are listed in a box at the beginning of the chapter, and terms are lightly underlined in the chapter text.

## **Chapter Structure**

### **BACKGROUND**

Each chapter has a short introduction to the issue covered in the chapter, which may include an explanation of why the issue is important, a description of key issues of concern, and the identification of key aspects of recognized or emerging best practice that the standard aims to reflect.

### **OBJECTIVES/INTENT STATEMENT**

A description of the key objectives that the chapter is intended to contribute to or meet.

## SCOPE OF APPLICATION

A description of the conditions under which the chapter may or may not be relevant for particular projects. If the company can provide evidence that a chapter is not relevant, it will not be included in the scope of the assessment.

## CRITICAL REQUIREMENTS IN THIS CHAPTER

The critical requirements are listed here.

## Chapter Requirements

### X.X.X. These are criteria headings

X.X.X.X. This is the requirement number. (If it is a critical requirement, it will be noted here)

And these are the requirements that must be met for an IRMA certificate to be issued and subsequently maintained by a mining project. Most criteria have more than one requirement. All requirements must be met in order to comply fully with the criterion.

a. Some requirements contain sub-elements:

- i. At more than one level. Mines may be required to meet all elements in a list, or one or more of the elements of such a list, as specified

### NOTES

Any additional notes related to the chapter and its requirements are explained here.

## Critical Requirements in the IRMA-Ready Standard

**NOTE:** In the IRMA Mining Standard, a set of requirements were identified by the IRMA Board of Directors as being critical requirements that any mine site claiming to be following good practices in mining should be meeting. In total there are 40 IRMA requirements deemed critical in the Mining Standard.

Mines certified as IRMA 100 must fully meet all critical requirements, and mines achieving IRMA 50 or IRMA 75 must substantially meet all critical requirements, and develop corrective actions plans that outline how they will fully meet the requirements within specified time frames.

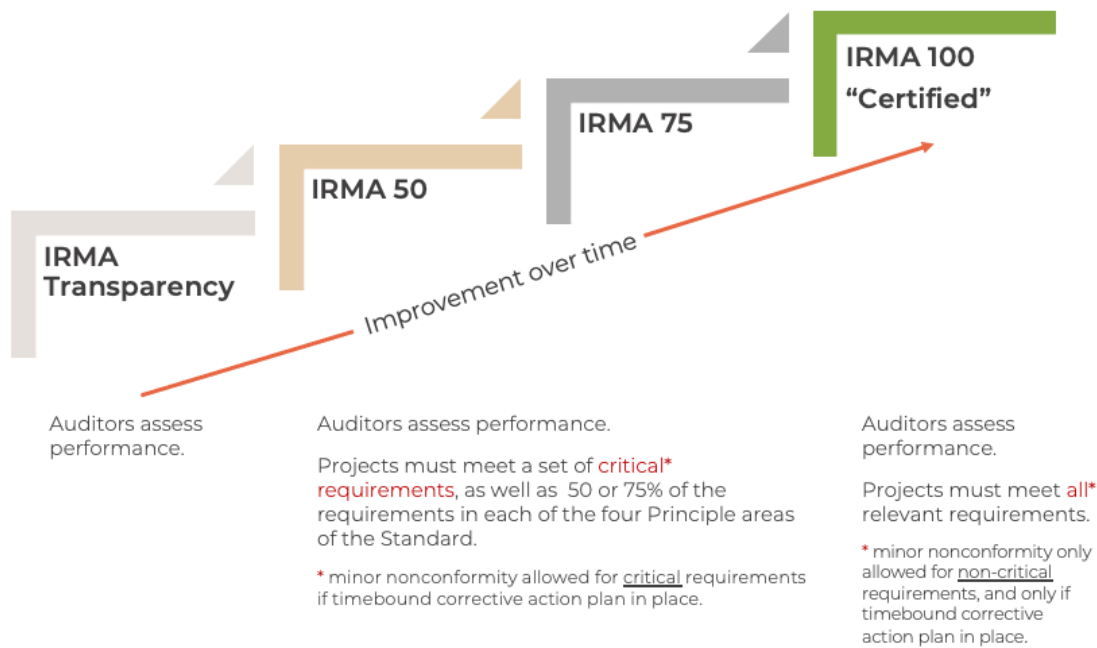
In the draft IRMA-Ready Standard, we have assumed that the requirements from the Mining Standard deemed critical would similarly be considered critical in this standard. There is an additional critical requirement being proposed in Chapter 2.2 (see requirement 2.2.3.2).

**CONSULTATION QUESTION 3:** Are there any additional or alternative requirements that should be considered critical requirements in the IRMA-Ready Standard?

## IRMA Achievement Levels

The IRMA-Ready Standard aims to recognize and reward best practice in relation to the management of the social and environmental aspects of mineral exploration and development projects. IRMA recognizes that this is a high standard to achieve. Consequently, IRMA has developed a series of achievement levels that can be reached if projects undergo independent, third-party assessment by an approved certification body.

## IRMA Achievement Levels



—Must undergo independent, 3rd-party audit and share results publicly to make public claims about reaching an achievement level—

## Basis for Awarding Achievement Levels

The basis for IRMA certification is that, to the best knowledge of the certification body, on the basis of the evidence reviewed during the independent, third-party assessment, the necessary scores have been achieved to meet to reach a particular achievement level. However, it should be noted that:

- Auditing conformity with some requirements of the IRMA *Standard for Responsible Mining* will be based on sampling, and some level of failure within a sample may be accepted while the overall level of performance required to conform with the requirement may still be met. Where possible IRMA will aim to provide quantitative guidance but in the absence of specific guidance decisions will be based on the professional judgment of the certification body.
- Occasional, temporary failures of conformity are inevitable when managing large, complex projects over time, and such temporary failures do not imply the automatic, immediate withdrawal or suspension of an IRMA certificate so long as the failure is not the result of negligence, recklessness or intentional wrongdoing, and so long as appropriate and timely actions are taken to correct identified failures and analyze and address the issues that caused failures so that they can be avoided in the future.

Consequently, and in line with other comparable certification systems, IRMA expects that certificates and verified achievement levels may be awarded, and may subsequently be maintained, despite the existence of minor non-conformities with the requirements of the standard.

In all cases, the basis for IRMA certification will be that any failures or apparent failures of conformity with the requirements of the IRMA-Ready Standard that are identified by an auditor will be explicitly documented in the audit report at the time, and the resulting decision to issue, confirm, suspend or withdraw a certificate or

downgrade (or upgrade) an achievement level will be clearly and explicitly justified by the responsible certification body.

## Comment on the IRMA-Ready Standard

Comments on all of IRMA's standards and system are always welcome.

**Deadline for Comments on the IRMA-Ready Standard: 15 April 2022**

Comments may be emailed to IRMA at: [comments@responsiblemining.net](mailto:comments@responsiblemining.net)

Additional information about IRMA is available on our website: [www.responsiblemining.net](http://www.responsiblemining.net).

# Principle 1: Business Integrity

## Chapter 1.1—Legal Compliance

### NOTE TO REVIEWERS ON CHAPTER 1.1:

Host country laws related to mineral exploration and development vary significantly from one jurisdiction to the next. As in the IRMA Standard for Responsible Mining, this draft IRMA-Ready Standard for mineral exploration and development projects seeks to define best practices, and therefore the expectation is that many IRMA requirements will go beyond host country law. By requiring all participating projects to apply IRMA's standards, regardless of host country, we are seeking to level the playing field for all projects no matter where they are located, and deliver the same level of positive outcomes for communities and stakeholders the world over.

While based on the Mining Standard, some of the requirements below have been revised to increase clarity of expectations.

### BACKGROUND

Compliance with applicable host country laws is one of the most basic principles of exploring for or developing a mine, or carrying out any activity, in a given jurisdiction. As an international best practice standard IRMA's requirements may also contain provisions that are more stringent or demanding than the minimum legal requirements specified at the national level in a particular country.

This chapter seeks to ensure that the IRMA Standard supports and complements compliance with international and national laws and regulations. It is based on five precepts:

- Compliance with host country laws and permits;
- Compliance with the IRMA Standard and requirements;
- Compliance with the most protective of host country or IRMA requirements;
- Compliance with the host country law when there is a direct conflict with an IRMA requirement; and
- Maintenance of records to document and demonstrate compliance with host country requirements and the IRMA Standard.

### OBJECTIVES/INTENT OF THIS CHAPTER

To support the application of the laws and regulations of the country in which mineral exploration and development takes place, or exceed host country laws in a manner consistent with best practice.

### SCOPE OF APPLICATION

RELEVANCE: This chapter is applicable to all exploration and development projects applying for IRMA certification.

### CRITICAL REQUIREMENTS IN THIS CHAPTER

The company has a system in place to identify all applicable host country laws and track the operation's compliance with those obligations (1.1.1.1).

# Legal Compliance Requirements

## 1.1.1. Compliance with Host Country Laws

**NOTE FOR 1.1.1:** We have added a new requirement 1.1.1.1 to make it clear that companies are responsible for demonstrating that they have a system in place to know their legal obligations and track if they are maintaining compliance with those obligations. A requirement previously in the Disclosure section (now 1.1.4) “The company shall maintain records and documentation sufficient to authenticate and demonstrate compliance and/or non-compliance with host country laws and the IRMA Standard” has been removed. This record-keeping is part of maintaining a system that would enable the company to know and track compliance with legal obligations.

1.1.1.2 makes it clear that compliance with laws is expected.

1.1.1.3 was a separate criterion in the Mining Standard, called “Response to Non-Compliance.” We combined the two because both pertain to Compliance with Host Country Laws.

### 1.1.1.1. (Critical Requirement)

The company shall have a system in place to identify all host country laws that are applicable to the project,<sup>3</sup> and shall track the status of the project’s compliance with those obligations.

1.1.1.2. The company shall carry out all activities in a manner that complies with host country law.

1.1.1.3. If non-compliance with a host country law has taken place, the company shall be able to demonstrate that timely and effective action was taken to remedy the non-compliance and that measures were taken to prevent recurrence of similar non-compliance issues.

Stage 1	Stage 2	Stage 3	Pre-permitting	Mine Permitting	Construction
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1.1.1.4. Neither new exploration activities nor mine construction shall commence until all required permits and approvals have been received.

**NOTE FOR 1.1.1.4:** This is new. The impetus for this requirement is that some projects have broken ground on construction even before receiving all required permits, sometimes creating the potential for exacerbating conflicts with communities and other stakeholders, or putting the environment or cultural heritage at risk.

Stage 1	Stage 2	Stage 3			Construction
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## 1.1.2. Compliance with Most Protective Requirements

1.1.2.1. The company shall comply with whichever provides the greatest social and/or environmental protections of host country law or IRMA requirements.<sup>4</sup> If complying fully with an IRMA requirement would require the company to break host country law then the company shall endeavor to meet the intent of the IRMA requirement to the extent feasible without violating the law.

Stage 1	Stage 2	Stage 3	Pre-permitting	Mine Permitting	Construction
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## 1.1.3. Contractor Compliance

<sup>3</sup> Host country law includes all applicable requirements, including but not limited to laws, rules, regulations, and permit requirements, from any governmental or regulatory entity, including but not limited to applicable requirements at the federal/national, state, provincial, county or town/municipal levels, or their equivalents in the country where the mine is located.

<sup>4</sup> For purposes of this section, most protective means the law or requirement that will prevent or mitigate the most negative impact(s) to the host state’s human health and environment and cause the least risk to the host state’s economic resources, such as by posing risks of injury to human health and the environment.



1.1.3.1. The company shall demonstrate that it takes appropriate steps to ensure compliance with the IRMA-Ready Standard by contractors engaged in activities relevant to the exploration or development project, including construction.<sup>5</sup> At minimum, this shall include:

- a. Language in contracts that require compliance with the applicable requirements of the IRMA-Ready Standard; and
- b. Monitoring of contractor performance on applicable requirements of the IRMA-Ready Standard.

**NOTE FOR 1.1.3.1:** This was 1.1.4.1 in the Mining Standard. We have added new sub-requirements 1.1.3.1.a and b to clarify that explicit steps must be taken with regard to contractors. The language for construction has been added to include that stage of development.

Stage 1	Stage 2	Stage 3	Pre-permitting	Mine Permitting	Construction
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#### 1.1.4. Disclosure

1.1.4.1. Records related to compliance and/or non-compliance with host country laws shall be made available to IRMA auditors, and shall include descriptions of non-compliance events and ongoing and final remedies.<sup>6</sup> Where the company claims that records or documentation contains confidential business information, it shall:

- a. Provide to auditors a general description of the confidential material and an explanation of the reasons for classifying the information as confidential; and
- b. If a part of a document is confidential, only that confidential part shall be redacted, allowing for the release of non-confidential information to auditors and stakeholders.

**NOTE FOR 1.1.4.1:** This requirement is the combination of 1.1.5.2 and 1.1.5.4. from the Mining Standard. We combined them because they are directly related.

Stage 1	Stage 2	Stage 3	Pre-permitting	Mine Permitting	Construction
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1.1.4.2. Upon request, companies shall provide stakeholders with a summary of the project's regulatory non-compliance issues that are publicly available.<sup>7</sup>

Stage 1	Stage 2	Stage 3	Pre-permitting	Mine Permitting	Construction
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#### NOTES

This chapter balances the importance of compliance with host country laws with the recognition that laws can greatly vary between countries and regions. Therefore, this chapter establishes minimum legal standards and applicability requirements for other IRMA chapters when comparing host country law with the requirements in the IRMA Standard. As a general rule, and particularly recognizing that participation in IRMA is voluntary, this chapter prioritizes IRMA requirements because IRMA seeks to raise the bar of mineral exploration and development practices globally - and not just codify existing practices (whether considered best or not).

IRMA certification is based on the evidence available to and reviewed by a certification body. Certification does not guarantee that a certificate holder complies with all the legal obligations associated with a certified exploration or development project and may not be used to suggest otherwise or as a defense to claims regarding legal violations.

<sup>5</sup> The definition of contractors includes relevant subcontractors (i.e., those involved in providing services to the company or the company's contractors that are relevant to the mining project).

<sup>6</sup> As used in this section, "records" includes, but is not limited to, any permit, regulatory, or relevant governmental actions whether pending or resolved. "Ongoing remedies" refers to situations where the company is still working on achieving compliance to the satisfaction of the regulatory government entities/competent authorities.

<sup>7</sup> "Publicly available" means that information is either already accessible by the public (e.g., compliance/non-compliance reports, statistics, inspection or other reports published on a regulatory website, or compliance/non-compliance-related information published by the company), or that information could be accessed through legal public means (e.g., through information requests to regulators).

Where documents and records produced in satisfaction of legal or other company requirements also meet the requirements of the IRMA Standard the company is not required to duplicate these. A company may choose to develop summaries and explanations of such documents and records in order to facilitate the IRMA audit process and thereby reduce its cost.

# Chapter 1.2—Community and Stakeholder Engagement

## NOTE TO REVIEWERS ON CHAPTER 1.2:

Criteria 1.2.4 differs slightly from the IRMA Mining Standard language (some information that was related was consolidated).

One of the issues IRMA is seeking to address is how to deal with the issue of timing of activities. In many cases, the best practice is to initiate a certain activity at a particular point in time, often, the earlier the better. But not all projects will have undertaken activities at the appropriate time in accordance with best practice. If IRMA is rigid with its requirements, then projects that did not meet a timing element would not be awarded full points and could never reach IRMA 100.

**CONSULTATION QUESTION 4:** Is it critical that engagement begin as outlined in the following requirements, or should IRMA allow full points as long as the company can demonstrate that during a particular stage the expectation is currently being met? Or should companies be recognized and rewarded for implementing practices at the time when they can be most effective?

## BACKGROUND

Mineral exploration and development may last for decades before mine operations are initiated. Often mineral exploration and development projects are conducted in locations near existing communities; in other cases, they may be located in remote and/or uninhabited areas and if successful would require new communities to emerge to support mining activities. Mineral exploration and development projects have the potential to significantly impact the lives of people in those communities. Some changes may be beneficial, for example, through the provision of jobs, or through mineral exploration and development company investment in community development projects. But exploration and development projects also have the potential to create negative impacts and even be a source of social conflict within communities.

Increasingly, the mining industry including exploration and development companies, host governments, and financial institutions are recognizing that building strong, lasting relationships with those affected by mineral exploration and development activities can improve the identification and management of risks, as well as the long-term viability of future mining operations.<sup>8</sup> Meaningful stakeholder engagement that is proactive, inclusive, accountable and transparent increases the potential for optimal outcomes for both communities and exploration and development companies.<sup>9</sup>

## OBJECTIVES/INTENT OF THIS CHAPTER

To support mineral exploration and development company decision-making and enable communities and stakeholders to participate in mineral exploration-and-development-related decisions that affect their health, well-being, safety, livelihoods, futures and the environment.

## SCOPE OF APPLICATION

**RELEVANCE:** This chapter is relevant for all mineral exploration and development projects applying for IRMA certification.

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<sup>8</sup> Herbertson, K., Ballestaeros, A., Goodland, R. and Munilla, I. 2009. Breaking Ground: Engaging Communities In Extractive And Infrastructure Projects. (World Resources Institute). [pdf.wri.org/breaking\\_ground\\_engaging\\_communities.pdf](http://pdf.wri.org/breaking_ground_engaging_communities.pdf)

<sup>9</sup> For example, Principle 10 of the Rio Declaration of 1992 states that, "Environmental issues are best handled with the participation of all concerned citizens." (Source: United Nations. 1992. Report of the United Nations Conference on Environment and Development. Annex I. "Rio Declaration on Environment and Development." <http://www.un.org/documents/ga/conf151/aconf15126-1annex1.htm>)

## CRITICAL REQUIREMENTS IN THIS CHAPTER

The mineral exploration or development company fosters two-way dialogue and meaningful engagement with stakeholders (1.2.2.2).

# Community and Stakeholder Engagement Requirements

## 1.2.1. Planning and Designing Stakeholder Engagement Processes

**NOTE FOR 1.2.1.1 (below):** There are slight differences in wording for the various stages of exploration and development.

In Stage 1 of exploration, some stakeholder engagement is expected before permits are sought, but this is not as critical during earlier information gathering phases. Identification occurs again prior to Stage 2, as there may be a broader set of affected and interested stakeholders.

There are different expectations beginning In Stage 3 of exploration. Stage 3 is when a deeper level of understanding and therefore analysis of potentially affected and interested stakeholders needs to occur, as there will be more ground-based activity, the company will be much more visible, and stakeholders will have more questions and concerns about the project's impacts and potential benefits. This deeper level of analysis of stakeholders carries through the pre-permitting and permitting stages. Construction is included because if identification and analysis for the construction phase was not done during mine permitting, it will need to take place during the construction phase.

We have integrated the previous requirement 1.2.1.4 on understanding community dynamics into this requirement, as it should be part of the stakeholder analysis process starting in Stage 3.

1.2.1.1. Prior seeking exploration permits, the company shall identify the range of groups and individuals, including community members, rights holders and others (hereafter referred to collectively as stakeholders) who may be affected by or interested in the company's exploration-related activities.

Stage 1

1.2.1.2. Prior to seeking exploration permits, a stakeholder engagement plan scaled to the risks and impacts of planned exploration activities shall be developed.

Stage 1

**NOTE FOR 1.2.1.3 (below):** We have not required the inclusion of stakeholders in the design of engagement processes during the early stages of exploration. (Note that the company is responsible to consult with stakeholders to identify potential barriers to engagement in 1.2.3.1, even in the earliest stages of exploration). But as exploration activities intensify in Stage 3, it will be increasingly important to make sure that engagement processes are effective. The best way to achieve this is by including stakeholders in the design of the processes.

We can add that if stakeholders were engaged in designing engagement processes in the Permitting stage, that they do not need to redesign processes for the Construction stage, unless the processes are not working.

**CONSULTATION QUESTION 5:** Should the requirement to engage with stakeholders about the design of engagement processes apply during the early exploration stages?

**CURRENTLY NOT RELEVANT FOR STAGES 1 OR 2. SEE CONSULTATION QUESTION 5.**

1.2.1.3. The company shall consult with stakeholders to design engagement processes that are accessible, inclusive and culturally appropriate,<sup>10</sup> and shall demonstrate efforts are taken to remove barriers to engagement

Stage 3	Pre-permitting	Mine Permitting	Construction
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## 1.2.2. Engagement Processes

1.2.2.1. Stakeholder engagement shall begin prior to obtaining exploration permits, and shall be ongoing, throughout all stages of exploration, mine pre-permitting, permitting and construction.

**NOTE FOR 1.2.2.1:** Wording has changed slightly compared to the Mining Standard, to reflect the different stages of exploration and development.

Stage 1	Stage 2	Stage 3	Pre-permitting	Mine Permitting	Construction
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**NOTE FOR 1.2.2.2 (below):** We added sub-requirement 1.2.2.2.a, related to providing advanced notice of exploration activities to stakeholders. Sharing timelines gives stakeholders an opportunity to potentially influence activities that may conflict with cultural or environmental values or livelihood activities.<sup>11</sup> This sub-requirement is carried through the pre-permitting or permitting stages, as there may be intrusive activities during all of these stages (even pre-permitting and permitting involve on-the-ground studies, baseline sampling, etc., which may affect stakeholders), and also through construction.

In 1.2.2.2.b, providing relevant information on proposed activities would include the scope and potential outcomes of exploration, which will be important for managing local expectations. Doing so in a “consistent manner” comes from IFC guidance: “The information you share with stakeholders should be available to all. . . don’t create or exacerbate uneven power dynamics by doling out key information to some and not others in the community.”<sup>12</sup>

In 1.2.2.2.d. Engaging in a respectful manner would include adhering to any engagement protocols that may be in place, e.g., with indigenous peoples (see Chapter 2.2).

In 1.2.2.2.e. Issues relevant to stakeholders may include gaining permission for entering private lands, developing mitigation and compensation agreements with relevant stakeholders for any damage caused by exploration-related activities.<sup>13</sup>

### 1.2.2.2. (Critical Requirement)

The company shall foster two-way dialogue and meaningful engagement with stakeholders by:<sup>14</sup>

<sup>10</sup> See definitions of inclusive and accessible. “Culturally appropriate” engagement processes (e.g., communications, interactions and conveyance of information) would be those that are aligned with the cultural norms and communication styles of the affected communities and stakeholders. Companies would be expected to use methods, languages, terminology and formats that are respectful of cultural differences (e.g., in some cultures, it is disrespectful to look directly into a person’s eyes), and can be easily understood by the affected communities and stakeholders. Stakeholders can help to define for the company what is considered culturally appropriate.

<sup>11</sup> For example, there may be important gatherings planned at a particular time of year, or local knowledge about locations of sensitive species that might be disturbed by noise from aircraft during certain time periods. (Source: Government of the Yukon Territory.2008. Flying in Caribou Country – how to minimize disturbance from aircraft. [https://www.miningnorth.com/\\_rsc/site-content/library/Flying\\_in\\_Caribou\\_Country.pdf](https://www.miningnorth.com/_rsc/site-content/library/Flying_in_Caribou_Country.pdf))

<sup>12</sup> IFC. A Strategic Approach to Early Stakeholder Engagement: a good practice handbook for junior companies in the extractive industries. p. 47. <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/784051524469298172/a-strategic-approach-to-early-stakeholder-engagement-a-good-practice-handbook-for-junior-companies-in-the-extractive-industries>.

<sup>13</sup> Ibid. page 50.

<sup>14</sup> “Meaningful engagement” includes a two-way exchange of information between the company and stakeholders, with stakeholders’ views being taken into account in decision-making; engagement is conducted in good faith (i.e., the company genuinely intends to understand how stakeholder interests are affected by their actions and address adverse impacts, and stakeholders honestly represent their interests, intentions and concerns); and companies are responsive to stakeholder input and follow through on commitments.” (Source: OECD. 2017. *OECD Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector*. p. 18. Available at: <http://www.oecd.org/publications/oecd-due-diligence-guidance-for-meaningful-stakeholder-engagement-in-the-extractive-sector-9789264252462-en.htm>)

- a. Providing advanced notice on timing of planned [exploration](#) activities;
- b. Providing relevant information about [planned exploration activities](#) to [stakeholders](#) in a timely and [consistent](#) manner;
- c. Including participation by [project](#) management and subject-matter experts when addressing concerns of significance to [stakeholders](#);
- d. Engaging in a manner that is respectful, and free from manipulation, interference, coercion or intimidation;
- e. Soliciting feedback from [stakeholders](#) on issues relevant to them (including potential impacts, mitigation and compensation options);
- f. Providing [stakeholders](#) with feedback on how the company has taken their input into account.

Stage 1	Stage 2	Stage 3
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**CURRENTLY NOT RELEVANT FOR STAGES 1, 2 OR 3. SEE CONSULTATION QUESTION 6.**

1.2.2.3. The company shall collaborate with stakeholders, including representatives from affected communities, to design and [implement formal](#) stakeholder engagement mechanism(s)<sup>15</sup> to provide ongoing stakeholder input on the [proposed mining project](#) and issues of concern to stakeholders.

**NOTE FOR 1.2.2.3:** Wording has changed slightly compared to the Mining Standard, to reflect the purpose of a stakeholder engagement mechanism.

This requirement has not been applied to the exploration phases because of the uncertainty of the longevity of exploration projects, and the time lapses that may occur between activities. As per 1.2.2.2, above, exploration companies are still expected to engage with stakeholders on issues of significance to stakeholders.

The requirement becomes relevant during pre-permitting because once a mining project is proposed it seems important to start to develop mechanisms that enable stakeholder oversight as the project moves forward through permitting into construction and operation. We included the construction phase (even though the engagement mechanism should already be developed by then) to be clear that if a company has not yet developed such a mechanism by the time construction commences, it would be expected to develop one at that time.

**CONSULTATION QUESTION 6:** While ongoing stakeholder oversight and input is necessary during mining operations, is it as important to have a formalized engagement mechanism during exploration and development? If yes, should we require it during exploration?

Pre-permitting	Mine Permitting	Construction
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1.2.2.4. Engagement processes shall be [accessible](#) and culturally appropriate,<sup>16</sup> and shall include participation by women, men, and marginalized and [vulnerable groups](#) or their representatives.

Stage 1	Stage 2	Stage 3	Pre-permitting	Mine Permitting	Construction
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**CURRENTLY NOT RELEVANT FOR STAGES 1 OR 2. SEE CONSULTATION QUESTION 7.**

1.2.2.5. When stakeholder engagement [mechanisms and/or](#) processes depend substantially on community representatives, the company shall demonstrate that efforts have been made to confirm whether or not such persons represent the views and interests of [affected community](#) members and can be relied upon to faithfully communicate relevant information to them. If this is not the case, the company shall undertake additional engagement processes to enable more meaningful participation by and information sharing with the broader community.

**CONSULTATION QUESTION 7:** As per the Note for 1.2.1.3, in Stage 3 it will be increasingly important to make sure that engagement processes are effective, and this requires that information reaches the affected

<sup>15</sup> A mechanism could be a permanent advisory committee, or other types of committees dedicated to specific issues.

<sup>16</sup> See footnote 10 for more information on culturally appropriate engagement processes.

communities. This also applies to formal stakeholder engagement mechanisms mentioned in 1.2.2.3. Should we include this in the earliest stages of exploration?

Stage 3	Pre-permitting	Mine Permitting	Construction
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1.2.2.6. The company shall document engagement processes, including, at minimum, names of participants, and input received from and company feedback provided to stakeholders.

Stage 1	Stage 2	Stage 3	Pre-permitting	Mine Permitting	Construction
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### 1.2.3. Strengthening Capacity

1.2.3.1. The company shall consult with stakeholders from affected communities about potential barriers to engagement, and if any are identified, the company shall offer appropriate assistance to facilitate more effective engagement.<sup>17</sup>

**NOTE FOR 1.2.3.1:** This requirement has been simplified from the Mining Standard language.

Stage 1	Stage 2	Stage 3	Pre-permitting	Mine Permitting	Construction
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### 1.2.4. Communications and Access to Information

**NOTE ON 1.2.4:** The Mining Standard included multiple places where a company was required to either make information publicly available or make the information available to stakeholders upon request. We provided that option in recognition that it could be overly onerous to for a company to have to upload to the internet, or store in a public location, copious amounts of information, and keep that information up to date.

In auditing the Mining Standard, however, we found that often information was not publicly available, but no requests had been made either, so it was uncertain if the company would actually make the information available if requested. Requiring a policy or procedure related to making information available to stakeholders is the best way to ensure that if a company chooses to not automatically make information publicly available, that it has something in writing, at least, to demonstrate a commitment that it will make certain information available upon request.

We are proposing this change throughout the draft IRMA-Ready Standard wherever there is the option to make information publicly available or available to stakeholders upon request. This criterion related to Communication and Access to Information, however, is the location that will underpin all other references to making information available to stakeholders upon request.

1.2.4.1. Communications shall be carried out and information shall be provided to stakeholders in a timely manner, and shall be in formats and languages that are culturally appropriate and accessible to affected communities and stakeholders.<sup>18</sup>

**NOTE FOR 1.2.4.1:** This requirement was 1.2.4.3 in the Mining Standard.

Stage 1	Stage 2	Stage 3	Pre-permitting	Mine Permitting	Construction
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<sup>17</sup> Depending on the circumstances, appropriate assistance may include providing access to training, funding to hire independent experts, capacity building, etc.

<sup>18</sup> "in a timely manner" will likely vary based on the company's resources and procedures (e.g., some companies may have due diligence procedures in place for releasing data publicly) and also the size/nature of the request. As a general rule of thumb, however, requests should be fulfilled within 1 to 3 months, although for particularly large requests or requests made to companies with limited capacity to fulfill information requests, some flexibility may be needed. Also, some companies have stringent quality assurance procedures that must be followed in order to share data publicly, and so may require more time to prepare materials for release. (See also 1.2.4.2 for requests that are not responded to in what seems like a "timely manner.") See footnote 9 for more on culturally appropriate communications.

1.2.4.2. Any information that relates to the [project's](#) environmental or social performance as required in the [IRMA-Ready Standard](#) shall be made available to relevant [stakeholders](#) upon request, with the following caveats:

- a. [The company shall have a policy in place that addresses how it will make information available to stakeholders upon request;](#)
- b. If requests for information are unreasonable because of the content<sup>19</sup> or the volume of information requested, efforts shall be made by the company to provide [stakeholders](#) with summaries of requested information;
- c. If requests for information are not met in full, or in a timely manner, the company shall provide [stakeholders](#) with a written justification or explanation; and
- d. If part of a document contains [confidential business information](#), then confidential information may be redacted, allowing for the release of non-confidential information.

**NOTE FOR 1.2.4.2:** This requirement combines 1.2.4.1 and 1.2.4.2 and 1.2.4.4 from the Mining Standard, and adds more clarity on the type of information that must be provided. In particular, 1.2.4.2 is new. See the [Note for Criterion 1.2.4](#), above, for more of an explanation on why this has been added.

Stage 1	Stage 2	Stage 3	Pre-permitting	Mine Permitting	Construction
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<sup>19</sup> Companies are not expected to release information that is culturally inappropriate, compromises the safety of any individual, is confidential employee information, or legitimate confidential business information. Culturally inappropriate information may include that which is sensitive to particular groups or communities, and therefore should not be freely released to all requesting parties (e.g., locations of indigenous peoples' sacred sites). Stakeholders can help to define what is considered culturally inappropriate.



# Chapter 1.3—Human Rights Due Diligence

## NOTE TO REVIEWERS ON CHAPTER 1.3:

Very few changes were made compared to the Mining Standard, just some minor clarifications and streamlining.

We have included Stage 1 in this Chapter because the United Nations’ Guiding Principles on Business and Human Rights outline expectations for human rights due diligence that apply to all business enterprises, “regardless of their size, sector, location, ownership and structure.”<sup>20</sup>

However, we have attempted to streamline the expectations for companies at that stage of development, given that in the majority of cases a company’s work at that stage is unlikely to lead to the development of a mine.

**CONSULTATION QUESTION 9:** We’d be interested in knowing if we have underestimated the human rights due diligence responsibilities of companies at Exploration Stage 1. How extensive does human rights due diligence need to be at that stage?

## BACKGROUND

In 1948, the United Nations General Assembly adopted the *Universal Declaration of Human Rights*, which, for the first time in history, enumerated the fundamental civil, political, economic, social and cultural rights that all human beings should enjoy. Since that time, a series of core international human rights conventions and treaties, along with other instruments, have established the international legal framework for individual and collective human rights.<sup>21</sup> For example, United Nations instruments have elaborated on the rights of indigenous peoples, women, national or ethnic, religious and linguistic minorities, children, persons with disabilities, and migrant workers and their families.<sup>22</sup>

In 2011, the UN *Guiding Principles on Business and Human Rights* (the ‘Guiding Principles’), which were unanimously endorsed by the United Nations Human Rights Council, clarified the corporate responsibility to respect human rights, stating that all corporation “should avoid infringing on the human rights of others.”<sup>23</sup>

The UN Guiding Principles outline expectations for human rights due diligence that apply to all business enterprises, “regardless of their size, sector, location, ownership and structure.”<sup>24</sup>

## OBJECTIVES/INTENT OF THIS CHAPTER

To respect human rights, and identify, prevent, mitigate and remedy infringements of human rights.

## SCOPE OF APPLICATION

RELEVANCE: This chapter applies to any mine that is seeking IRMA certification. The requirements outlined below are applicable to activities and business relationships that relate to the project seeking certification, not all of a company’s activities and business relationships.

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<sup>20</sup> Office of the High Commissioner for Human Rights. Guiding Principles on Business and Human Rights. Implementing the United Nations “Protect, Respect and Remedy” Framework. p. 1. [https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr\\_en.pdf](https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf)

<sup>21</sup> For more information, see the United Nations website: [www.un.org/en/sections/what-we-do/protect-human-rights/index.html](http://www.un.org/en/sections/what-we-do/protect-human-rights/index.html) and Office of the High Commissioner for Human Rights website: [www.ohchr.org/EN/ProfessionalInterest/Pages/UniversalHumanRightsInstruments.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/UniversalHumanRightsInstruments.aspx)

<sup>22</sup> The Office of the High Commissioner for Human Rights (OHCHR) lists a number of United Nations human rights instruments that enumerate the rights of persons belonging to particular groups or populations. See: OHCHR. 2012. The Corporate Responsibility to Respect – An Interpretive Guide. p. 38. [www.ohchr.org/Documents/Issues/Business/RtRInterpretativeGuide.pdf](http://www.ohchr.org/Documents/Issues/Business/RtRInterpretativeGuide.pdf)

<sup>23</sup> See: Ruggie, J. 2011. Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework. March 21, 2011. A/HRC/17/31. [www.ohchr.org/Documents/Issues/Business/A-HRC-17-31\\_AEV.pdf](http://www.ohchr.org/Documents/Issues/Business/A-HRC-17-31_AEV.pdf)

<sup>24</sup> Office of the High Commissioner for Human Rights. Guiding Principles on Business and Human Rights. Implementing the United Nations “Protect, Respect and Remedy” Framework. p. 1. [https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr\\_en.pdf](https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf)

## CRITICAL REQUIREMENTS IN THIS CHAPTER

The company has a policy in place that acknowledges its responsibility to respect all internationally recognized human rights (1.3.1.1) and an ongoing process to identify and assess potential and actual human rights impacts from mineral processing site activities and business relationships (1.3.2.1), and the company is taking steps to remediate any known impacts on human rights caused by the mineral processing site (1.3.3.3).

# Human Rights Due Diligence Requirements

## 1.3.1. Policy Commitment

### 1.3.1.1. (Critical Requirement)

The company shall adopt a policy commitment that includes an acknowledgement of its responsibility to respect all internationally recognized human rights.<sup>25</sup>

Stage 1	Stage 2	Stage 3	Pre-permitting	Mine Permitting	Construction
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### 1.3.1.2. The policy shall:

- Be approved at the most senior level of the company;
- Be informed by relevant internal and/or external expertise;
- Stipulate the company's human rights expectations of personnel, [contractors](#) and other parties directly linked to its project;
- Be publicly available and communicated internally and externally to all personnel, [contractors](#) and other relevant parties and [stakeholders](#);
- Be reflected in the [project's](#) operational procedures and employee/contractor [training programs](#).

**NOTE FOR 1.3.1.2:** This requirement is intended to be consistent with the expectations in the UN Guiding Principles on Business and Human Rights (see Background section).

There are slight differences between the sub-requirements here and in the Mining Standard, e.g., we replaced the word "business partners" with "contractors" to be more clear. Also, we added a training element in 1.3.1.2.e. to ensure that company personnel understand their responsibility to respect human rights.

Stage 1	Stage 2	Stage 3	Pre-permitting	Mine Permitting	Construction
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## 1.3.2. Assessment of Human Rights Risks and Impacts

**NOTE FOR 1.3.2.1 (below):** For Exploration Stage 1, when no on-the-ground activities have yet commenced, explorations companies should at least be starting to understand the potential impacts that their activities may have if the decide to move ahead with an exploration project.

