



Initiative for Responsible  
Mining Assurance

## Excerpt from the DRAFT Standard for Responsible Mining and Mineral Processing 2.0

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

#### Context & Disclaimer on IRMA DRAFT Standard 2.0

IRMA DRAFT Standard for Responsible Mining and Minerals Processing 2.0 is being released for public consultation, inviting the world to join in a conversation around expectations that drive value for greater environmental and social responsibility in mining and mineral processing.

This draft document invites a global conversation to improve and update the 2018 IRMA Standard for Responsible Mining Version 1.0. It is not a finished document, nor seeking final review, but rather is structured to invite a full range of questions, comments and recommendations to improve the IRMA Standard.

This IRMA DRAFT Standard for Responsible Mining and Minerals Processing (v.2.0) has been prepared and updated by the IRMA Secretariat based on learnings from the implementation of the Standard (v.1.0), experience from the first mines independently audited, evolving expectations for best practices in mining to reduce harm, comments and recommendations received from stakeholders and Indigenous rights holders, and the input of subject-specific expert Working Groups convened by IRMA in 2022.

IRMA's Standard has a global reputation for comprehensive in-depth coverage addressing the range of impacts, as well as opportunities for improved benefit sharing, associated with industrial scale mining. This consultation draft proposes a number of new requirements; some may wonder whether IRMA's Standard already includes too many requirements. The proposed additions are suggested for a range of reasons (explained in the text following), including improving auditability by separating multiple expectations that were previously bundled into a single requirement, addressing issues that previously weren't sufficiently covered (e.g. gender, greenhouse gas emissions), and providing more opportunities for mining companies to receive recognition for efforts to improve social and environmental protection.

Please note, expert Working Groups were created to catalyze suggestions for solutions on issues we knew most needed attention in this update process. They were not tasked to come to consensus nor make formal recommendations. Their expertise has made this consultation document wiser and more focused, but work still lies ahead to resolve challenging issues. We encourage all readers to share perspectives to improve how the IRMA system can serve as a tool to promote greater environmental and social responsibility, and create value for improved practices, where mining and minerals processing happens.

The DRAFT Standard 2.0 is thus shared in its current form to begin to catalyze global conversation and stakeholder input. It does not represent content that has been endorsed by IRMA's multistakeholder Board of Directors. IRMA's Board leaders seek the wisdom and guidance of all readers to answer the questions in this document and inform this opportunity to improve the IRMA Standard for Responsible Mining.

IRMA is dedicated to a participatory process including public consultation with a wide range of affected people globally and seeks feedback, comments, questions, and recommendations for improvement of this Standard. IRMA believes that diverse participation and input is a crucial and determining factor in the effectiveness of a Standard that is used to improve environmental and social performance in a sector. To this end, every submission received will be reviewed and considered.

The DRAFT Standard 2.0 is based on content already in practice in the IRMA Standard for Responsible Mining Version 1.0 (2018) for mines in production, combined with the content drafted in the IRMA Standard for Responsible Mineral Development and Exploration (the 'IRMA-Ready' Standard – Draft v1.0 December 2021) and in the IRMA Standard for Responsible Minerals Processing (Draft v1.0 June 2021).

# 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 mines or mineral processing sites. If the entity can provide evidence that a chapter is not relevant, that chapter will not need to be included in the scope of the IRMA assessment. A requirement is 'not relevant' if the issue to which a requirement relates is not applicable at the site. For example, requirements related to the use of cyanide would not be relevant at a site at which cyanide is never used.

### TERMS USED IN THIS CHAPTER

This is a list of the terms used in the chapter ■ Each term is separated with ■

*Terms listed here are identified in the chapter with a dashed underline. And they are defined in the [Glossary of Terms](#) at the end of the chapter.*

## Chapter Requirements

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

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

- a. Some requirements consist of hierarchical elements:
  - i. At more than one level.
  - ii. Operations 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.

### GLOSSARY OF TERMS USED IN THIS CHAPTER

Terms used in the chapter are defined here.