### 1.3.2.1. (Critical Requirement)

[Prior to seeking exploration permits the company shall identify human rights that may be affected by proposed exploration activities.](#)

Stage 1
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## 1.3.3. Prevention, Mitigation and Remediation of Human Rights Impacts

<sup>25</sup> IRMA recognizes that policy commitments are often made at the corporate level. In such cases, companies do not need to develop project-specific policies, but they will be expected to demonstrate that they are operating in compliance with the corporate policy (e.g., site-level management understand the policy, and have integrated it into the project's procedures and dealings with business partners, contractors, etc.).

**NOTE FOR 1.3.3:** The requirements apply to all stages because whenever a risk to human rights is identified a company is expected to take steps to prevent it from occurring. This needs to be done if a company's actions pose risks to human rights, or if the company may contribute to or be linked to potential human rights impacts through its business relationships. Similarly, if an actual impact on human rights is discovered a company must take steps to prevent further impacts, and provide mitigation and/or remediation for the impact that has occurred.

Some slight wording changes compared to the Mining Standard in 1.3.3.2 and 1.3.3.3, such as adding reference to business relationships.

1.3.3.1. Project stakeholders shall have access to and be informed about a rights-compatible grievance mechanism and other mechanisms through which they can raise concerns and seek recourse for grievances related to human rights.<sup>26</sup>

Stage 1	Stage 2	Stage 3	Pre-permitting	Mine Permitting	Construction
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1.3.3.2. Responding to human rights risks:

- a. If the company determines there is a risk of causing adverse human rights impacts through its activities it shall prioritize preventing impacts from occurring, and if this is not possible, design strategies to mitigate the human rights risks. Mitigation plans shall be developed in consultation with potentially affected rights holder(s).
- b. If the company determines there is a risk of contributing to adverse human rights impacts through its activities or business relationships, it shall take action to prevent or mitigate its contribution, and use its leverage to influence other contributing parties to prevent or mitigate their contributions to the human rights risks.
- c. If the company determines there is a risk of being linked to adverse human rights impacts through its business relationships, it shall use its leverage to influence responsible parties to prevent or mitigate their risks to human rights from their activities.

1.3.3.3. (Critical Requirement)

Responding to actual human rights impacts:

- a. If the company determines that it has caused an actual human rights impact, it shall:
  - i. Cease or change the activity responsible for the impact; and
  - ii. In a timely manner, develop mitigation strategies and remediation in collaboration with affected rights holders. If mutually acceptable remedies cannot be found through dialogue, the company shall attempt to reach agreement through an independent, third-party mediator or another means mutually acceptable to affected rights holders;
- b. If the company determines that it has contributed to an actual human rights impact, the company shall cease or change any activities or business relationships that are contributing to the impact, mitigate and remediate impacts to the extent of its contribution, use its leverage to influence other contributing parties to cease or change their activities, and mitigate and remediate the remaining impact;
- c. If the company determines that it is linked to an actual human rights impact through a business relationship the company shall use its leverage to prevent or mitigate the impact from continuing or recurring; and
- d. The company shall cooperate with other legitimate processes such as judicial or State-based investigations or proceedings related to human rights impacts that the company caused, contributed to, or was directly linked to through its business relationships.

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<sup>26</sup> The operational-level grievance mechanism developed as per IRMA Chapter 1.4 may be used as the mechanism to receive all types of complaints, including those related to human rights, or a separate mechanism may be created to handle human rights complaints and grievances. If a separate mechanism is developed, it shall be done in a manner that is consistent with Chapter 1.4. Also, there may be other mechanisms not operated by the company through which rights holders can seek recourse (e.g., administrative, judicial and non-judicial remedies).

### 1.3.4. Monitoring

**NOTE FOR 1.3.4:** Some slight wording changes compared to the Mining Standard. Monitoring is a step outlined in the UN Guiding Principles for all companies, and so it has been included for all stages in this requirement, but it is recognized that there may be little to monitor in some stages, in particular Stage 1 of exploration.

1.3.4.1. The company shall monitor whether salient human rights risks and impacts are being effectively addressed. Monitoring shall include qualitative and quantitative indicators, and draw on feedback from internal and external sources, including affected rights holders.

1.3.4.2. External monitoring of a company's human rights due diligence shall occur if the company's due diligence efforts repeatedly fail to prevent, mitigate or remediate actual human rights impacts; or if its due diligence activities failed to prevent the company from unknowingly or unintentionally causing, contributing to or being linked to any serious human rights abuse. Additionally:

- a. The company shall fund the external monitoring; and
- b. The form of such monitoring, and selection of external monitors, shall be determined in collaboration with affected rights holders.

Stage 1	Stage 2	Stage 3	Pre-permitting	Mine Permitting	Construction
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### 1.3.5. Reporting

**NOTE FOR 1.3.5:** Some slight wording changes compared to the Mining Standard. In particular, the previous 1.3.5.3 has been incorporated into 1.3.5.1 and 1.3.5.2, as it is not an independent requirement but rather a clarification of what is reported.

Communicating externally about how human rights impacts are being addressed is a step outlined in the UN Guiding Principles (Principle 21). The Mining Standard (and this standard) goes beyond reporting only why there have been human rights impacts, as expressed in the UNGPs,<sup>27</sup> and includes reporting more generally on human rights due diligence activities, because this is increasingly a global expectation. For example, according to Shift/Mazars, "In addition to doing business with respect for human rights, companies are expected to be transparent and accountable about their efforts. . . Regulations from the UK's Modern Slavery Act to the French 'plan de vigilance' law to the California Transparency in Supply Chains Act and the EU non-financial reporting Directive are all calling for the same kind of disclosure on human rights: disclosure that aligns with the UN Guiding Principles and its expectations for human rights due diligence."<sup>28</sup>

**CONSULTATION QUESTION 11:** Is it reasonable to expect that exploration and development companies report on their human rights due diligence efforts, or do you believe that goes beyond what is considered best practice related to human rights reporting?

1.3.5.1. The company or its corporate owner shall periodically report publicly on the effectiveness of its human rights due diligence activities. At minimum, reporting shall include the methods used to determine the salient human rights issues, a list of salient risks and impacts that were identified, and actions taken by the company to prevent, mitigate and/or remediate the human rights risks and impacts. Public reporting may exclude information that is politically sensitive, is confidential business information, or that may compromise safety or place any individual at risk.

<sup>27</sup> According to Principle 21, "In order to account for how they address their human rights impacts, business enterprises should be prepared to communicate this externally, particularly when concerns are raised by or on behalf of affected stakeholders. Business enterprises whose operations or operating contexts pose risks of severe human rights impacts should report formally on how they address them." (Office of the High Commissioner for Human Rights. Guiding Principles on Business and Human Rights. Implementing the United Nations "Protect, Respect and Remedy" Framework. p. 23. [https://www.ohchr.org/documents/publications/guidingprinciplesbusinessshr\\_en.pdf](https://www.ohchr.org/documents/publications/guidingprinciplesbusinessshr_en.pdf))

<sup>28</sup> Shift/Mazars. UN Guiding Principles Reporting Framework website: "Why Reporting Matters." <https://www.ungpreporting.org/about-us/why-reporting-matters/>

1.3.5.2. If relevant, the company shall publish a report on external monitoring findings and recommendations to improve its human rights due diligence, and the company shall report to relevant stakeholders and rights holders on its plans to improve its due diligence activities as a result of external monitoring recommendations. Reports may exclude information that is politically sensitive, is confidential business information, or that may compromise safety or place any individual at risk.

Stage 1	Stage 2	Stage 3	Pre-permitting	Mine Permitting	Construction
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## NOTES

This chapter is based on the framework for corporate responsibility established in the UN *Guiding Principles on Business and Human Rights*,<sup>29</sup> and includes best practice requirements to increase transparency regarding human rights impacts, and to increase the ability of rights holders to participate, in a meaningful way, in decisions that affect their lives.

<sup>29</sup> See: Ruggie, J. 2011. Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework. March 21, 2011. A/HRC/17/31. [www.ohchr.org/Documents/Issues/Business/A-HRC-17-31\\_AEV.pdf](http://www.ohchr.org/Documents/Issues/Business/A-HRC-17-31_AEV.pdf)

# Chapter 1.4—Complaints and Grievance Mechanism and Access to Remedy

## NOTE TO REVIEWERS ON CHAPTER 1.4:

Minor revisions, including combination of some requirements found in the Mining Standard, were made to this chapter to try to reduce overlap, streamline expectations and add clarity.

There are differing levels of expectations for Exploration versus Pre-Permitting/Permitting and Construction, given the greater scale of the proposed operations, and the need for a long-term mechanism that remains effective for the life of the mine.

## BACKGROUND

Mineral exploration and development projects inevitably raise concerns and complaints from community members and stakeholders affected by these projects. It is now expected practice for mineral exploration and development companies to have in place site-level processes (often referred to as “operational-level grievance mechanisms”) for systematically receiving, tracking, resolving and communicating with local communities and stakeholders, including workers, about their complaints or grievances. Grievance mechanisms, however, should not be considered a substitute for community and stakeholder engagement processes that allow for airing of concerns. The two are complementary and should be mutually reinforcing.<sup>30</sup>

Having accessible and trusted procedures in place to receive complaints can lead to the quick resolution of many stakeholder concerns before they escalate into serious grievances or conflicts. Stakeholders are more likely to trust complaints and grievance procedures if they have some say in their design.

Operational-level complaint and grievance processes are just one option for individuals to seek justice or remediation for damages that they believe have occurred as a result of company activities. For example, traditional authorities may have conflict or dispute resolution systems in place; countries may have legal frameworks, such as court systems, to provide recourse to aggrieved parties; workers may have access to corporate-level whistle-blower procedures; and remedies may be sought through national or international human rights bodies, labor tribunals or other non-judicial mechanisms. Operational-level grievance mechanisms should neither be used to undermine the role of legitimate trade unions in addressing labor-related disputes, nor preclude any stakeholder from accessing judicial or other non-judicial grievance mechanisms.<sup>31</sup>

## OBJECTIVES/INTENT OF THIS CHAPTER

To provide accessible and effective means for affected communities and individuals to raise and resolve mineral exploration-and-development-related complaints and grievances at the project level, while not limiting their ability to seek remedy through other mechanisms.

## SCOPE OF APPLICATION

RELEVANCE: This chapter is relevant for all mineral exploration and development projects, as all have workers and most have external stakeholders who must be provided with an effective means of raising complaints and

<sup>30</sup> IFC. 2009. Good Practice Note: Addressing Grievances from Project-Affected Communities. p. 6. [www.ifc.org/wps/wcm/connect/cbe7b18048855348ae6cfe6a6515bb18/IFC+Grievance+Mechanisms.pdf?MOD=AJPERES&CACHEID=cbe7b18048855348ae6cfe6a6515bb18](http://www.ifc.org/wps/wcm/connect/cbe7b18048855348ae6cfe6a6515bb18/IFC+Grievance+Mechanisms.pdf?MOD=AJPERES&CACHEID=cbe7b18048855348ae6cfe6a6515bb18)

<sup>31</sup> Ruggie, J. 2011. Guiding Principles on Business and Human Rights. A/HRC/17/31. Commentary for Principle 29. Available at: [www.ohchr.org/Documents/Issues/Business/A-HRC-17-31\\_AEV.pdf](http://www.ohchr.org/Documents/Issues/Business/A-HRC-17-31_AEV.pdf)

grievances with the company, and if the grievances are not adequately addressed through the project-level grievance mechanism, who have the right to access remedy through other channels.

CRITICAL REQUIREMENTS IN THIS CHAPTER

Stakeholders have access to operational-level mechanisms that allows them to raise and seek resolution or remedy for complaints and grievances that may occur in relation to the mineral exploration or development project (1.4.1.1).

# Complaints, Grievances and Access to Remedy Requirements

## 1.4.1. Access to Operational-Level Complaints and Grievance Mechanism

**NOTE FOR 1.4.1.1 (below):** Simplified the language compared to the Mining Standard to make it more clear. Removed the explanation that stakeholders include community members and rights holders – we can include that in Guidance).

We will also add to guidance that a grievance mechanism must be in place, i.e., there must be an identified way for stakeholders to contact the company and express their concerns/complaints and have those complaints documented and addressed, but that the system can be scaled to the level of activity.

**CONSULTATION QUESTION 12:** During Stage 1, which is primarily office-based and there is no actual on-the-ground exploration activity, is there a need for a grievance mechanism?

### 1.4.1.1. (Critical Requirement)

An operational-level grievance mechanism shall be in place to enable stakeholders to raise and seek resolution and/or remedy for the range of complaints and grievances that may occur in relation to the company and its exploration-related activities.<sup>32</sup>

Stage 1	Stage 2	Stage 3
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## 1.4.2. Development of Complaints and Grievance Procedures

1.4.2.1. Complaints and grievance procedures shall be developed and made publicly available in languages and formats that are understandable to stakeholders who may be affected by the project.

**NOTE FOR 1.4.2.1:** This was 1.4.2.2 in the Mining Standard. It has been moved here, and revised slightly to clarify that procedures must be developed instead of documented, so that it is clear for Stage 1 and 2 that procedures must be in place. And these procedures must be in languages and formats that are understandable to those who will use the mechanism.

Stage 1	Stage 2	Stage 3	Pre-permitting	Mine Permitting	Construction
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<sup>32</sup> Grievance mechanisms are explicitly stated as requirements with regard to stakeholder engagement (Chapter 1.2), human rights (Chapter 1.3), resettlement (Chapter 2.4), workers (Chapter 3.1) and project security (Chapter 3.5). However, even when not explicitly stated in a chapter, it is expected that access to the operational-level grievance mechanism and remedies will be provided for grievances related to any issues of stakeholder concern with the exploration or development project.

It is possible that one grievance mechanism may be suitable to address all types of grievances raised in relation to the project, including workers, although typically labor grievances are dealt with through a separate mechanism established through collective bargaining agreements or human resources policies. The development of workers' grievance mechanism is addressed in Chapter 3.1. It is also possible that more than one mechanism or approach to addressing complaints and grievances may be deemed necessary to meet the needs of affected communities and stakeholders. If a company decides to create multiple grievance mechanisms, all of them shall meet the requirements of this chapter.

**CURRENTLY NOT RELEVANT FOR STAGES 1 OR 2. SEE CONSULTATION QUESTION 13.**

1.4.2.2. The company shall consult with stakeholders on the design of culturally appropriate complaints and grievance procedures that address, at minimum:

- a. The effectiveness criteria outlined in Principle 31 of the United Nations Guiding Principles on Business and Human Rights,<sup>33</sup> which include the need for the mechanism to be: (a) Legitimate, (b) Accessible, (c) Predictable, (d) Equitable, (e) Transparent, (f) Rights-compatible, (g) A source of continuous learning, and (h) Based on engagement and dialogue;
- b. How complaints and grievances will be filed, acknowledged, investigated, and resolved, including general timeframes for each phase;
- c. How confidentiality of a complainant's identity will be respected, if requested;
- d. The ability to file anonymous complaints, if deemed necessary by stakeholders;
- e. The provision of assistance for those who may face barriers to using the operational-level grievance mechanism, including women, children, and marginalized or vulnerable groups;
- f. Options for recourse if an initial process does not result in satisfactory resolution or if the mechanism is inadequate or inappropriate for handling serious human rights grievances; and
- g. How complaints and grievances and their resolutions will be tracked and recorded.

**NOTE FOR 1.4.2.2:** This requirement was 1.4.2.1 in the Mining Standard. Currently, we are not proposing to apply it to Stages 1 and 2 of exploration, because it is not clear that the effort needed to engage stakeholders in a process to co-design a grievance mechanism is warranted at these early stages when the level of impacts should be relatively low compared to Stage 3 and those associated with a proposed mining project. Reviewers should bear in mind that a grievance mechanism is still required as per 1.4.1.1, and in 1.4.2.1, all companies are expected to develop procedures and make them publicly available to stakeholders, so stakeholders for Stage 1 and 2 Exploration projects still have the opportunity to express concerns and complaints. They would just not help the company design the actual grievance procedures, and for Stages 1 and 2 we are currently not as prescriptive about what is in the procedures.

We will add Guidance that new mechanisms need not be designed in subsequent stages if they were already designed in a collaborative manner in an earlier stage, and mechanisms are working effectively for stakeholders.

**CONSULTATION QUESTION 13:** Is it reasonable to expect companies at Stage 1 and 2 of exploration to have developed extensive complaints and grievance procedures as per 1.4.2.1, i.e., should this expectation be expanded to those stages?

Stage 3	Pre-permitting	Mine Permitting	Construction
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### 1.4.3. Access to Other Remedy Mechanisms

1.4.3.1. No remedy provided by an operational-level grievance mechanism shall require aggrieved parties to waive their right to seek recourse from the company for the same complaint through other available mechanisms, including administrative, non-judicial or judicial remedies, and the company, in its communications with stakeholders, shall not state or imply that filing a complaint with the company might preclude a stakeholder from seeking redress through administrative, judicial or other non-judicial remedies.<sup>34</sup>

**NOTE FOR 1.4.3.1:** Combined 1.4.3.1 with 1.4.5.2 from the Mining Standard, as both relate to the ability of stakeholders to seek remedy through avenues other than the operational-level grievance mechanism

Stage 1	Stage 2	Stage 3	Pre-permitting	Mine Permitting	Construction
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<sup>33</sup> Effectiveness criteria are from: United Nations Guiding Principles on Business and Human Rights. (See Principle 31, page 33. [https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr\\_en.pdf](https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf))

<sup>34</sup> The *Guiding Principles on Business and Human Rights* have identified that access to remedy for grievances is fundamental to ensuring respect and protection of human rights. (Ruggie, J. 2011. Guiding Principles on Business and Human Rights. A/HRC/17/31. Available at: [www.ohchr.org/Documents/Issues/Business/A-HRC-17-31\\_AEV.pdf](http://www.ohchr.org/Documents/Issues/Business/A-HRC-17-31_AEV.pdf))



#### 1.4.4. Monitoring and Evaluation

1.4.4.1. Complaints and grievances and their outcomes and remedies shall be documented.

Stage 1	Stage 2	Stage 3	Pre-permitting	Mine Permitting	Construction
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**CURRENTLY NOT RELEVANT FOR STAGES 1 OR 2. SEE CONSULTATION QUESTION 14.**

1.4.4.2. The company shall consult with stakeholders and review complaints and grievance data and outcomes to determine:

- If changes to procedures can make the complaints mechanism more trusted by and accessible to stakeholders;
- If changes in company activities can be implemented to prevent or mitigate similar grievances in the future; and
- If outcomes and remedies provided through the grievance mechanism accord with internationally recognized human rights.

**NOTE FOR 1.4.4.2:** Revised language to add clarity. Also, combined 1.4.4.2 with requirement 1.4.4.3 from the Mining Standard (re: consultation with stakeholders), and clarified that monitoring and evaluation happens through such consultation and the review of complaints and grievance data and outcomes.

Currently, requirement 1.4.4.2 does not apply to Stages 1 and 2 of exploration, because of the resources needed to carry out monitoring and evaluation. Our sense is that small exploration companies are unlikely to have the capacity to do so. However, we will add guidance that if companies do have the capacity, they should carry out this type of evaluation at the earliest stage possible.

**CONSULTATION QUESTION 14:** Is it reasonable to expect companies at Stage 1 and 2 of exploration to be carrying out monitoring and evaluation as per 1.4.4.2, i.e., should this expectation be expanded to those stages?

Stage 3	Pre-permitting	Mine Permitting	Construction
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#### 1.4.5. Communications

1.4.5.1. The company shall inform potentially affected stakeholders about the operational-level grievance mechanism and explain how to file a complaint or grievance related to the project.

**NOTE FOR 1.4.5.1:** The Mining Standard requires that efforts be made to inform ALL stakeholders, but this was removed because it is too broad and difficult to audit. Have limited it to “potentially affected stakeholders,” as these are the stakeholders that are the most likely to have concerns with the project, and depending on the circumstances may have limited capacity to spend time to understand the company’s procedures. This makes it important for targeted outreach to occur. We have also made it clear that part of informing includes explaining how to file a complaint.

1.4.5.2. The company shall ensure that personnel and contractors that may interact with stakeholders are aware of the company's procedures, and receive instruction on the respectful handling of all complaints and grievances.

**NOTE FOR 1.4.5.2:** This was 1.4.5.3 in the Mining Standard. Now 1.4.5.2 because 1.4.5.3 was combined with 1.4.3.2, above. Also, added that this also applies to contractors, and simplified and clarified language (e.g., rather than “inform” we say that personnel and contractors must “receive instruction” on the respectful handling of complaints).

Stage 1	Stage 2	Stage 3	Pre-permitting	Mine Permitting	Construction
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## 1.4.6. Reporting

**CURRENTLY NOT RELEVANT FOR STAGE 1. SEE CONSULTATION QUESTION 15.**

1.4.6.1. Periodically, the company shall report, at minimum, to affected communities on grievances received and responses provided. This shall be done in a manner that protects the confidentiality and safety of those filing grievances.

**NOTE FOR 1.4.6.1:** We have revised the wording compared to the Mining Standard, now requiring that reporting is to “affected communities” and not stakeholders generally. The reason for the change is that the primary intent of this requirement is that the company demonstrate responsiveness to community concerns, and that this type of reporting should be on the aggregate of grievances filed, not reporting back on individual stakeholder complaints.

“... at minimum” is meant to indicate that reporting to affected communities must occur, but that companies could also report to other stakeholder groups, such as regulators or even investors who may be interested in grievance information. (We can add those details in Guidance).

**CONSULTATION QUESTION 15:** Would it be reasonable to expect that exploration companies at Stage 1 of exploration will have systems developed to periodically report back to stakeholders on issues raised by them?

Stage 2

Stage 3

Pre-permitting

Mine Permitting

Construction

## NOTES

This chapter uses as its basis the effectiveness criteria UN Guiding Principles on Business and Human Rights, i.e., that a grievance mechanism be: (a) Legitimate, (b) Accessible, (c) Predictable, (d) Equitable, (e) Transparent, (f) Rights-compatible, (g) A source of continuous learning, and (h) Based on engagement and dialogue.<sup>35</sup>

This chapter does not pertain to grievances related to IRMA certification. IRMA is in the process of developing its own grievance mechanism, which will enable IRMA stakeholders to raise concerns about issues pertaining to IRMA certification of a particular mineral exploration and development project, as well as the IRMA certification system more generally.

<sup>35</sup> Ruggie, J. 2011. Guiding Principles on Business and Human Rights. A/HRC/17/31. See Principle 31. Available at: [www.ohchr.org/Documents/Issues/Business/A-HRC-17-31\\_AEV.pdf](http://www.ohchr.org/Documents/Issues/Business/A-HRC-17-31_AEV.pdf)

# Chapter 1.5—Financial Transparency and Anti-Corruption

## NOTE TO REVIEWERS ON CHAPTER 1.5:

The name of this chapter has changed (it was Revenue and Payments Transparency), to better reflect the scope and intent of the requirements.

The financial transparency requirements have been significantly streamlined compared to the Mining Standard, primarily to increase clarity regarding the expectations.

We added a criterion, 1.5.6. Reporting of Exploration Results, which is not addressed in the Mining Standard.

## BACKGROUND

Revenues derived from the exploration and development of a country's mineral resources can make a major contribution to funding public services and other valuable government activities. However, where citizens have limited knowledge of revenues paid by natural resource companies the chances of theft or inappropriate usage of revenues from exploration and development companies grows. Increased transparency of material payments to and revenues received by the host country government, as well as increased measures to prevent bribery and corruption in order to attain exploration and development permits and approvals, are essential steps toward addressing these issues.

Additionally, the chapter addresses the need for standardized and transparent reporting of mineral reserves, resources and exploration results. According to the Committee for Mineral Reserves International Reporting Standards (CRIRSCO), an international initiative that has developed mineral reporting codes, guidelines and standardized definitions related to mineral resources and mineral reserves, "Unlike many other industries, [the mining industry] is based on depleting mineral assets, the knowledge of which is imperfect prior to the commencement of extraction. It is therefore essential that the industry communicates the risks associated with investment effectively and transparently in order to earn the level of trust necessary to underpin its activities."<sup>36</sup>

## OBJECTIVES/INTENT OF THIS CHAPTER

To increase transparency of mineral exploration-and-development-related payments and provide communities and the general public with the information they need to understand and assess the fairness of financial arrangements related to mineral exploration and development projects.

## SCOPE OF APPLICATION

**RELEVANCE:** This chapter is applicable to all mineral exploration and development projects applying for IRMA certification.

The requirements apply to compliance at the time of assessment, and on an ongoing basis thereafter. The information provided does not have to be backdated to cover activity prior to the application, with the exception of requirement 1.5.3.1. In relation to this requirement the terms for mineral exploration, development and production for the project must be made freely and publicly accessible for the whole period of project development up to the time of application and thereafter.

## CRITICAL REQUIREMENTS IN THIS CHAPTER

**The company has developed and implemented policies and procedures that prohibit bribery and corruption by employees and contractors (1.5.5.1).**

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<sup>36</sup> CRIRSCO website: <http://www.crirSCO.com/welcome.asp>

# Financial Transparency and Anti-Corruption Requirements

## 1.5.1. Disclosure of Country-Level Payments

1.5.1.1. On a yearly basis, the company shall publish a report that discloses all material payments made by itself and its corporate owner to the government of the country in which the [mineral exploration or development](#) project is located. The report shall either comply with reporting and disclosure requirements of a recognized mandatory transparency regime,<sup>37</sup> or comply with the following set of requirements:

- a. The report shall be made public within 12 months after the end of each financial year;<sup>38</sup>
- b. At minimum, information shall be broken down by recipient government body (where applicable), by project (where applicable), and by payment type; and
- c. The types of payment disclosed shall include as a minimum, as applicable:
  - i. The host government's [mineral exploration or development fees](#) (e.g., licence fees, rental fees, entry fees and other considerations for licences and/or concessions);
  - ii. Bonuses, such as signature bonus (e.g., upon contract signing) or discovery bonus (e.g., upon first discovery of minerals);
  - iii. Payments for infrastructure improvements; and
  - iv. Any other significant payments and material benefits to government, including in kind payments.<sup>39</sup>

**NOTE FOR 1.5.1.1:** We combined requirements 1.5.1.1, 1.5.1.2, 1.5.1.3. and 1.5.1.4 from the Mining Standard into a single requirement to make it clear what is being required. We will list recognized mandatory transparency regimes, such as that of the European Union, Canada and the United Kingdom, in guidance.

Some of the disclosure categories have been removed that were in the Mining Standard, since there will not yet be mineral production. These include: host government's production entitlement, national state-owned enterprise production entitlement, profits taxes, royalties, dividends.

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## 1.5.2. Disclosure of Project-Level Payments

1.5.2.1. On a yearly basis, the company shall publish a report that discloses the following information at the project level:

<sup>37</sup> If mandatory reporting laws are more stringent, then companies need to adhere to those laws.

Recognized mandatory transparency regimes include:

The European Union Accounting Directive 2013/34/EU is available at: <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32013L0034&qid=1524171176636> and the European Union Transparency Directive 2013/50/EU is available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1415872329209&uri=CELEX:32013L0050>.

Government of Canada. 2015. Extractive Sector Transparency Measures Act. <http://laws-lois.justice.gc.ca/eng/acts/E-22.7/page-1.html>; Ministry of Finance. 2013. Regulations on country-by-country reporting. Available at: <http://www.publishwhatyoupay.no/en/node/16414>; and

UK Government .2014. The Reports on Payments to Governments Regulations 2014. [http://www.legislation.gov.uk/uksi/2014/3209/pdfs/uksi\\_20143209\\_en.pdf](http://www.legislation.gov.uk/uksi/2014/3209/pdfs/uksi_20143209_en.pdf)

<sup>38</sup> The information may be made publicly available on the company and/or appropriate government website(s).

<sup>39</sup> An example of "other significant payments" is transportation revenue. According to EITI Standard, Section 4.4, transportation revenue may include revenue from taxes, tariffs or other relevant payments related to transport of 'minerals', which is taken to include mined materials and outputs from smelting or refining). Social expenditures made by companies may be an example of material payments and/or benefits to governments (see EITI requirement 6.1).

- a. Material payments and other material benefits to government as listed in paragraph 1.5.1.1, disaggregated according to the receiving government entity (e.g., national, regional, local entity; name of government department);
- b. Social expenditures, including the names and functions of beneficiaries;
- c. Payments to politicians’ campaigns, political parties or related organizations; and
- d. Facilitation payments made to government officials (when operating in countries where such payments are legal);
- e. Fines or other similar penalties that have been issued in relation to the project.

**NOTE FOR 1.5.2.1:** We replaced requirements 1.5.2.1 from the Mining Standard with this requirement, which was largely drawn from 1.5.2.2 in the Mining Standard. The new 1.5.2.1, here, more clearly lays out the expectations for project-level disclosure of payments. We will add Guidance that the requirements laid out in 1.5.2.1 are meant to align with EU, EITI and other mandatory transparency regulations and schemes.

Some of the disclosure categories have been removed that were in the Mining Standard, since there will not yet be mineral production. These include: mine production, disaggregated by product type and volume; revenues from sales, disaggregated by product type; and taxes, tariffs or other relevant payments related to transportation of minerals.

Also, we added 1.5.2.1.d, which addresses facilitation payments, to align with a requirement in the International Council on Mining and Metals performance expectations (PE), which require mining companies “publicly disclose facilitation payments” (see PE 1.2).<sup>40</sup> We have clarified, however, that these types of payments be disclosed for countries where such payments are legal. Where such payments are illegal, it is unlikely that any company is going to willingly disclose such payments publicly as it will incriminate them. If an auditor determines that illegal facilitation payments are occurring, then that will be reflected in the ratings in Chapter 1.1 Legal Compliance.

We are proposing that the definition of facilitation payment used by the Responsible Jewellery Council be added to our Glossary:<sup>41</sup>

**Facilitation Payment:** facilitation payments are sums of money paid to get preferential treatment for something the receiver is otherwise still required to do—for example, paying an official to speed up, or ‘facilitate’, an authorization process.

1.5.2.2. The company shall publish annual accounts, following international accounting standards.

Stage 1	Stage 2	Stage 3	Pre-permitting	Mine Permitting	Construction
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### 1.5.3. Support for the Extractive Industries Transparency Initiative (EITI)

1.5.3.1. If a project is located in a country without a mandated transparency regime, the company shall demonstrate support for the EITI by publishing a clear public statement endorsing the EITI Principles on its external website.

**NOTE FOR 1.5.3.1:** This is not an onerous requirement, so has been included for all stages. A second requirement that required engagement with EITI was removed – the rationale being that when mining projects become actual operating mines they will have income from production and more ability to hire staff to engage in EITI.

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<sup>40</sup> ICMM. 2020. Mining Principles: Performance Expectations. <https://www.icmm.com/en-gb/about-us/member-requirements/mining-principles/mining-principles>

<sup>41</sup> Responsible Jewellery Council. 2019. Code of Practices Guidance. p. 105. <https://www.responsiblejewellery.com/wp-content/uploads/RJC-COP-Guidance-April-2019.pdf>

#### 1.5.4. Company and Project Transparency

**NOTE FOR 1.5.4:** The criterion name has changed from Company Transparency in the Mining Standard to Company and Project Transparency here.

The requirement has been streamlined compared to the Mining Standard, with some material added to a footnote because it is more relevant to how the requirement will be audited.

**CONSULTATION QUESTION 16:** Stage 1 is not currently included in requirement 1.5.4.1. Would agreements related to access to government-hosted mining cadastres and related data be relevant at Stage 1, and therefore, should we include it?

**CURRENTLY NOT RELEVANT FOR STAGE 1. SEE CONSULTATION QUESTION 16.**

1.5.4.1. The material terms for mineral exploration, development and production agreed between the company and government entities shall be freely and publicly accessible,<sup>42</sup> with the exception of confidential business information,<sup>43</sup> in the national language(s) of the country in which the project is located.

Stage 2	Stage 3	Pre-permitting	Mine Permitting	Construction
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1.5.4.2. The beneficial ownership of the company shall be publicly accessible.

Stage 1	Stage 2	Stage 3	Pre-permitting	Mine Permitting	Construction
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#### 1.5.5. Anti-Bribery and Anti-Corruption

**NOTE FOR 1.5.5:** This criterion has been strengthened compared to the Mining Standard. However, the requirements here are not as stringent as those proposed in IRMA's draft Mineral Processing Standard. Partly, we are trying to balance the fact that companies at these early stages do not typically have the larger operating budgets of producing mines or mineral processing facilities to fund more robust implementation and anti-corruption procedures including training and reporting. We also acknowledge, however, that the potential for bribery, facilitation payments and corruption exist during the exploration and development phases, when companies are seeking permissions from regulatory bodies or rights holders, to pursue mineral development.

**CONSULTATION QUESTION 17:** Should we enhance requirements in a manner similar to the draft Mineral Processing Standard (and if so, should the enhancements apply to all stages of development or just particular ones?).<sup>44</sup> The Mineral Process Standard includes:

1.5.5.1. The company shall develop, document and implement policies and procedures that prohibit bribery or corruption (including extortion, embezzlement and money laundering) and address conflicts of interest, procurement of undue influence through political and charitable contributions and facilitation payments by employees and contractors, individually and jointly.

1.5.5.2. At minimum, procedures shall include:

- Criteria and approval processes for the offer and acceptance of third party financial and in-kind gifts, including hospitality and entertainment;
- Internal reporting and recording of approved given and accepted gifts, as well as any undue pecuniary or other advantage given to, or received from, public officials or the employees of business partners, directly or through third parties acting on their behalf;
- A whistleblower or other mechanism for workers, employees, contractors or stakeholders to raise concerns about suspected bribery, corruption or other unethical practices associated with the mineral processing operation; **[This is covered in the IRMA-Ready Standard in 3.1.5.2]**
- Protections for whistleblowers and employees who refuse to pay bribes or legal facilitation payments even if such refusal

<sup>42</sup> Where these terms are negotiated, rather than governed by law, the company shall make the relevant agreements, licences or contracts freely and publicly accessible. Where these terms are governed by law, free, public access to the relevant statutory documentation is deemed sufficient to meet the IRMA requirement.

<sup>43</sup> Confidential business information may be excluded or redacted from the publicly accessible documentation as necessary.

<sup>44</sup> The draft IRMA Standard for Responsible Mineral Processing can be found at:

results in the loss of business;

e. Investigation of alleged cases of bribery or corruption; and

f. Disciplinary actions to be taken if cases of bribery or corruption are discovered.

1.5.5.4. The company's policies and procedures shall be publicly available, and communicated to workers, business partners and suppliers.

1.5.5.5. The company shall publicly report the:

a. Total number and nature of confirmed incidents of bribery and corruption;

b. Total number of confirmed incidents in which employees were dismissed or disciplined for bribery or corruption;

c. Total number of confirmed incidents when contracts with business partners were terminated or not renewed due to violations related to bribery or corruption; and

d. Public legal cases regarding bribery or corruption brought against the company or its employees during the reporting period and the outcomes of such cases.

#### 1.5.5.1. (Critical Requirement)

The company shall develop, implement and make publicly available a policy and procedures that prohibit bribery and address other forms of corruption by employees and contractors.

**NOTE FOR 1.5.5.1:** This requirement has been strengthened compared to the Mining Standard. Added that companies not only have to prohibit bribery, but also need to include procedures for how any form of corruption, if found, will be addressed. Also added that procedures be publicly available.

1.5.5.2. Procedures shall include:

a. A requirement to internally report and record any undue pecuniary or other advantage given to, or received from, public officials or the employees of business partners, directly or through third parties including contractors;<sup>45</sup>

b. Disciplinary actions to be taken if cases of bribery or corruption are discovered; and

c. Where facilitation payments are allowed by applicable law, actions to be taken to eliminate facilitation payments or to reduce the size and frequency of these payments over time.

**NOTE FOR 1.5.5.2:** Added a sub-requirement (1.5.5.2.c) that is not in the Mining Standard. This was done to better align with the Responsible Jewellery Council's (RJC) Code of Practices (CoP, 11.3), which requires that "Where facilitation payments are allowed by applicable law, members shall: a. Act to eliminate all facilitation payments or to reduce the size and frequency of facilitation payments over time."<sup>46</sup>

NOTE - also added that any facilitation payments must be publicly disclosed in 1.5.2.1.

1.5.5.3. Relevant employees and contractors shall be trained in the application of the company's policy and procedures.

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## NOTES

The Extractive Industries Transparency Initiative (EITI) is a global coalition of governments, companies and civil society working together to improve openness and accountable management of revenues from natural resources, allowing citizens to see for themselves how much their government is receiving from their country's natural resources. The EITI is complemented and extended by mandatory transparency regimes enacted into law in the European Union and other jurisdictions. The IRMA Standard is intended to support, without duplicating, the work of the EITI and mandatory transparency regimes.

<sup>45</sup> **NOTE TO REVIEWERS:** Will add guidance that third parties can include family members of the company's workers and contractors.

<sup>46</sup> Responsible Jewellery Council. 2019. Code of Practices. p. 18. <https://www.responsiblejewellery.com/wp-content/uploads/RJC-COP-2019-V1-1-Standards-2.pdf>

The Extractive Industries Transparency Initiative (EITI) maintains the EITI Standard. The EITI scheme applies specifically to countries. Countries implement the EITI Standard to ensure full disclosure of taxes and other payments made by oil, gas and mining companies. These payments are disclosed in an annual EITI Report (to see all EITI Reports, go to: [eiti.org/countries/reports](http://eiti.org/countries/reports)). This report allows citizens to see for themselves the revenues that their government is receiving from their country's natural resources.

Since IRMA assessments are of mineral exploration and development projects (not companies), most of the criteria in the chapter apply specifically at the project level, and the chapter includes requirements related to project-level reporting of payments, accounts, mineral exploration and development agreements, mineral resources, reserves and exploration results, and measures to prevent bribery and corruption.



## Principle 2: Planning for Positive Legacies

### Chapter 2.1—Env. and Social Impact Assessment and Management (not relevant for Stage 1)

#### NOTE TO REVIEWERS ON CHAPTER 2.1:

There are notable changes in this standard compared to the Mining Standard.

We have added a screening process for the Exploration Stage (see Criterion 2.1.1), as the impacts, particularly during Stage 2 of Exploration, may not be significant enough to warrant a more in-depth environmental and social impact assessment process. But some analysis of potential impacts should still be done. We have not applied this during Stage 1, although it could begin late in that Stage before a decision is made to progress to Stage 2.

Also, the requirements related to stakeholder engagement have been separated out for the ESIA process and the environmental and social management system.

We have included the requirements for the Construction phase, in the (unlikely) case where a project has proceeded to Construction without undergoing an ESIA. We can add Guidance that if the ESIA was conducted during the Permitting stage, that it would not be expected to be done during Construction.

# Chapter 2.2—Free, Prior and Informed Consent (FPIC)

## NOTE TO REVIEWERS ON CHAPTER 2.2:

Revisions were made to this chapter to try to reduce overlap, and the flow was reorganized.

Reviewers should note that FPIC of indigenous peoples is required generally for the proposed exploration and mining projects, but there are also instances in other chapter where FPIC is also added as a requirement. For example, it is mentioned in relation to resettlement (2.4.6.1), critical cultural heritage (3.7.5.1.b), tailings facilities (4.1.1.5), long-term water treatment (4.2.3.5.e).

What this means is that companies need to make an effort to ensure that if the FPIC requirements in other chapters are relevant, that they are included either as standalone discussions, or, more likely, as part of the FPIC process for an exploration or mining project more generally.

One proposed change compared to the Mining Standard is that all exploration and development projects demonstrate that they have obtained the consent of indigenous peoples for activities that they are conducting. This differs from the mining standard – in that standard it is a critical requirement that new mines obtain FPIC, but we provided an exception for existing mines, recognizing that if FPIC was not achieved prior to the development of the mine, those sites cannot turn back the clock and obtain the “prior” consent. Instead, existing mines are expected to demonstrate “that they are operating in a manner that seeks to achieve the objectives of the chapter” (see Scope of Application section of Chapter 2.2 in the Mining Standard) though we acknowledge that the vagueness of that statement makes it difficult to audit consistently.

One of the reasons we are proposing a different approach is because the Business and Human Rights Resource Center has specifically identified IRMA’s approach to FPIC in the Mining Standard as a potential concern. In its June 2021 report “The UN Guiding Principles on Business & Human Rights and Indigenous Peoples: Progress achieved, the implementation gap and challenges for the next Decade” the authors write that:

“It will be crucial to see whether the IRMA standard and certification scheme are robust enough to prevent bad actors from gaming the system by exploiting loopholes, such as the fact that no FPIC is required to certify existing mines. In the latter case, companies are only required to demonstrate “that they are operating in a manner that seeks to achieve the objectives of this chapter””.<sup>47</sup>

As mentioned above, the “loophole” exists because we recognized that many existing mine sites would not have “prior” consent (in some cases because it was not an internationally-recognized expectation when the mines were developed) but might have developed very strong and positive relationships with indigenous peoples affected by their operations. It did not seem fair to prevent those mines from attaining a high achievement level in the IRMA system for failing to do something they may not have known was expected when mines were developed 10 or 20 years ago.

In this draft exploration and development standard, we are striving to recognize and reward good-faith actors, while still holding them to a high bar and being transparent about aspects where the projects have not performed up to international best practice expectations.

### PROPOSAL:

We are proposing that obtaining consent be a **critical** requirement (2.2.5.2), but that we de-link consent from the free, prior and informed elements. The elements related to ensuring that consent be freely given, and that

<sup>47</sup> [https://www.iprights.org/images/resources/downloadables/UNGP10\\_-\\_BOOK\\_FINAL\\_ENG.pdf](https://www.iprights.org/images/resources/downloadables/UNGP10_-_BOOK_FINAL_ENG.pdf)

indigenous peoples be informed and make the decision prior to the commencement of activities are covered in numerous requirements elsewhere in the chapter:

**Free** refers to a consent given voluntarily and without coercion, intimidation or manipulation. It also refers to a process that is self-directed by the community from whom consent is being sought, unencumbered by coercion, expectations or timelines that are externally imposed.<sup>48</sup> (See requirements 2.2.3.2, 2.2.3.3, 2.2.3.4, 2.2.4.1, 2.2.4.2)

**Prior** means that consent is sought sufficiently in advance of any authorization or commencement of activities, at the early stages of a development or investment plan, and not only when the need arises to obtain approval from the community. (See requirement 2.2.3.3)

**Informed** refers mainly to the nature of the engagement and type of information that should be provided prior to seeking consent and also as part of the ongoing consent process. (See requirements 2.2.3.3 and 2.2.3.4, 2.2.3.5)

The Mining Standard has 40 **critical** requirements, and in the IRMA system if these are not “substantially met” in the initial audit, and “fully met” in subsequent audits, mines cannot achieve and maintain IRMA 50, IRMA 75 or IRMA 100 achievement levels. It can only achieve “IRMA Transparency.” The same scoring and achievement system is being proposed for the IRMA-Ready Standard.

By making obtaining consent a **critical** element, we continue to elevate the importance of indigenous peoples’ sovereignty and self-determination related to extractive activities that affect their rights and interests, but also enable sites that did not do everything perfectly in the past to reach one of the higher achievement levels in IRMA if they subsequently carry out the steps necessary to achieve free, informed consent (assuming they meet all other critical requirements). It should be noted that if the other FPIC elements/requirements in the FPIC chapter are not been fully met, then the mine will not be able to achieve the very highest achievement level (IRMA 100). And it is also important to note that a project/site’s performance on every single critical and non-critical requirement will be transparently reported in the public audit report.

**CONSULTATION QUESTION 30:** Do you agree with our proposed approach to include consent of indigenous peoples for all (i.e., existing and new) activities as a **critical** requirement, but in the requirement (2.2.5.2) de-linking consent from the other elements of FPIC?

Alternatively, we could require “free, informed consent” and just delink the “prior” element.

Or should we retain FPIC in its entirety, and accept that any project that has not achieved FPIC for existing activities cannot reach one of the higher achievement levels in IRMA?

If the latter scenario is preferable, what should happen if a company subsequently goes through a comprehensive and rigorous FPIC process and receives FPIC for new/major changes to activities? Should those sites be allowed to reach a higher achievement level, or would the fact that “prior” consent was not achieved for a past activity forever hold them back from reaching an IRMA achievement level beyond IRMA Transparency?

## BACKGROUND

For more than a quarter century the international community has recognized that special attention needs to be paid to the individual and collective rights of indigenous peoples.<sup>49</sup> The following rights of indigenous peoples are especially relevant in relation to industrial-scale mineral exploration and development:<sup>50</sup>

- The right to self-determination, by virtue of which indigenous peoples freely determine their political status and pursue their economic, social and cultural development;

<sup>48</sup> FAO. <http://www.fao.org/3/i6190e/i6190e.pdf>

<sup>49</sup> United Nations. 2008. Guidelines on Indigenous Peoples’ Issues. [www.un.org/esa/socdev/unpfii/documents/UNDG\\_guidelines\\_EN.pdf](http://www.un.org/esa/socdev/unpfii/documents/UNDG_guidelines_EN.pdf)

<sup>50</sup> Anaya, J. 2013. Extractive Industries and Indigenous Peoples. Report of the Special Rapporteur on the Rights of Indigenous Peoples. UN Doc. A/HRC/24/41. Para. 28. Available at: [unsr.jamesanaya.org/study/report-a-hrc-24-41-extractive-industries-and-indigenous-peoples-report-of-the-special-rapporteur-on-the-rights-of-indigenous-peoples](http://unsr.jamesanaya.org/study/report-a-hrc-24-41-extractive-industries-and-indigenous-peoples-report-of-the-special-rapporteur-on-the-rights-of-indigenous-peoples)

- Rights to property, culture, religion, and non-discrimination in relation to lands, territories and natural resources, including sacred places and objects;
- Rights to health and physical well-being in relation to a clean and healthy environment;
- Rights to set and pursue their own priorities for development; and
- The right to make authoritative decisions about external projects or investments.

Both States and corporations should respect these rights. Corporations may demonstrate such respect by obtaining the Free, Prior and Informed Consent (FPIC) of indigenous peoples and providing culturally appropriate alternatives and adequate compensation and benefits for projects that affect indigenous peoples' rights.<sup>51</sup>

Key elements of the requirement for consent of indigenous peoples have been recognized by international law since 1989, when the General Conference of the International Labour Organization adopted Convention 169 on Indigenous and Tribal Peoples.<sup>52</sup> Since 1989, FPIC has gained broader application and more widespread support in national laws and various international instruments and bodies.<sup>53</sup>

## OBJECTIVES/INTENT OF THIS CHAPTER

To demonstrate respect for the rights, dignity, aspirations, culture, and livelihoods of indigenous peoples, participate in ongoing dialogue and engagement, and collaborate on strategies to minimize impacts and create benefits for indigenous peoples, thereby creating conditions that allow for indigenous peoples' free, prior and informed consent and decision-making regarding mineral exploration and development.

## SCOPE OF APPLICATION

**RELEVANCE:** A mineral exploration and development company may provide evidence that this chapter is not relevant if it can prove that there are no indigenous peoples whose legal or customary rights or interests may be affected by the company's exploration or development activities, or potential project expansions. Examples of rights or interests may include lands, territories and resources that indigenous peoples possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired; livelihood, cultural or spiritual activities or places; or critical cultural heritage.

Additionally, it should be noted that if there are human-rights-related impacts on indigenous peoples that have not been mitigated or remediated at existing exploration and development projects, they will need to be addressed as per Chapter 1.3; and other unremediated impacts may be addressed through the operational-level grievance mechanism as per Chapter 1.4.

**OVERLAP WITH NATIONAL LAWS:** The State always holds the primary duty to protect indigenous peoples' rights. Nothing in this chapter is intended to reduce the primary responsibility of the State to consult with indigenous peoples in order to obtain their FPIC and protect their rights. However, IRMA recognizes that in the absence of national laws, or in the exercise of their right to self-determination, some indigenous peoples may wish to engage with companies without State involvement.

As per Chapter 1.1, if national FPIC laws exist, companies must abide by those laws. Where a host government has established an existing legislative framework that requires or enables agreements between mineral exploration and development companies and indigenous communities (as in Australia), it may not be necessary for companies to run a parallel FPIC process based on the requirements of this chapter. It would, however, be necessary for companies to demonstrate to IRMA auditors that the process whereby the agreement was reached conformed with or exceeded IRMA FPIC requirements and met the general intent of this chapter (for example, there was no express or implied

<sup>51</sup> IFC. 2012. Performance Standard 7 Indigenous Peoples. Objectives and Paras. 9 and 14. Available at: [www.ifc.org/wps/wcm/connect/1ee7038049a79139b845faa8c6a8312a/PS7\\_English\\_2012.pdf?MOD=AJPERES](http://www.ifc.org/wps/wcm/connect/1ee7038049a79139b845faa8c6a8312a/PS7_English_2012.pdf?MOD=AJPERES)

<sup>52</sup> ILO. Convention 169. Available at: [www.ilo.org/indigenous/Conventions/no169/lang--en/index.htm](http://www.ilo.org/indigenous/Conventions/no169/lang--en/index.htm)

<sup>53</sup> For a detailed discussion of recent international jurisprudence related to FPIC see: Gilbert, J. and Doyle, C. 2011. "A New Dawn over the Land: Shedding Light on Collective Ownership and Consent." pp. 24-42. Available at: [roar.uel.ac.uk/2648/1/A\\_New\\_Dawn\\_Over\\_the\\_Land\\_-\\_Shedding\\_Light\\_on\\_Collective\\_Ownership\\_and\\_Consent.pdf](http://roar.uel.ac.uk/2648/1/A_New_Dawn_Over_the_Land_-_Shedding_Light_on_Collective_Ownership_and_Consent.pdf)

threat to invoke compulsory powers if agreement could not be reached, and the community was advised at the outset that the company would not undertake an activity in the absence of community consent).

## CRITICAL REQUIREMENTS IN THIS CHAPTER

The company does not initiate contact with indigenous peoples living in isolation (2.2.3.2), and obtains consent for any exploration or development activities that may affect indigenous peoples' rights or interests without the consent of those indigenous peoples (2.2.5.2).

# Free, Prior and Informed Consent (FPIC) Requirements

## 2.2.1. Policy Commitment

2.2.1.1. The company shall have a publicly available policy that includes a statement of the company's respect for indigenous peoples' rights, as set out in the United Nations Declaration on the Rights of Indigenous peoples.<sup>54</sup>

2.2.1.2. The company shall ensure that indigenous peoples potentially affected by the company's proposed activities are aware of the policy.

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## 2.2.2. Due Diligence Related to State Obligations

**NOTE FOR 2.2.2.** This was previously titled "General Requirements." It has been renamed because several requirements were removed from this section, and the remaining requirement is specific to due diligence related to State obligations, so the new name provides greater clarity.

The requirements removed include 2.2.2.2, which pertained to the need for new mines/site to obtain FPIC (this has been revised and is now 2.2.5.2), a requirement for new and existing mines to obtain FPIC for proposed changes to operations that will lead to new or increased impacts on indigenous peoples' rights or interests (this has changed to a requirement to carry out additional FPIC scoping and implementation in 2.2.6.3), and 2.2.2.4, which required that even prior to engaging in a process of seeking FPIC, the company needs to seek permission from indigenous peoples (that requirement is now 2.2.3.3).

2.2.2.1. The company shall conduct due diligence to determine if the host government conducted an adequate consultation process aimed at obtaining indigenous peoples' free, prior and informed consent prior to granting access to mineral resources. The key findings of due diligence assessments shall be made publicly available and shall include the company's justification for proceeding with a project if the State failed to fulfill its consultation and/or consent duties.<sup>55</sup>

**NOTE FOR 2.2.2.1:** If the due diligence was completed at an earlier stage, a company will not be expected to carry out due diligence again.

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## 2.2.3. Free, Prior and Informed Consent (FPIC) Scoping

**NOTE FOR 2.2.3:** If a company provides evidence that scoping was thoroughly done at earlier stage, a company will not be expected to carry out identification at subsequent stages.

<sup>54</sup> Available at: [www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)

<sup>55</sup> The company shall make all documents relating to the due diligence process available to the IRMA auditor for review.

2.2.3.1. The company shall identify indigenous peoples who may be affected by the company's activities, including indigenous peoples living in voluntary isolation.<sup>56</sup>

**NOTE FOR 2.2.3.1:** We added identification of indigenous peoples living in voluntary isolation, because it is critical that from the earliest stages of exploration efforts be made to identify if there may be indigenous peoples living in isolation, so that contact with or impacts on them can be avoided (see Note for 2.2.3.2, below).

We've revised this slightly from the Mining Standard. In that standard, which says: "The company shall identify, through consultations with indigenous peoples and other sources of credible information, indigenous peoples who may be affected by the company's activities. . . ."

We removed the clause "through consultations with indigenous peoples and other sources of credible information" because the company should not be contacting indigenous peoples if they are living in voluntary isolation. Have added footnote associated to more fully explain the context.

We are proposing to define indigenous peoples living in voluntary isolation as:

Indigenous peoples or segments of indigenous peoples who do not maintain sustained contacts with the majority non-indigenous population, and who generally reject any type of contact with persons not part of their own people. They may also be peoples or segments of peoples previously contacted and who, after intermittent contact with the non-indigenous societies, have returned to a situation of isolation and break the relations of contact that they may have had with those societies.<sup>57</sup>

#### 2.2.3.2. (Critical Requirement)

To respect indigenous peoples' right to self-determination and safeguard irreplaceable cultural heritage, the company shall not initiate contact with potentially affected indigenous peoples living in voluntary isolation.

**NOTE FOR 2.2.3.2:** This requirement has been moved from the Chapter on Cultural Heritage (3.7).

Article 26 of the American Declaration on the Rights of Indigenous Peoples (2016) enshrines the collective right of Indigenous Peoples in situation of voluntary isolation or initial contact to "remain in that condition and to live freely and in accordance with their cultures."<sup>58</sup>

As expressed by the Inter-American Commission on Human Rights, "it is fundamental that every effort be made to reinforce respect for the principle of no contact, and that contact should happen only at the initiative of the peoples in isolation."<sup>59</sup>

This requirement has been given "Critical Requirement" status because the Notes section of the Mining Standard indicated that "IRMA will not certify a mine if affected communities include indigenous peoples living in voluntary isolation." Making the requirement critical has the same effect, and is more clear to all involved.

We added the term "potentially affected indigenous peoples" to 2.2.3.2 (and following requirements) to clarify that we're not referring to all indigenous peoples, generally, but rather, those indigenous peoples who may be affected by the proposed activities.

We are proposing to define "potentially affected indigenous peoples" as:

<sup>56</sup> The most credible source of information will be indigenous peoples in the area, however, contact must not be made with those living in voluntary isolation. Other sources should also be consulted in case there are different communities of indigenous peoples that may be affected (i.e., consulting a single community may not result in identification of all potential indigenous peoples who might be affected). Other sources could include State studies, academics, other regional indigenous peoples' communities or organizations, etc.

<sup>57</sup> Inter-American Commission on Human Rights (IACHR). 2013. Indigenous peoples in Voluntary Isolation and Initial Contact in the Americas: Recommendations for the Full Respect of their Human Rights. p. 4. <http://www.oas.org/en/iachr/indigenous/docs/pdf/report-indigenous-peoples-voluntary-isolation.pdf>

<sup>58</sup> American Declaration on the Rights of Indigenous Peoples (2016). <https://www.oas.org/en/sare/documents/DecAmlND.pdf>

<sup>59</sup> IACHR. 2013. Indigenous peoples in Voluntary Isolation and Initial Contact in the Americas: Recommendations for the Full Respect of their Human Rights. p. 10. <http://www.oas.org/en/iachr/indigenous/docs/pdf/report-indigenous-peoples-voluntary-isolation.pdf>

Indigenous peoples who own, occupy or otherwise use land, territories or resources or have rights that may be affected by a mineral exploration or development project.

2.2.3.3. The company shall disclose to [potentially affected indigenous peoples](#), in a culturally appropriate manner, the preliminary project concepts and proposed activities, and the indigenous peoples' right to FPIC, and seek permission to proceed with FPIC discussions. If representatives of [potentially affected indigenous peoples](#) clearly communicate, at any point during engagement with the company, that they do not wish to proceed with FPIC-related discussions, the company shall recognize that it does not have consent, and shall cease to pursue any proposed activities that would affect the rights or interests of the indigenous peoples. The company may renew FPIC discussions only if agreed to by the indigenous peoples' representatives.

**NOTE FOR 2.2.3.3:** This was moved (used to be 2.2.2.4), and it was amended to make it clear that permission to initiate FPIC discussions is a necessary precursor to moving forward with the FPIC discussions that, in turn, may enable moving forward with exploration.

2.2.3.4. The company shall collaborate with representatives of [potentially affected indigenous peoples](#) and other relevant members of [affected communities of indigenous peoples](#) to:

- a. Identify the appropriate means of engagement for each group of indigenous peoples (e.g., tribe, nation, population);
- b. Identify indigenous peoples' rights and interests that may be affected by the proposed activities;<sup>60</sup>
- c. Identify additional studies or assessments needed to determine the range and degree of potential impacts on indigenous peoples' rights or interests; and
- d. Identify if there are capacity issues that may prevent full and informed participation of indigenous peoples. If issues are identified, the company shall provide funding or facilitate other means to enable indigenous peoples to address capacity issues in their preferred manner; and
- e. Ensure that the community as a whole/collective has meaningful opportunities to be involved in these processes.

2.2.3.5. The company shall collaborate with representatives of [potentially affected indigenous peoples](#) to design and implement plans to address the information gaps and needs identified through the [FPIC scoping](#) process.

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## 2.2.4. Determine FPIC Processes<sup>61</sup>

**NOTE FOR 2.2.4:** If a company provides evidence that the following requirements were fulfilled at an earlier stage, a company will not be expected to carry them out again at subsequent stages. Some minor wording changes compared to the Mining Standard.

2.2.4.1. If there is more than one distinct indigenous peoples' group (e.g., tribe, nation, population) that may be affected by the [proposed exploration activities or mineral development proposals](#), they may be included in a coordinated process or separate FPIC processes, as desired by the [various groups of indigenous peoples](#).

<sup>60</sup> The circumstances for obtaining FPIC include situations where proposed activities may affect indigenous peoples' rights or interests, including those that may: impact their lands, territories and resources; require the physical relocation of people; cause disruption to traditional livelihoods; impact critical cultural heritage; or involve the use of cultural heritage for commercial purposes. Indigenous peoples' rights include traditional rights, which are defined as "Rights which result from a long series of habitual or customary actions, constantly repeated, which have, by such repetition and by uninterrupted acquiescence, acquired the force of a law within a geographical or sociological unit. It also encompasses the rights of Indigenous and Tribal Peoples established by the ILO Convention 169." (Source: Forest Stewardship Council)

Lands, territories and resources include those that indigenous peoples possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired. Rights and interests to lands, territories and resources may apply even if indigenous peoples no longer live on the lands affected by the project, if they still retain ties to those land through customary usage, including seasonal or cyclical use. (See IFC PS 7, Guidance Note 9).

<sup>61</sup> This may be carried out concurrent with 2.2.3.

2.2.4.2. If [potentially affected indigenous peoples](#) have an FPIC protocol in place or under development, the company shall abide by it unless changes are agreed to by the [indigenous peoples'](#) group(s). Otherwise, the company shall jointly develop and document, in a manner agreed to by [indigenous peoples'](#) representatives, the FPIC process or processes to be followed.<sup>62</sup>

2.2.4.3. The company shall make information on the mutually-agreed FPIC processes publicly available, unless the [indigenous peoples'](#) representatives have explicitly requested otherwise.

Stage 1	Stage 2	Stage 3	Pre-permitting	Mine Permitting	Construction
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## 2.2.5. Implement FPIC Process

**NOTE FOR 2.2.5:** If a company provides evidence that the following requirements were fulfilled at an earlier stage the company will not be expected to repeat new or increased impacts on indigenous peoples' rights or interests, at which point an FPIC process will need to be carried out again (see 2.2.6.3).

Some departures from the Mining Standard have occurred, in particular, 2.2.5.2 has been revised, and a new requirement has been added (2.2.5.4).

2.2.5.1. The company shall document and shall publicly report on, in a manner agreed to by the [indigenous peoples](#), the FPIC process that was followed and its outcome.

**NOTE FOR 2.2.5.1:** Requirements 2.2.5.1 and 2.2.5.2 from the Mining Standard have been combined.

### 2.2.5.2. (Critical Requirement)

The company shall not carry out mineral exploration or development activities that may affect [indigenous peoples'](#) rights or interests without the consent of those [indigenous peoples](#).

**NOTE FOR 2.2.5.2:** This requirement combines elements from 2.2.2.2 and 2.2.6.1 from the Mining Standard. As explained in the background for [CONSULTATION QUESTION 30](#) (in chapter preface), requirement 2.2.5.2 takes a different approach than the Mining Standard. It requires that at the time of an audit, all sites/projects seeking IRMA certification or a higher level of achievement will need to demonstrate that they have obtained consent of indigenous peoples to be carrying out their activities.

Also, in the Mining Standard there is an additional requirement that states that "For new and existing mines, the company shall obtain FPIC from indigenous peoples for [proposed changes](#) to mining-related activities that may result in new or increased impacts on indigenous peoples' rights or interests." 2.2.5.2 in this proposed standard covers such situations because it speaks generally to needing consent for all exploration and development activities, which would include any new activities proposed (see also 2.2.6.3).

2.2.5.3. If [consent for exploration activities or a mineral development proposal has been obtained](#), an agreement outlining the terms and conditions of the consent agreement shall be signed or otherwise validated by the company and the representative(s) of the [indigenous peoples](#). The agreement shall be binding, and it shall be made publicly available unless the [indigenous peoples'](#) representatives explicitly request otherwise.

2.2.5.4. The company shall develop an "Indigenous Peoples Development Plan", or equivalent, that:

- [Includes actions agreed with the indigenous peoples to minimize, mitigate or compensate for potential and actual adverse impacts on their right and interests, and actions to optimize benefits. The measures in the plan must be specific, measurable, linked to clearly defined outcomes, relevant, and time-bound.](#)
- [Describes implementation actions clearly assigned to a responsible party/ies.](#)

<sup>62</sup> Also, there may be a desire to establish different FPIC processes for different stages of development (e.g., exploration, mining, closure) or based on various triggers (e.g., major expansion of the mine). For example, a process to obtain FPIC during the exploration stage may be less onerous than a process established to obtain FPIC for a mine development proposal, as the mining stage will likely have greater potential impacts on indigenous peoples' rights and interests, require more assessment, more dialogue around impact mitigation, remediation compensation, project benefits, etc.



- c. Provides key indicators, linked to adequate baseline data, to enable measurement of the effectiveness of actions over time.
- d. Includes estimates of human resources and budget required, and financing plan where relevant, for effective implementation of the plan.

**NOTE FOR 2.2.5.5:** This is a new requirement. It has been added to align with IFC Performance Standard, which requires a similar plan so that there is a clear plan for how impacts and benefits will be managed.

Stage 1	Stage 2	Stage 3	Pre-permitting	Mine Permitting	Construction
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## 2.2.6. Implementation and Ongoing Engagement

**NOTE FOR 2.2.6:** This was criterion 2.2.7 in the Mining Standard. But we combined the sole requirement from that criterion with another (2.2.5.2) so the criterion was deleted.

2.2.6.1. The company shall collaborate with indigenous peoples to monitor implementation of the FPIC agreement and the “Indigenous Peoples Development Plan,” and to document the status of the commitments made in the agreement and plan.

**NOTE FOR 2.2.6.1:** Revised to also refer to the Indigenous Peoples Development Plan.

2.2.6.2. Engagement with indigenous peoples shall continue throughout all stages of exploration and mineral development, including mine construction.

2.2.6.3. FPIC scoping and implementation of the FPIC process shall be repeated if there are proposed changes to exploration, mineral development or construction activities that may result in new or increased impacts on indigenous peoples’ rights or interests.

**NOTE FOR 2.2.6.3:** This replaces 2.2.2.3 from the Mining Standard, which had the same intent. It makes it clear that FPIC is not a one-time thing, but that the process needs take place when there are proposed changes that may lead to new or increased impacts on indigenous peoples’ rights or interests.

Stage 1	Stage 2	Stage 3	Pre-permitting	Mine Permitting	Construction
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## NOTES

Free, Prior and Informed Consent, in the context of this standard, requires that:

- Engagement with indigenous peoples be free from external manipulation, coercion and intimidation;
- Potentially affected indigenous peoples be notified that their consent will be sought, and that notification occur sufficiently in advance of commencement of any mineral exploration-and-development-related activities;
- There be full disclosure of information regarding all aspects of the proposed mining project in a manner that is accessible and understandable to the indigenous peoples; and
- Indigenous peoples can fully approve, partially or conditionally approve, or reject a project or activity, and companies will abide by the decision.

The chapter uses the term indigenous peoples, recognizing that there may be peoples for whom this chapter applies who prefer to use other terms such as tribal, aboriginal, First Nations, *Adivasi*, etc., but who have the right to FPIC according to international and/or host country laws. For the purposes of interpreting this standard IRMA uses a definition presented in the IRMA Glossary of Terms, which is from guidance published by the United Nations Permanent Forum on Indigenous Peoples.

# Chapter 2.3—Obtaining Community Support and Delivering Benefits

## NOTE TO REVIEWERS ON CHAPTER 2.3:

According to Davis and Franks, “Large lenders appear to be increasingly considering the risk to their own reputation of company-community conflict in the projects that they finance.”<sup>63</sup> The concept of Broad Community Support is one metric that has been adopted by the International Finance Corporation to help manage this risk. The IFC “must be satisfied that [broad community support] is in place before it supports large projects with significant impacts.”<sup>64</sup>

Also, the International Council on Mining and Metals has acknowledged that “Successful mining and metals projects require the support of a range of interested and affected parties. This includes both the formal legal and regulatory approvals granted by governments and the broad support of a company’s host communities.”<sup>65</sup>

However, there has been the suggestion that this attitude may not yet be as widespread in companies engaged in mineral exploration:

*“What a lot of juniors don’t seem to realize is that if at the time they’re doing that drilling, reducing the technical risk, they increase the social license risk by doing things that promote conflict, they can severely reduce the value that they could ever hope to sell a project for, or maybe not be able to sell it at all. In the case of [Project X], the junior mining company that was doing that had hopes of selling out to a big company like [Company Y]. But nobody was interested because of the conflict situation.”<sup>66</sup>*

By including the “broad community support” metric for mineral exploration and development companies, the intent is to promote greater awareness of the costs of conflict, and the benefits of carrying out activities and building relationships in a manner that will foster support from affected communities.

## BACKGROUND

There is widespread acknowledgement from extractive industries that efforts spent on building respectful relationships, responding to community and indigenous peoples’ concerns, and minimizing project-related impacts can be beneficial to both companies and affected communities.

Mineral exploration and development companies typically contribute to local or national economies by procuring goods and services from the host country. Leading companies also recognize the need for delivering additional benefits to affected communities, and that benefits are best defined by the communities themselves. When communities’ needs and aspirations are not at the forefront of mineral exploration and development company investments, experience shows that efforts often fail to deliver long-lasting benefits. Increasingly, efforts are being made to ensure that community investments made by companies provide both immediate and ongoing benefits that last beyond the life of the project.

<sup>63</sup> Davis, R. and Franks, D. 2014. Costs of Company-Community Conflict in the Extractive Sector. p. 35. CSR Initiative at the Harvard Kennedy School. [https://www.csr.uq.edu.au/media/docs/603/Costs\\_of\\_Conflict\\_Davis-Franks.pdf](https://www.csr.uq.edu.au/media/docs/603/Costs_of_Conflict_Davis-Franks.pdf)

<sup>64</sup> International Finance Corporation. IFC Fact Sheet: IFC Policy and Performance Standards on Social & Environmental Sustainability and Policy on Disclosure of Information. <https://www.ifc.org/wps/wcm/connect/8eb52895-8f38-410b-b5a9-5b48f9fa41b1/FactSheet.pdf?MOD=AJPERES&CVID=jqeFfxV>

<sup>65</sup> ICMM. 2013. Indigenous Peoples and Mining. Position Statement. <https://www.icmm.com/en-gb/members/member-commitments/position-statements/indigenous-peoples-and-mining-position-statement>

<sup>66</sup> Davis, R. and Franks, D. 2014. Costs of Company-Community Conflict in the Extractive Sector. p. 36. CSR Initiative at the Harvard Kennedy School. [https://www.csr.uq.edu.au/media/docs/603/Costs\\_of\\_Conflict\\_Davis-Franks.pdf](https://www.csr.uq.edu.au/media/docs/603/Costs_of_Conflict_Davis-Franks.pdf)

In addition to providing tangible benefits to affected communities, there is a growing need for mineral exploration and development companies to obtain and maintain broad community support for their projects and operations.<sup>67</sup> A high level of community support can provide reassurance to a company's shareholders and investors, and steps taken by a company to earn community support can foster the development and maintenance of strong relationships with affected communities.

## OBJECTIVES/INTENT OF THIS CHAPTER

To obtain and maintain credible broad support from affected communities; and produce tangible and equitable benefits to communities that are in alignment with their needs and aspirations and sustainable over the long term.

## SCOPE OF APPLICATION

RELEVANCE: Mineral exploration and development companies may provide evidence that this chapter is not relevant if they can demonstrate that there are no communities that may be affected by their current or future activities, or by proposed mining projects.

## CRITICAL REQUIREMENTS IN THIS CHAPTER

None.

**CONSULTATION QUESTION 31:** Is there any requirement in this chapter that you believe should be deemed critical, i.e., that a project should not reach an achievement level in IRMA unless they can demonstrate that they are at least substantially meeting the requirement?

# Obtaining Community Support and Delivering Benefits Requirements

## 2.3.1. Commitments to Affected Communities

2.3.1.1. The company shall publicly commit to:

- a. Maintaining or improving the health, social and economic wellbeing of affected communities; and
- b. Carrying out exploration activities and/or developing a mining project only if it gains and maintains broad community support.<sup>68</sup>

**NOTE FOR 2.3.1.1:** We added here that the commitment should include support for carrying out exploration activities, as this aligns with requirement 2.3.2.1.

We added and/or, because the commitment need only apply to whichever stages(s) are relevant.

Stage 1	Stage 2	Stage 3	Pre-permitting	Mine Permitting	Construction
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<sup>67</sup> For example, ICMM members recognize that: "Successful mining and metals projects require the support of a range of interested and affected parties. This includes both the formal legal and regulatory approvals granted by governments and the broad support of a company's host communities." (ICMM. 2013. Indigenous Peoples and Mining. Position Statement. <https://www.icmm.com/en-gb/members/member-commitments/position-statements/indigenous-peoples-and-mining-position-statement>)

<sup>68</sup> This also may be referred to as social licence to operate, or community support, etc.

### 2.3.2. Obtaining Community Support<sup>69</sup>

**NOTE FOR 2.3.2.1 (below):** This requirement that has differing expectations based on the stage of development. The thinking is that:

—Because Stage 1 does not yet involve on-the-ground activities, it is an investigative exercise, which should help determine whether or not it makes sense to proceed with an exploration project that is under consideration.

—In Stages 2 and 3, community support for exploration activities should be demonstrated. The rationale here is that if exploration activities are not supported by the community, then the likelihood of a mine achieving broad community support is low.

—In Pre-permitting, Permitting stages, when companies are determining the feasibility of developing a mine, companies should be able to demonstrate that the project proposal has broad community support as a criterion for proceeding with further development of the project. Again, if BCS is not present at this stage, then the likelihood of a mine achieving broad community support is low.

It is possible, of course, that a project may not have support in an early phase, but over time is able to gain support, for example, if the company puts in additional effort to work with affected communities and address their concerns, redesign elements of the project to avoid impacts, optimize community benefits, etc. So the potential exists for companies to demonstrate, over time, that they have improved their performance on this requirement. Such changes in performance would be disclosed in the public audit report, enabling stakeholders to understand the level of support a project has, and make decisions (such as whether or not to invest in a project) based on that information.

2.3.2.1. The company shall investigate if there is likely to be broad community support in communities that may be affected by an exploration project.

Stage 1

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<sup>69</sup> The requirements in 2.3.2 apply to non-indigenous communities. If an affected community is an indigenous peoples' community, the company is required to obtain the free, prior and informed consent of that community (as per Chapter 2.2). A company may need to obtain FPIC from indigenous peoples and also demonstrate that it has broad community support for the same project, if one or more communities of non-indigenous peoples may also be affected by the project.

# Chapter 2.4—Resettlement

## NOTE TO REVIEWERS ON CHAPTER 2.4:

Some minor revisions were made to this chapter to try to reduce overlap.

We have included the Construction stage throughout this chapter, even though it is likely that resettlement planning and implementation are most likely to have been completed before mine construction begins. The main reason we retained these requirements for the construction phase is that a company might decide to have its mine construction project evaluated against this standard and they may not have carried out resettlement according to best practices. In such cases, they should still be scored against these requirements. However, if the requirements were sufficiently fulfilled at an earlier stage, and there were no new resettlement activities proposed during the Construction stage, then they would not need to be repeated during Construction.

## BACKGROUND

There are well-documented economic, social and environmental risks related to resettlement. People may be economically displaced from their livelihoods as well as physically displaced from their lands, homes, communities, and social and cultural ties. If planned or executed poorly resettlement may lead to increased impoverishment of affected households.

Resettlement is considered involuntary when people do not wish to move but do not have the legal right to refuse land acquisition that results in their displacement.<sup>70</sup> The International Finance Corporation's (IFC) Performance Standard 5 on Land Acquisition and Involuntary Resettlement states that involuntary resettlement should be avoided where possible.