### ANNEXES AND TABLES

Annexes or Tables are found here.

## IRMA Critical Requirements

The 2018 IRMA Standard for Responsible Mining v. 1.0 includes a set of requirements identified as being critical requirements. Operations being audited in the IRMA system must at least substantially meet these critical requirements in order to be recognized as achieving the achievement level of IRMA 50 and higher, and any critical requirements not fully met would need to have a corrective action plan in place describing how the requirement will be fully met within specified time frames.

The 2023 updates to the 2018 Standard may edit some critical requirements in the process of revising and therefore there will be a further review specific to the language and implications of critical requirements that follows the overall Standard review.

## Associated Documents

**This document is an extract of the full DRAFT IRMA FOR RESPONSIBLE MINING AND MINERAL PROCESSING (Version 2.0) – DRAFT VERSION 1.0, released in October 2023 for a public-comment period. The English-language full version should be taken as the definitive version. IRMA reserves the right to publish corrigenda on its web page, and readers of this document should consult the corresponding web page for corrections or clarifications.**

Readers should note that in addition to the DRAFT Standard, there are additional policies and guidance materials maintained in other IRMA documents, such as IRMA’s Principles of Engagement and Membership Principles, IRMA Guidance Documents for the Standard or specific chapters in the Standard, IRMA Claims and Communications Policy and other resources. These can be found on the IRMA website in the Resources section. Learn more at [responsiblemining.net](https://responsiblemining.net)

## Comment on the IRMA Standard

Comments on the IRMA Standard and system are always welcome.

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

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

# Chapter 1.4

## Complaints and Grievance Mechanism and Access to Remedy

**NOTES ON THIS CHAPTER:** Minor modifications were made to the 'Background' and 'Scope of Application' sections, and several requirements were moved into new criteria to be more consistent with other chapters.

### Proposed additions and changes:

- We made it more explicit in the Scope of Application that while workers' grievances may be dealt with through the same mechanism that is used to deal with broader stakeholder (i.e., community members, NGOs, rights holders), they also may have a separate mechanism to deal explicitly with workplace grievances. Where the latter is the case, workers and workplace grievance procedures should not have bearing on the outcome of the requirements of this chapter, but rather be evaluated under Chapter 3.1.
- We added a requirement that entities proactively inform stakeholders of how to file a grievance, because if this is not shared with some stakeholders (e.g., those who are illiterate) and the entity only relies on the fact that its procedures are publicly available, it could be a barrier to their using the mechanism. See requirement 1.4.1.2.b.
- We changed a requirement that relevant personnel be informed of grievance procedures to demonstrating understanding of them and receiving training if necessary. This was done because if staff do not know about or understand the mechanism then they may not implement the procedures appropriately or effectively. See requirement 1.4.2.3.
- We changed the time-dependent requirement that stakeholders participate in the design of the grievance mechanism. Modified language to clarify that this does not have to occur when the mechanism is first created but can happen at any time to improve the design and make it more effective and accessible to the stakeholders. See requirement 1.4.3.3.
- Questions were received on whether the reporting requirement in the 2018 Mining Standard meant that companies had to report back to individuals on their own grievance, or report to stakeholders more generally on all of the grievances received and how they were handled. The intent was that both should be occurring, so we have separated the original requirement into two separate requirements. See criterion 1.4.4.

### Glossary:

- We are proposing new/revised definitions for several glossary terms. The 'Terms Used In This Chapter' box shows which terms are new, and the proposed definitions can be found in the glossary at the end of the chapter requirements. The full glossary is at the end of the document. Feedback on definitions is welcome.

### BACKGROUND

Mining and other large development projects inevitably raise concerns and complaints from community members and stakeholders affected by these projects. It is now expected practice for mining entities to have in place site-level procedures for systematically receiving, tracking, resolving, and communicating with stakeholders, including workers and local communities, about their complaints or grievances. Combined, these various procedures are referred to as an “operational-level grievance mechanism”.

The words 'grievance' and 'complaint' are sometimes used interchangeably, but this is not always the case. Often a complaint is seen as an isolated or event-based concern, while a grievance is a more complex or accumulated sense of wrong. Similarly, complaints are often seen as concerns that can be addressed through informal means, while

grievances require a more formal process. However, perceptions of this relationship can also be the reverse.<sup>1</sup> For the purposes of the IRMA Standard, a “grievance mechanism” is expected to be able to handle both complaints and grievances; however, for simplicity the term ‘grievance’ is used in the requirements, below.<sup>2</sup>

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

Grievance mechanisms 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>3</sup>

Additionally, operational-level grievance mechanisms are just one option for individuals to seek justice or remediation for damages that they believe have occurred as a result of entity 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 project- or 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>4</sup>

#### TERMS USED IN THIS CHAPTER

Accessible ■ Affected Community ■ Contractor ■ Entity **NEW** ■ Equitable ■ Exploration **NEW** ■ Grievance ■ Grievance Mechanism ■ Inform **NEW** ■ Mineral Processing **NEW** ■ Mining **NEW** ■ Mining-Related Activities ■ Mitigate ■ Operation **NEW** ■ Project **NEW** ■ Remediation/Remedy ■ Rights Holder ■ Serious Human Rights Abuses ■ Stakeholder ■ Vulnerable Group

*These terms appear in the text with a dashed underline. For definitions see the Glossary of Terms at the end of this chapter.*

#### OBJECTIVES/INTENT OF THIS CHAPTER

To provide credible, effective, and accessible means for affected communities, individuals, and other stakeholders to raise and resolve grievances arising due to mining-related activities, while not limiting their ability to seek remedy through other mechanisms.

**NOTE: REVISED.** Changed reference to mine-related grievances. Refer instead to mining-related activities, since the definition for that term encompasses exploration, mining and mineral processing.

#### SCOPE OF APPLICATION

**RELEVANCE:** This chapter is applicable to all exploration, mining and mineral processing projects and operations, as all have stakeholders who must be provided with a credible, effective, and inclusive means of raising grievances with the entity and who, if the grievances are not adequately addressed through the operational-level grievance mechanism, have the right to access remedy through other mechanisms or channels.

Workers employed by an entity also must have access to this grievance mechanism (in their capacity as community members, where applicable); however, they must also have access to a workplace-specific (project- or corporate-

<sup>1</sup> John F. Kennedy School of Government, Harvard Univ. 2008. Rights-Compatible Grievance Mechanisms: A Guidance Tool for Companies and Their Stakeholders. p. 12. Available at: <https://unglobalcompact.org/library/57>

<sup>2</sup> It is also possible that other forms of stakeholder feedback such as solicitations and suggestions may also be managed through a centralized system to track stakeholder engagement that may be linked to or even constituent of the ‘grievance mechanism’. These forms of stakeholder engagement are assessed under Chapter 1.2 (Community and Stakeholder Engagement). To the extent that there is overlap between the mechanisms utilized to receive grievances and those utilized to receive stakeholder feedback more broadly, auditors will consider the evidence as it applies to relevant requirements in both chapters.

<sup>3</sup> IFC. 2009. Good Practice Note: Addressing Grievances from Project-Affected Communities. p. 6. <https://www.ifc.org/en/types/insights-reports/2000/publications-gpn-grievances>

<sup>4</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)

level) mechanism through which they can express grievances specifically relating to the workplace. Where these mechanisms are one and the same, evidence presented in this chapter can also be used to meet relevant criterion (3.1.5) in Chapter 3.1 – ‘Fair Labor and Terms of Work’. Where these mechanisms are separate, workers and workplace grievance procedures should not have bearing on the outcome of the requirements of this chapter, but rather be evaluated under Chapter 3.1.