The IFC encourages its clients to use negotiated settlements, even if they have the legal means to acquire land without the seller's consent.<sup>71</sup> Negotiated settlements typically give affected persons a greater role in planning the resettlement, help avoid expropriation and eliminate the need to use governmental authority to remove people forcibly.<sup>72</sup>

When deemed unavoidable, involuntary resettlement, like other evictions, must only be carried out under exceptional circumstances and in accordance with international human rights law.<sup>73</sup>

## OBJECTIVES/INTENT OF THIS CHAPTER

To avoid involuntary resettlement, and when that is not possible, equitably compensate affected persons and improve the livelihoods and standards of living of displaced persons.

## SCOPE OF APPLICATION

RELEVANCE: This chapter applies if exploration and development-related activities could result (or have resulted) in the physical or economic displacement and involuntary resettlement of people.

This chapter does not apply to voluntary resettlement (i.e., market transactions in which the seller is not obliged to sell and the buyer cannot resort to expropriation or other compulsory procedures sanctioned by the legal system of

<sup>70</sup> According to the International Finance Corporation, "This occurs in cases of (i) lawful expropriation or temporary or permanent restrictions on land use and (ii) negotiated settlements in which the buyer can resort to expropriation or impose legal restrictions on land use if negotiations with the seller fail." (IFC. 2012. IFC Performance Standards on Environmental and Social Sustainability. Performance Standard 5: Land Acquisition and Involuntary Resettlement. Para. 1)

<sup>71</sup> IFC Performance Standard 5. Para. 3

<sup>72</sup> European Bank for Reconstruction and Development. 2014. Performance Requirement 5. Land Acquisition, Involuntary Resettlement and Economic Displacement. p. 30. [www.ebrd.com/news/publications/policies/environmental-and-social-policy-esp.html](http://www.ebrd.com/news/publications/policies/environmental-and-social-policy-esp.html)

<sup>73</sup> See Kothari, M. 2007. "Basic Principles and Guidelines on Development-based Evictions and Displacement". A/HRC/4/18. [www.ohchr.org/Documents/Issues/Housing/Guidelines\\_en.pdf](http://www.ohchr.org/Documents/Issues/Housing/Guidelines_en.pdf)

the host country if negotiations fail). As with involuntary resettlement, however, there are risks such as impoverishment that accompany voluntary resettlement. IRMA therefore encourages companies to implement measures to maximize benefits for any household voluntarily resettled as a result of project activities.

#### CRITICAL REQUIREMENTS IN THIS CHAPTER

Companies must obtain the free, prior and informed consent of indigenous peoples prior to resettling them (2.4.6.1), and if resettlement has occurred of any population, the company monitors and evaluates its implementation and takes corrective actions until the provisions of resettlement action plans and/or livelihood restoration plans have been met (2.4.7.1).

## Resettlement Requirements

### 2.4.1. Risk and Impact Assessment

**NOTE FOR 2.4.1:** Requirements 2.4.1.1, 2.4.1.2, 2.4.1.3 and 2.4.1.4 from the Mining Standard have been combined.

2.4.1.1. The company shall investigate if exploration-related activities may require land acquisition that could result in the involuntary resettlement of people (hereafter referred to as resettlement).

**NOTE FOR 2.4.1.1:** During Stage 1 Exploration, there should not be any resettlement since there is no ground-based work. However, companies should be aware of whether or not resettlement might be necessary if they decide to proceed with Stage 2 exploration. That information may influence if and how they proceed with a project.

Stage 1

#### NOTES

This chapter uses, as its basis, the International Finance Corporation's (IFC) Performance Standard 5 – Land Acquisition and Involuntary Resettlement, which applies to physical displacement and/or economic displacement resulting when land rights or land use rights are acquired by a mineral exploration or development company: through expropriation or other compulsory procedures in accordance with the legal system of the host country; or through negotiated settlements with property owners or those with legal rights to the land if failure to reach settlement would have resulted in expropriation or other compulsory procedures.

## Chapter 2.5—Emergency Preparedness and Response (not relevant for Stage 1)

### NOTE TO REVIEWERS ON CHAPTER 2.5:

The requirements in this draft chapter take a different approach compared to the IRMA Mining Standard. This chapter is longer than the one in the Mining Standard because it more clearly outlines expectations, whereas the Mining Standard relies on companies demonstrating conformance with the United Nations' (UN) APELL for Mining guidance.<sup>74</sup> It has become clear that there is a need for more specific steps to ensure that companies understand what is best practice in emergency preparedness and response. The chapter aligns with the requirements in IRMA's draft Standard for Responsible Mineral Processing (which is currently going through public consultation).<sup>75</sup>

The requirements below draw from the UN's generic work on Awareness and Preparedness for Emergencies at Local Level (APELL),<sup>76</sup> as well as the UN's specific guidance for the mining industry, information from the International Labor Organization,<sup>77</sup> the Prospectors and Developers Association of Canada,<sup>78</sup> and other sources.

We have also added in emergency preparedness and response elements related to tailings facilities in some requirements, so that companies can ensure they are aligned with the Global Industry Standard for Tailings Management<sup>79</sup> (see more in the [Note to Reviewers on Chapter 4.1](#)).

Generally speaking, the type of an emergency arising from mineral exploration and development is limited, and is unlikely to result in catastrophic failures, so the approach taken here is intended to enable companies to tailor the emergency preparation and response activities to the level of risk and potential impacts appropriate to the scale and nature of their activities.

We have not applied any of the requirements to Stage 1 of Exploration, the rationale being that there is no on-the-ground work that would create emergency situations.

Mineral development companies that are proposing to develop mining projects will not only be expected to have plans in place for their project development activities,<sup>80</sup> but they will also be expected to have developed emergency and preparedness response plans for the proposed projects, including for potential catastrophic failures. Plans for proposed projects will need to be far more extensive than what is needed for exploration (and project development activities), particularly with respect to community impacts, to address the higher level of risk and potential for catastrophic accidents inherent in mining projects as compared to explorations activities.

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<sup>74</sup> United Nations Environment Programme. 2001. APELL for mining: guidance for the mining industry in raising awareness and preparedness for emergencies at local level. <https://wedocs.unep.org/handle/20.500.11822/8093>

<sup>75</sup> The first 60-day period of consultation has closed, but IRMA is always open to receiving stakeholder feedback. The draft is available on the IRMA website under the IRMA Draft Mineral Processing Standard tab: <https://responsiblemining.net/resources/#resources-irma>

<sup>76</sup> United Nations Environment Programme. 2015. Awareness and Preparedness for Emergencies at Local Level (APELL), 2<sup>nd</sup> Edition. [https://www.preventionweb.net/files/45469\\_unepawarenesspreparednessememergencie.pdf](https://www.preventionweb.net/files/45469_unepawarenesspreparednessememergencie.pdf)

<sup>77</sup> International Labour Organization. C174-Prevention of Major Industrial Accidents Convention, 1993. [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_INSTRUMENT\\_ID:312319](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312319)

<sup>78</sup> Prospectors and Developers Association of Canada. e3-Plus Toolkit "Emergency Response." <https://www.pdac.ca/priorities/responsible-exploration/e3-plus/toolkits/health-and-safety/emergency-response>

<sup>79</sup> ICMM, UNEP and PRI. 2020. Global Industry Standard for Tailings Management. <https://globaltailingsreview.org/global-industry-standard/>

<sup>80</sup> We are proposing the following definition for **project development activities**:

Field- and office-based activities carried out during the pre-permitting and permitting stages to develop a mine proposal, support the environmental and social impact assessment of a proposal, generate information necessary to fulfill regulatory and permitting requirements, engage with stakeholders and rights holders, and maintain company operations.

## Chapter 2.6—Planning and Financing Reclamation and Closure (not relevant for Stage 1)

### NOTE TO REVIEWERS ON CHAPTER 2.6:

This chapter has some major differences compared to the Mining Standard, and also some significant differences between Exploration Stages 2 and 3 and Mineral Development (i.e., Pre-permitting, Permitting and Construction). The main reason for the differences is that during Exploration, there will be both planning and implementation of reclamation activities that needs to occur, whereas during Pre-Permitting and Permitting, the company will be developing plans to estimate what the required reclamation and closure actions and costs will be for its proposed mining activities.

We have not applied the requirements to Exploration Stage 1, given that there is not ground disturbance at that stage.

During Construction, we are proposing that all plans, permits and financial assurance be finalized prior to the initiation of project construction.

As acknowledged at the beginning of this document, some aspects of exploration may occur concurrent with Pre-permitting, Permitting and/or Construction. Reclamation of exploration sites is one of these aspects. For example, there will be situations where a company decides to move on to pre-permitting based on some exploration results, but decides that certain areas that have been explored do not show promising mineralization. As a result, exploration in some parts of the project area (those areas not being proposed for potential mining) will cease, and reclamation can begin at the same time as the company develops a mine proposal.



# Principle 3: Social Responsibility

## Chapter 3.1—Fair Labor and Terms of Work

### NOTE TO REVIEWERS ON CHAPTER 3.1:

Several suggested revisions have been made to this chapter based on changes to the Mining Standard that were proposed in the draft Mineral Processing Standard.<sup>81</sup>

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As noted in the Scope of Application, Chapter 1.1 states that “1.1.3.1. The company shall demonstrate that it takes appropriate steps to ensure compliance with the IRMA-Ready Standard by contractors engaged in activities relevant to the exploration or development project, including construction. . .”

This means that contractors have the same responsibilities as the company, and also that contracted workers need to be afforded the same rights and terms of work as those hired directly by the company (and also need to be subject to the same Occupational Health and Safety protections as per Chapter 3.2).

We have also added language in the Legal Compliance Chapter (1.1, requirements 1.1.3.1.a and b), requiring that companies provide:

- a. Language in contracts that require compliance with the applicable requirements of the IRMA-Ready Standard; and
- b. Monitoring of contractor performance on applicable requirements of the IRMA-Ready Standard.

This means the company needs to demonstrate to IRMA auditors that they perform some oversight or due diligence to ensure that contracting companies are meeting their obligations.

We are also proposing to provide more clarity on the expectation of and obligations to contractors by revising the definition worker as follows:

**Previous definition of Worker:** All non-management personnel

**Proposed definition of Workers:** All non-management personnel directly employed by the company. Also those engaged through third parties (for example contractors, brokers, agents, or intermediaries) who are performing work directly related to core business processes for a substantial duration of time (i.e., other than on a casual or intermittent basis) and who are geographically working at the project site.

**CONSULTATION QUESTION 53:** Are these actions enough, or would a better approach be to separate out contractor-specific requirements or highlight them in a different manner (e.g., add “and contractors” after each reference to workers when the company also needs to ensure that contractors are similarly protected)?

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We have made the requirements below applicable to all stages of exploration and development because there are company employees/workers/contractors employed during all stages.

**CONSULTATION QUESTION 54:** Are there any requirements that you believe are not relevant for particular stages of development?

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<sup>81</sup> The first 60-day period of consultation has closed, but IRMA is always open to receiving stakeholder feedback. The draft is available on the IRMA website under the IRMA Draft Mineral Processing Standard tab: <https://responsiblemining.net/resources/#resources-irma>

**CONSULTATION QUESTION 55:** During Pre-Permitting and Permitting we assume that the requirements in Chapter 3.1 apply to protections for workers engaged in work related to project development activities.<sup>82</sup>

However, should companies be required to have policies and/or procedures in place for the proposed mining project to demonstrate how, if the mine is developed, these protections for workers will be included? Are such plans typically in place at that time? Or is it more reasonable to wait until after a mine is in operation and is being assessed against similar requirements in the IRMA Mining Standard (i.e., assess actual labor practices)?

## BACKGROUND

Responsible employers provide fair wages and respectful workplaces. However, historically, a portion of the labor force has been the subject of mistreatment such as child and forced labor, discrimination, inadequate wages, and lack of respect for workers' rights.

In 1919, the International Labour Organization (ILO) was formed to protect workers' rights. Since that time, a number of internationally recognized human rights of workers have been enumerated and incorporated into laws world-wide. These include the United Nations *International Bill of Human Rights*, and the ILO *Declaration on Fundamental Principles and Rights at Work* and eight core ILO conventions that cover: freedom of association and the right to collective bargaining; the elimination of all forms of forced or compulsory labor; the abolition of child labor; and the elimination of discrimination in respect of employment and occupation. In addition to acknowledging the need to safeguard those human rights of workers, companies are increasingly recognizing the need to provide working hours and wages that promote a high quality of life for workers and their families.

The fundamental principles and rights of workers have been incorporated into various voluntary standards to protect labor rights and ensure fair working conditions (e.g., International Finance Corporation Performance Standard 2; Social Accountability International SA8000; Global Reporting Initiative). Within any responsible labor standard and verification system, there is an inextricable link between the role of workers and the practice of freedom of association. Workers with first-hand knowledge of environmental, human rights and labor practices must have the right to participate in the verification process without fear of employer retribution. This can be best guaranteed by workers having the right to freely establish or join trade unions of their choosing without employer interference and through protections provided in collective bargaining agreements.

## OBJECTIVES/INTENT OF THIS CHAPTER

To maintain or enhance the social and economic well-being of mineral exploration and development project workers and respect internationally recognized workers' rights.

## SCOPE OF APPLICATION

**RELEVANCE:** This chapter is applicable to all mineral exploration and development projects applying for IRMA certification. IRMA recognizes that some of the requirements of this chapter may be included in a collective bargaining agreement (CBA). If such an agreement is in place, the company will not be expected to meet the IRMA requirements that overlap with those in the CBA.

As per IRMA Chapter 1.1, the company engaged in exploration or mining project development is responsible for ensuring that contractors involved in project-related activities comply with the requirements in this chapter.

## CRITICAL REQUIREMENTS IN THIS CHAPTER

**Workers' right to freedom of association and collective bargaining are respected (3.1.2.1, 3.1.2.2), measures are in place to prevent and address harassment, intimidation, and/or exploitation, especially in regard to female workers**

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<sup>82</sup> We are proposing the following definition for **project development activities**:

Field- and office-based activities carried out during the pre-permitting and permitting stages to develop a mine proposal, support the environmental and social impact assessment of a proposal, generate information necessary to fulfill regulatory and permitting requirements, engage with stakeholders and rights holders, and maintain company operations.

(3.1.3.2); workers have access to operational-level mechanisms that allows them to raise and seek resolution or remedy for complaints and grievances that may occur in relation to workplace-related issues (3.1.5.1); no children (i.e., persons under the age of 18) are employed to do hazardous work and no children under the age of 15 are employed to do non-hazardous work (3.1.7.2); and forced labor and the trafficking of persons is does not occur in relation to the project (3.1.8.1).

## Fair Labor and Terms of Work Requirements

### 3.1.1. Human Resources Policy

3.1.1.1. The company shall adopt and implement human resources policies and procedures that set out its approach to managing workers in a manner that is consistent with the requirements of this chapter and national (i.e., host country) law.<sup>83</sup>

**NOTE FOR 3.1.1.1:** Deleted reference to mining project, otherwise same content as Mining Standard.

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### 3.1.2. Respect for Freedom of Association and Collective Bargaining

**NOTE FOR 3.1.2:** In the Mining Standard, this is called Workers Organization and Agreements. The Mining Standard separates out the various elements in 3.1.2.1 and 3.1.2.2, below, into individual requirements. Because these elements are all associated with freedom of association or collective bargaining in good faith, we have combined them to act as indicators that companies are, indeed, respecting these rights. In the Mining Standard, the requirement to respect freedom of association and collective bargaining was a critical requirement, so we have made both 3.1.2.1 and 3.1.2.2 critical requirements in this Standard. Any input on this approach is welcome.

#### 3.1.2.1. (Critical Requirement)

The company shall respect the rights of workers to freedom of association by:

- Informing workers of their right to freedom of association under national labor and employment law (if relevant);
- Informing workers that they are free to join a workers' organization of their choosing without any negative consequences or retaliation from the company;
- Providing workers' representatives with access to facilities needed to carry out their functions in the workplace, including provision of access to designated non-work areas during organizing efforts for the purposes of communicating with workers, and provision of accommodations for workers' representatives at project sites, where relevant;<sup>84</sup>
- Remaining neutral in any legitimate unionizing or worker-organizing effort;
- Refraining from producing or distributing material that disparages legitimate trade unions;
- Refraining from establishing or supporting a company union for the purpose of undermining legitimate worker representation;
- Refraining from imposing sanctions on workers, workers' representatives or workers' organizations participating in a legal strike;<sup>85</sup> and

<sup>83</sup> IRMA recognizes that for larger companies, human resources policies may be developed at the corporate level. In these cases, IRMA does not expect the company to have developed its own policies, but the company will be expected to demonstrate that the mine site is operating in compliance with the corporate policies (e.g., site-level management understand the corporate policies, and have integrated them into the mine site's procedures).

<sup>84</sup> For example, at remotely located sites.

<sup>85</sup> Nothing in this requirement shall remove the right of an company to seek enforcement action when workers, workers' representatives or workers' organizations are operating in contravention to laws or regulations.

- h. Where national law substantially restricts workers' organizations, allowing workers to develop alternative mechanisms to express their grievances and protect their rights regarding working conditions and terms of employment, and refraining from seeking to influence or control these mechanisms.

#### 3.1.2.2. (Critical Requirement)

The company shall respect the rights of workers to collective bargaining by:

- a. If relevant, informing workers of their right to collective bargaining under national labor and employment law;
- b. If relevant, informing workers of their rights under any applicable collective agreement; and
- c. If relevant, providing workers with a copy of the collective agreement and the contact information for the appropriate trade union (or workers' organization) representative;
- d. Negotiating in good faith with workers' representatives and workers' organizations and providing them with information needed for meaningful negotiation in a timely manner;
- e. Respecting the terms and agreements of collective bargaining agreements;
- f. Refraining from the use of short-term contracts or other measures to undermine a collective bargaining agreement or reduce obligations to workers under applicable labor and social security laws and regulations; and
- g. Refraining from hiring replacement workers in order to prevent, undermine or break up a legal strike, support a lockout, or avoid negotiating in good faith. The company may, however, hire replacement workers to ensure that critical maintenance, health and safety, and environmental control measures are maintained during a legal strike.

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### 3.1.3. Non-Discrimination and Equal Opportunity

3.1.3.1. The company shall base employment relationships on the principles of equal opportunity and fair treatment, and shall not discriminate or make employment decisions on the basis of personal characteristics unrelated to inherent job requirements.<sup>86</sup> Exceptions may be made with respect to hiring and recruitment in the case of:

- a. Targets or quotas mandated by law;
- b. Targets developed through local agreements for the employment of local residents, indigenous peoples, or individuals who have been historically disadvantaged; or
- c. Company targets for the employment of local residents, indigenous peoples, or individuals who have been historically disadvantaged that are expressed in publicly accessible policies with explicit goals and justification for such targets.

**NOTE IN 3.1.3.1:** Combined 3.1.3.1 with 3.1.3.2 (which provided the exceptions to 3.1.3.1). These should be audited and scored as one requirement.

#### 3.1.3.2. (Critical Requirement)

The company shall develop and implement measures to prevent and address harassment, intimidation, and/or exploitation, especially in regard to female workers.

**NOTE FOR 3.1.3.2:** The Mining Standard is worded that the company shall "take" measures. This has been modified to be make the language more clear.

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<sup>86</sup> "Employment relationships" include: recruitment and hiring, compensation (including wages and benefits), working conditions and terms of employment, access to training, job assignment, promotion, termination of employment or retirement, and disciplinary practices.

"Personal characteristics unrelated to inherent job requirements" may include: gender, race, nationality, ethnicity, social and indigenous origin, religion or belief, disability, HIV status, age, sexual orientation, marital status, parental status, worker status (e.g., local vs. migrant workers, temporary versus permanent workers), political affiliation, union membership and veteran status.

### 3.1.4. Retrenchment

**NOTE FOR 3.1.4:** The rationale behind applying this to all stages is that although the retrenchment is commonly associated with large-scale workforces, the concept can apply at any phase - for example, a company may have a country-specific office and exploration or permitting staff that it could collectively dismiss (e.g., if a project in that country is not going to proceed). The alternative to retrenchment in such a case would be to try to absorb the staff / offer them positions in other offices.

3.1.4.1. Prior to implementing any collective dismissals,<sup>87</sup> the company shall carry out an analysis of alternatives to retrenchment.<sup>88</sup> If the analysis does not identify viable alternatives to retrenchment, a retrenchment plan shall be developed in consultation with workers, their organizations, and, where appropriate, the government. The plan shall be based on the principle of non-discrimination,<sup>89</sup> and be implemented to reduce the adverse impacts of retrenchment on workers.

3.1.4.2. The company shall ensure that all workers receive notice of dismissal and severance payments mandated by law and collective agreements in a timely manner. All outstanding back pay, social security benefits, and pension contributions and benefits shall be paid on or before 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.<sup>90</sup> Where payments are made for the benefit of workers, they shall be provided with evidence of such payments.

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### 3.1.5. Grievance Mechanism

#### 3.1.5.1. (Critical Requirement)

The company shall provide a grievance mechanism or mechanisms for workers (and their organizations, where they exist) to raise workplace concerns.<sup>91</sup> The mechanism(s), at minimum:

- Shall involve an appropriate level of management and address concerns promptly, without any retribution, using an understandable and transparent process that provides timely feedback to workers on actions taken and their outcomes;
- Shall allow for anonymous complaints to be raised and addressed;
- Shall recognize, reward and protect from retaliation, workers and contractors who identify opportunities for improving occupational health and safety, tailings facility management or other suggestions for improving environmental, social or governance performance;

<sup>87</sup> Collective dismissals cover all multiple dismissals that are a result of an economic, technical, or organizational reason; or other reasons that are not related to performance or other personal reasons.

<sup>88</sup> Examples of alternatives may include negotiated working-time reduction programs, employee capacity-building programs; long-term maintenance works during low production periods, etc. (Source: IFC. 2004. Managing Retrenchment. Good Practice Note No. 4. <https://www.ifc.org/wps/wcm/connect/8b14b600488555db65cf66a6515bb18/Retrenchment.pdf?MOD=AJPERES>)

<sup>89</sup> Re: the principles of non-discrimination, selection criteria for those to be laid off should be objective, fair, and transparent. The retrenchment should not be based on personal characteristics unrelated to inherent job requirements.

<sup>90</sup> In some jurisdictions companies may be obligated by law to transfer certain payments to specific institutions such as pension fund administration, health funds, etc. In such cases companies would not provide payments directly to the worker but, for the benefit of the worker, to the appropriate institution. In cases where payments to certain institutions are optional the company should allow the worker to choose either a direct cash payment or payment to a defined institution.

<sup>91</sup> If worker complaints/grievances involve the infringement of human rights, they should either be handled through the general operational grievance mechanism (see IRMA Chapter 1.4), which is required to conform with the effectiveness criteria laid out in the UN Guiding Principles on Business and Human Rights (UNGPR) (See pp. 33 -35 of [http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)) or be addressed through a different procedure that is compatible with the UNGPR effectiveness criteria. If the grievance mechanism in 3.1.5.1 meets the UNGPR effectiveness criteria, then that shall suffice.

**NOTE FOR 3.1.5.1:** We have added to 3.1.5.1.a and added the new 3.1.5.1.c to better align with the Global Industry Standard for Tailings Management (GISTM, requirement 11.5).<sup>92</sup> In 3.1.5.1.c, we have added that workers should also be recognized and rewarded and not retaliated against for suggesting opportunities for improving occupational health and safety and other ESG aspects to align with GISTM (12.1).

- d. Shall allow workers' representatives to be present, if requested by the aggrieved worker; and
- e. Shall not impede access to other judicial or administrative remedies that might be available under the law or through existing arbitration procedures, or substitute for grievance mechanisms provided through collective agreements.

3.1.5.2. As part of the grievance mechanism, or as a separate mechanism, the company shall establish a formal, confidential and written whistleblower process to receive, investigate and promptly address concerns from management personnel, workers and contractors about possible permit violations or other matters relating to regulatory compliance, bribery or corruption, occupational health and safety, public health and safety, tailings facility integrity or the environment. The company shall not discharge, discriminate against, or otherwise retaliate in any way against a whistleblower who, in good faith, has reported such issues.

**NOTE FOR 3.1.5.2:** This is a new requirement. We have added to 3.1.5.2 to align with the Global Industry Standard for Tailings Management (Requirement 12.1 and 12.2), although that Standard does not refer to the mechanism as a whistleblowing mechanism. We have added other elements that should also be encouraged and not retaliated against, such as internal reporting on bribery or corruption, issues related to occupational health and safety, etc.

We included a whistleblower provision in the draft IRMA Mineral Processing Standard, but it was not as extensive as this one. We will consider expanding it when we revise the draft, and will consider adding this to the Mining Standard when it is revised.

The proposed definition of **Whistleblower** in the draft Mineral Processing Standard is:

A person who raises concerns regarding the unlawful or unethical activity or behavior of a person or organization.

3.1.5.3. The company shall inform the workers of the grievance mechanism at the time of recruitment and make it easily accessible to them.

3.1.5.4. The company shall maintain a record of grievances and the company's actions taken to respond to and/or resolve the issues.

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### 3.1.6. Disciplinary Procedures

3.1.6.1. The company shall have documented disciplinary procedures (or their equivalent) that are made available to all workers.

3.1.6.2. The company shall not use corporal punishment, harsh or degrading treatment, sexual or physical harassment, mental, physical or verbal abuse, coercion or intimidation of workers during disciplinary actions.

3.1.6.3. The company shall keep records of all disciplinary actions taken.

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### 3.1.7. Child Labor

3.1.7.1. The company shall document the ages of all workers.

<sup>92</sup> ICMM, UNEP and PRI. 2020. Global Industry Standard for Tailings Management. <https://globaltailingsreview.org/global-industry-standard/>

### 3.1.7.2. (Critical Requirement)

Children (i.e., persons under the age of 18<sup>93</sup>) shall not be hired to do hazardous work (e.g., in excavations or where there is exposure to hazardous substances<sup>94</sup>) or any other work defined as a worst form of child labor by ILO Convention 182 (Worst Forms of Child Labor) and ILO Recommendation 190 (Worst Forms of Child Labor),<sup>95</sup> and the minimum age for non-hazardous work shall be 15, or the minimum age outlined in national law, whichever is higher.

**NOTE FOR 3.1.7.2:** Combined previous 3.1.7.2 and 3.1.7.3 from the Mining Standard - to include children under 18 and those under 15 in the same requirement. Also, have added reference to ILO Conventions 182 and 190, as there may be other forms of labor that are not fitting for persons under the age of 18 other than the examples provided. We will add Guidance on this.

3.1.7.3. When a child is legally performing non-hazardous work, the company shall assess and minimize the risks to their physical and mental health, and ensure that regular monitoring of the child's health, working conditions and hours of work occurs by the national labor authority, or if that is not possible, by the company itself.

3.1.7.4. If the company discovers that a child under the minimum ages outlined in 3.1.7.2 or 3.1.7.3 is performing hazardous or non-hazardous work:

- a. The child shall be removed immediately from his or her job; and
- b. Remediation procedures shall be developed and implemented that provide the child with support in his or her transition to legal work or schooling, and that take into consideration the welfare of the child and the financial situation of the child's family.

3.1.7.5. Where there is a high risk of child labor amongst contractors or in the project's supply chain,<sup>96</sup> the company shall develop and implement procedures to monitor its contractors and suppliers to determine if children are employed for hazardous work or children below the minimum age for non-hazardous work are being employed. If any cases are identified, the company shall ensure that appropriate steps are taken to remedy them.

**NOTE FOR 3.1.7.5:** We have revised this requirement to add contractors. We also removed a clause that if cases are identified that "Where remedy is not possible, the company shall shift the project's supply chain over time to suppliers that can demonstrate that they are complying with this chapter." Some companies may have a no tolerance policy and may end the relationship immediately, while others will choose to work with suppliers or contractors to improve their practices.

We can add guidance that, at minimum, children cease doing inappropriate work, as per 3.1.7.5.a, and that ideally suppliers and contractors also take some steps to provide remedy as per 3.1.7.5.b.

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<sup>93</sup> Age 18 is the dividing line between childhood and adulthood according to the major ILO child labour conventions (Nos. 138 and 182), and the United Nations Convention on the Rights of the Child (CRC). Although many cultural traditions and personal characteristics could argue for a higher or lower age, in first crafting and then in ratifying these Conventions the international community has determined that persons under 18 are children and have the right to special protection. (International Labour Organization. 2011. Children in Hazardous Work: what we know, what we need to know. [http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms\\_155428.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_155428.pdf))

<sup>94</sup> Examples of hazardous work activities include work (i) with exposure to physical, psychological, or sexual abuse; (ii) underground, underwater, working at heights, or in confined spaces; (iii) with dangerous machinery, equipment, or tools, or involving handling of heavy loads; (iv) in unhealthy environments exposing the worker to hazardous substances, agents, processes, temperatures, noise, or vibration damaging to health; or (v) under difficult conditions such as long hours, late night, or confinement by employer. (Source: IFC. 2012. Performance Standard 2: Labor and Working Conditions. Footnote 12. [https://www.ifc.org/wps/wcm/connect/88f1f09e-5fe4-4fad-9286-33ecb221ab23/PS2\\_English\\_2012.pdf?MOD=AJPERES&CVID=jiVQIn](https://www.ifc.org/wps/wcm/connect/88f1f09e-5fe4-4fad-9286-33ecb221ab23/PS2_English_2012.pdf?MOD=AJPERES&CVID=jiVQIn))

<sup>95</sup> ILO. 1999. Convention 182 - Worst Forms of Child Labor. [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C182](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182) and ILO. 1999. Recommendation 190 - Worst Forms of Child Labor. [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_INSTRUMENT\\_ID:312528](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312528)

<sup>96</sup> The determination of whether or not there is a high risk of child labor in the supply chain should occur as part of the company's human rights due diligence in Chapter 1.3. If child labor in the supply chain is identified as being a salient risk during the human rights impact assessment, the company will be required to carry out the remaining due diligence as per Chapter 1.3, and also the requirements in 3.1.7.6. Additionally, if the mine is operating in or sourcing minerals from a conflict-affected and high-risk area, child labor should be one of the issues assessed in the conflict risk assessment. If child labor is identified as a risk, the due diligence outlined in Chapter 3.4 apply.

### 3.1.8. Forced Labor

#### 3.1.8.1. (Critical Requirement)

The company shall not employ forced labor or participate in the trafficking of persons either directly or through third parties.

**NOTE FOR 3.1.8.1:** Have added “either directly or through third parties” to make it clear that neither the company nor recruitment agencies, if used by the company, are allowed to use these practices.

#### 3.1.8.2. The company shall:

- Have a documented policy on hiring practices and the avoidance of forced labor and trafficking;
- Not require workers to pay fees or deposits associated with their recruitment or employment;
- Issue written contracts to workers in appropriate local language(s) for review prior to employment;
- Not retain or restrict access to official identity papers and personal documentation originals provided by workers as part of the employment process; and
- Not unreasonably restrict the movement of workers or their access to basic liberties.

**NOTE FOR 3.1.8.2:** This requirement is not in the Mining Standard. It was developed to add more clarity on expectations related to forced labor and human trafficking. This is also in the draft Mineral Processing Standard, and we will consider adding it to the Mining Standard.

3.1.8.3. Where there is a high risk of forced labor or the trafficking of persons amongst contractors or in the project’s supply chain, the company shall develop and implement procedures to monitor its contractors and suppliers to determine if forced labor or the trafficking of persons is occurring. If any cases are identified, the company shall ensure that appropriate steps are taken to remedy them.

**NOTE FOR 3.1.8.3:** This was 3.1.8.2 in the Mining Standard.

We have revised this requirement to add contractors. We also removed a clause that if cases are identified that "Where remedy is not possible, the company shall shift the project’s supply chain over time to suppliers that can demonstrate that they are complying with this chapter." Some companies may have a no tolerance policy and may end the relationship immediately, while others will choose to work with suppliers or contractors to improve their practices. We can develop guidance on what might constitute appropriate remediation steps.

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### 3.1.9. Wages and Benefits

3.1.9.1. The company shall pay wages to workers that meet or exceed the higher of applicable legal minimum wages, prevailing industry wages, wages agreed through collective wage agreements, or a living wage.

**NOTE:** Added 3.1.9.1 that companies should pay the prevailing industry wage if that is higher than minimum or a living wage. This is a requirement in other systems. For example, the Responsible Jewellery Council requires that: Members shall pay all employees a wage rate for normal hours worked, not including overtime, based on the higher of either the applicable legal minimum wage, plus associated statutory benefits, or the prevailing industry standards. Wages paid on a performance-related basis shall not be less than the legal minimum wage for a normal working week. Members shall ensure that comparable wages are given to all employees for carrying out work of equal value with processes to assess and remediate any potential wage disparity that discriminates against any category of workers.<sup>97</sup>

The benefit of including it is that if the prevailing wage is high then the company will be expected to match it, thus equalizing the same pay for the same work across the industry. The challenge is that companies (and auditors) may not know the prevailing industry rates.

<sup>97</sup> Responsible Jewellery Council. 2019. Code of Practices. 17.1. <https://www.responsiblejewellery.com/wp-content/uploads/RJC-COP-2019-V1-1-Standards-2.pdf>



**CONSULTATION QUESTION 56:** Are there good sources for prevailing industry wages? Should the matching of prevailing industry wage be done on a regional basis, rather than global?

3.1.9.2. Overtime hours shall be paid at a **rate that is 125% of the regular wage, or, if higher**, a rate defined in a collective bargaining agreement or national law.

**NOTE FOR 3.1.9.2:** The Mining Standard did not specify a minimum for overtime pay (thus, could have been lower than ILO's minimum recommended threshold of 125% regular pay)  
[https://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---travail/documents/publication/wcms\\_170708.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_170708.pdf).  
We have added the ILO threshold here.

3.1.9.3. All workers shall be provided with written and understandable information about wages (overtime rates, benefits, deductions and bonuses) before they enter employment, and for the pay period each time they are paid.

**CONSULTATION QUESTION 57:** In addition to or instead of providing information on wages and benefits, should IRMA require that employment contracts be signed, as a means of providing added security to workers?

3.1.9.4. The company shall pay wages in a manner that is reasonable for workers (e.g., bank transfer, cash or check).

**CONSULTATION QUESTION 58:** Is payment of workers in cash still considered good practice?

Background/Rationale for question: Cash payments are potentially associated with a number of issues, including risk of theft, fraud and tax evasion and the disempowerment of women workers who have less control over their wages in some socio-cultural settings. Electronic transfers (or suitable alternatives) may be a more appropriate approach than the transfer of cash

3.1.9.5. The company shall ensure that deductions from wages are not made for disciplinary purposes unless one of the following conditions exist:

- a. Deductions from wages for disciplinary purposes are permitted by national law, and the law guarantees the procedural fairness of the disciplinary action; or
- b. Deductions from wages for disciplinary purposes are permitted in a freely negotiated collective bargaining agreement or arbitration award.

3.1.9.6. **The company shall ensure that employee wages, benefits and deductions are recorded and documented.**

**NOTE FOR 3.1.9.6:** This is a new requirement. We will add to Guidance that auditors need to check that benefits such as social security, pension and other contributions required by national law are being paid, and that the company is paying legally mandated deductions from workers' wages to the government as required by national laws. (As per Chapter 1.1, companies are required to comply with host country laws)

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### 3.1.10. Working Hours and Leave

3.1.10.1. The company shall ensure that:

- a. Regular working hours do not exceed eight hours per day, or 48 per week. Where workers are employed in shifts the 8-hour day and 48-hour week may be exceeded, provided that the average number of regular hours worked over a 3-week period does not exceed 8 hours per day and 48 hours per week;
- b. Workers are provided with at least 24 consecutive hours off in every 7-day period; and
- c. Overtime is limited to 12 hours a week.
- d. Overtime is consensual.
- e. Exceptions to 3.1.10.1.b and c shall be allowed at projects in remote locations if:
  - i. A freely negotiated collective bargaining agreement is in force that allows variances to the rest and/or overtime hours above;

- i. Through consultations with workers' representatives, a risk management process that includes a risk assessment for extended working hours is established to minimize the impact of longer working hours on the health, safety and welfare of workers;
- f. Workers shall be provided with appropriate time off for meals and breaks.
- g. Employee work hours, overtime and annual and sick leave are recorded and documented.

**NOTE FOR 3.1.10.1:** Re-organized this section compared to Mining Standard. Also added a requirement related to breaks (f), and requirement to record and document hours and leave.