**NOTE ON SCOPE OF APPLICATION:** This proposed version of the IRMA Standard is meant to apply to exploration, mining, and mineral processing projects and operations (see definitions of project and operation), but not all requirements will be relevant in all cases. We have provided some high-level information below, but the IRMA Secretariat will produce a detailed Scope of Application for each chapter that will indicate relevancy on a requirement-by-requirement basis (and will provide some normative language where the expectations may slightly differ for proposed projects versus operations, or for mining versus mineral processing, etc.).

## CRITICAL REQUIREMENTS IN THIS CHAPTER

Stakeholders, including affected community members, rights holders, and others have access to an operational-level mechanism that allows them to raise and seek resolution or remedy for the range of complaints and grievances that may occur in relation to the operation or the entity's actions (1.4.1.1).

**NOTE ON CRITICAL REQUIREMENTS:** The 2018 IRMA Standard includes a set of requirements identified as being critical. Projects/operations being audited in the IRMA system must at least substantially meet all critical requirements in order to be recognized at the achievement level of IRMA 50 and higher, and any critical requirements not fully met need a corrective action plan for meeting them within specified time frames.

**INPUT WELCOME:** The proposed revisions to the 2018 Standard have led to new content, as well as edits of some critical requirements in the process. Therefore, there will be a further review of the language and implications of critical requirements prior to the release of a final v.2.0 of the IRMA Standard. During this consultation period we welcome input on any existing critical requirement, as well as suggestions for others you think should be deemed critical. A rationale for any suggested changes or additions would be appreciated.

# Complaints and Grievance Mechanism and Access to Remedy Requirements

## 1.4.1. Access to Operational-Level Grievance Mechanism

### 1.4.1.1. (Critical Requirement)

Stakeholders, including affected community members, rights holders, and others (hereafter referred to collectively as “stakeholders”) have access to an operational-level mechanism that allows them to raise and seek resolution or remedy for the range of complaints and grievances (hereafter referred to collectively as “grievances”) that may occur in relation to the operation or the entity's actions.

**NOTE ON 1.4.1.1:** We specified that both 'complaints' and 'grievances' would be referred to as grievances hereafter to reduce confusion about the relationship between the terms and IRMA's dealing with them. This is now also explained in the 'background' section at the outset of this chapter.

### CONSULTATION QUESTION 1.4-1

**Background:** Requirement 1.4.1.1 was a critical requirement in the 2018 Mining Standard and is currently a critical requirement (for more on critical requirements see the note that accompanies ‘Critical Requirements In This Chapter,’ above).

One of the issues that has arisen is that there may be a mechanism in place that allows grievances to be filed and addressed, but the mechanism may not be considered as entirely effective by some stakeholders.

**Question:** Should the critical element simply be that there is a mechanism that allows stakeholders to raise and seek remedy for their grievances, or should we add additional expectations to this critical requirement that speak to the quality and/or effectiveness of the mechanism? For example, we could add the content of (non-critical) requirement 1.4.2.1 to this (critical) requirement.

#### CONSULTATION QUESTION 1.4-2

**Background:** Chapter 1.4 - 'Complaints and Grievance Mechanism and Access to Remedy' includes a range of requirements surrounding the existence of an accessible and effective operational-level grievance mechanism. It is not possible to score well on Chapter 1.4 if the mechanism does not have certain quality-related characteristics. Other chapters (i.e., human rights, gender, resettlement, security, ASM) also have requirements relating to the existence of a grievance mechanism;<sup>5</sup> however, the requirements in each of those chapters ask only that a mechanism is in place that allows grievances to be filed and addressed, but they do not speak to the overall quality of that mechanism. This is an approach proposed by IRMA to avoid too much repetition across chapters. However, this creates a situation in which an entity could theoretically score 'fully meets' on the grievance-related requirement in an individual chapter (which in most cases only asks that stakeholders have "access to" a grievance mechanism), even if the grievance mechanism as a whole is not an effective one (as reflected in the overall score for Chapter 1.4).