**CONSULTATION QUESTION 59:** Any comments on breaks would be appreciated. For example, should we specify break durations or number of breaks based on shift duration (e.g., one meal break (of at least 30 minutes) and one coffee/tea break (of at least 15 minutes) per six-hour shift, and more breaks if shifts are longer)? Should these breaks be considered paid working time? For more information, see:

[https://www.worldpolicycenter.org/sites/default/files/WORLD%20Report%20-%20Personal%20Medical%20Leave%20OECDECD%20Country%20Approaches\\_0.pdf](https://www.worldpolicycenter.org/sites/default/files/WORLD%20Report%20-%20Personal%20Medical%20Leave%20OECDECD%20Country%20Approaches_0.pdf)

3.1.10.2. Where neither national law nor a collective bargaining agreement includes provisions for worker leave, the company shall, at minimum, provide:

- a. Paid medical leave with a sufficient wage replacement rate to prevent poverty and ensure essential needs can be met during leave-taking;

**NOTE FOR 3.1.10.2.a:** This requirement is new.

**CONSULTATION QUESTION 60:** The proposed language outlines a minimum standard meant to ensure that workers who are ill are able to afford to take time off. However, we could also strive to set a higher standard here, or be more specific about minimum number of weeks/months of paid medical leave and a lower limit to the wage replacement rate. Given the wide variation in paid medical leave (see, for example, [https://www.worldpolicycenter.org/sites/default/files/WORLD%20Report%20-%20Personal%20Medical%20Leave%20OECDECD%20Country%20Approaches\\_0.pdf](https://www.worldpolicycenter.org/sites/default/files/WORLD%20Report%20-%20Personal%20Medical%20Leave%20OECDECD%20Country%20Approaches_0.pdf)) any thoughts on acceptable minimum standards would be welcome.

- b. An annual paid holiday of at least three working weeks per year, after achieving one year of service;<sup>98</sup> and
- c. A paid maternity leave period of no less than 8 weeks prenatal leave and 6 weeks after childbirth, with a sufficient wage replacement rate to prevent poverty and ensure essential needs can be met during leave-taking.

**NOTE FOR 3.1.10.2.c:** This requirement is different than what is in the Mining Standard. It has been revised to align more closely with expectations in ILO Convention 183 – Maternity Protection Convention, including that “Cash benefits shall be at a level which ensures that the woman can maintain herself and her child in proper conditions of health and with a suitable standard of living.”

[https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C183](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C183).

**CONSULTATION QUESTION 61:** Paternity leave is not (yet) covered by an international convention, but there is an argument for including a related requirement. The Responsible Jewellery Council's Code of Practices notes in Requirement 16.4 “Members shall provide employees with all legally mandated public holidays and leave, including maternity and paternity.” IRMA already requires mineral processing operations to meet their legal obligations (see Chapter 1.1), but should some amount of paternity leave be an IRMA requirement even when not legally mandated?

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## NOTES

<sup>98</sup> A worker whose length of service in any year is less than that required for the full entitlement shall be entitled in respect of that year to a holiday with pay proportionate to his or her length of service during that year. (Based on ILO C132 – Holidays with Pay Convention (Revised), 1970 (No. 132). [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100::NO:12100:P12100\\_ILO\\_CODE:C132:NO](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100::NO:12100:P12100_ILO_CODE:C132:NO))

This chapter uses, as its basis, the International Finance Corporation's (IFC) Performance Standard 2 – Labor and Working Conditions. In addition to aligning with IFC performance standard requirements, this chapter contains two additional criteria related to Wages (3.1.9) and Working Hours and Leave (3.1.10), with requirements that are based, in part, on ILO conventions.

# Chapter 3.2—Occupational Health and Safety

## NOTE TO REVIEWERS ON CHAPTER 3.2:

Some minor revisions were made to this chapter to try to reduce overlap.

For some requirements, level of effort lower for Stage 1. The occupational health and safety risks should be much lower for those doing office work compared to field-based work, so we have attempted to reflect this by reducing the expectations at Stage 1. However, we may not have struck the right balance, and are open to suggestions on where requirements should be added or removed from Stage 1.

ILO Convention 176 forms the basis of this Chapter. As outlined in the background section, below, that Convention applies at mines sites and at exploration sites that involve the mechanical disturbance of ground. As a result, the majority of requirements have been limited to Exploration Stages 2 and 3 and beyond, given that Exploration Stage 1 does not involve actual ground-disturbing activities. However, you will see some places where we include Stage 1, and are requesting input, via Consultation Questions, regarding whether or not those additions are reasonable.

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One issue that arose while drafting this chapter was how to handle the requirements for Occupational Health and Safety in relation to project development activities (i.e., during Pre-permitting and Permitting). There are two aspects at play during these stages:

- 1). Managing occupational health and safety of company employees who are engaged in the activities to support project development (e.g., consultants carrying out studies, baseline sampling, research on legal compliance, preparing permit applications, those talking with investors, regulators and stakeholders, etc.). Companies have a duty of care to ensure that the health and safety of these employees and/or contactors are protected.
- 2). Demonstrating, through assessments and preparation of management plans, how occupational health and safety of workers at the proposed mining project will be protected.

This creates some complexity to the requirements, for example, in some requirements we have tried to include expectations for both aspects in the same requirement:

**“3.2.2.1. The company shall implement an ongoing health and safety risk assessment process that follows a recognized risk assessment methodology for industrial operations, and identifies and assesses the significance/consequence of the full range of potential hazards associated **with project development activities**. It shall also carry out a separate process for the proposed mining project, that includes, at minimum, assessing hazards related to. . .”**

We are proposing the following definition for project development activities:

Field- and office-based activities carried out during the pre-permitting and permitting stages to develop mine proposals, support the environmental and social impact assessment of the proposal, generate information necessary to fulfill regulatory and permitting requirements, engage with stakeholders and rights holders, and maintain company operations.

Reviewers are also directed to questions related to requirement 3.2.3.1 and criteria 3.2.4, 3.2.5 and 3.2.6, where we ask whether certain plans, policies or procedures are necessary for proposed mining projects, or whether it is more appropriate to wait until a mine is operational to assess actual implementation of those elements.

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One final issue to present to reviewers: in IRMA's draft Mineral Processing Standard<sup>99</sup>, we proposed a new requirement after a review of other standards suggested that this is a common expectation for the mining industry.

### 3.2.1. Commitment to Health and Safety and Objective of Zero Harm

3.2.1.1. The operating company shall develop a policy or commitment to prioritize the health and safety of its workers over profits, manage operations in a manner that prevents injuries and fatalities, and demonstrate continuing improvement in health and safety performance with an objective of achieving zero harm, and shall communicate the commitment to all employees and publicly.

**CONSULTATION QUESTION 62:** Should we include a similar commitment for exploration companies? And require that companies proposing mining projects make a similar commitment? Or this more relevant once mining has commenced, because that is when the commitment will actually be put into practice and results can be measured?

## BACKGROUND

Occupational health impacts related to the mineral exploration and development industry may include physical injuries, musculoskeletal disorders, noise-induced hearing loss, hand-arm vibration syndrome, skin cancer, dermatitis, heat exhaustion, hypothermia, eye disorders from radiation exposure, asphyxiation, pneumonia, respiratory disorders and lung diseases such as silicosis, damage to internal organs and other effects related to chemical/metal exposures, decreased mental health and well-being, and others.<sup>100</sup> Key hazards related to mineral exploration and development include, but are not limited to: slips, falls and abrasions and other workplace injuries, fires, chemical spills and vehicle collisions with other vehicles, equipment, humans or wildlife.<sup>101</sup>

Due to the many hazards and potential impacts associated with mineral exploration and development projects, a strong focus on occupational health and safety must be present at responsible projects.

In 1995, *Convention 176—Safety and Health in Mines* was adopted by the International Labour Organization (ILO).<sup>102</sup> The convention set out international standards with respect to occupational health and safety at mine sites and exploration projects that include the mechanical disturbance of ground.<sup>103</sup> The convention outlines the need for: safety and health inspections, accident reporting and investigations, hazard assessment and management, and workers' rights to participate in workplace health and safety decisions, be adequately trained in their tasks, be informed of occupational hazards, and to remove themselves from dangerous workplace situations. These same international standards are applicable as appropriate to mineral exploration and development projects.

## OBJECTIVES/INTENT OF THIS CHAPTER

To identify and avoid or mitigate occupational health and safety hazards, maintain working environments that protect workers' health and working capacity, and promote workplace safety and health.

## SCOPE OF APPLICATION

**RELEVANCE:** This chapter is relevant for all mineral exploration and development projects applying for IRMA certification.

<sup>99</sup> The first 60-day period of consultation has closed, but IRMA is always open to receiving stakeholder feedback. The draft is available on the IRMA website under the IRMA Draft Mineral Processing Standard tab: <https://responsiblemining.net/resources/#resources-irma>

<sup>100</sup> ICM. 2009. Good Practice Guidance on Occupational Health Risk Assessment. [https://www.icmm.com/website/publications/pdfs/health-and-safety/161212\\_health-and-safety\\_health-risk-assessment\\_2nd-edition.pdf](https://www.icmm.com/website/publications/pdfs/health-and-safety/161212_health-and-safety_health-risk-assessment_2nd-edition.pdf)

<sup>101</sup> ICM website: "Preventing Fatalities." <https://www.icmm.com/en-gb/health-and-safety/safety/preventing-fatalities>

<sup>102</sup> International Labour Organization. 1995. *Safety and Health in Mines Convention*, 1995 (No. 176). [www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100\\_ILO\\_CODE:C176](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_ILO_CODE:C176)

<sup>103</sup> Ibid. Article 1. Requirement 1.

## CRITICAL REQUIREMENTS IN THIS CHAPTER

Work is stopped if unsafe conditions exist (3.2.4.1) and workers are informed of the hazards associated with their work, the health risks involved and provided with relevant preventive and protective measures (3.2.4.2).

# Occupational Health and Safety Requirements

## 3.2.1. Health and Safety Management System

CURRENTLY NOT RELEVANT FOR STAGE 1. SEE CONSULTATION QUESTION 63.

3.2.1.1. The company shall develop and implement a health and safety management system for measuring and improving the project's health and safety performance.<sup>104</sup>

**CONSULTATION QUESTION 63:** Should this also apply to Stage 1? Or to exploration at all? Is it typical for exploration projects to have formal health and safety management systems in place?

Stage 2

Stage 3

## 3.2.2. Health and Safety Risk Assessment and Management

**NOTE ON 3.2.2.1 (below):** The Mining Standard divided 3.2.2.1 into two requirements. We have consolidated them into a single requirement related to risk assessment process.

3.2.2.1. The company shall implement an ongoing health and safety risk assessment process that follows a recognized risk assessment methodology,<sup>105</sup> and identifies and assesses the significance/consequence of the full range of potential hazards associated with Stage 1 Exploration activities.<sup>106</sup>

**CONSULTATION QUESTION 65:** It seems reasonable to expect that a company know if there are workplace hazards, regardless of the work environment. But is it too much to assume that a company carry out a risk assessment for Stage 1 activities? If so, what might be an a more reasonable ask of a company at this stage?

Stage 1

3.2.2.2. The company shall pay particular attention to identifying and assessing hazards to workers who may be especially susceptible or vulnerable to particular hazards.

3.2.2.3. The company shall develop, implement and systematically update a risk management plan that prioritizes measures to eliminate significant hazards, and outlines additional controls to effectively minimize negative consequences and protect workers and others from remaining hazards.<sup>107</sup>

Stage 1

Stage 2

Stage 3

Construction

<sup>104</sup> See the Government of Western Australia Department of Mines, Industry Regulation and Safety for information on suggested components of a health and safety management system: <http://www.dmp.wa.gov.au/Safety/What-is-a-safety-management-4598.aspx>

<sup>105</sup> For example, the risk assessment methodologies found in: Risk Assessment - Recommended Practices for Municipalities and Industry prepared by the Risk Assessment Expert Committee of the former Major Industrial Accidents Council of Canada; the process outlined in ICMM's Good Practice Guidance on Occupational Health Risk Assessment. p. 16; or other similar methodologies.

<sup>106</sup> As currently proposed, Stage 1 Exploration activities include: Office compilation, photogeologic study, pre-exploration investigations (e.g., review of previous studies, research, non-invasive site visit), pre-exploration consultations, application for exploration-related permits/approvals.

<sup>107</sup> Re: "systematically update," plans should be updated as necessary based on the outcomes and information from the company's ongoing risk assessment process, monitoring, and other information.

For information on the hierarchy of controls see ILO C176 – Safety and Health in Mines (1995). [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C176](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C176)

3.2.2.5. If the risk assessment process identifies risks to workers from potential outbreaks of infectious diseases (see 3.2.2.1), the company shall develop an action plan<sup>108</sup> to mitigate risks. If the risk assessment demonstrates a significant risk of worker exposure to HIV/AIDS, tuberculosis, malaria or SARS-CoV-2 (COVID-19), the management plan shall integrate the following:

- a. In relation to HIV/AIDS (if relevant), the company shall, at minimum:
  - i. Provide free, voluntary and confidential HIV testing and counseling for all workers and employees;
  - ii. Provide HIV/AIDS treatment for workers and employees where it cannot reasonably be assumed that this will be provided in an effective manner by public or private insurance schemes at an affordable rate;
  - iii. Provide access for contractors to education and other preventative programs, and to work with contracting companies or others to identify ways for contracted workers to access affordable treatment;
- b. In relation to tuberculosis (if relevant), the company shall, at minimum, provide free and voluntary testing for workers/employees where it is not reasonably likely to be provided by public or private health programs at an affordable rate;
- c. In relation to malaria (if relevant), the company shall, at minimum:
  - i. Develop a vector control plan;
  - ii. Ensure that company facilities are not breeding environments for malaria-carrying mosquitoes; and
  - iii. Provide protection from infection by malaria-carrying mosquitoes in company facilities and any company-provided housing;
- d. In relation to SARS-CoV-2 (COVID-19) (if relevant), the company shall, at minimum:
  - i. Provide no-cost training for workers and contractors on preventative measures to reduce the risk of infection and spread of the disease;
  - ii. Provide health screening of workers, contractors and visitors;
  - iii. Provide testing and a voluntary vaccination programme at no cost to workers;
  - iv. Provide options for working from home (where this is possible);
  - v. Implement virtual (online) alternatives to internal and external meetings;
  - vi. Modify transport, accommodation, catering and changing facilities to minimize close contact between workers, contractors and/or visitors;
  - vii. Clean and disinfect the working environment based on best international guidance;
  - viii. Provide at no cost suitable personal protective equipment to workers, contractors and visitors;
  - ix. Modify shift patterns and changeover times to minimize close contact between workers and/or contractors;
  - x. Provide for isolation and/or medical treatment of workers where infection is suspected or confirmed;
  - xi. Suspend non-essential activities, if necessary; and
  - xii. Suspend all activities, if necessary.

**NOTE FOR 3.2.2.5.d:** 3.2.2.5.d is a new requirement (not yet incorporated into the Mining Standard) borne out of experiences with COVID-19. However, these plans would also be appropriate if there is the potential for outbreaks of Ebola, or other infectious diseases. Our proposal is that all sites should have a plan in place that covers general elements of how to respond to outbreaks of known potential diseases. For new (unknown) diseases, having a general plan in place will enable operations to more quickly adapt and develop disease-specific responses.

The action plan is geared toward management of infectious diseases at the project sites, but also seeks to minimize risks to nearby communities by reducing the potential for significant outbreaks at exploration or construction sites. If sites respond quickly when cases are found, and implement controls to limit the spread, then there will be less potential for movement of viruses/diseases between sites and

<sup>108</sup> This may be a standalone plan, or may be incorporated in the risk management plan in 3.2.2.4. For Pre-Permitting and Permitting, separate action plans will be required: one for activities carried out to support pre-permitting or permitting activities, and a second proposed plan for the proposed mining project.

communities). See also Chapter 3.3 Community Health and Safety, where this action plan is required to be implemented if infectious diseases are found.

**CONSULTATION QUESTION 68:** Have we captured all essential elements that should be included in an action plan? How have exploration and development companies addressed the issue of vaccinations? What if workers refuse to get vaccinated?

**CONSULTATION QUESTION 69:** We included this requirement for Stage 1 Exploration, as there is still a chance that office work could come with risks related to infectious diseases. Do you agree with this approach?

Stage 1	Stage 2	Stage 3	Pre-permitting	Mine Permitting	Construction
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### 3.2.3. Communication and Engagement with Workers and Others

**NOTE FOR 3.2.3:** Requirement 3.2.3.4 from the Mining Standard was not included. It required that the company develop and implement a formal process involving workers' representatives and company management to address matters relating to occupational health and safety. This level of engagement seems critical for large-scale mining operations, but for these earlier stages may not be as necessary. 3.2.3.3, below, still requires that systems be in place for workers to communicate with management on occupational health and safety issues.

#### 3.2.3.1. Workers shall be informed of their rights to:

- Report accidents, dangerous occurrences and hazards to the employer and to the competent authority;
- Request and obtain, where there is cause for concern on safety and health grounds, inspections and investigations to be conducted by the employer and the competent authority;
- Know and be informed of workplace hazards that may affect their safety or health;
- Obtain information held by the employer or the competent authority that is relevant to their safety or health;
- Remove themselves from any work location or site when circumstances arise that appear, with reasonable justification, to pose a serious danger to their safety or health; and
- Collectively select safety and health representatives.

**CONSULTATION QUESTION 70:** We included this requirement for Stage 1 Exploration, as even workers who are not carrying out field-based work should still be informed of their rights related to protection of health and safety. Do you agree with this approach? Are there other requirements in this Criterion that should also apply to Stage 1?

Stage 1	Stage 2	Stage 3	Construction
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3.2.3.2. In all cases a worker attempting to exercise in good faith any of the rights referred to in 3.2.3.1 shall be protected from reprisals of any sort.

3.2.3.3. The company shall develop systems to effectively communicate with and enable input from the workforce on matters relating to occupational health and safety.<sup>109</sup>

3.2.3.4. The company shall provide workers' health and safety representatives with the opportunity to:

- Participate in inspections and investigations conducted at the workplace by the employer and by the competent authority;
- Monitor and investigate safety and health matters;
- Have recourse to advisers and independent experts; and
- Receive timely notice of accidents and dangerous occurrences.

<sup>109</sup> See also Chapter 1.2 for requirements relating to communications with stakeholders, which should also apply to workers.



**CONSULTATION QUESTION 72:** Is this requirement too much to expect of projects in Exploration Stage 1? Or do exploration companies sometimes have someone on staff who is selected to discuss worker health and safety issues with management?

Stage 1	Stage 2	Stage 3	Pre-permitting	Mine Permitting	Construction
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### 3.2.4. Measures to Protect Workers

**CONSULTATION QUESTION 73:** During Pre-Permitting and Permitting we assume that the following requirements in 3.2.4 will apply to workers engaged in work related to project development activities. However, should companies be required to have policies and/or procedures in place for the proposed mining project to demonstrate how, if the mine is developed, they will put these requirements into practice? Or should we just evaluate these after a mine is in operation and is being assessed against similar requirements in the IRMA Mining Standard?

#### 3.2.4.1. (Critical Requirement)

The company shall discontinue operations if unsafe working conditions are discovered, and ensure that:

- a. In cases where an area is affected:
  - i. All workers leave the affected area immediately;
  - ii. Workers re-entering the affected area to reinstate safe working conditions are protected from harm; and
  - iii. Working conditions in the affected area are verified as safe before general workers are allowed to enter.
- b. In cases where machinery or equipment is the cause of unsafe working conditions:
  - i. Use of the machinery or equipment ceases immediately;
  - ii. The equipment is fixed or replaced by an appropriate trained specialist; and
  - iii. The equipment is verified as safe before being used again.

**NOTE FOR 3.2.4.1:** 3.2.4.1 is new, not in the Mining Standard. The notion that work must be stopped if dangerous conditions exist was not explicitly stated in the Mining Standard, and was an oversight that we are seeking to correct here (and will propose for the next Mining Standard revision). By making it a critical requirement we are emphasizing that if unsafe working conditions are observed during the audit, an exploration site will not be able to achieve IRMA 50 or higher during that audit cycle. In 3.2.5.2 below, auditors would also expect to see changes to the health and safety management plan to improve controls and prevent similar conditions from recurring.

**CONSULTATION QUESTION 74:** Do you agree that this should be included in the IRMA-Ready Standard, and that it should be a critical requirement?

Stage 1	Stage 2	Stage 3	Pre-permitting	Mine Permitting	Construction
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#### 3.2.4.2. (Critical Requirement)

The company shall implement the following critical measures to protect the safety and health of workers including:

- a. Informing workers, in a comprehensible manner, of the hazards associated with their work, the health risks involved and relevant preventive and protective measures;
- b. Providing and maintaining, at no cost to workers, suitable protective equipment and clothing where exposure to adverse conditions or adequate protection against risk of accident or injury to health cannot be ensured by other means.

**NOTE ON 3.2.4.2:** In the Mining Standard, the equivalent to 3.2.4.2, below, contained two sub-requirements that were deemed, “critical requirements,” while the others were not. That made it difficult to audit and score all of the requirements in a fair and equal manner. To remedy that situation, we have separated out the “critical” sub-requirements as 3.2.4.2, and have created a new requirement 3.2.4.3 to capture the other sub-requirements.

One added consideration: one issue identified during the first mining audits is that health and safety measures perhaps did not get as much attention and weight as other chapters, and that the protection of workers' lives and health should be given greater emphasis. As a result, in the draft Mineral Processing Standard we separated out the two sub-requirements and made them individual requirements to give them greater weight in the overall score in this chapter.

**CONSULTATION QUESTION 75:** Should we take the same approach for the IRMA-Ready Exploration and Development Standard that we did for the Mineral Processing Standard, i.e., should we create two separate critical requirements where currently in IRMA-Ready there exists just one (3.2.4.2)? Or are there perhaps other occupational health and safety requirements that for exploration and development might be more appropriate to make critical requirements?

**CONSULTATION QUESTION 76:** We included requirements 3.2.4.2, 3.2.4.3, 3.2.4.4, 3.2.4.5 and 3.2.4.6 for Stage 1 Exploration, as even workers who are not carrying out field-based work should still be afforded some basic protections in the case of a work-related injury. Do you agree with this approach?

Stage 1	Stage 2	Stage 3	Pre-permitting	Mine Permitting	Construction
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#### 3.2.4.3. The company shall also:

- Provide workers who have suffered from an injury or illness at the workplace with first aid, and, if necessary, prompt transportation from the workplace and access to appropriate medical facilities; and
- Provide, at no cost to workers, education and training/retraining programs and comprehensible instructions on the work assigned and on safety and health matters.

Stage 1
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3.2.4.4. If the risk assessment process or other sources reveal unique occupational health and safety risks for certain groups of workers (e.g., pregnant women, children, HIV-positive, etc.) the company shall ensure that additional protective measures are implemented, and trainings and health promotion programs are available to support the health and safety of those workers.

Stage 1	Stage 2	Stage 3	Construction
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3.2.4.5. The company shall provide workers with clean toilet, washing and locker facilities (commensurate with the number and gender of staff employed), potable drinking water, and where applicable, sanitary facilities for food storage and preparation. Any accommodations provided by the company shall be clean, safe, and meet the basic needs of the workers.

3.2.4.6. The company shall ensure that workers are provided with compensation for work-related injuries and illnesses as follows:

- In countries where workers' compensation is not provided through government schemes or a collective bargaining agreement:<sup>110</sup>
  - The company shall compensate workers for work-related injuries or illnesses at a rate that, at minimum, covers medical expenses and wages during the recovery and rehabilitation period;<sup>111</sup>
  - If a worker is not able to return to work due to the severity of a work-related injury or illness, the company shall compensate for lost earnings until the worker qualifies for an adequate pension (i.e., 2/3 or more of the salary they would otherwise normally receive if healthy and working);<sup>112</sup> or

<sup>110</sup> Many, but not all countries have workers' compensation schemes. For example, a 2002 report found that 136 countries had worker compensation programs, meaning that approximately 60 did not. (Eleson, R. 2002. International Workers' Compensation. Prepared for the Indiana Compensation Rating Bureau. <http://compclues.icrb.net/file/29dbcff9-2752-4fed-bfdc-422c8c403483>)

<sup>111</sup> If medical expenses are fully covered by health insurance, then companies are not required to provide additional compensation.

<sup>112</sup> If the government does not provide for an "adequate pension," the company would be expected to supplement the government pension so that a worker was receiving equivalent to 2/3 or more of the salary he or she would otherwise receive; if no government pension program exists,

- iii. If an occupational illness manifests after a worker has retired, the company or its corporate owner shall, at minimum, compensate the worker for medical expenses, unless the company or its corporate owner can establish that the occupational illness was not connected to the worker's employment at the mining project.<sup>113</sup>
- b. In countries that do not provide for worker rehabilitation as part of their workers' compensation schemes, the company shall ensure that workers have free or affordable access to rehabilitation programs to facilitate an expeditious return to work; and
- c. Where a worker dies as a result of a work-related injury or disease, the company shall, at minimum, provide to spouses and dependent children benefits to cover funeral expenses and transportation of the worker's body, if appropriate, as well as compensation that is equal to or greater than three months' salary of the deceased worker.

Stage 1	Stage 2	Stage 3	Pre-permitting	Mine Permitting	Construction
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### 3.2.6. Health and Safety Data Management and Access to Information

**NOTE FOR 3.2.6:** Exploration Stage 1 is included here, as companies should be keeping records of any health-or-safety-related incidents that occur in the workplace.

**CONSULTATION QUESTION 80:** During Pre-Permitting and Permitting we assume that the following measures will apply to data and information kept on employees and contractors engaged in work related to project development activities. However, should companies be required to have a plan in place for the proposed mining project to demonstrate how, if the mine is developed, health and safety data management and access to information will occur? Or should we just evaluate the mine's actual monitoring and evaluation program after the mine is built, and it is being assessed against similar requirements in the IRMA Mining Standard?

3.2.6.1. The company shall maintain accurate records of health and safety risk assessments, workplace monitoring results, and data on occupational injuries, diseases, fatalities, accidents and incidents that is collected by the company and submitted to competent authorities. This information, except for data protected for medical confidentiality reasons, shall be available to workers' health and safety representatives.

**NOTE FOR 3.2.6.1:** Replaced "dangerous occurrences" with incidents (see Note for 3.2.5.3, above), and removed reference to health surveillance data (see Note for 3.2.5).

3.2.6.2. If medical examinations are conducted on workers, those records shall be collected and securely stored for as long as the worker is employed by the company, or longer, if required by host country law.

**NOTE FOR 3.2.6.1:** Although we removed a requirement from the Mining Standard that pertained to health surveillance (see Note for 3.2.5), we are assuming that it is possible that some companies may perform medical examinations on workers during exploration, development and construction. If such examinations do occur, the data need to be securely stored for medical confidentiality reasons. So we have retained part of that element of 3.2.6.2 from the Mining Standard. We have not required that data be stored for 30 years, as in the Mining Standard, as that requirement was there to ensure that data are kept for mine workers, as occupational illnesses have been known to develop years after a miner is no longer employed at a particular site. It's unclear what might be the appropriate timeframe for those working in mineral exploration. But companies must adhere to host country legal requirements for storage of medical information.

3.2.6.3. The company shall allow workers access to their personal information regarding accidents, incidents, inspections, investigations, remedial actions, and, if relevant, medical examinations.

the company would be expected to pay compensation equivalent to 2/3 or more of the salary the worker would otherwise normally receive if healthy and working. Normally, this requirement can be met by providing the appropriate public or private disability insurance coverage.

<sup>113</sup> If medical expenses are fully covered by health insurance or relevant compensation schemes covering occupational health matters, then companies are not required to provide additional compensation.

**NOTE FOR 3.2.6.3:** Replaced “dangerous occurrences” with incidents (see Note for 3.2.5.3, above), and removed reference to health surveillance data (see Note for 3.2.5).

Stage 1	Stage 2	Stage 3	Pre-permitting	Mine Permitting	Construction
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## NOTES

Many of the requirements in this chapter are based on International Labour Organization Convention *C176 - Safety and Health in Mines*.<sup>114</sup>

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<sup>114</sup> International Labour Organization. 1995. Safety and Health in Mines Convention, 1995 (No. 176). [www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100\\_ILO\\_CODE:C176](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_ILO_CODE:C176)

## Chapter 3.3—Community Health and Safety

### NOTE TO REVIEWERS ON CHAPTER 3.3:

Community health and safety issues may have been screened (for exploration) or scoped (proposed mining projects) as part of an environmental and social impact assessment process (Chapter 2.1). Regardless of whether the evaluation was carried out as per Chapter 2.1 or as a standalone exercise as per Chapter 3.3, the additional requirements in this chapter must be followed. For example, 3.3.2 provides more detailed requirements specifically related to scoping of community health and safety issues than articulated in Chapter 2.1 (which provides more general and generic requirements to cover the range of potential social and environmental risks/impacts related to exploration and development). If all of these risks and impacts outlined in 3.3.2 were scoped as part of the ESIA (Chapter 2.1), there would be no need, however, to re-scope the issues in a standalone Community Health and Safety Scoping exercise.

Stage 1 has not been included in this chapter, because during that stage there is no on-site activity, so the company will not impact the health or safety of nearby communities. Beginning in Stage 2, however, there will be field staff and equipment that could potentially pose risks to the health or safety of communities.

As mentioned in the [NOTE TO REVIEWERS on page 5](#), (on the “STAGES OF EXPLORATION AND DEVELOPMENT, AND HOW THEY HAVE BEEN MANAGED IN THIS DRAFT STANDARD”) during Pre-permitting and Permitting there are two aspects that are relevant in some chapters:

- 1) Requirements usually need to apply to the proposed mining project (e.g., stakeholder engagement, assessments of mine proposals, preparation of management plans, monitoring plans, etc.).
- 2) Requirements sometimes need to apply to project development activities (e.g., field- and office-based activities carried out to develop a mine proposal, support the environmental and social impact assessment of a proposal, generate information necessary to fulfill regulatory and permitting requirements, engage with stakeholders and rights holders, and maintain company operations).

**CONSULTATION QUESTION 81:** Currently, the community-health-related requirements for the Pre-permitting and Permitting stages in Chapter 3.3 apply only to what the company plans to do in relation to the proposed mining project.

Are there material risks to community health and safety during project development activities that warrant including requirements specific to project development activities? For example, perhaps the infectious disease requirement (3.3.5.1) should be included if project development activities include visits with stakeholders.

# Chapter 3.4—Mineral Exploration and Development and Conflict-Affected or High-Risk Areas

## NOTE TO REVIEWERS ON CHAPTER 3.4:

We have revised the title of this chapter compared to the Mining Standard, to make it more applicable to the exploration and development phases.

We have also added specificity in some of the requirements here that is not contained in the Mining Standard (e.g., that standard does not consistently refer to assessing the transport of minerals through conflict-affected and high-risk areas).

We have written this chapter to apply to all stages of exploration, mining project development and construction.

During Stage 1 and Pre-Permitting and Mine Permitting projects are still in the “consideration” or “proposal” phase, and during Construction there shouldn’t be transport or import of minerals yet. But it is possible that the mere presence of company (either consultants undertaking studies, surveys, or construction workers, etc.) might create risks to human rights or the potential that armed groups might try to extort “fees”, etc. Even in Stage 1, it is plausible that employees of a company, even if not physically present in the conflict-affected or high-risk area, could be carrying out activities that could exacerbate conflict or lead to infringements of human rights in such areas. So all stages of exploration and development have been included below.

**CONSULTATION QUESTION 82:** Is it reasonable to expect that Exploration companies engaged at Stage 1 carry out due diligence activities if they are even looking at seeking exploration permits for exploration concessions in conflict-affected or high-risk areas?

## BACKGROUND

Mineral exploration and development projects may take place in areas where there are existing or potential conflicts or socio-political instability that can adversely affect the project and local stakeholders. In some cases, conflict may be external to the company’s project, and in other cases conflict may be caused, exacerbated or supported by a company’s activities or presence in an area.

“Companies and their investors are paying increased attention to the challenges and opportunities of doing business in conflict-affected and high-risk areas. These areas differ significantly from more stable operating environments and require companies and investors to take into consideration additional factors.”<sup>115</sup>

Developing suitable responses when exploring for or developing minerals from conflict-affected or high-risk areas is challenging, but guidance exists to assist companies in identifying, assessing and mitigating risks and impacts associated with operating in those areas. The most widely accepted framework is the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas.<sup>116</sup>

<sup>115</sup> UN Global Compact and PRI (2010). They elaborate that “The following conditions often prevail in conflict-affected and high-risk areas: human rights violations; presence of an illegitimate or unrepresentative government; lack of equal economic and social opportunity; systematic discrimination against parts of the population; lack of political participation; poor management of revenues, including from natural resources; endemic corruption; and chronic poverty with associated heightened risks and responsibilities.” (UN Global Compact and PRI. 2010. *Guidance on Responsible Business in Conflict-Affected and High Risk Areas: A Resource for Companies and Investors*. [https://www.unglobalcompact.org/docs/issues\\_doc/Peace\\_and\\_Business/Guidance\\_RB.pdf](https://www.unglobalcompact.org/docs/issues_doc/Peace_and_Business/Guidance_RB.pdf))

<sup>116</sup> Organisation for Economic Cooperation and Development (OECD). 2016. OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas. (3rd Ed.) <https://mneguidelines.oecd.org/mining.htm>

Such guidance is increasingly being used as a means of cultivating transparent mineral supply chains and corporate engagement in the mineral sector, with a view to enabling countries to benefit from their mineral resources and preventing the extraction and trade of minerals from becoming a source of conflict, human rights abuses, and insecurity.

## OBJECTIVES/INTENT OF THIS CHAPTER

To prevent contribution to conflict or the perpetration of serious human rights abuses in conflict-affected or high-risk areas.

## SCOPE OF APPLICATION

RELEVANCE: All mineral exploration and development projects applying for IRMA certification are expected to have undertaken conflict screening (criterion 3.4.1) to determine if they are in a conflict-affected or high-risk area. The due diligence requirements that follow 3.4.1 are relevant for projects that are proposed or located in conflict-affected or high-risk areas, as well as projects that have product that is transported through conflict-affected or high-risk areas (if the material is in the custody or ownership of the company).<sup>117</sup>

## CRITICAL REQUIREMENTS IN THIS CHAPTER

When carrying out project-related activities, or when transporting minerals through or sourcing minerals from a conflict-affected or high-risk area, the company has committed to not support any parties that contribute to conflict or the infringement of human rights in those areas (3.4.2.1).

# Mining and Conflict-Affected or High-Risk Area Requirements

## 3.4.1. Conflict-Affected and High-Risk Area Screening

3.4.1.1. The company shall conduct a screening analysis, based on evidence from credible sources,<sup>118</sup> to determine whether or not the proposed project is located in or will require transport of minerals through a conflict-affected or high-risk area.

3.4.1.2. If a determination is made that the proposed project is located in or will require transport of minerals through a conflict-affected or high-risk area, then the company shall undertake the additional due diligence steps outlined in the remainder of this chapter.

3.4.1.3. If a determination is made that the proposed project is not located in and will not require transport of minerals through a conflict-affected or high-risk area, then the situation shall be monitored at a level commensurate with the potential that the project area or potential transport routes may become a conflict-affected or high-risk area. If new risks emerge or previously identified risks intensify, screening shall take place to determine if risks are significant enough to warrant undertaking the additional due diligence steps in the remainder of this chapter.

Stage 1

## 3.4.2. Company Management Systems

<sup>117</sup> This is based on a similar requirement found in the World Gold Council's Conflict-Free Gold Standard. A2.2. Available at: [www.gold.org/gold-mining/responsible-mining/conflict-free](http://www.gold.org/gold-mining/responsible-mining/conflict-free)

<sup>118</sup> Ibid.

#### 3.4.2.1. (Critical Requirement)

When carrying out project-related activities, or when transporting minerals through a conflict-affected or high-risk area, the company shall not knowingly or intentionally cause, contribute to or be linked to conflict or the infringement of human rights by any party, or knowingly provide direct or indirect support to non-state armed groups or their affiliates, public security forces, or private security forces who:

- a. Illegally control mineral exploration or mine sites, transportation routes and upstream actors in the supply chain;
- b. Illegally tax or extort money or minerals at point of access to mine sites, along transportation routes for minerals or metal-bearing materials or at points where minerals or metal-bearing materials are traded; or Illegally tax or extort intermediaries, export companies or international traders.

**NOTE ON 3.4.2.1:** This may be relevant to companies in Stage 1 because the offices of exploration companies may be located in a conflict-affected or high-risk areas, so they would be carrying out project-related activities in such areas.

Stage 1

Stage 2

Stage 3

**NOTE ON 3.4.2.2 (below):** Instead of writing out what the policy should contain, we are proposing to refer instead to an “OECD-compliant policy”, which we will define as being a policy that aligns with the model policy found in Annex II of the OECD Due Diligence Guidance for Mineral Supply Chains.<sup>119</sup>

In 3.4.2.2.b there are differences between Exploration and subsequent stages, because during exploration many of the details that related to mineral extraction are not yet relevant.

3.4.2.2. If the company operates in or transports minerals through conflict-affected or high-risk area, the company shall:

- a. Adopt and implement an OECD-compliant policy<sup>120</sup> that outlines how it will respect human rights and avoid contributing to activities that finance conflict while operating in a conflict-affected or high-risk area;
- b. Develop and implement, as relevant, a system to document all taxes, fees, royalties or other payments made to governmental officials for the purposes of mineral development, extraction, trade, transport and export of minerals, and all taxes and other payments made to public or private security forces or other armed groups;

**NOTE FOR 3.4.2.2.b:** The phrase “as relevant” was added because not all of the elements will be relevant during exploration or even Pre-Permitting/Permitting/Construction. But taxes and other payments to governments, at minimum, should be occurring.