**Question:** Should an entity's score on grievance-related requirements within individual non-grievance-specific chapters be restrained or linked to the overall score that the entity gets on the grievance chapter (Chapter 1.4) as a whole?

For example, if a site scores 80% on Chapter 1.4, the most the site could receive for a grievance requirement in the other chapters would be a 'substantially meets,' but if a site scores 100% on Chapter 1.4 then, assuming the mechanism can handle grievances specific to the other chapters, they could possibly get a 'fully meets' rating on those grievance requirements.

1.4.1.2. Stakeholders are informed, in a manner appropriate to their circumstances:

- a. Of the existence of the operational-level grievance mechanism and its procedures;
- b. How to file a grievance; and
- c. That using the operational-level grievance mechanism does not preclude them from seeking redress related to grievances through administrative, judicial, or non-judicial remedies.

**NOTE ON 1.4.1.2: REVISED.** We moved this requirement up from the 'communications' criterion (formerly criterion 1.4.5, which no longer exists) for consistency with the structure of other chapters.

The words "in a manner appropriate to their circumstances," were added to address the fact that affected communities may need to be informed in person, in local languages, etc., whereas regional NGOs or others may be fine receiving an email about the mechanism.

Sub-requirement (b) is **NEW**. It has been added so that proactive steps are taken to make sure stakeholders not only know that a mechanism exists but are informed of how to file a grievance. This would be especially important for stakeholders who are not literate (i.e., the public availability of written procedures required in 1.4.2.2 will not be useful to them).

Sub-requirement (c) is a modified version of requirement 1.4.5.2 in the 2018 Mining Standard. But we are proposing that the entity be required to actively inform stakeholders that they can use the operational-level mechanism and also make use of other mechanisms if they so choose. Instead of requiring entities to actively inform, this requirement in the 2018 Mining Standard simply prohibited the entity from telling stakeholders that they were not allowed to use other mechanisms, which was very difficult to audit as it required auditors to look for the absence, rather than the presence, of something.

<sup>5</sup> See: Chapter 1.3, requirement 1.3.3.3; proposed Chapter 1.X, requirement 1.X.3.2; Chapter 2.4, requirement 2.4.3.3; Chapter 3.4, requirement 3.4.2.4; Chapter 3.5, requirement 3.5.6.3; and Chapter 3.6, requirement 3.6.2.1.d.

## 1.4.2. Grievance Mechanism Procedures

1.4.2.1. The grievance mechanism is underpinned by a grievance procedure (or equivalent) that:

- a. Outlines how grievances and communications with those filing grievances are tracked, recorded, acknowledged, investigated, and equitably resolved, including general timeframes for each phase of the process;
- b. Explains how the confidentiality of a complainant's identity will be protected, if requested by the complainant;
- c. Outlines how complainants can file anonymous grievances;
- d. Explains how the entity will assist those who may face barriers to using the operational-level grievance mechanism, different genders, ages, ethnicities, and any potentially vulnerable groups,<sup>6</sup> and outlines how stakeholders can request such assistance;
- e. Explicitly states that participation in an operational level grievance mechanism does not preclude a complainant from seeking redress through administrative, judicial, or other non-judicial remedies, and that no remedy provided by an operational-level grievance mechanism requires or implies that complainants waive their right to seek recourse for the same grievance through other available mechanisms; and
- f. Lists options for recourse if a complainant does not find the resolution of their grievance satisfactory and/or if the mechanism is deemed inadequate or inappropriate for handling grievances relating to potential serious human rights abuses.

**NOTE ON 1.4.2.1: REVISED.** This was requirement 1.4.2.1 in the 2018 Mining Standard. We moved reference to the effectiveness criteria outlined in Principle 31 of the United Nations Guiding Principles on Business and Human Rights (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, to the guidance notes, as the chapter itself has been designed to incorporate these effectiveness criteria.

We also removed the element that consultation had to occur in the design of the mechanism, because that implied that it would have needed to happen prior to or during the initial development of the mechanism itself. The primary intent is that stakeholders have a say in the grievance mechanism and its procedures to improve its effectiveness. We cover that by requiring that there are clear opportunities to improve the mechanism (1.4.3.2).

We combined previous sub-requirements (b) and (g) as they both referred to the administrative side of tracking and responding to grievances.

We added sub-requirement (e) with text explicitly requiring the entity to state in writing that participation in grievance processes does not require waiving rights to recourse elsewhere for the same grievance. In the 2018 Mining Standard it was stated in 1.4.3.1 that this must be the practice (and in 1.4.5.2. that the entity cannot state the contrary in communications with stakeholders), but absent evidence to the contrary (i.e., stakeholders reporting that they were told they could not seek recourse elsewhere) or evidence that recourse had been successfully sought (i.e., evidence that in practice it occurred), there was nothing to audit. Moreover, without an obligation to explicitly inform stakeholders of this option, they may have not known it was available and therefore not attempted to avail themselves of it for that reason, which again is difficult to identify and therefore audit.

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<sup>6</sup>What may constitute a 'vulnerable group' requiring additional focus depends on the context and the matter at hand. Entities should draw on stakeholder mapping, stakeholder interviews, project documentation, as well as site observations to determine whether all relevant stakeholders have been identified and included. For this requirement, particular attention should be paid to those who are not able or willing to participate without particular considerations/accommodations; this often includes people with disabilities, socially or geographically marginalized groups, those in a state of poverty, the illiterate, groups for whom local cultural practices or household duties deter participation (i.e., women, elderly, children), etc. Additional guidance will be provided in the IRMA Guidance Document.



We added sub-requirement (f) that requires entities to explicitly inform stakeholders of their options for external resource, pursuant to sub-requirement (e).

**CONSULTATION QUESTION 1.4-3:** Stakeholder feedback suggested that an independent third-party should be involved in the assessment of more grievances to ensure that resolutions are unbiased, impartial, and fair to all parties involved. Is this considered best practice and, if so, is it applicable to only the most serious grievances or to all grievances?

1.4.2.2. Grievance procedures are publicly available in languages and formats that are understandable to stakeholders who may be affected by the project/operation.

**NOTE ON 1.4.2.2: REVISED.** We added language that this must be communicated in language and formats that are understandable to stakeholders.

1.4.2.3. Relevant personnel (including entity employees as well as contractors) who interact with stakeholders are informed of and understand the proper procedures for handling stakeholder grievances, and personnel directly involved in the operational-level mechanism receive training on the respectful and equitable handling of all grievances, including those that may appear frivolous.

**NOTE ON 1.4.2.3: REVISED.** This requirement was previously under criterion 1.4.5 “Communications” (in the 2018 Mining Standard). We are proposing to move it to this criterion ('Grievance Mechanism Procedures') to increase consistency with other chapters and changed language from relevant personnel being informed of grievance procedures to demonstrating understanding of, and receiving training on, these procedures.

### 1.4.3. Monitoring and Evaluation

**NOTE ON 1.4.3:** The previous criterion 1.4.3 “Access to Other Remedy Mechanisms” from the 2018 Mining Standard and requirement 1.4.3.1 (recourse to other mechanisms) are now part of requirement 1.4.1.1 and criterion 1.4.2.

1.4.3.1. Records are kept of:

- a. All grievances received, including those received verbally, anonymously, etc.;
- b. Communications with the complainant; and
- c. Final outcomes and any remedies.

**NOTE ON 1.4.3.1: REVISED.** This was requirement 1.4.4.1 in the 2018 Mining Standard. We divided it into sub-requirements and added language to indicate that all grievances (including those submitted verbally and anonymously) must be documented. Also added that record of communications with complainants must also be kept.

We will add guidance notes on what we mean by outcomes versus remedies, i.e., outcome is the result of any investigation into the grievance (e.g., does the grievance have merit) and remedy is what occurs if the grievance is substantiated (i.e., the actions taken by the entity to resolve the grievance, which could be mitigation of some type, compensation, an apology, or another action to settle the matter). If the grievance is related to an infringement of human rights, the remedy must align with the remedy expectations in Chapter 1.3 (Human Rights Due Diligence).