- c. Make the information in 3.4.2.2.b available to auditors, to downstream purchasers, if relevant, and to any institutionalized mechanism, regional or global, with the mandate to collect and process information on minerals from conflict-affected and high-risk areas,<sup>121</sup>

**NOTE FOR 3.4.2.2.c:** The phrase “if relevant” was added after downstream purchasers because there may not be any purchasers during these early stages.

- d. Assign authority and responsibility to senior staff with the necessary competence, knowledge and experience to oversee the conflict due diligence processes; and

<sup>119</sup> OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas. 3rd Ed. <https://mneguidelines.oecd.org/mining.htm>

<sup>120</sup> This is a policy that aligns with the model policy found in Annex II of the OECD Due Diligence Guidance for Mineral Supply Chains, available at: <https://mneguidelines.oecd.org/mining.htm>

<sup>121</sup> The company may exclude information that compromises the safety of any individual or is legitimate confidential business information. Justification shall be provided for information that is omitted.



- e. Ensure that stakeholders have access to and are informed about a mechanism to raise conflict-related concerns or grievances.<sup>122</sup>

Stage 1	Stage 2	Stage 3
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### 3.4.3. Risk Assessment

**NOTE FOR 3.4.3:** We have revised the title of the criterion. In the Mining Standard it was named “Conflict Risk Assessment,” but the assessment goes beyond assessing conflict-related impacts. It also assesses the potential for human rights impacts and other issues that may be present in high-risk areas where conflict may not be the dominating or defining characteristic.

We also made some minor changes to wording compared to the Mining Standard.

3.4.3.1. The company shall assess the risks to the company, workers and communities associated with operating in, transporting minerals through, or sourcing minerals from the conflict-affected or high-risk area. Assessments shall include, at minimum:

- Analysis of structural, root and proximate factors in the current conflict, and potential triggers of conflict in the area of operation;<sup>123</sup>
- Review of the factual circumstances of the company’s proposed or actual exploration activities, mineral development activities, extraction, transport, and, if relevant, mineral sourcing and/or processing;<sup>124</sup> and
- Analysis of the risk that any of the company’s activities may lead to the direct or indirect infringement of human rights, the support of armed groups or contribute to conflict.

3.4.3.2. Assessments shall:

- Follow a recognized risk assessment methodology;<sup>125</sup>
- Be carried out and documented by competent professionals; and
- Be based on credible evidence including on-the-ground research, expert advice, and information from consultations with relevant stakeholders, including men, women, children (or their representatives) and other vulnerable groups.<sup>126</sup>

<sup>122</sup> The operational-level grievance mechanism developed as per Chapter 1.4 may be used as the mechanism to receive all types of concerns or complaints, including conflict-related grievances, or a separate mechanism may be created to handle only conflict-related complaints and grievances. If a separate mechanism is developed, it shall be done in a manner consistent with Chapter 1.4.

<sup>123</sup> Structural/root factors are long-term, deep-rooted factors underlying conflict; proximate/intermediate factors are visible, recent manifestations of the conflict, and factors; and triggers are actions that contribute to further escalation of the conflict. For more information on structural, root and proximate causes, as well as potential triggers of conflict, see: UN Development Group. 2016. Conducting a Conflict and Development Analysis. pp. 59-64. [https://undg.org/wp-content/uploads/2016/10/UNDP\\_CDA-Report\\_v1.3-final-opt-low.pdf](https://undg.org/wp-content/uploads/2016/10/UNDP_CDA-Report_v1.3-final-opt-low.pdf)

<sup>124</sup> This requirement comes from OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas. For more details on factual circumstances see, for example, p. 82 of OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas. 3rd Ed. <https://mneguidelines.oecd.org/mining.htm>

Mineral sourcing refers to situations where the company purchases ore or mined materials from other mines, and processes it at the mine site. These materials may come from other large-scale mines or artisanal and small-scale mining (ASM) operations (See also Chapter 3.6).

<sup>125</sup> Risk assessments typically include: establishment of scope; identification of risks; assessment of risks; development of risk treatment and mitigation measures; monitoring and revision; as well as stakeholder engagement and communication requirements.

<sup>126</sup> “credible evidence” may include reports and other information (e.g., maps, statements) relating to mineral extraction, and its impact on conflict, human rights or environmental harm. Sources of evidence would be considered credible if they are trusted and/or referred to by a range of stakeholders, including competent professional and experts who work on human rights and/or conflict-affected areas. Such sources may come from governments, international organizations, NGOs, industry, media, United Nations, academics or others.

“expert advice” may involve drawing on expertise and cross-functional consultation within the company, but also consulting externally with credible independent experts, including from governments, civil society (e.g., human rights defenders), national human rights institutions and relevant multi-stakeholder initiatives. (See, e.g., UN Guiding Principles on Business and Human Rights, Commentary for Principle 23. [http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf))

“Relevant stakeholders” may include local government or community leaders; civil society organizations; other companies operating in the area; or independent experts with local knowledge and expertise. Special effort should be made to include women, children or their representatives,

**NOTE ON 3.4.3.2:** Combined 3.4.3.2 and 3.4.3.3 from the Mining Standard.

3.4.3.3. Risk assessments shall be updated at minimum, on an annual basis, and more often if necessitated by the situation.

Stage 1	Stage 2	Stage 3	Pre-permitting	Mine Permitting	Construction
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#### 3.4.4. Risk Management

**NOTE FOR 3.4.4:** We have revised the title of the criterion. In the Mining Standard it was named “Conflict Risk Management.” See Note for 3.4.3.

Requirement 3.4.4.3 from the Mining Standard, which addresses risks to human rights, has been combined with 3.4.4.1 here.

3.4.4.1. The company shall develop and implement a risk management plan that includes actions to be taken to prevent or mitigate risks identified through the risk assessment process. If risks to human rights are identified in the assessment, the actions shall align with the requirements in IRMA Chapter 1.3.<sup>127</sup>

3.4.4.2. The company shall collaborate with relevant stakeholders to develop culturally appropriate strategies to prevent or mitigate risks that are relevant to them; and to develop performance objectives, timelines and indicators to measure the effectiveness of the risk management strategies.<sup>128</sup>

Stage 1	Stage 2	Stage 3	Pre-permitting	Mine Permitting	Construction
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#### 3.4.5. Monitoring

3.4.5.1. The company shall implement and monitor the effectiveness of its risk management plan as per the performance objectives, timelines and indicators developed with stakeholders.

3.4.5.2. If through monitoring or some other means it is discovered that the company has unknowingly or unintentionally been complicit in armed conflict or serious human rights abuses related to operating in, pursuing mineral exploration or development in, transporting minerals through or sourcing minerals from conflict-affected or high-risk areas, the company shall immediately cease or change the offending action, mitigate or remediate the impact, and carry out external monitoring of its due diligence activities as per as per IRMA Chapter 1.3.<sup>129</sup>

**NOTE FOR 3.4.5.2:** Slight wording changes from the Mining Standard.

Stage 1	Stage 2	Stage 3	Pre-permitting	Mine Permitting	Construction
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#### 3.4.6. Reporting

3.4.6.1. The findings of risk assessments, risk management plans and monitoring shall be reported to senior management of the company; and stakeholders, contractors, workers and other employees shall be informed of findings that are relevant to them.

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and other groups who may be particularly vulnerable to impacts from security arrangements (e.g., this might include ASM operators, human rights defenders, and youth).

<sup>127</sup> The risk of committing, contributing to or being linked to human rights violations is increased in conflict-affected and high-risk areas. When projects are located in conflict-affected or high-risk areas, companies must ensure that risks to human rights are addressed as per IRMA Chapter 1.3. The chapter requires steps to prevent, mitigate and remediate potential and actual human rights impacts.

<sup>128</sup> For this requirement, "relevant stakeholders," at minimum, should include those who have the potential to be directly affected (either actual individuals or their representatives) by the risks identified by the company. And "culturally appropriate" strategies would be those that are aligned with the cultural norms of the affected communities. Stakeholders can help to define for the company what is considered culturally appropriate. (For more on culturally appropriate engagement, see IRMA Chapter 1.2).

<sup>129</sup> IRMA Chapter 1.3—Human Rights Due Diligence. (See specifically, requirements 1.3.3.3. and 1.3.4.2.).

3.4.6.2. On an annual basis, where the company is operating in, pursuing mineral exploration or development in, transporting minerals through or sourcing minerals from a conflict-affected or high-risk area, the company or its corporate owner shall publicly report on due diligence undertaken to ensure that its actions are not supporting armed conflict or the infringement of human rights.<sup>130</sup>

**NOTE FOR 3.4.6.2:** Slight wording changes from the Mining Standard.

Stage 1	Stage 2	Stage 3	Pre-permitting	Mine Permitting	Construction
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## NOTES

The most widely recognized due diligence framework for minerals sourced from conflict zones is the *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas* (OECD Guidance).<sup>131</sup> The OECD Guidance formed the basis for many of the requirements in this chapter.

The risk of committing, contributing to or being linked to human rights violations is increased in conflict-affected and high-risk areas. Requirement 3.4.2.1 mentions that companies shall not infringe upon human rights, however, Chapter 1.3 is the primary chapter that addresses IRMA's expectations related to the infringement of human rights. When projects are located in conflict-affected or high-risk areas, companies must ensure that risks to human rights are addressed as per Chapter 1.3 Human Rights Due Diligence.

IRMA reserves the right to delay independent, 3<sup>rd</sup>-party assessments for projects located in conflict-affected or high-risk areas if IRMA and/or certification bodies determine that conflict in the vicinity of a project creates unacceptable risks to auditors.

<sup>130</sup> This report may be integrated into the reporting on human rights due diligence as per IRMA requirement 1.3.5.1.

<sup>131</sup> OECD. 2016. *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas*. (3rd Ed.) <https://mneguidelines.oecd.org/mining.htm>

# Chapter 3.5—Security Arrangements

## NOTE TO REVIEWERS ON CHAPTER 3.5:

This chapter is essentially the same as the Mining Standard, other than a few minor word changes.

The chapter was written to address the potential for conflicts between security forces and communities in the context of large-scale mining operations. The chapter is based on the principles and framework established by the Voluntary Principles on Security and Human Rights (VPSHR) (<https://www.voluntaryprinciples.org>). As explained by the VPSHR, the Voluntary Principles on Security and Human Rights (“VPs”) is “an important tool that can assist both governments and companies in their efforts to implement the U.N. Guiding Principles [on Business and Human Rights] in the area of security”.

We are proposing that these requirements are applicable if there is a project site where mineral exploration or project-development activities like sampling, studies or surveys, or construction activities are occurring, as conflicts could arise in those situations that may result in interactions between site security and nearby communities or others. It is often during exploration or project proposal phase when communities or groups within communities become active in their opposition to mineral extraction, which can create the potential for conflict and infringement of human rights.

We’ve used the generic term “project” for all stages, to simplify the presentation of this chapter.

**CONSULTATION QUESTION 83:** At the present time, the only Criterion we are applying to proposed mining projects is 3.5.2, related to risk assessment and management. Companies at the Pre-Permitting and Permitting Stages will be expected to both assess and manage risks related to the project site (if relevant), and also carry out an assessment to determine if there may be risks related to security arrangements for the proposed mining project. If there are either type of risks, they will be expected to be managed accordingly.

It is assumed that other requirements will be applied during the project development stage, and that if the mine becomes operational, the policies and procedures developed for the project will carry over to the mining operation. So we did not state that the other requirements need to be developed for the proposed mining project. Do you agree with this approach? Or are there other requirements or Criterion that should be developed specifically in relation to the proposed mining project?

**CONSULTATION QUESTION 84:** Currently we’ve only applied one requirement to Stage 1, the policy commitment in 3.5.1.1, given that Stage 1 is likely taking place in an office environment, and not at a project site where security might be necessary. Is there any reason that some of the additional requirements other than a policy commitment might be relevant at that early stage?

## BACKGROUND

Security risks to mineral exploration and development projects may result from political, economic, civil or social factors. The role of public or private security forces used in relation to mineral exploration and development should be to maintain the rule of law, including safeguarding human rights; provide security to workers, equipment and facilities; and protect the project site or transportation routes from interference with legitimate extraction and trade.

Project security arrangements that are founded on a substantial understanding of the context, stakeholders and international best practice can help a company reduce the potential for violent conflicts with communities or workers, contribute to peace and stability in the regions where it operates, and demonstrate respect for the human rights of stakeholders affected by a company’s activities.

## OBJECTIVES/INTENT OF THIS CHAPTER

To manage security in a manner that protects mineral exploration and development projects without infringing on human rights.

## SCOPE OF APPLICATION

RELEVANCE: The majority of the requirements in this chapter are relevant for any project that employs security personnel (e.g., security guards, public or private security forces) at its project site.

Some requirements in this chapter are only relevant for companies that have security arrangements involving private security providers (i.e., 3.5.1.3, 3.5.3.1, 3.5.4.1), and others are only relevant if public security forces such as police or military personnel are used (i.e., 3.5.1.4, 3.5.3.2, 3.5.4.2).

## CRITICAL REQUIREMENTS IN THIS CHAPTER

The company has policy and procedures in place that align with best practices to limit the use of force and firearms by security personnel (3.5.1.2).

# Security Arrangements Requirements

## 3.5.1. Policies and Commitments Related to Security and Human Rights

3.5.1.1. The company shall adopt and make public a policy acknowledging a commitment to respect human rights in its efforts to maintain the safety and security of its [project](#); and a commitment that it will not provide support to public or private security forces that have been credibly implicated in the infringement of human rights, breaches of international humanitarian law or the excessive use of force.<sup>132</sup>

Stage 1	Stage 2	Stage 3	Pre-permitting	Mine Permitting	Construction
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## NOTES

This chapter draws on the Voluntary Principles on Security and Human Rights (“Voluntary Principles”), which provides a widely recognized framework for risk assessment and management of security providers that is respectful of human rights.<sup>133</sup> Companies are encouraged to become corporate participants in the Voluntary Principles initiative, to learn from and share knowledge with other companies and participants regarding best practices related to security and human rights.<sup>134</sup>

<sup>132</sup> These commitments may be made in a broader Human Rights Policy, or another relevant policy.

<sup>133</sup> Voluntary Principles on Security and Human Rights. 2014. [www.voluntaryprinciples.org](http://www.voluntaryprinciples.org)

<sup>134</sup> *ibid.* “Voluntary Principles Initiative – Guidance on Certain Roles and Responsibilities of Companies.” [www.voluntaryprinciples.org/wp-content/uploads/2014/10/VPs - Roles and Responsibilities - Corporate Pillar1.pdf](http://www.voluntaryprinciples.org/wp-content/uploads/2014/10/VPs_-_Roles_and_Responsibilities_-_Corporate_Pillar1.pdf)

# Chapter 3.6—Artisanal and Small-Scale Mining

## NOTE TO REVIEWERS ON CHAPTER 3.6:

The requirements in this chapter were developed specifically in relation to the interaction between large-scale mine sites and artisanal and small-scale mining operations (ASM). Mining occurs in particular areas because those areas are mineralized. In some cases, ASM and LSM miners are targeting the same minerals/metals, but this is not always the case. Regardless of the target minerals, the high potential for ASM activity in the vicinity of large-scale mines creates potential for conflict between the different miners, as well as potential for positive transfer of information and technologies. IRMA's Mining Standard promotes such positive interactions, and the mitigation of potential negative interactions.

The requirements in the Mining Standard are also applicable to Exploration and Development, as there may be interactions between company personnel and ASM entities during these phases. And any company considering the possibility of developing a mine where ASM is already occurring needs to understand the context and should be determining how mining can proceed in a manner that will lead to positive outcomes for the ASM entities who might already be operating in or be attracted to the project area.

Currently we are only requiring that exploration companies in Stage 1 understand the ASM context, as it will help inform them whether or not to proceed to Stage 2.

**CONSULTATION QUESTION 85:** Is there any reason that some of the additional requirements other than an assessment of the ASM context might be relevant at Stage 1 of Exploration?

## BACKGROUND

It has been estimated that there are between 20 and 30 million men, women and children involved in artisanal and small-scale mining (ASM) worldwide, and that the ASM sector is responsible for 15 to 20 percent of the production of global minerals and metals.<sup>135</sup>

While there is no single definition of artisanal and small-scale mining (ASM), it is generally understood to encompass a range of activities, including prospecting, exploration, extraction, processing and transportation, and use more simplified and labor-intensive technologies and practices than large-scale industrial mining.

The ASM sector is complex and diverse. It includes individuals or families mining to earn or supplement their livings, as well as small-scale commercial operations that employ numerous workers. Much of ASM is informal, with entities operating in contravention to laws, or in the absence of an appropriate legal framework, although some ASM operators do have permits, pay taxes and abide by social and environmental regulations.<sup>136</sup> In some contexts, there may be a criminal element to ASM activities, such as smuggling, tax evasion, money laundering, trafficking in illegal chemicals, or financing of conflict.<sup>137</sup>

<sup>135</sup> Buxton, A. 2013. Responding to the Challenge of Artisanal and Small-Scale Mining: How can knowledge networks help? Institute for Environment and Development (IIED), London. p. 3. <http://pubs.iied.org/16532IIED/>

<sup>136</sup> *ibid.* p. 4; Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development (IGF). 2017. IGF Guidance for Governments: Managing Artisanal and Small-Scale Mining. International Institute for Sustainable Development (IISD).p. 5. <http://igfmining.org/wp-content/uploads/2017/01/igf-guidance-for-governments-asm.pdf>

<sup>137</sup> IGF, 2017, p. 12; and Echavarria, C. 2014. 'What is legal?' Formalising Artisanal and Small-Scale Mining in Colombia. Institute for Environment and Development (IIED), London and Alliance for Responsible Mining (ARM), Columbia. P. 23. <http://pubs.iied.org/pdfs/16565IIED.pdf>

ASM sometimes occurs in areas close to mineral exploration concessions. ASM miners may have traditionally operated in those areas, full-time or seasonally, or in other cases miners may have arrived during exploration or after the development of the large-scale mine (LSM).

Given the diversity within the ASM sector, it is understandable that interactions between mineral exploration and development company and ASM entities can also take on a variety of forms, from violent confrontation to harmonious co-existence.<sup>138</sup>

ASM is playing a growing role in many national economies,<sup>139</sup> and holds the potential to provide decent livelihoods if conducted in an organized and responsible manner and afforded more secure access to capital and markets. Mineral exploration and development companies that operate in the same regions as ASM, or that purchase minerals produced by ASM, have the opportunity to contribute to positive transformations in the ASM sector.

## OBJECTIVES/INTENT OF THIS CHAPTER

To avoid conflict and, where possible within the scope of national law, foster positive relationships between mineral exploration and development companies and artisanal and small-scale mining (ASM) entities, and support the development of ASM that provides positive livelihood opportunities and is protective of human rights, health, safety and the environment.

## SCOPE OF APPLICATION

RELEVANCE: This chapter is relevant to any mineral exploration and development project that has the potential to interact with ASM entities due to proximity or through commercial relationships such as sourcing ore or minerals from ASM entities.

## CRITICAL REQUIREMENTS IN THIS CHAPTER

None.

# Artisanal and Small-Scale Mining Requirements

## 3.6.1. Understand the ASM Context

3.6.1.1. The company shall determine if artisanal and small-scale mining (ASM) entities are present in a proposed project area, and if ASM entities are present the company shall carry out a scoping process to understand the legal, social and environmental context in which ASM activities are occurring.

**NOTE FOR 3.6.1.1:** We are proposing that companies need to do this no matter what stage they are at, including Stage 1. It is critical information that should inform whether or not, or how, a company might proceed with on-the-ground exploration activities.

If an evaluation was conducted at an earlier stage it may suffice, depending on how recent, given that conditions can change fairly rapidly in some locations.

Stage 1	Stage 2	Stage 3	Pre-permitting	Mine Permitting	Construction
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<sup>138</sup> Communities and Small-Scale Mining, World Bank/IFC Oil, Gas and Mining Sustainable Community Development Fund and ICMM. 2010. Working Together - How Large-Scale Mining Can Engage with Artisanal and Small-Scale Miners. p. 5. <https://www.commdev.org/wp-content/uploads/2015/06/Working-together-How-large-scale-mining-can-engage-with-artisanal-and-small-scale-miners.pdf>

<sup>139</sup> Freudenberger, M., Ali, S., Fella, T. and Pennes, S. 2013. Property Rights and Artisanal Mining: Clarifying and Strengthening Rights: Options for Policymakers. USAID Issue Brief. p. 1. <https://www.land-links.org/wp-content/uploads/2016/09/Property-Rights-and-Artisanal-Mining.pdf>

## Chapter 3.7—Cultural Heritage (not relevant for Stage 1)

### NOTE TO REVIEWERS ON CHAPTER 3.7:

The requirements in this chapter have been revised and streamlined compared to the Mining Standard, to reduce duplication and overlap. Of particular note, there is a criterion in the Mining Standard that is almost verbatim a requirement in Chapter 4.6. The intention of both is that mining is not to occur in, or affect, particular protected areas such as World Heritage Sites (WHS) and a few others. Instead of duplicating this requirement here, we are proposing that the requirement stay in Chapter 4.6, and apply regardless of whether the WHS or other areas were designated to protect ecological, cultural heritage or any other values.

Cultural heritage issues may have been screened (for exploration) or scoped (proposed mining projects) as part of an environmental and social impact assessment process (Chapter 2.1). Regardless of whether the evaluation was carried out as per Chapter 2.1 or as a standalone exercise as per Chapter 3.7, the additional requirements in this chapter must be followed (the chapter lays out the expected proposed mitigation steps to follow if risks to or impacts on cultural heritage have been identified).

The requirements in this chapter have not been included for Exploration Stage 1, but wording for Stage 2 makes it clear that screening for potential impacts on cultural heritage must be done “prior to commencing ground-disturbing exploration activities.” (See requirement 3.7.2.1, Stage 2). We can add guidance that this screening could happen as part of Stage 1, but it must happen in Stage 2 before ground-disturbance takes place to avoid unanticipated impacts on critical cultural heritage.



# Principle 4: Environmental Responsibility

## Chapter 4.1—Waste and Materials Management (not relevant for Stage 1)

### NOTE TO REVIEWERS ON CHAPTER 4.1:

This chapter is not relevant for Stage 1 Exploration because there is no project site where waste and materials need to be managed.

There are fairly significant differences between the different stages in this Chapter. Volumes of wastes are dramatically different in exploration versus what would be expected if a mining project is developed. Also, during Exploration Stages 2 and 3, companies are dealing with actual wastes, whereas during Pre-Permitting/Permitting the companies are proposing how they plan to manage wastes if the project is approved and is developed. Those proposals should be consistent with what is being required in the IRMA Mining Standard.

**Alignment with the Global Industry Standard for Tailings Management:** Two years after releasing the IRMA Standard for Responsible Mining (v.1.0) the Global Industry Standard for Tailings Management (GISTM) was released.<sup>140</sup> IRMA has reviewed that Standard, and its accompanying Conformance Protocols.<sup>141</sup> This IRMA-Ready Standard aims to incorporate and update elements to ensure that we align with the requirements in the GISTM that apply to the development and construction of new tailings facilities. These requirements do not apply during the Exploration stages.

There are two new criteria that relate to the design and construction of tailings facilities that were not included in the Mining Standard, and a new Public Disclosure and Access to Information criterion.

In our efforts to align, we are proposing to adopt numerous definitions used in the GISTM. (See proposed glossary additions at the end of this chapter)

While the GISTM focuses on tailings facilities, the IRMA Standard is more broadly focused. Other mine waste facilities can also have failures or incidents and create risks to safety and the environment, for example, waste rock dumps, heap leach facilities or process water impoundments that are situated close to roadways, communities or sensitive ecosystems. As a result, in this chapter you will see references to both tailings and other mine waste facilities.

<sup>140</sup> ICMM, UNEP and PRI. 2020. Global Industry Standard for Tailings Management. <https://globaltailingsreview.org/global-industry-standard/>

<sup>141</sup> ICMM. 2021. Conformance Protocols - Global Industry Standard for Tailings Management. <https://www.icmm.com/en-gb/guidance/environmental-stewardship/tailings-conformance-protocols>

## Chapter 4.2—Water Management (not relevant for Stage 1)

### NOTE TO REVIEWERS ON CHAPTER 4.2:

This chapter is not relevant for Stage 1 Exploration because there is no project site where waste and materials need to be managed.

Also, no requirements have been included for Exploration Stage 2, and many have not been included for Exploration Stage 3—the rationale being that potential impacts on water resources from exploration are expected to be screened during these stages in Chapter 2.1-Environmental and Social Impact Assessment and Management, and if there are potentially significant risks to water from exploration that chapter requires that a plan be in place to prevent or mitigate the impacts. We have, however, included requirements related to engagement with stakeholders on water issues in Exploration Stage 3, as drilling can have impacts on water availability and quality. We have also included the collection of baseline water data and water monitoring that occurs throughout Exploration Stage 3.

As mentioned in the [Note to Reviewers on Chapter 4.1](#), this draft IRMA-Ready Standard attempts to integrate requirements from the Global Industry Standard for Tailings Management (GISTM) that are relevant to these early stages. You'll see reference to the GISTM in 4.2.2.4 and 4.2.2.5.

## Chapter 4.3—Air Quality (not relevant for Stage 1)

### NOTE TO REVIEWERS ON CHAPTER 4.3:

This chapter is not relevant for Stage 1 Exploration because there is no project site where air quality may be affected by exploration activities.

Also, the requirements in this chapter have not been included for Exploration Stages 2 or 3—the rationale being that potential impacts on air quality during exploration are required to be screened in Chapter 2.1-Environmental and Social Impact Assessment and Management, and if there are potentially significant risks to air quality from exploration that chapter requires that a plan be in place to prevent or mitigate the impacts.

For Pre-Permitting and Permitting, however, there are additional steps that should be undertaken given the potential for large-scale mining developments to significantly impact air quality.

These requirements carry into the Construction stage because if not done at an earlier stage a mine being audited during the Construction stage would be expected to demonstrate that these requirements are being met at the time of the audit. We can add Guidance, when appropriate, that if the requirements have been carried out already, the company would not be expected to repeat the effort during Construction.

## Chapter 4.4—Noise and Vibration (not relevant for Stage 1)

### NOTE TO REVIEWERS ON CHAPTER 4.4:

This chapter is not relevant for Stage 1 Exploration because there is no project site where noise from exploration activities will be generated.

In the Mining Standard, this chapter focused on the impacts of noise and vibrations on human noise receptors. We have added the noise element on wildlife, in particular, because exploration often occurs in more remote areas where wildlife may not have had much previous exposure to human industrial activity and/or may be more sensitive to noise and vibration.<sup>142</sup>

The Mining Standard expected that noise-related impacts on wildlife receptors would have been considered as part of the Environmental and Social Impact Assessment process in Chapter 2.1, and if significant impacts were identified then mitigation options would have been developed as per the ESIA process (including consultations with relevant stakeholders, such as government biologists, wildlife conservation organizations, academic experts and community members whose livelihoods or sustenance may be affected by impacts on wildlife).

However, the approach taken in this Standard for Exploration and Development is that noise and vibration issues may be screened (for exploration) or scoped (for proposed mining projects) as part of an environmental and social impact assessment process (Chapter 2.1). And like our approach with Community Health and Safety (Chapter 3.3), and Cultural Heritage (Chapter 3.7) in this draft Standard, in this Noise and Vibration chapter we have laid out particular considerations that must be considered as part of a screening or scoping of issues related to those topics. In other words, regardless of whether the evaluation is carried out as part of a larger evaluation in Chapter 2.1 or as a standalone exercise as per Chapter 4.4, the specific requirements in Chapter 4.4 must be followed.

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<sup>142</sup> SLR Consulting. 2017. Expert Environmental Guidance on Exploration Methodologies: Part Four: Drilling. p. 121. <https://assets.gov.ie/76753/9a4ac3d4-6f71-412d-a013-1ac32a2128e3.pdf>

# Chapter 4.5—Greenhouse Gas and Energy Management (not relevant for Stage 1)

## NOTE TO REVIEWERS ON CHAPTER 4.5:

This chapter is not relevant for Stage 1 Exploration because there is no project site where exploration activities are generating greenhouse gas emissions (and emissions related to desk-based work should be minimal).

We have revised the title of this chapter to reflect that companies are not only expected to reduce emissions that contribute to climate change, but that managing energy use and sources of energy also plays a role. Also, throughout the document we have added requirements related to energy use and efficiency that are not in the Mining Standard. Reviewers should be aware that we will be revising this chapter in the Mining Standard, as we know that the global expectations related to reducing impacts related to climate change have increased in the three years since we developed that standard. So some of the proposed changes made here may be carried over to when the Mining Standard is revised. Feedback on this standard will feed into that revision process.

One major proposed change is that proposed mining projects commit to achieving net zero Scope 1 and 2 greenhouse gas emissions at the site by 2050 or sooner. See context and consultation questions related to that issue in requirement 4.5.2.1.

Currently, there is not a lot of evidence that mineral exploration companies measure and report energy use and greenhouse gas emissions. But as more downstream entities are striving to understand the carbon footprint of their raw materials this may gain in importance. Also, according to the Prospectors and Developers Association of Canada, greenhouse gas emissions may become a material issue if carbon taxes are levied.<sup>143</sup>

The IRMA Standard for Responsible Mining requires mines to not only identify and report on GHG emissions, but also look for opportunities to reduce emissions. We are proposing below to require Exploration companies to at least collect and report energy use and greenhouse gas emissions data, as this will begin to provide a better industry-wide picture of whether there are realistic opportunities for reducing emissions during these stages of development. We have not included for the Exploration stages a requirement to demonstrate that they are investigating opportunities for reducing energy use and emissions, but we are open to suggestions and feedback from stakeholders who may have good examples of exploration projects taking steps to reduce energy use and greenhouse gas emissions.

**CONSULTATION QUESTION 110:** Given the state of knowledge, have we struck an appropriate balance at this point in time by requiring that exploration companies (in Stages 2 and 3) be required to simply collect and report energy use and greenhouse gas emissions data?

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<sup>143</sup> Prospectors and Developers Association of Canada (PDAC) website. PDAC Guidance and Tools. “Climate Change.”. <https://www.pdac.ca/priorities/responsible-exploration/climate-change/pdac-guidance-and-tools>

# Chapter 4.6—Biodiversity, Ecosystem Services and Protected Areas

## NOTE TO REVIEWERS ON CHAPTER 4.6:

The general framework of requirements in this chapter has not changed from the Mining Standard, however, there are some minor language modifications.

One notable change, however, is that Criterion 4.6.5 related to Protected Areas now includes all protected areas including those designated to protect cultural heritage. See Note for 4.6.5 in that section, below.

Also, reviewers are directed to Criterion 4.6.4, where there are several CONSULTATION QUESTIONS for which we'd appreciate comments.

For the most part, requirements in this chapter have not been applied to Stage 1 Exploration, given that there are no activities during that stage that will impact biodiversity, ecosystems or protected areas. There are a few requirements that do apply in this earliest stage, however, because companies should be aware of areas that are particularly important for biodiversity, as well as protected areas. These factors will have implications, such as costs to implement appropriate mitigation, that will influence whether or not a project should be pursued.

## BACKGROUND

Biological diversity, or biodiversity, describes the variety of life on Earth. It refers to the wide variety of ecosystems and living organisms: animals, plants, their habitats and their genes. Biodiversity underpins ecosystem functioning and the provision of ecosystem services essential for human well-being, it is a central component of many belief systems, world views and identities, it provides for food security, human health, clean air and water, and contributes to local livelihoods and economic development. Despite its fundamental importance, however, biodiversity continues to be lost.<sup>144</sup>

Mineral exploration and development may take place in landscapes that are already heavily modified or degraded, and therefore, pose little or no threat to global biodiversity loss. When located in areas of high biodiversity value, however, there is the potential that mineral exploration and development may lead to a temporary or permanent loss in biodiversity and ecosystem services.

Globally, a network of protected areas has been put in place, offering various levels of protection for biodiversity, land and seascapes. Developments such as exploration and mining are expected to respect those protections and operate in manner that safeguards biodiversity and other values that led to a protected area designation (e.g., cultural values – see IRMA Chapter 3.7). In many areas of the world, however, an adequate system of protected areas has yet to be established, and even where protections exist there are opportunities to further conserve biodiversity and other important values.

Through adherence to the mitigation hierarchy during the most appropriate stages in project development, mineral exploration and development can proceed in a manner that supports global biodiversity, maintains the ecosystem services that communities need to survive and thrive, and leaves behind structurally safe and functioning ecosystems upon closure. This chapter puts forward a framework for projects to proactively assess and manage impacts on biodiversity and ecosystem services according to the mitigation hierarchy of avoiding and minimizing impacts early in the project life cycle, and if impacts cannot be avoided, restoring and, if necessary, offsetting or compensating for residual impacts throughout the remainder of the project's life.

## OBJECTIVES/INTENT OF THIS CHAPTER

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<sup>144</sup> Adopted from the Convention on Biological Diversity (CBD) Strategic Plan for Biodiversity 2011-2020. Available at: [www.cbd.int/sp/](http://www.cbd.int/sp/)

To protect biodiversity, maintain the benefits of ecosystem services and respect the values being safeguarded in protected areas.

## SCOPE OF APPLICATION

RELEVANCE: This chapter will not be applicable if no risks to biodiversity, ecosystem services or protected areas, including risks related to potential knowledge gaps, are identified through the screening process.

## CRITICAL REQUIREMENTS IN THIS CHAPTER

The company has evaluated potential impacts of proposed projects on biodiversity, ecosystem services and protected areas (4.6.2.1), and these impacts are being mitigated and minimized (4.6.4.1), and projects shall not be developed in or adversely affect World Heritage Sites (WHS), areas on a State Party's official Tentative List for WHS Inscription, IUCN protected area management categories I-III, or core areas of UNESCO biosphere reserves.

# Biodiversity, Ecosystem Services and Protected Areas Requirements

## 4.6.2. Biodiversity, Ecosystem Services and Protected Areas Screening and Scoping

**NOTE FOR 4.6.2:** The title of this criterion includes the term screening (for exploration) and scoping (for Pre-Permitting/Permitting and Construction) to correspond with the language used in Chapter 2.1.

Two requirements from the Mining Standard have been combined to create 4.6.2.1 for Stage 2, 3, Pre-Permitting, Permitting and Construction. Both related to screening/scoping.

We will add Guidance to the Construction stage that if scoping was carried out during Pre-Permitting/Permitting there is not the need to repeat the exercise during Construction. But if not done earlier, it would be necessary to carry it out at that time.

### 4.6.2.1. (Critical Requirement)

Prior to applying for any exploration-related permits, companies shall identify and document boundaries of protected areas in the mine's actual or proposed area of influence, and the conservation values being protected in those areas.

**NOTE FOR 4.6.2.1:** At this early stage of development, companies should at least understand if the areas they are interested in exploring intersect with protected areas, and if those areas prohibit or place limitations on certain types of development like mining.

Stage 1

## 4.6.5. Protected Areas Mitigation and Management<sup>145</sup>

**NOTE FOR 4.6.5:** The Mining Standard addressed cultural heritage-based "protected areas" in its chapter 3.7 on Cultural Heritage Protection.

We are proposing in this standard to address ALL protected areas in Chapter 4.6. Otherwise, there is the potential to double count a company's performance in relation to protected areas (either doubly reward or doubly penalize, depending on the circumstances). The requirements removed from Chapter 3.6 essentially duplicated 4.6.5.1 – 4.6.5.3. We have revised those requirements below so that they now apply to all protected areas.

<sup>145</sup> This criterion applies to any legal protected area, regardless of the reason for the protected area status, i.e., areas designated to protect ecological values, cultural values or any other values deemed important by those who created the legal designation.

And we added a footnote to criterion 4.6.5 to make this clear that the criterion applies to all legal protected areas, including those designated to protect ecological values, cultural values or any other values deemed important by those who created the legal designation.

Also, we revised the requirements in criterion 4.6.5 to be more applicable to the various stages of exploration and development and deleted a requirement that related to existing mines.

Note that we have applied this criterion to Stage 1 Exploration. There are prohibitions and extra requirements related to protected areas that any company at that stage should consider before seeking exploration permits.

4.6.5.1. A company shall not seek exploration permits in any legally protected area unless the company:

- a. Demonstrates that the proposed development in such areas is legally permitted;
- b. Consults with protected area sponsors, managers and relevant stakeholders on the proposed exploration project;
- c. Develops a plan that demonstrates how exploration activities will be conducted in a manner consistent with protected area management plans for such areas; and
- d. Identifies additional conservation actions or programs that will be implemented to promote and enhance the conservation aims and/or effective management of the area.

4.6.5.2. A company shall not seek exploration permits in the following protected areas unless it meets 4.6.5.1.a through d, and an assessment, carried out or peer-reviewed by a reputable conservation organization and/or academic institution,<sup>146</sup> demonstrates that exploration activities will not damage the integrity of the special values for which the area was designated or recognized:

- International Union for Conservation of Nature (IUCN) protected areas designated as protected area management category IV;
- Ramsar sites that are not IUCN protected area management categories I-III; and
- Buffer zones of UNESCO biosphere reserves.