1.4.3.2. The entity periodically monitors and evaluates the performance of the operational-level grievance mechanism over time to determine:

- a. If changes need to be made to improve its effectiveness as per 1.4.2.1.a;
- b. If changes in entity activities can be implemented to prevent or mitigate similar grievances in the future; and
- c. If outcomes and remedies provided through the mechanism accord with internationally recognized human rights.

**NOTE ON 1.4.3.2:** This was 1.4.4.2 in the 2018 Mining Standard.

1.4.3.3. Periodically, stakeholders are:

- a. Provided with clearly communicated opportunities to provide input on how to make grievance mechanism(s) more effective, trusted, and accessible to all stakeholders; and
- b. Receive feedback on how their input was taken into account.

**NOTE ON 1.4.3.3:** Added “periodically” so that it is not assumed this is a one-time solicitation for feedback. We also added sub-requirement (b) obligating entities to provide feedback to stakeholders on how their suggestions on improving the mechanism were taken into account.

## 1.4.4. Communication and Reporting on Grievances

1.4.4.1. Unless grievances are filed anonymously, stakeholders filing grievances are informed, either in writing or verbally with documentation of the exchange, how the grievance was addressed.

**NOTE ON 1.4.4.1: REVISED.** This was 1.4.6.1 in the 2018 Mining Standard. IRMA received feedback that it was not clear if that requirement referred to reporting back to individual stakeholders on their grievances or reporting to stakeholders on grievances more generally. Therefore, we specified in 1.4.4.1. that entities report back directly to the affected stakeholders and created a new 1.4.4.2, below, to address general reporting on grievances.

1.4.4.2. At least annually, relevant internal and external stakeholders are provided with reports on pertinent trends and lessons learned from grievances received and the responses provided. This is done in a manner that protects the confidentiality and safety of those filing grievances.

**NOTE ON 1.4.4.2: NEW.** See note for 1.4.4.1.

### NOTES

The intent of this chapter is to incorporate requirements that align with and help entities meet the effectiveness criteria included in the 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>7</sup>

This chapter does not pertain to grievances related to IRMA. However, IRMA has developed its own grievance mechanism specific to the IRMA system, and IRMA’s procedures outline actions to take to raise concerns about IRMA audits, the IRMA assessment process, and the IRMA system more generally.

### CROSS REFERENCES TO OTHER CHAPTERS

This table will be added when the new content for all chapters is finalized and approved.

<sup>7</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)

IRMA guidance for Chapter 1.4 of the 2018 Mining Standard elaborates on these concepts. (See: IRMA Standard for Responsible Mining 1.0, Guidance Document (v.1.2). Explanatory Note for 1.4.2.1. Available at: <https://responsiblemining.net/resources/#full-documentation-and-guidance>)

## PROPOSED NEW DEFINITIONS

### Entity

A company, corporation, partnership, individual, or other type of organization that is effectively in control of managing an exploration, mining or mineral processing project or operation.

### Exploration

A process or range of activities undertaken to find commercially viable concentrations of minerals to mine and to define the available mineral reserve and resource. May occur concurrent with and on the same site as existing mining operations.

### Mineral Processing

Activities undertaken to separate valuable and non-valuable minerals and convert the former into an intermediate or final form required by downstream users. In IRMA this includes all forms of physical, chemical, biological and other processes used in the separation and purification of the minerals.

### Mining

Activities undertaken to extract minerals, metals and other geologic materials from the earth. Includes extraction of minerals in solid (e.g., rock or ore) and liquid (e.g., brine or solution) forms.

### Operation

The set of activities being undertaken for the purpose of extracting and/or processing mineral resources, including the running and management of facilities and infrastructure required to support the activities, and the ongoing legal, environmental, social and governance activities necessary to maintain the business endeavor.