4.6.5.3. (Critical Requirement)

A company shall not seek exploration permits if exploration activities would be located in or might adversely affect the following protected areas:

- World Heritage Sites, and areas on a State Party's official Tentative List for World Heritage Site Inscription;
- IUCN protected area management categories I-III;
- Core areas of UNESCO biosphere reserves.

Stage 1

## NOTES

Although presented in a different format, many of the requirements in this chapter are meant to generally align with the International Finance Corporation's (IFC) Performance Standard 6—Biodiversity Conservation and Sustainable Management of Living Natural Resources, and also the KBA Partners' Guidelines on Business and Key Biodiversity Areas (KBAs).<sup>147</sup>

<sup>146</sup> E.g., Peer review should be undertaken by an academic institution or environmental NGO with experience in biodiversity assessments. Also, the personnel responsible for carrying out the peer-review or assessment are expected to be competent professionals (i.e., in-house staff or external consultants with relevant education, knowledge, proven experience and necessary skill-sets and training to carry out the required work. Competent professionals are expected to follow scientifically robust methodologies to carry out their work).

<sup>147</sup> IFC. 2012. Performance Standard 6— Biodiversity Conservation and Sustainable Management of Living Natural Resources with Guidance Notes. [https://www.ifc.org/wps/wcm/connect/a359a380498007e9a1b7f3336b93d75f/Updated\\_GN6-2012.pdf?MOD=AJPERES&KBA+Partners](https://www.ifc.org/wps/wcm/connect/a359a380498007e9a1b7f3336b93d75f/Updated_GN6-2012.pdf?MOD=AJPERES&KBA+Partners).



This chapter focuses on the conservation of the most important or critical areas of biodiversity (in some cases these have been designated as protected areas or Key Biodiversity Areas, in other cases they will not have been officially designated but still contain important biodiversity values). Despite this emphasis, it is expected that mines will minimize impacts on biodiversity and ecosystem services generally, according to the mitigation hierarchy (see 3.7.4.1). Similarly, while the objectives of no net loss and preferably net gain are explicitly required to be planned for in the case of impacts on important biodiversity values and priority ecosystem services, it is strongly encouraged that such objectives be considered for any impacts on biodiversity or ecosystem services (e.g., IFC PS6 states that in areas of natural habitat, mitigation measures will be designed to achieve no net loss of biodiversity where feasible).

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2018. Guidelines on Business and KBAs: Managing Risk to Biodiversity. <https://portals.iucn.org/library/sites/library/files/documents/2018-005-En.pdf>)

## Chapter 4.7—Cyanide Management (not relevant for Stage 1)

### NOTE TO REVIEWERS ON CHAPTER 4.7:

Cyanide should not be used at exploration projects other than for approved laboratory use such as for metallurgical testing. This section does not apply to cyanide for laboratory use or other de minimis testing purposes, and so the chapter is not applicable for Exploration Projects.

If proposed mining projects will use cyanide, then proposals will need to be checked to make sure they meet the requirements in this Chapter.

The requirements outlined below differ from the Mining Standard requirements, because at the Pre-Permitting, Permitting and Construction stages cyanide is not yet being used. As a result, several requirements have been removed.

## Chapter 4.8—Mercury Management (not relevant for Stage 1)

### NOTE TO REVIEWERS ON CHAPTER 4.8:

Emissions of mercury should not be an issue at exploration projects because mercury-bearing ores are unlikely to be treated in quantities large enough to create significant mercury emissions. And during these early stages companies will not be constructing on-site power generation facilities that use coal. So our proposal is that this chapter is not applicable for Exploration Projects.

# Glossary of Terms

**NOTE RE: GLOSSARY.** Some terms below are proposed additions from the Global Industry Standard on Tailings Management (GISTM).<sup>148</sup>

The IRMA Glossary of Terms is not intended to be a complete set of terms associated with mining best practices. However, in drafting the IRMA Standard it was sometimes necessary to develop or adopt rigorous terminology to ensure consistent interpretation and application of the Standard. These terms were added to this Glossary of Terms.

## Accessible

In reference to grievance mechanism or engagement processes, means being known to all stakeholder groups for whose use they are intended, and providing adequate assistance for those who may face particular barriers to access.

Source: Ruggie, J. 2011. *Guiding Principles on Business and Human Rights*.

## Accident (proposed in draft Mineral Processing Standard, and applied here)

An event that results in injury, ill health, fatality or damage to property or the environment.

## Acid Rock Drainage (ARD)

The drainage produced when rocks with sulfide or other acid-producing minerals are under oxidizing conditions (exposed to water and oxygen) and generate an acidic water stream. Acid rock drainage generally contains elevated concentrations of metals, sulfate, and other constituents and has a pH < 6. The terms acid mine drainage and acid and metalliferous drainage (both AMD) are sometimes used as synonyms for ARD.

## Actual Human Rights Impact

An adverse impact that has already occurred or is occurring.

## Accountable Executive PROPOSED

One or more executive (s) who is/ are directly answerable to the CEO on matters related to this Standard, communicates with the Board of Directors, and who is accountable for the safety of tailings facilities and for minimizing the social and environmental consequences of a potential tailings facility failure. The Accountable Executive(s) may delegate responsibilities but not accountability.

Source: GISTM (see Note Re: Glossary).

## Adaptive Management

Adaptive Management is a structured, iterative process of robust decision-making in the face of uncertainty, with an aim to reducing uncertainty over time via system monitoring. It includes the development of management practices based on clearly identified outcomes, and monitoring to determine if management actions are meeting desired outcomes. If outcomes are not being met, the process requires development and implementation of management changes to ensure that outcomes are met or re-evaluated.

Source: Adapted from US Forest Service. 2008. *National Forest System Land Management Planning. Final Rule*. Federal Register. Vol. 73, No. 77, §219.16.

## Adaptive Management for Tailings Facilities PROPOSED

A structured, iterative process of robust decision-making with the aim of reducing uncertainty over time via system monitoring. It includes the implementation of mitigation and management measures that are responsive to changing conditions, including those related to climate change, and the results of monitoring throughout the tailings facility lifecycle. The approach supports alignment on decisions about the tailings facility

<sup>148</sup> International Council on Mining and Metals (ICMM). 2021. Conformance Protocols: Global Industry Standard for Tailings Management. <https://www.icmm.com/en-gb/guidance/environmental-stewardship/tailings-conformance-protocols>

with the changing social, environmental and economic context and enhances opportunities to develop resilience to climate change in the short and long term.

Source: GISTM (see Note Re: Glossary).

### **Additional Conservation Actions**

A broad range of activities that are intended to benefit biodiversity, where the effects or outcomes can be difficult to quantify.

Source: Biodiversity A to Z website. <http://www.biodiversitya-z.org/themes/terms>

### **Adverse Human Rights Impact**

When an action removes or reduces the ability of an individual to enjoy his or her human rights.

### **Affected Community**

A community that is subject to potential risks or impacts from a project.

Source: Adapted from IFC. IFC Policy & Performance Standards and Guidance Notes. Glossary of Terms.

### **Air Quality Modeling**

Mathematical and numerical techniques used to simulate the physical and chemical processes that affect air pollutants as they disperse and react in the atmosphere. These include, for example: Air dispersion models, which are used to predict concentrations of pollutants at selected downwind receptor locations; and Receptor models, which use observational techniques and chemical and physical characteristics of gases and particles measured at source and receptor and to identify the presence of and to quantify source contributions to receptor concentrations.

Source: USEPA website: “Air Quality Models.” <https://www3.epa.gov/scram001/aqmindex.htm>

### **Alternatives Analysis PROPOSED**

An analysis that should objectively and rigorously consider all available options and sites for mine waste disposal. It should assess all aspects of each mine waste disposal alternative throughout the project life cycle (i.e., from construction through operation, closure and ultimately long-term monitoring and maintenance). The alternatives analysis should also include all aspects of the project that may contribute to the impacts associated with each potential alternative. The assessment should address environmental, technical and socio-economic aspects for each alternative throughout the project life cycle.

Source: GISTM (see Note Re: Glossary).

### **Ambient Air Quality**

The concentrations of pollutants (e.g., chemicals, particulate matter) in air (for IRMA’s purposes, outdoor air).

### **Area of Influence**

The area within which a project may potentially directly and indirectly cause impacts. The area of direct impacts caused by mining-related activities includes the physical mine site footprint, areas adjacent to the project site that are affected by emissions and effluents, power transmission corridors, pipelines, borrow and disposal areas, etc., and the area affected by associated facilities that, although not part of the project that is being assessed, would not have been constructed in the absence of the project. Areas indirectly affected by mining-related activities include the physical footprint of non-project activities in the surrounding area that are caused or stimulated by the project plus the area affected by their emissions and effluents.

Source: Adapted from Gullison et al. 2015. *Good Practices for the Collection of Biodiversity Baseline Data*.

### **Artisanal and Small-Scale Mining (ASM)**

Formal or informal operations with predominantly simplified forms of exploration, extraction, processing and transportation. ASM is normally low capital intensive and uses high labour intensive technology. ASM can include men and women working on an individual basis as well as those working in family groups, in partnership or as

members of cooperatives or other types of legal associations and enterprises involving hundreds or thousands of miners. For example, it is common for work groups of 4-10 individuals, sometimes in family units, to share tasks at one single point of mineral extraction (e.g. excavating one tunnel). At the organisational level, groups of 30-300 miners are common, extracting jointly one mineral deposit (e.g. working in different tunnels), and sometimes sharing processing facilities.

Source: OECD. 2016. *OECD Due Diligence Guidance on Responsible Mineral Supply Chains from Conflict Affected and High Risk Areas*.

### **Associated Facility**

Any facility owned or managed by the company that would not have been constructed, expanded or acquired but for the exploration or development of the mine (including ore processing facilities, stationary physical property such as power plants, port sites, roads, railroads, borrow areas, fuel production or preparation facilities, parking areas, shops, offices, housing facilities, storage facilities, etc.).

Source: Adapted from IFC. 2012. *Performance Standard 1* and other sources.

### **Avoidance**

See Mitigation Hierarchy

### **Background Water Quality**

Established after mining has commenced, it is the water quality in a similarly mineralized area outside of the mine's influence (e.g., surface water quality upstream of the mine site or upgradient for groundwater).

### **Baseline**

A description of existing conditions to provide a starting point (e.g. pre-project condition) against which comparisons can be made (e.g. post-impact condition), allowing the change to be quantified.

Source: Adapted from the Business and Biodiversity Offsets Programme. 2012. Glossary.

### **Baseline Air Quality**

Ambient air concentrations prior to mining project commencement due to emissions from both natural and human-caused sources.

Source: Adapted from BC Ministry of Environment. 2008. Guidelines for Air Quality Dispersion Modelling in British Columbia.

### **Baseline Water Quality**

The water quality at the site or in the area surrounding a proposed mining project, before mining-related activity has occurred.

### **Basin/Catchment/Watershed**

An area of land that drains all the streams and rainfall to a common outlet such as the outflow of a reservoir, mouth of a bay, or the mouth of a stream or river. The word basin, or "drainage basin" is sometimes used interchangeably with catchment or watershed.

### **Beneficial Owner**

The natural person(s) who ultimately owns or controls a company and/or on whose behalf a company is owned. It includes those persons who exercise ultimate effective control over a legal person or arrangement. Reference to "ultimately owns or controls" and "ultimate effective control" refer to situations in which ownership/control is exercised through a chain of ownership or by means of control other than direct control.

Source: Adapted from FATF Guidance: Transparency and Beneficial Ownership. 2014. Chapter III.

### **Best Available Techniques (BAT)**

Techniques that can most effectively achieve a high level of environmental protection and allow implementation in relevant sectors under economically and technically viable conditions. "Techniques" includes both the technology used and the way in which the installation is designed, built, maintained, operated and

decommissioned; “Available” techniques means those techniques that are accessible to the operator and that are developed on a scale that allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the costs and advantages; and “Best” means most effective in achieving a high general level of protection of the environment as a whole.

Source: Adapted from the *Stockholm Convention*. 2009.

### **Best Available Technology (BAT)**

Site-specific combination of technologies and techniques that are economically achievable and that most effectively reduce risks (e.g., physical, geochemical, ecological, social, financial and reputational) to an acceptable level during all stages of operation and closure, and support an environmentally and economically viable mining operation.

Source: Adapted from Mining Association of Canada. 2017. *A Guide to the Management of Tailings Facilities* (3rd Ed).

### **Best Available/Applicable Practice (BAP)**

Encompasses management systems, operational procedures, techniques and methodologies that, through experience and demonstrated application, have proven to reliably manage risk and achieve performance objectives in a technically sound and economically efficient manner. BAP is an operating philosophy that embraces continual improvement and operational excellence, and which is applied consistently throughout the life of a facility, including the post-closure period.

Source: Adapted from Mining Association of Canada. 2017. *A Guide to the Management of Tailings Facilities* (3rd Ed).

### **Best Environmental Practices**

The application of the most appropriate combination of environmental control measures and strategies.

Source: *The Stockholm Convention*. 2009.

### **Biodiversity/Biological Diversity**

The variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are a part; this includes diversity within species, between species and of ecosystems

Source: *Convention on Biological Diversity*. 1992, Article 2.

### **Biological Exposure Indices (BEI)**

The concentration of chemicals in the body that would correspond to inhalation exposure at a specific concentration in air.

Source: International Labour Organization (ILO) website. “Chemical exposure limits.”

### **Biosphere Reserves**

Biosphere reserves are areas comprising terrestrial, marine and coastal ecosystems. Each reserve promotes solutions reconciling the conservation of biodiversity with its sustainable use. Biosphere reserves are ‘Science for Sustainability support sites’ – special places for testing interdisciplinary approaches to understanding and managing changes and interactions between social and ecological systems, including conflict prevention and management of biodiversity. Biosphere reserves are nominated by national governments and remain under the sovereign jurisdiction of the states where they are located. Their status is internationally recognized.

Source: UNESCO.

### **Breach Analysis** **PROPOSED**

A study that assumes a failure of the tailings facility and estimates its impact. Breach Analyses must be based on credible failure modes. The results should determine the physical area impacted by a potential failure, flow arrival times, depth and velocities, duration of flooding, and depth of material deposition. The Breach Analysis is based on scenarios which are not connected to probability of occurrence. It is primarily used to inform emergency preparedness and response planning and the consequence of failure classification. The classification is then used to inform the external loading component of the design criteria.

Source: GISTM (see Note Re: Glossary).

### **Broad Community Support (BCS)**

A collective expression by the community in support of the mining project. Support may be demonstrated through credible (i.e., transparent, inclusive, informed, democratic) local government processes or other processes/methods agreed to by the community and company. There may be BCS even if some individuals or groups object to the business activity.

Source: Adapted from IFC. 2012. *IFC Sustainability Framework*. p. 7.

### **Business Relationships**

Relationships a business enterprise has with business partners, entities in a value chain, and any other non-State or State entity directly linked to its business operations, products or services. They include indirect business relationships in its value chain, beyond the first tier, and minority as well as majority shareholding positions in joint ventures.

Source: UN Office of the High Commissioner for Human Rights. 2012. *The Corporate Responsibility to Respect Human Rights: An Interpretive Guide*. p. 5.

### **Catastrophic Failure** **PROPOSED**

A tailings facility failure that results in material disruption to social, environmental and local economic systems. Such failures are a function of the interaction between hazard exposure, vulnerability, and the capacity of people and systems to respond. Catastrophic events typically involve numerous adverse impacts, at different scales and over different timeframes, including loss of life, damage to physical infrastructure or natural assets, and disruption to lives, livelihoods, and social order. Operators may be affected by damage to assets, disruption to operations, financial loss, or negative impact to reputation. Catastrophic failures exceed the capacity of affected people to cope using their own resources, triggering the need for outside assistance in emergency response, restoration and recovery efforts.

Source: GISTM (see Note Re: Glossary).

### **Certificate Holder**

The company that applies for IRMA certification and, if the application is successful, is issued with a certificate of compliance for a particular mine site. The certificate holder is responsible for ensuring that all the requirements of certification for the certified mine site are met on an ongoing basis, and for demonstrating this to the satisfaction of its certification body.

### **Certification Body**

Also known as a conformity assessment body, is an entity that performs auditing and conformity assessment services to determine if specified requirements are fulfilled (in this case conformity with the IRMA *Standard for Responsible Mining*).

Source: Adapted from ISO/IEC 17000:2005.

### **Chance Find**

A chance find procedure is a project-specific procedure that outlines the actions to be taken if previously unknown cultural heritage is encountered.

Source: IFC. 2012. *Performance Standard 8*. Footnote 2.

### **Child Labor**

Work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development.

Source: International Labour Organization (ILO) website: "What is child labour."

### **Collaboration**



The process of shared decision-making in which all stakeholders constructively explore their differences and develop a joint strategy for action. It is based on the premise that, through dialogue, the provision of appropriate information, collectively defined goals, and the willingness and commitment to find a solution acceptable to all parties, it is possible to overcome the initially limited perspectives of what is achievable and to reach a decision which best meets the interests of the various stakeholders. At this level, responsibility for decision-making is shared between stakeholders.

Source: Adapted from South Africa Dept. of Env. Affairs and Tourism. *Stakeholder Engagement*.

### **Company Union**

A workers' organization that is dominated or controlled by an employer.

### **Competent Authority**

The government department or other authority having power to issue and enforce regulations, orders or other instructions having the force of law in respect of the subject matter of the provision concerned.

Source: International Labour Organization (ILO). *Maritime Labour Convention, 2006*.

### **Competent Professionals**

In-house staff or external consultants with relevant education, knowledge, proven experience, necessary skills and training to carry out the required work. Competent professionals would be expected to follow scientifically robust methodologies that would withstand scrutiny by other professionals. Other equivalent terms used may include: competent person, qualified person, qualified professional. For independent reviews (in IRMA Chapter 4.1) competent professionals must not be in-house staff.

### **Comprehensible Manner**

In forms and languages that are easily understood by workers and/or other stakeholders.

Source: International Labour Organization (ILO). Code of Practice. *Ambient Factors in the Workplace*.

### **Conceptual Flow Model (CFM)**

A Conceptual Flow Model (CFM) is a description of sources and flow paths for groundwater flow through an aquifer from points of recharge to points of discharge. It may be a qualitative description with as much quantification as possible based on the descriptions.

Sources: Anderson and Woessner (1992). *Applied Groundwater Modeling: Simulation of Flow and Advective Transport*; Fetter CW (2001). *Applied Hydrogeology*, 4th Ed; and Myers T (2013). "Remediation scenarios for selenium contamination," *Hydrogeology Journal*.

### **Conceptual Site Model (CSM)**

A qualitative description, based on site measurements and observations, of what is known about the release, transport and fate of contaminants at a site. A CSM includes a schematic or diagram and an accompanying narrative description.

### **Confidential Business Information**

Material that contains trade secrets or commercial or financial information that has been claimed as confidential by its source. The information must be secret in the sense that it is not, as a body or in the precise configuration and assembly of its components, generally known among or readily accessible to persons within the circles that normally deal with the kind of information in question; it must have commercial value because it is secret; and it must have been subject to reasonable steps under the circumstances, by the person lawfully in control of the information, to keep it secret.

Sources: US EPA Terms and Acronyms Search, and World Intellectual Property Organization: "What is the international legal framework of trade secret protection?"

### **Conflict Analysis**

The systematic study of the profile, issues and stakeholders that shape an existing or potential conflict, as well as factors in the interaction between the three. It helps companies gain a better understanding of the environment in which they operate and their role in that context.

Source: Adapted from International Alert. 2005. *Conflict-sensitive Business Practice: Guidance for extractive industries*.

### Conflict Risk

Any conflicts that may emerge or be exacerbated because of a company's presence, activities or relationships; and the likelihood that such conflicts will occur. Conflicts may arise within or between communities and/or stakeholder groups, or between the company and communities/stakeholders.

### Conflict-Affected and High-Risk Areas

Areas identified by the presence of armed conflict, widespread violence, including violence generated by criminal networks, or other risks of serious and widespread harm to people. Armed conflict may take a variety of forms, such as a conflict of international or non-international character, which may involve two or more states, or may consist of wars of liberation, or insurgencies, civil wars. High-risk areas are those where there is a high risk of conflict or of widespread or serious abuses as defined in paragraph 1 of Annex II of the Guidance (link below). Such areas are often characterized by political instability or repression, institutional weakness, insecurity, collapse of civil infrastructure, widespread violence and violations of national or international law.

Source: OECD. 2016. *Due Diligence Guidance on Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*.

### Consequence Classification **PROPOSED**

Typically used in the water dam industry to assess potential downstream impacts if a hypothetical failure scenario were to occur. The results of consequence classification may be used to establish design criteria and review frequency in prescriptive water dam regulatory regimes. Typical regimes define five classes (e.g., extreme, very high, high, moderate significant and low) based on an evaluation of the potential downstream consequences of a facility breach and subsequent flow failure in terms of three criteria: (i) incremental loss of life and/or population at risk; (ii) environment and cultural values; and (iii) infrastructure and economics.

The GISTM included a draft consequence classification based on ICOLD included in Table 1 of Annex 2 (Table 4.1 in the IRMA-Ready standard). The GISTM differs from conventional water dam classification as it notes that classification is to be based upon credible failure modes versus purely hypothetical ones. Operators may elect to adopt a more conservative approach by adopting 'Extreme' external loading criteria. Consequence of failure should not be confused with risk of failure, which is determined by considering both consequence and likelihood of a credible failure scenario.

Source: GISTM (see Note Re: Glossary).

### Conservation Outcome

A conservation outcome is the result of a conservation intervention aimed at addressing direct threats to biodiversity or their underlying socio-political, cultural, and/or economic causes. Conservation outcomes are typically in the form of: (a) extinctions avoided (i.e. outcomes that lead to improvements in a species' national or global threat status); (b) sites protected (i.e. outcomes that lead to designation of a site as a formal or informal protection area, or to improvement in the management effectiveness of an existing protected area); and (c) corridors created (i.e. outcomes that lead to the creation of interconnected networks of sites at the landscape scale, capable of maintaining intact biotic assemblages and natural processes, and, thereby, enhancing the long-term viability of natural ecosystems). Conservation outcomes would also include any other intervention that leads to conservation gains.

Source: Business and Biodiversity Offsets Programme. 2012. Glossary.

### Conservation Values

The ecological, biological, geomorphological, geological, cultural, spiritual, scenic or amenity values, features, processes or attributes that are being conserved.

## Construction Records Report **PROPOSED**

Describes all aspects of the 'as-built' product, including all geometrical information, materials, laboratory and field test results, construction activities, schedule, equipment and procedures, Quality Control and Quality Assurance data, CDIV results, changes to design or any aspect of construction, non-conformances and their resolution, construction photographs, construction shift reports, and any other relevant information. Instruments and their installation details, calibration records and readings must be included in the CRR. Roles, responsibilities and personnel, including independent review should be documented. Detailed construction record drawings are fundamental.

Source: GISTM (see Note Re: Glossary).

## Consultation

An exchange of information between a company and its stakeholders that provides an opportunity for stakeholders to raise concerns and comment on the impacts and merits of a proposal or activity before a decision is made. In principle the company should take into account the concerns and views expressed by stakeholders in the final decision.

Source: Adapted from South Africa Department of Environmental Affairs and Tourism. *Stakeholder Engagement*.

## Contracted Workers

Workers engaged through third parties (for example contractors, brokers, agents, or intermediaries) who are performing work or providing services directly related to core business processes of the mining project for a substantial duration (i.e., employment other than on a casual or intermittent basis) who are geographically working at the project location. These workers may be engaged at any point during the mine life cycle (including prior to or during construction phase).

Source: IFC. 2012. *Performance Standard 2*. Guidance Notes.

## Contractor

An individual, company, or other legal entity that carries out duties related to a mining project that are subject to a contractual agreement that defines, for example, work, duties or services, pay, hours or timing, duration of agreement, and that remains independent for employment, tax, and other regulatory purposes. This includes sub-contractors.

## Control

An act, object (engineered) or system (combination of act and object) intended to prevent or mitigate an unwanted event.

Source: ICM. 2015. *Health and Safety Critical Control Management: Good Practice Guide*.

## Corporate Owner(s)

The corporation(s) or other business institution(s) including any private or state-run enterprises that have complete or partial financial interest in or ownership of a mining project.

## Credible Failure Modes / Scenarios **PROPOSED**

Refers to technically feasible failure mechanisms given the materials present in the structure and its foundation, the properties of these materials, the configuration of the structure, drainage conditions and surface water control at the facility, throughout its lifecycle. Credible failure modes can and do typically vary during the lifecycle of the facility as the conditions vary. A facility that is appropriately designed and operated considers all of these credible failure modes and includes sufficient resilience against each. Different failure modes will result in different failure scenarios. Credible catastrophic failure modes do not exist for all tailings facilities. The term 'credible failure mode' is not associated with a probability of this event occurring and having credible failure modes is not a reflection of facility safety.

Source: Global Industry Standard for Tailings Management (GISTM).

### Critical Cultural Heritage

Consists of: (i) the internationally recognized heritage of communities who use, or have used within living memory the cultural heritage for long-standing cultural purposes, (ii) legally protected cultural heritage areas, including those proposed by host governments for such designation; or (iii) natural areas with cultural and/or spiritual value such as sacred groves, sacred bodies of water and waterways, sacred trees, and sacred rocks.

Source: Adapted from IFC. 2012. *Performance Standard 7*, Para. 16; and *Performance Standard 8*, Para. 13.

### Critical Habitat

Areas with high biodiversity value, including but not necessarily limited to: (i) habitat of significant importance to critically endangered, endangered species; (ii) habitat of significant importance to endemic and/or restricted-range species; (iii) habitat supporting globally significant concentrations of migratory and/or congregatory species; (iv) highly threatened and/or unique ecosystems; and/or (v) areas associated with key evolutionary processes. Other recognized high biodiversity values might also support a critical habitat designation, based on case-by-case evaluation.

Source: Adapted from IFC. 2012. *Performance Standard 6*, Para. 13 and GN55, GN56, 57.

### Critical Control

An action, object (engineered) or system (combination of action and object) put in place to prevent or reduce the likelihood of an unwanted event, or to minimize or mitigate the negative consequences if an unwanted event occurs, in particular for high-consequence risks.

Sources: Adapted from ICMM. 2015. *Health and Safety Critical Control Management: Good Practice Guide*, and Mining Association of Canada. 2017. *A Guide to the Management of Tailings Facilities (3rd Ed)*.

### Cumulative Impacts

Additive, synergistic, interactive or nonlinear outcomes of multiple development or disturbance events that aggregate over time and space.” Examples of cumulative impacts (or effects) may include: reduction of water flows in a watershed due to multiple withdrawals; increases in sediment loads to a watershed over time; interference with migratory routes or wildlife movement; or more traffic congestion and accidents due to increases in vehicular traffic on community roadways.

Source: Adapted from International Association for Impact Assessment. 2005. *Biodiversity Impact Assessment*. Special Publication Series No. 3, with examples from IFC. 2012. *Performance Standard 1*, page 4, footnote 16.

### Cumulative Impacts (on biodiversity)

Cumulative impacts refer to the incremental impacts of the mining project on biodiversity values, when also considering other current and reasonably foreseeable future stressors affecting a biodiversity value in the landscape. Cumulative impacts can be similar in type (e.g., emissions to air from multiple projects) or distinct (e.g., the cumulative effect of habitat loss, habitat fragmentation, and vehicular mortality on wildlife).

Source: Adapted from Gullison et al. 2015. *Good Practices for the Collection of Biodiversity Baseline Data*.

### Design Basis Report **PROPOSED**

Provides the basis for the design, operation, construction, monitoring and risk management of a tailings facility.

### Dewatering (of mines)

The extraction of water to lower the water table to a level lower than the deepest point of the mine, thereby keeping the mine dry.

### Direct/Indirect Impacts

Direct impacts are those caused by activities that are undertaken, and facilities that are owned and managed by the mining company. Indirect impacts are those that are caused or stimulated by the mining project's presence (e.g., impacts related to the influx of workers or others seeking economic opportunities due to the mine development).

Source: Adapted from Gullison et al. 2015. *Good Practices for the Collection of Biodiversity Baseline Data*.

## Displacement

A process by which projects cause people to lose land or other assets, or access to resources. This may result in physical dislocation, loss of income, or other adverse impacts.

Source: World Bank website: “What is Involuntary Resettlement?”

## Ecological Processes

Biophysical processes (e.g., hydrologic regimes, local climatic regimes, soil chemistry/nutrient cycling, fires, floods and other natural disturbance regimes, herbivory, predation, ecological corridors, migration routes) necessary for the habitat to persist in a landscape or seascape for the long term.

Source: Adapted from IFC. 2012. *Performance Standard 6*. Guidance Note.

## Economic Displacement

The loss of assets or access to assets that leads to a loss of income sources or other means of livelihood (i.e., the full range of means that individuals, families, and communities utilize to make a living, such as wage-based income, agriculture, fishing, foraging, other natural resource-based livelihoods, petty trade, and bartering). Economic displacement results from an action that interrupts or eliminates people’s access to jobs or productive assets, whether or not the affected persons must move to another location.

Source: Adapted from IFC. 2012. *Performance Standard 5*.

## Ecosystem

A dynamic complex of plant, animal and micro-organism communities, and their non-living environment, interacting as a functional unit.

Source: Convention on Biological Diversity 1992, Art. 2.

## Ecosystem Services

The benefits people obtain from ecosystems. These include provisioning services such as food, water, timber, and fibre; regulating services that affect climate, floods, disease, wastes, and water quality; cultural services that provide recreational, aesthetic, and spiritual benefits; and supporting services such as soil formation, photosynthesis, and nutrient cycling.

Source: Business and Biodiversity Offsets Programme. 2012. Glossary.

## Endangered Species

A species that is not Critically Endangered but is facing a very high risk of extinction in the wild in the near future, as defined by IUCN.

Source: Adapted from IUCN Red List.

## Engineer of Record **PROPOSED**

The qualified engineering firm responsible for confirming that the tailings facility is designed, constructed, and decommissioned with appropriate concern for integrity of the facility, and that it aligns with and meets applicable regulations, statutes, guidelines, codes, and standards. The Engineer of Record may delegate responsibility but not accountability. In some highly-regulated jurisdictions, notably Japan, the role of EOR is undertaken by the responsible regulatory authorities.

Source: GISTM (see Note Re: Glossary).

## Enhancement (of biodiversity values)

The improvement of the ability of a degraded ecosystem to support biodiversity, through conservation measures such as alteration to the soils, vegetation and / or hydrology. The term is sometimes used for a type of restoration that enhances the biodiversity present but is not couched in terms of restoring the ecosystem to some prior state.

Source: Business and Biodiversity Offsets Programme. 2012. Glossary.

## Equitable

In reference to grievance mechanism, means seeking to ensure that aggrieved parties have reasonable access to sources of information, advice and expertise necessary to engage in a grievance process on fair, informed and respectful terms.

Source: Ruggie, J. 2011. *Guiding Principles on Business and Human Rights*.

## Existing Mine

A mine that was operational prior to the date that the IRMA Certification System becomes operational (estimated late 2019).

## Exploration Activity

Any landscape disturbance by a mining company to ascertain whether a deposit is economically viable, including drilling, trenching and road construction.

## Facilitation Payment **PROPOSED**

Sums of money paid to get preferential treatment for something the receiver is otherwise still required to do—for example, paying an official to speed up, or ‘facilitate’, an authorization process.

Source: Responsible Jewellery Council. 2019. Code of Practices Guidance.

## Facility

The term facility is widely utilized in this Standard, and for the most part is associated with a specific type of facility that is that is self-described (e.g., stormwater facilities, waste rock facilities, tailings facility, etc.). However, in a number of instances the term facility is used more generically. For example, “mine facilities” include any facilities owned by the company that are located on the mine-lease property.

## Financial Assurance **PROPOSED to replace Financial Surety (below)**

A financial mechanism or instrument to provide funds for a regulatory authority (or government agency) to hire a third-party to carry out reclamation, decommissioning, monitoring, cleanup or other activities at a specific facility or site if the responsible entity is unable or unwilling to perform required actions.

## Financial Surety **PROPOSED to be replaced by Financial Assurance (above)**

Reclamation Financial Surety – a financial surety instrument that covers all costs associated with mine closure, at a minimum for the cost of existing and anticipated/predicted mine facilities for the subsequent 12 months, and which shall be independently guaranteed, reliable, and readily liquid. See also Post-Closure Financial Surety for the period following reclamation.

## Forced Eviction

The permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection

Source: United Nations Committee on Economic, Social and Cultural Rights. 1997. *Basic Principles and Guidelines on Development-Based Evictions and Displacement*.

## Forced Labor

Any work or service not voluntarily performed that is exacted or coerced from an individual under threat of force or penalty. This covers any kind of involuntary or compulsory labor, such as indentured labor, bonded labor or similar labor-contracting arrangements required to pay off a debt; or slavery or slavery-like practices. It also includes requirements of excessive monetary deposits, excessive limitations on freedom of movement, excessive notice periods, substantial or inappropriate fines, and loss or delay of wages that prevent workers from voluntarily ending employment within their legal rights.

Source: Adapted from IFC. 2012. *Performance Standard 2*. Guidance Note 2, GN67.

### **Free, Prior and Informed Consent (FPIC)**

Consent based on: engagement that is free from external manipulation, coercion and intimidation; notification, sufficiently in advance of commencement of any activities, that consent will be sought; full disclosure of information regarding all aspects of a proposed project or activity in a manner that is accessible and understandable to the people whose consent is being sought; acknowledgment that the people whose consent is being sought can approve or reject a project or activity, and that the entities seeking consent will abide by the decision.

### **Free, Prior and Informed Consent (FPIC) Scoping**

Identification of the indigenous peoples that need to be involved in an FPIC process, and an evaluation of the information and capacity needs that must be addressed in order for indigenous peoples to make a free, prior and informed consent decision.

### **Grievance**

A perceived injustice evoking an individual's or a group's sense of entitlement, which may be based on law, contract, explicit or implicit promises, customary practice, or general notions of fairness of aggrieved communities.

Source: Ruggie, J. 2011. *Guiding Principles on Business and Human Rights*.

### **Grievance Mechanism**

Any routinized, State-based or non-State-based, judicial or non-judicial process through which mining-project-related complaints or grievances, including business-related human rights abuses stakeholder complaints, and/or labor grievances, can be raised and remedy can be sought.

Source: Ruggie, J. 2011. *Guiding Principles on Business and Human Rights*.

### **Ground Vibration**

The level of vibration (peak particle velocity) measured in mm/second in the ground. The measurement point should be at least the longest dimension of the foundations of a building or structure away from the building or structure, if possible. If this is not possible, the measurement point should be as far from the building or structure as is practical.

Source: Adapted from Victoria (Australia) State Government. *Ground Vibration and Airblast Limits for Blasting in Mines and Quarries*.

### **Habitat**

A terrestrial, freshwater, or marine geographical unit or airway that supports assemblages of living organisms and their interactions with the non-living environment. The place or type of site where an organism or population naturally occurs.

Sources: IFC. 2012. *Performance Standard 6; Convention on Biological Diversity*, Article 2.

### **Hazard (in relation to the workplace):**

A potential source of harm or adverse health effect on something or someone under certain conditions at work.

Source: Canadian Centre for OHS website: "Hazard and Risk."

### **Hazardous Work (in relation to child labor)**

Work that, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

Source: ILO. 1999. *Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour*. No. 182. Article 3 (d).

### **Health Surveillance**

Procedures and investigations to assess workers' health in order to detect and identify an abnormality. The results of surveillance should be used to protect and promote health of the individual, collective health at the

workplace, and the health of exposed working population. Health assessment procedures may include, but are not limited to, medical examinations, biological monitoring, radiological examinations, questionnaires or a review of health records.

Source: ILO. 1997. *Technical and Ethical Guidelines for Workers Health Surveillance*. OSH No. 72.

### **Heap Leach/Heap Leaching**

An industrial mining process to extract precious metals, copper and other compounds from ore. Typically, mined ore is crushed and heaped on an impermeable leach pad, and chemicals (reagents) are applied that percolate through the ore and absorb specific minerals and metals. The solution is collected and target metals are recovered from the solution.

### **Holding Costs**

The costs that would be incurred by a regulatory agency immediately after bankruptcy of a company responsible for maintaining a mine site, and before reclamation begins. Examples of such costs include continuing water treatment, routine maintenance, and the other operating costs involved with holding a piece of severely disturbed land.

### **Host Communities**

With respect to resettlement, any communities receiving displaced persons.

Source: IFC. 2012. *Performance Standard 5*.

### **Host Country Law**

May also be referred to as national law, if such a phrase is used in reference to the laws of the country in which the mining project is located. Host country law includes all applicable requirements, including but not limited to laws, rules regulations, and permit requirements, from any governmental or regulatory entity, including but not limited to applicable requirements at the federal/national, state, provincial, county or town/municipal levels, or their equivalents in the country where the mine is located. The primacy of host country laws, such as federal versus provincial, is determined by the laws of the host country.

### **Human Rights Defenders**

Any person or group of persons working to promote human rights and contributing to the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals. Defenders can be of any gender, of varying ages, from any part of the world and from all sorts of professional or other backgrounds, i.e., not only found within NGOs and intergovernmental organizations but might also, in some instances, be government officials, civil servants or members of the private sector and individuals working within their local communities.

Source: Adapted from UN Office of the High Commissioner for Human Rights website: “Who is a defender.”

### **Human Rights Risks**

Human rights risks are understood to be the business enterprise’s potential adverse human rights impacts. (May also be referred to as potential human rights impacts).

Source: Ruggie, J. 2011. *Guiding Principles on Business and Human Rights*. Commentary on Principle 17.

### **Hyporheic Zone**

A region beneath and alongside a streambed, where there is mixing of shallow groundwater and surface water.

### **Important Biodiversity Values**

The particular biodiversity elements or features, such as individual species, assemblages of species, particular ecological processes, etc., that trigger an area’s designation as having significant biodiversity value (e.g., designation as critical habitat, a Key Biodiversity Area, a Protected Area), as well as the ecological context needed to support the maintenance of the trigger elements.

Source: Adapted from IUCN.



## In Kind Payments

Payments made to a government (e.g. royalty) in the form of the actual commodity (oil, gas, or minerals) instead of cash.

Source: Extractives Industries Transparency Initiative (EITI) Glossary.

## Incident **(proposed in draft Mineral Processing Standard, and applied here)**

An unexpected event that disrupts regular work activity. A “near miss” (or close call, injury-free event, near accident, etc.) is a sub-set of incidents where no harm.

## Inclusive

In the context of stakeholder engagement, means that engagement includes men, women, the elderly, youth, displaced persons, vulnerable and disadvantaged persons or groups.

Source: Adapted from IFC. 2012. *Performance Standard 1*.

## Independent Review **PROPOSED**

Independent, objective, expert commentary, advice, and, potentially, recommendations to assist in identifying, understanding, and managing risks associated with tailings facilities. This information is provided to the Operator to:

- Facilitate informed management decisions regarding tailings management so that tailings-related risks are managed responsibly and in accordance with an acceptable standard of care.
- Ensure that the Accountable Executive has a third-party opinion regarding the risks and the state of the tailings facility and the implementation of the tailings management system, independent of the teams (employees, consultants, and contractors) responsible for planning, designing, constructing, operating, and maintaining the facility.

Source: GISTM (see Note Re: Glossary).

## Independent Tailings Review Board **PROPOSED**

A board that provides independent technical review of the design, construction, operation, closure and management of tailings facilities. The independent reviewers are third-parties who are not, and have not been directly involved with the design or operation of the particular tailings facility. The expertise of the ITRB members shall reflect the range of issues relevant to the facility and its context and the complexity of these issues. In some highly regulated jurisdictions, notably Japan, the role of ITRB is undertaken by the responsible regulatory authorities.

Source: GISTM (see Note Re: Glossary).

## Indigenous Peoples

An official definition of “indigenous” has not been adopted by the UN system due to the diversity of the world’s indigenous peoples. Instead, a modern and inclusive understanding of “indigenous” includes peoples who: identify themselves and are recognized and accepted by their community as indigenous; demonstrate historical continuity with pre-colonial and/or pre-settler societies; have strong links to territories and surrounding natural resources; have distinct social, economic or political systems; maintain distinct languages, cultures and beliefs; form non-dominant groups of society; and resolve to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities. In some regions, there may be a preference to use other terms such as: tribes, first peoples/nations, aboriginals, ethnic groups, Adivasi and Janajati. All such terms fall within this modern understanding of “indigenous.”

Source: United Nations Permanent Forum on Indigenous Issues, Fifth Session, “Fact Sheet 1: indigenous peoples and Identity.”

## Indigenous Peoples Living in Voluntary Isolation

Indigenous peoples or segments of indigenous peoples who do not maintain sustained contacts with the majority non-indigenous population, and who generally reject any type of contact with persons not part of their own people.<sup>10</sup> They may also be peoples or segments of peoples previously contacted and who, after intermittent contact with the non-indigenous societies, have returned to a situation of isolation and break the relations of contact that they may have had with those societies.

Source: Inter-American Commission on Human Rights. *Indigenous peoples in Voluntary Isolation and Initial Contact in the Americas: Recommendations for the Full Respect of their Human Rights*.

### **Inform**

The provision of information to inform stakeholders of a proposal, activity or decision. The information provided may be designed to help stakeholders in understanding an issue, alternatives, solutions or the decision-making process. Information flows are one-way. Information can flow either from the company to stakeholders or vice versa.

Source: Adapted from South Africa Dept. of Env. Affairs and Tourism. *Stakeholder Engagement*.

### **Intangible Cultural Heritage**

Knowledge, innovations and/or practices, including oral expressions of folklore, performing arts, rituals, festivals, that are inherited from past generations, maintained in the present and bestowed for the benefit of future generations.

### **International Accounting Standards**

Several accounting standards are commonly recognized as an international accounting standard; for example, the International Financial Reporting Standards (IFRS), which are set by the International Accounting Standards Board (IASB).

Source: *Extractives Industries Transparency Initiative (EITI) Standard*. 2013.

### **Involuntary Resettlement**

Physical displacement (relocation or loss of shelter) and to economic displacement (loss of assets or access to assets that leads to loss of income sources or other means of livelihood) as a result of project-related land acquisition and/or restrictions on land use. Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in physical or economic displacement. This occurs in cases of (i) lawful expropriation or temporary or permanent restrictions on land use and (ii) negotiated settlements in which the buyer can resort to expropriation or impose legal restrictions on land use if negotiations with the seller fail.

Source: IFC. 2012. *Performance Standard 5*.

### **Key Biodiversity Areas (KBA)**

Sites that contribute to the global persistence of biodiversity, including vital habitat for threatened or geographically restricted plant and animal species in terrestrial, freshwater and marine ecosystems.

Source: IUCN.

### **Landscape**

A geographical mosaic composed of interacting ecosystems resulting from the influence of geological, topographical, soil, climatic, biotic and human interactions in a given area.

Source: IUCN.

### **Legitimate**

In reference to grievance mechanism, means enabling trust from the stakeholder groups for whose use they are intended, and being accountable for the fair conduct of grievance processes.

Source: Ruggie, J. 2011. *Guiding Principles on Business and Human Rights*.

### **Leverage**

Leverage is an advantage that gives power to influence. In the context of Chapter 1.3, it refers to the ability to effect change in the wrongful practices of the party that is causing or contributing to an adverse human rights impact.

Source: UN Office of the High Commissioner for Human Rights. 2012. *The Corporate Responsibility to Respect Human Rights: An Interpretive Guide*.

### **Lin Peak/Linear Peak**

The maximum level of air pressure fluctuation measured in decibels without frequency weighting.

### **Livelihood**

The full range of means that individuals, families, and communities utilize to make a living, such as wage-based income, agriculture, fishing, foraging, other natural resource-based livelihoods, petty trade, and bartering.

Source: IFC. 2012. *Performance Standard 5*.

### **Livelihood Restoration Plan**

A plan that establishes the entitlements (e.g., compensation, other assistance) of affected persons and/or communities who are economically displaced, in order to provide them with adequate opportunity to reestablish their livelihoods.

### **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: Social Accountability International. 2014. *SA8000 Standard*.

### **Long-Term Water Treatment**

Long-term water treatment is defined as any water treatment that requires active water treatment after mine closure. After mine closure long-term water treatment is assumed to be required until it can be empirically demonstrated that water treatment is no longer needed.

### **Material Payments**

If not defined in a mandatory transparency regime or through an EITI country-specific multi-stakeholder process, material payments are those that exceed US\$100,000 (or its equivalent in other currencies). Payments may occur as a single installment or be the aggregate of a series of related payments that are made in the same fiscal/financial year. Material payments may be monetary or in kind.

### **Mercury Emission Control System**

Any system that will limit mercury emissions (either designed specifically for mercury, or mercury capture is a co-benefit), including sorbent technologies that can remove mercury from the gas stream during processing, or oxidation technologies that will increase the percentage of particulate-bound mercury removed by particulate scrubbers.

### **Mercury Waste**

Wastes consisting of, containing, or contaminated with mercury (i.e., elemental mercury (Hg(0)) or mercury compounds.

Source: *Basel Convention*. Technical Guidelines.

### **Metals Leaching**

The release of metals by contact with solvents. Leaching may be natural or induced (e.g., related to mining operations). Mining commonly accelerates metal leaching. Metals leaching can also be referred to as “contaminant” leaching.

## Mine Closure

A period of time when ore-extracting and processing activities of a mine have ceased, and final decommissioning and mine reclamation are occurring. It typically includes pre-closure (detailed closure design and planning), closure (actual activities of closure of mine workings and construction/decommissioning) and post-closure (mainly long-term reclamation, monitoring, and treatment) periods, each with its own specific activities.

## Mine Waste Facility

Facilities that contain, store, are constructed of, or come in contact with wastes that are generated or created during mining (e.g., waste rock, pit walls, pit floors or underground workings, runoff or discharge from exposed mined areas) and mineral processing (e.g., tailings, spent ore, effluent). These facilities include, but are not limited to open pits, underground mine workings and subsidence areas, waste rock facilities, tailings storage facilities, heap leach facilities, process water facilities, stormwater facilities, borrow areas for construction and/or reclamation, water treatment facilities, and water supply dams/impoundments.

## Mineralized Wastes **PROPOSED**

Any wastes that contain residual minerals or metals that are generated or created from mining or mineral processing operations, including, but not limited to, tailings, waste rock, smelter slag, baghouse dust, wet scrubber slurry and ash.

## Mining Impacted Waters (MIW)

Any water whose chemical composition has been affected by mining or mineral processing. Also referred to as mining influenced waters or mine impacted waters. Includes acid rock drainage (ARD), acid mine drainage or acid and metalliferous drainage (AMD), neutral mine drainage, saline drainage, and metallurgical process waters of potential concern. A key characteristic of most mining impacted waters (also known as mining influenced waters) is that they contain elevated metals that have leached from surrounding solids (e.g., waste rock, tailings, mine surfaces, or mineral surfaces in their pathways). This fact is commonly acknowledged by the phrase “metals leaching” (ML), frequently resulting in acronyms such as ARD/ML.

## Mining Project. **PROPOSED REVISION**

Any set of activities undertaken for the purpose of extracting mineral resources, and the infrastructure required to support these activities. Mining projects may include exploration, [associated mineral processing](#), mine construction, mining, mine closure, post-closure and related activities either as separately or in combination.

## Mining-Related Activities

Physical activities (e.g., land disturbance and clearing, road building, sampling, airborne surveys, facility construction, ore removal, ore processing, waste management, reclamation, etc.) carried out during any phase of the mine life cycle (planning, impact assessment, exploration, mine construction, mining, mine closure, post-closure).

## Mitigation (including in relation to Human Rights Impacts)

Actions taken to reduce the likelihood of a certain adverse impact occurring. The mitigation of adverse human rights impacts refers to actions taken to reduce its extent, with any residual impact then requiring remediation. Source: Adapted from UN Office of the High Commissioner for Human Rights. 2012. *The Corporate Responsibility to Respect Human Rights: An Interpretive Guide*.

## Mitigation Hierarchy

The mitigation hierarchy is a set of prioritized steps to alleviate environmental (or social) harm as far as possible through avoidance, minimization and restoration of adverse impacts. Compensation/offsetting are only considered to address residual impacts after appropriate avoidance, minimization and restoration measures have been applied. The biodiversity mitigation hierarchy is as follows (but the steps can be applied for any environmental or social impacts):

- i. Avoidance:* measures taken to avoid creating impacts from the outset, such as careful spatial or temporal placement of elements of infrastructure, in order to completely avoid impacts on certain components of biodiversity. This results in a change to a 'business as usual' approach.
- ii. Minimization:* Measures taken to reduce the duration, intensity and/or extent of impacts that cannot be completely avoided, as far as is practically feasible.
- iii. Restoration:* measures taken to assist the recovery of ecosystems that have been degraded, damaged or destroyed. Involves altering an area in such a way as to re-establish an ecosystem's composition, structure and function, usually bringing it back to its original (pre-disturbance) state or to a healthy state close to the original.
- iv. Offset:* Measurable conservation outcomes resulting from actions designed to compensate for significant residual adverse impacts on biodiversity arising from project development after appropriate prevention and mitigation actions have been taken. The goal of biodiversity offsets is no net loss or a net gain of biodiversity on the ground with respect to species composition, habitat structure, ecosystem function and people's use and cultural values associated with biodiversity.

### **Mixing Zone**

A volume of surface water or groundwater containing the point or area of discharge and within which an opportunity for the mixture of wastes with receiving surface waters or groundwaters has been afforded, and where water quality is allowed to exceed otherwise specified standards.

Source: Adapted from US Environmental Protection Agency.

### **Modified Habitat**

Areas that may contain a large proportion of plant and/or animal species of non-native origin, and/or where human activity has substantially modified an area's primary ecological functions and species composition. (This excludes habitat that has been converted in anticipation of the project.) Modified habitats may include areas managed for agriculture, forest plantations, reclaimed coastal zones, and reclaimed wetlands.

Source: IFC. 2012. *Performance Standard 6*.

### **Natural Habitat**

Areas composed of viable assemblages of plant and/or animal species of largely native origin, and/or where human activity has not essentially modified an area's primary ecological functions and species composition.

Source: IFC. 2012. *Performance Standard 6*.

### **Natural Seep/Spring**

A natural seep is a moist or wet place where water reaches the earth's surface from an underground aquifer. Seeps are usually not of sufficient volume to be flowing much beyond their above-ground location.

A natural spring is a discharge of water formed when the side of a hill, a valley bottom or other excavation intersects a flowing body of groundwater at or below the local water table, below which the subsurface material is saturated with water. A natural spring is differentiated from a seep in that water flows at a greater rate from an aquifer to the earth's surface.

Source: Adapted from USGS and others.

### **New Mine**

A mine that becomes operational and applies for IRMA certification after the date that the IRMA Certification System becomes operational (estimated late 2019).

### **No Net Loss and Net Gain (of biodiversity)**

Targets for development projects in which the impacts on biodiversity caused by the project are balanced or outweighed by measures taken to first avoid and minimize the impacts, then to undertake on-site rehabilitation and/or restoration, and finally to offset the residual impacts (if appropriate). No net loss, in essence, refers to the point where biodiversity gains from targeted conservation activities match the losses of biodiversity due to the impacts of a specific development project, so that there is no net reduction overall in the type, amount and

condition (or quality) of biodiversity over space and time. A net gain (sometimes referred to as Net Positive Impact) means that biodiversity gains exceed a specific set of losses.

#### **Non-replicable Cultural Heritage** PROPOSED

May relate to the social, economic, cultural, environmental, and climatic conditions of past peoples, their evolving ecologies, adaptive strategies, and early forms of environmental management, where the (i) cultural heritage is unique or relatively unique for the period it represents, or (ii) cultural heritage is unique or relatively unique in linking several periods in the same site.

Source: IFC Performance Standard 8.

#### **Occupational Exposure Limit (OEL)**

An upper limit on the acceptable concentration of a hazardous substance in workplace air for a particular material (e.g., gases, vapors and particles). It is typically set by competent national authorities and enforced by legislation to protect occupational safety and health.

Sources: ILO and others.

#### **Offset**

Measurable conservation outcomes resulting from actions designed to compensate for significant residual adverse impacts on biodiversity arising from project development after appropriate prevention and mitigation actions have been taken. The goal of biodiversity offsets is no net loss or a net gain of biodiversity on the ground with respect to species composition, habitat structure, ecosystem function and people's use and cultural values associated with biodiversity. (See also Mitigation Hierarchy)

#### **Operating Company**

An operating entity, effectively in control of managing a mine site, or close agglomeration of sites within one operating entity, especially if there are shared facilities.

#### **Operational-Level Grievance Mechanism**

An operational- or project-level grievance mechanism is a formalized means through which individuals or groups can raise concerns about the impact an enterprise has on them—including, but not exclusively, on their human rights—and can seek remedy.

Source: Ruggie, J. 2011. *Guiding Principles on Business and Human Rights*.

#### **Operations, Maintenance and Surveillance Manual** PROPOSED

Describes the performance indicators and criteria for risk controls and critical controls, and the ranges of performance linked to specific pre-defined management actions. An OMS manual also describes the procedures for collecting, analysing and reporting surveillance results in a manner consistent with the risk controls and critical controls and that supports effective, timely decision-making. The link between OMS activities and critical controls management underscores the fact that it is essential that OMS Manuals be developed to reflect site-specific conditions and circumstances. An OMS Manual cannot be purchased 'off-the-shelf'. To be effective, it must be tailored to the site.

Source: GISTM (see Note Re: Glossary).

#### **Peak Particle Velocity**

The instantaneous sum of the velocity vectors (measured in millimetres per second) of the ground movement caused by the passage of vibration from blasting.

#### **Pit Lake**

Lake formed in a mine pit when mine dewatering pumpage ceases.

#### **Point of Compliance**

For IRMA purposes, is the physical location where water quality must meet IRMA use-based standards (See IRMA Water Quality By End-Use Tables 4.2.a – 4.2.h). The location will vary based on the following scenarios:

*Surface water compliance points:* are located where point source discharges enter surface waters. Points of compliance for non-point-source discharges are located downstream of but as close as practicable to known mine-related nonpoint sources.

*Groundwater compliance points:* are located outside the groundwater capture zone (which extends from the land surface to the depth at which groundwater is not affected by mining activities) or area of hydrologic control for mine facilities or sources but as close as practicable to those sources.

*Stormwater compliance locations:* are in industrial stormwater collection impoundments when water is present.

*If a mixing zone is used:* the point of compliance is at the downstream or downgradient edge of the mixing zone. The edge of the mixing zone is where the diluted plume meets background water quality. In no case shall mine-related contaminants extend beyond the mine boundary, unless a mixing zone authorized by a regulatory agency extends beyond the boundary.

*If a mine is providing water to another entity for a designated use:* the water must meet IRMA use-based standards, or legal documentation must be received from the entity verifying that they will be responsible for treating water to meet use-based standards.

### Post-Closure

The period after the reclamation surety holder declares the activities required by the reclamation and closure plan are complete; any significant objections raised during the public comment period on the final release of the financial surety have been resolved; and the reclamation surety has been returned to the operator, or it has been converted to a post-closure trust fund or equivalent (i.e., if there is a need to fund long-term management and monitoring of the site). This phase continues until final sign-off and relinquishment can be obtained from the regulator and stakeholders.

### Post-Reclamation **PROPOSED**

The period following the reconversion of land and/or water resources to productive use or the potential for productive use.

### Potential Human Rights Impact

An adverse impact on human rights that may occur but has not yet done so. (May also be referred to as human rights risk).

Source: Adapted from UN Office of the High Commissioner for Human Rights. 2012. *The Corporate Responsibility to Respect Human Rights: An Interpretive Guide*.

### Potentially Affected Indigenous Peoples **PROPOSED**

Indigenous peoples who own, occupy or otherwise use land, territories or resources or have rights that may be affected by a mineral exploration or development project.

### Practicable

Practicable means giving equal weight to environmental, social, and economic benefits and costs. This is not a technical definition. It is the discussion between the affected parties on the balance between these interrelated costs and benefits that is important.

### Predictable

In reference to grievance mechanism, means providing a clear and known procedure with an indicative time frame for each stage, and clarity on the types of process and outcome available and means of monitoring implementation.

Source: Ruggie, J. 2011. *Guiding Principles on Business and Human Rights*.

### Preliminary Design **PROPOSED**

For the purpose of Requirement 4.1.5.1 in the IRMA-Ready Standard, preliminary design is a design performed to a level of detail sufficient to determine the differences between viable designs that adopt different external loading design criteria in terms of required footprints, volumes and drainage requirements.

Source: GISTM (see Note Re: Glossary).

### Priority Ecosystem Services

Ecosystem services are considered priority under the following circumstances: (i) Project operations are likely to result in a significant impact on the ecosystem service; the impact will result in a direct adverse impact on affected communities' livelihood, health, safety and/or cultural heritage; and the project has direct management control or significant influence over the service; or (ii) The project directly depends on the service for its primary operations; and the project has direct management control or significant influence over the service.

Source: IFC. 2012. *Performance Standard 6*.

### Process Water

Water that is used to process ore using hydrometallurgical extraction techniques. It commonly contains process chemicals.

Source: Lottermoser, B. 2010. *Mine Wastes: Characterization, Treatment and Environmental Impacts*.

### Project Development Activities **PROPOSED**

Field- and office-based activities carried out during the pre-permitting and permitting stages to develop a mine proposal, support the environmental and social impact assessment of a proposal, generate information necessary to fulfill regulatory and permitting requirements, engage with stakeholders and rights holders, and maintain company operations.

### Protected Area / Protected Area Management Categories (IUCN)

A clearly defined geographical space, recognized, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values. The definition is expanded by six "protected area management categories" (one with a sub-division), summarized below.

Ia *Strict nature reserve*: Strictly protected for biodiversity and also possibly geological/ geomorphological features, where human visitation, use and impacts are controlled and limited to ensure protection of the conservation values

Ib *Wilderness area*: Usually large unmodified or slightly modified areas, retaining their natural character and influence, without permanent or significant human habitation, protected and managed to preserve their natural condition

II *National park*: Large natural or near-natural areas protecting large-scale ecological processes with characteristic species and ecosystems, which also have environmentally and culturally compatible spiritual, scientific, educational, recreational and visitor opportunities

III *Natural monument or feature*: Areas set aside to protect a specific natural monument, which can be a landform, sea mount, marine cavern, geological feature such as a cave, or a living feature such as an ancient grove

IV *Habitat/species management area*: Areas to protect particular species or habitats, where management reflects this priority. Many will need regular, active interventions to meet the needs of particular species or habitats, but this is not a requirement of the category

V *Protected landscape or seascape*: Where the interaction of people and nature over time has produced a distinct character with significant ecological, biological, cultural and scenic value: and where safeguarding the integrity of this interaction is vital to protecting and sustaining the area and its associated nature conservation and other values

*Protected areas with sustainable use of natural resources*: Areas which conserve ecosystems, together with associated cultural values and traditional natural resource management systems. Generally large, mainly in a



natural condition, with a proportion under sustainable natural resource management and where low-level non-industrial natural resource use compatible with nature conservation is seen as one of the main aims

Source: Dudley. 2008. *Guidelines for Applying Protected Area Management Categories*. IUCN.

**Receptor (of Noise/Vibration)** NOTE: changed term from Noise Receptor to Receptor

A point of reception or (human) receptor may be defined as any point on the premises occupied by persons where extraneous noise and/or vibration are received. Examples of receptor locations may include: permanent or seasonal residences; hotels/motels; schools and daycares; hospitals and nursing homes; places of worship; and parks and campgrounds, and similar public spaces and commons. For wildlife, receptor locations may include wildlife habitat for sensitive animal species.

Source: Adapted from IFC. 2007. *Environmental, Health, and Safety Guidelines*. Section 1.7. Noise Management.

**Remediation/Remedy (including in relation to Human Rights Impacts)**

Remediation and remedy refer to both the processes of providing remedy for an adverse (human rights) impact and the substantive outcomes that can counteract, or make good, the adverse impact. These outcomes may take a range of forms, such as apologies, restitution, rehabilitation, financial or non-financial compensation, and punitive sanctions (whether criminal or administrative, such as fines), as well as the prevention of further harm through, for example, injunctions or guarantees of non-repetition.

Source: UN Office of the High Commissioner for Human Rights. 2012. *The Corporate Responsibility to Respect Human Rights: An Interpretive Guide*.

**Replacement Cost**

The market value of the assets plus transaction costs. In applying this method of valuation, depreciation of structures and assets should not be taken into account. Market value is defined as the value required to allow affected communities and persons to replace lost assets with assets of similar value.

Source: IFC. 2012. *Performance Standard 2*.

**Replicable Cultural Heritage**

Tangible forms of cultural heritage that can themselves be moved to another location or that can be replaced by a similar structure or natural features to which the cultural values can be transferred by appropriate measures. Archeological or historical sites may be considered replicable where the particular eras and cultural values they represent are well represented by other sites and/or structures.

Source: IFC. 2012. *Performance Standard 8*. Guidance Note.

**Resettlement**

Voluntary Resettlement: voluntary land transactions (i.e., market transactions in which the seller is not obliged to sell and the buyer cannot resort to expropriation or other compulsory procedures sanctioned by the legal system of the host country if negotiations fail) that lead to the relocation of willing sellers.

Involuntary Resettlement: physical displacement (relocation or loss of shelter) and to economic displacement (loss of assets or access to assets that leads to loss of income sources or other means of livelihood) as a result of project-related land acquisition and/or restrictions on land use. Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in physical or economic displacement. This occurs in cases of (i) lawful expropriation or temporary or permanent restrictions on land use and (ii) negotiated settlements in which the buyer can resort to expropriation or impose legal restrictions on land use if negotiations with the seller fail.

Source: IFC. 2012. *Performance Standard 5*.

**Resettlement Action Plan**

A plan designed to mitigate the negative impacts of displacement; identify development opportunities; develop a resettlement budget and schedule; and establish the entitlements of all categories of affected persons

(including host communities). Such a plan is required when resettlement involves physical displacement of persons.

Source: Adapted from IFC. 2012. *Performance Standard 5*, paragraph 19.

### Residual Impacts

Project-related impacts that remain after on-site mitigation measures (avoidance, minimization, restoration) have been applied.

### Responsible Tailings Facility Engineer (RTFE) **PROPOSED**

An engineer appointed by the Operator to be responsible for the tailings facility. The RTFE must be available at all times during construction, operations and closure. The RTFE has clearly defined, delegated responsibility for management of the tailings facility and has appropriate qualifications and experience compatible with the level of complexity of the tailings facility. The RTFE is responsible for the scope of work and budget requirements for the tailings facility, including risk management. The RTFE may delegate specific tasks and responsibilities for aspects of tailings management to qualified personnel but not accountability.

Source: GISTM (see Note Re: Glossary).

### Restoration

Measures taken to assist the recovery of ecosystems that have been degraded, damaged or destroyed. Involves altering an area in such a way as to re-establish an ecosystem's composition, structure and function, usually bringing it back to its original (pre-disturbance) state or to a healthy state close to the original.

### Retrenchment

The elimination of a number of work positions or the dismissal or layoff of a number of workers by an employer, generally by reason of plant closing or for cost savings. Retrenchment does not cover isolated cases of termination of employment for cause or voluntary departure. Retrenchment is often a consequence of adverse economic circumstances or as a result of a reorganization or restructuring.

Source: IFC. 2012. *Performance Standard 2*, Guidance Note GN 48.

### Revegetation

Revegetation is the task of reseeding or replanting forbs, grasses, legumes and other plants (sometimes including shrubs and trees) so as to provide cover to decrease erosion, provide for soil stability and provide forage for wildlife or livestock or to otherwise return the site to a useable state.

### Rights Holder

Rights holders are individuals or social groups that have particular entitlements in relation to specific duty bearers (e.g., State or non-state actors that have a particular obligation or responsibility to respect, promote and realize human rights and abstain from human rights violations). In general terms, all human beings are rights-holders under the Universal Declaration of Human Rights. In particular contexts, there are often specific social groups whose human rights are not fully realized, respected or protected.

Source: Adapted from UNICEF. *Gender Equality, UN Coherence & You*. Glossary.

### Rights-Compatible

In reference to grievance mechanism, means ensuring that outcomes and remedies accord with internationally recognized human rights.

Source: Ruggie, J. 2011. *Guiding Principles on Business and Human Rights*.

### Risk Control

An action, object (engineered) or system (combination of action and object) put in place to prevent or reduce the likelihood of an unwanted event, or to minimize or mitigate the negative consequences if an unwanted event occurs.

Source: See Critical Control definition.

## Salient Human Rights

Those human rights that are at risk of the most severe negative impacts through a company's activities or business relationships. They therefore vary from company to company.

Source: UN Guiding Principles Reporting Framework website. Glossary.

## Secondary Containment

Requires that areas be designed with appropriate containment and/or diversionary structures to prevent a discharge in quantities that may be harmful.

## Senior Technical Reviewer **PROPOSED**

A professional who is either an in-house employee or an external party with in-depth knowledge and at least 15 years' experience in the specific area of the review requirements, e.g., tailings design, operations and closure, environmental and social aspects or any other specific topic of concern.

Source: GISTM (see Note Re: Glossary).

## Serious Human Rights Abuses

i) any forms of torture, cruel, inhuman and degrading treatment; ii) any forms of forced or compulsory labour, which means work or service which is exacted from any person under the menace of penalty and for which said person has not offered himself voluntarily; iii) the worst forms of child labour (as per ILO Convention 182); iv) other gross human rights violations and abuses such as widespread sexual violence; v) war crimes or other serious violations of international humanitarian law, crimes against humanity or genocide.

Source: OECD. 2016. *Due Diligence Guidance on Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*.

## Shall

Indicates a requirement of the standard.

## Shall Not

Indicates a prohibition.

## Should/Should Not

Indicates a recommendation.

Source: ISO Guide 2, General Vocabulary section 7.1; and *ISO/IEC Directives Part 2*, Fifth edition. 2004.

## Significant Changes to Mining-Related Activities

Changes in scale or scope (e.g., production increases, new or expanded activities or facilities, alterations in waste management activities, closure, etc.) that may create significant environmental, social and/or human rights impacts, or significantly change the nature or degree of an existing impact.

## Source of Continuous Learning

In reference to grievance mechanism, means drawing on relevant measures to identify lessons for improving the mechanism and preventing future grievances and harms.

Source: Ruggie, J. 2011. *Guiding Principles on Business and Human Rights*.

## Stakeholders

Persons or groups who are directly or indirectly affected by a project, such as rights holders, as well as those who may have interests in a project and/or the ability to influence its outcome, either positively or negatively.

Source: Adapted from IFC. 2007. *Stakeholder Engagement: A Good Practice Handbook for Companies Doing Business in Emerging Markets*.

## Stormwater

Industrial stormwater (also known as contact water) is runoff of rainfall, snow or snowmelt that has contacted mined materials (e.g., waste rock, tailings, mine openings, mine processing facilities and associated mining roads). Non-industrial stormwater (also known as non-contact water) is runoff of rainfall, snow or snowmelt from land and impervious surface areas such as non-mining related roads that do not contain mined materials.

### **Subsidence**

Subsidence is a sinking of the ground surface that results in a fracture of the surface which could change surface water hydrology, or pose a threat to human health or property.

### **Suppliers**

Those who are provide goods, services or materials to the project.

### **Tailings**

The waste stream resulting from milling and mineral concentration processes that are applied to ground ore (i.e., washing, concentration, and/or treatment). Tailings are typically sand to clay-sized materials that are considered too low in mineral values to be treated further. They are usually discharged in slurry form to a final storage area commonly referred to as a tailings storage facility (TSF) or tailings management facility (TMF).

Source: Global Acid Rock Drainage Guide and others.

### **Tangible Cultural Heritage**

A unique and often non-renewable resource that possesses cultural, scientific, spiritual, or religious value, and are considered worthy of preservation for the future. Includes moveable or immovable objects, sites, structures, groups of structures, natural features, or landscapes that have archaeological, paleontological, historical, architectural, religious, aesthetic, or other cultural value.

### **Tentative List for World Heritage Site Inscription**

The list of sites that relevant State Parties are formally considering for nomination as a World Heritage Site in the next five to ten years.

### **Threatened (and Endangered) Species**

Species that meet the IUCN (2001) criteria for Vulnerable (VU), Endangered (EN) or Critically Endangered (CR), and are facing a high, very high or extremely high risk of extinction in the wild. These categories may be re-interpreted for IRMA purposes according to official national classifications (which have legal significance) and to local conditions and population densities (which should affect decisions about appropriate conservation measures).

Source: Adapted from IUCN. 2001. *IUCN Red List Categories and Criteria: Version 3.1*.

### **Traditional Knowledge**

A cumulative body of knowledge, innovations practices and representations maintained and developed by peoples with extended histories of interaction with the natural environment.

### **Trafficking in Persons**

The recruitment, transportation, transfer, harboring or receipt of a person by means of the threat or use of force or other means of coercion, or by abduction, fraud, deception, abuse of power or of a position of vulnerability, or by the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation includes, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. Women and children are particularly vulnerable to trafficking practices.

Source: *UN Convention against Transnational Organized Crime and the Protocols*. Article 3(a).

### **Transparent**

In reference to grievance mechanism, means keeping parties to a grievance informed about its progress, and providing sufficient information about the mechanism's performance to build confidence in its effectiveness and meet any public interest at stake.

Source: Ruggie, J. 2011. *Guiding Principles on Business and Human Rights*.

#### **Trigger Action Response Plan (TARP) PROPOSED**

A tool to manage risk controls, including critical controls. TARPs provide pre-defined trigger levels for performance criteria that are based on the risk controls and critical controls of the tailings facility. The trigger levels are developed based on the performance objectives and risk management plan for the tailings facility. TARPs describe actions to be taken if trigger levels are exceeded (performance is outside the normal range), to prevent a loss of control. A range of actions is predefined, based on the magnitude of the exceedance of the trigger level.

Source: GISTM (see Note Re: Glossary).

#### **Trigger Level**

A concentration between baseline or background values and IRMA water quality criteria or other applicable compliance limits that can warn of mine-related effects to water quality and trigger adaptive management or corrective actions to improve water quality.

#### **Voluntary Resettlement**

Voluntary land transactions (i.e., market transactions in which the seller is not obliged to sell and the buyer cannot resort to expropriation or other compulsory procedures sanctioned by the legal system of the host country if negotiations fail) that lead to the relocation of willing sellers.

#### **Vulnerable Group**

A group whose resource endowment is inadequate to provide sufficient income from any available source, or that has some specific characteristics that make it more susceptible to health impacts or lack of economic opportunities due to social biases or cultural norms (e.g., may include households headed by women or children, people with disabilities, the extremely poor, the elderly, at-risk children and youth, ex-combatants, internally displaced people and returning refugees, HIV/AIDS-affected individuals and households, religious and ethnic minorities, migrant workers, and groups that suffer social and economic discrimination, including indigenous peoples, minorities and in some societies, women).

Sources: IFC. 2002. *Handbook for Preparing a Resettlement Action Plan*, FAO, and World Bank: "Vulnerable Groups."

#### **Waste Rock**

Barren or mineralized rock that has been mined but is of insufficient value to warrant treatment and, therefore, is removed ahead of the metallurgical processes and disposed of on site. The term is usually used for wastes that are larger than sand-sized material and can be up to large boulders in size; also referred to as waste rock dump or rock pile.

#### **Water Balance**

An accounting of the inflow to, outflow from, transfers and storage changes of water over a fixed period.

Source: Adapted from *Global Acid Rock Drainage Guide* Glossary.

#### **Water Quality Criteria**

Numerical concentrations or a narrative statement recommended to support and maintain a designated water use. Criteria are based on scientific information about the effects of water pollutants on a specific water use

(Source: Adapted from UNEP. 2015. *Compendium of Water Quality Regulatory Frameworks: Which Water for Which Use?*)

#### **Water Quantity**

For IRMA purposes, water quantity refers generally to the amount of water present or passing a certain location in water bodies that exist on the earth's surface, such as lakes, ponds, rivers, streams, etc., (i.e., referred to as

surface waters) and water present in water bodies that exist underground (i.e., groundwaters). It also includes the amount of water that originates underground but expresses itself at the surface (e.g., natural springs or seeps). Water quantity measurements may be expressed as volumes, however, for IRMA's purposes measurements for rivers, streams and natural springs/seeps may be expressed as a flow (in ft<sup>3</sup>/sec or m<sup>3</sup>/sec), while measurements for lakes and groundwater may be expressed as a level or elevation (e.g., feet or meters above a reference point such as sea level).

**Whole Effluent Toxicity**

Whole Effluent Toxicity (WET) refers to the aggregate toxic effect to aquatic organisms from all pollutants contained in a mine's effluent.

**World Heritage Site**

A site/property inscribed on the World Heritage List, which has outstanding universal value and meets the conditions of authenticity and integrity. The World Heritage property includes within its borders all of the attributes that are recognized as being of outstanding universal value.

Source: UNESCO.

**Worker**

All non-management personnel.

**Workers' Organizations**

Typically called trade unions or labor unions, these organizations are voluntary associations of workers organized on a continuing basis for the purpose of maintaining and improving their terms of employment and workplace conditions.

Source: Adapted from *SA8000 Guidance* and IFC. 2012. *Performance Standard 2*.

**Workers' Representatives**

A worker chosen to facilitate communication with senior management on matters related to working conditions, occupational health and safety or other workers' concerns. This is undertaken by the recognized trade union(s) in unionized facilities and, elsewhere, by a worker elected by non-management personnel for that purpose.

Source: Adapted from *SA8000 Guidance*.