### Project

The development phases before a mining or mineral processing operation can begin (e.g., exploration, pre-feasibility, feasibility, conceptual design, planning, permitting). Includes all desk-top and field-based activities, including exploration activities, needed to inform and develop a project 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 the entity's business endeavor.

## EXISTING DEFINITIONS

### Accessible

In reference to grievance mechanism or engagement processes, accessible means these mechanisms or processes 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.

### Affected Community

A community that is subject to risks or impacts from a project/operation.

**REVISED.** Changed wording from project to project/operation.

### Contractor

An individual, company, or other legal entity that carries out duties related to a project/operation 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. It also includes contracted workers hired through third party contractors (e.g., brokers, agents, or intermediaries) who are performing mining-related activities at the project/operation site or associated facilities at any point

during the project/operational life cycle (including prior to or during construction phase). See also ‘Mining-Related Activities.’

**REVISED.** Added contracted worker as a type of contractor. Changed wording from mining project to project/operation.

### **Equitable**

In reference to grievance mechanisms, 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.

### **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. For the purposes of the IRMA Standard, the words grievances and complaints will be used interchangeably.

**REVISED.** Added that IRMA Standard uses grievances and complaints interchangeably.

### **Grievance Mechanism**

Any routinized, state-based or non-state-based, judicial or non-judicial process through which project- or operation-related complaints or grievances, including business-related human rights abuses, stakeholder complaints, and/or labor grievances, can be raised and remedy can be sought. An operational- or project-level grievance mechanism is a formalized means through which individuals or groups can raise concerns about the impact of a specific project/operation on them—and can seek remedy.

**REVISED.** Changed wording from mining project to project- or operation-related, and added operation-level grievance mechanism to this definition.

### **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.

### **Mining-Related Activities**

Any activities carried out during any phase of the mineral development life cycle for the purpose of locating, extracting and/or producing mineral or metal products. Includes physical activities (e.g., land disturbance and clearing, road building, sampling, drilling, airborne surveys, field studies, construction, ore removal, brine extraction, beneficiation, mineral or brine processing, transport of materials and wastes, waste management, monitoring, reclamation, etc.) and non-physical activities (e.g., project or operational planning, permitting, stakeholder engagement, etc.).

**REVISED.** Added reference to mineral development life cycle, project/operation, brine.

### **Mitigation (including in relation to human rights impacts)**

Actions taken to reduce the likelihood of the occurrence of a certain adverse impact. The mitigation of adverse human rights impacts refers to actions taken to reduce their extent, with any residual impact then requiring remediation.

## 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.

## 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.

## Serious Human Rights Abuses

Includes: i) any forms of torture, cruel, inhuman and degrading treatment; ii) any forms of forced or compulsory labor, 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 labor (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.

## Stakeholders

Individuals or groups who are directly or indirectly affected by a project/operation, such as rights holders, as well as those who may have interests in a project/operation and/or the ability to influence its outcome, either positively or negatively.

**REVISED.** Changed wording from persons to individuals, and from project to project/operation.

## 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, lesbian, gay, bisexual, transgender, queer or questioning (LGBTQ+) and gender-diverse individuals, and in some societies, women).

Sources: Adapted from IFC. 2002. Handbook for Preparing a Resettlement Action Plan, FAO, and World Bank: "Vulnerable Groups."

**REVISED.** Proposing to add reference to LGBTQ+ and gender-diverse individuals in the list of examples.

**CONSULTATION QUESTION 1.X-2** (From proposed Chapter 1.X on Gender Equality and Protection): References to women and gender-diverse individuals as potentially "vulnerable" or as "vulnerable groups" may sound disempowering and/or otherwise not aligned with the objectives of this chapter to advance gender equality. Are there other widely recognized terms or phrases we could use that recognize the potential susceptibility of women and gender-diverse individuals to adverse impacts such as health impacts or lack of economic opportunities due to social biases or cultural norms?