



Initiative for Responsible
Mining Assurance

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

Chapter 1.X – Gender Equality & Gender Protections

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

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

Additional information about IRMA is available on our website: responsiblemining.net

Chapter 1.X (NEW)

Gender Equality & Gender Protections

NOTES ON THIS CHAPTER: This is a **NEW** chapter being proposed. We have assigned it a chapter number of 1.X, and have inserted it in the location in the Standard where it will likely be placed if the addition of this chapter is supported by IRMA stakeholders and approved by the IRMA Board.

This proposed chapter offers requirements that aim to advance gender equality and gender protections. Examples include understanding the social and political dynamics of the surrounding community, collecting gender-disaggregated data, and requiring companies to complete a Gender Impacts and Opportunities Assessment and create and implement a Gender Management Plan to address gender-related risks and to promote gender equity and empowerment within the workplace and community.

The chapter complements the commitment to gender equality and gender protections found throughout the IRMA Standard by requiring mining companies to develop a related policy and plan and to monitor and report on it.

If stakeholders generally support and the IRMA Board approves addition of this chapter, then we will incorporate the terminology in this chapter throughout the IRMA Standard and develop additional guidance to support companies in their implementation and auditors in their assessment of conformity with the chapter's expectations.

CONSULTATION QUESTION 1.X-1: Below are proposed definitions of key terms in this chapter. Do you have any comments or suggestions on these definitions and/or suggestions for references to other definitions we should review and/or incorporate?

Gender

Gender refers to the norms, responsibilities, and social structure enforcing pre-defined roles for women, men, girls, boys, and gender-diverse people. As a social construct, gender varies from society to society and can change over time. Regarding mineral development (i.e., exploration, mining, mineral processing), issues of gender equality often focus on women in particular because they face a heightened risk to adverse effects from mining-related activities, due in large part to patriarchal gender norms and differences in women's access to and control over resources relative to men.

Source: Adapted from World Health Organization, Health Topics: Gender, https://www.who.int/health-topics/gender#tab=tab_1

Gender Diverse

People whose gender identity, including their gender expression, is at odds with the gender norm, including those who do not place themselves in the male/female binary (non-binary) and people who identify with a different sex than the one assigned to them at birth.

Source: Adapted from United Nations Human Rights Office of the High Commissioner, The Struggle of Trans and Gender-Diverse Persons: Independent Expert on Sexual Orientation and Gender Identity, <https://www.ohchr.org/en/special-procedures/ie-sexual-orientation-and-gender-identity/struggle-trans-and-gender-diverse-persons#:~:text=The%20term%20%22gender%2Ddiverse%22,binary%3B%20the%20more%20specific%20term>

Gender Equality

The equal rights, responsibilities, and opportunities of women, men, and gender-diverse individuals. Equality does not mean that women and men will become the same, but that rights, responsibilities, and opportunities will not depend on a person's sex at birth. Gender equality implies that the interests, needs, and priorities of women, men, and gender-diverse individuals are taken into consideration. Gender equality is not a women's issue; it is an issue that should concern and fully engage men, women, and gender-diverse individuals. Equality between women, men, and gender-diverse individuals is seen both as a human rights issue and as a precondition for, and indicator of, sustainable people-centered development.

Source: Adapted from UN Women, Gender Mainstreaming Concepts and Definitions, available at <https://www.un.org/womenwatch/osagi/conceptsanddefinitions.htm>

Gender Mainstreaming

Integration of gender concerns into the design and management of business operations in order to improve business outcomes and identify areas where benefits, risks and impacts may be experienced differently for men, women, and gender-diverse individuals. This may include intersectional gender analysis, intersectional gender impact assessments, and consultation with gender experts.

Gender mainstreaming can better enable the successful development, implementation, and ongoing monitoring of gender-responsive strategies and measures designed to address issues of gender equality.

Gender Protections

Addressing and keeping people safe from gender-based discrimination, violence, and harm, e.g., sexual and gender-based violence (SGBV).

Source: Adapted from International Federation of Red Cross and Red Crescent Societies (IFRC), Protection, Gender and Inclusion, <https://www.ifrc.org/our-work/inclusion-protection-and-engagement/protection-gender-and-inclusion#:~:text=Protection%20means%20addressing%20violence%20and,excluded%20people%20in%20our%20work>

Intersectional

Discrimination based on one factor such as gender may intersect with other factors of discrimination such as ethnicity, socioeconomic status, disability, age, geographic location, gender identity and sexual orientation, among others.

Source: World Health Organization, Health Topics: Gender, https://www.who.int/health-topics/gender#tab=tab_1

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."

CONSULTATION QUESTION 1.X-2: 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?

BACKGROUND

Women and gender-diverse individuals are currently underrepresented in the mining workforce in jobs where they could access experience, training, and skills development and earn income to improve their lives and autonomy. There is vast untapped potential for leadership and employment of women and gender-diverse individuals in the mining sector that if realized could advance progress toward the United Nations Sustainable Development Goals (SDGs) and targets on gender equality while also contributing to company performance.¹

¹ P. A. Argenti et. al., *The Secret Behind Successful Corporate Transformations*, Harvard Business Review (2021), <https://hbr.org/2021/09/the-secret-behind-successful-corporate-transformations>. This study identifies six common attributes of company transformations, with three of these

Gender norms and discrimination must be addressed in recruitment processes, local procurement strategies, and workplace policies. Entities should also seek to understand traditional beliefs, gender norms, and power dynamics of communities surrounding mine sites to ensure operations do not potentially exacerbate gender inequalities or increase risks of gender-based violence and discrimination, as well as to be aware of how these norms may limit opportunities and benefits for women and gender-diverse individuals.

Women, girls, and gender-diverse individuals in mining-affected communities are at an increased risk of social and economic marginalization, domestic and sexual- or gender-based violence (SGBV), and exclusion from community engagement and decision-making. Other factors such as ethnicity, Indigenous status, and marital status, can exacerbate these impacts. In some countries, women and gender-diverse individuals are excluded or discouraged from stakeholder meetings and participation in decision-making out of respect for, or because of, the community's customs and norms.²

These risks are heightened for Indigenous women and girls. Resettlement has the potential to disproportionately impact women who may lack formal property rights and are responsible for reproductive work such as unpaid care work and providing food and water for their families.

Impact assessments that focus on gender-differentiated impact and context analysis, as well as consultation with women, gender-diverse individuals, women's representatives, women's organizations, and/or gender experts, can significantly improve an entity's ability to identify and address issues of gender equality in the surrounding community caused or exacerbated by mining activity.

Women and gender-diverse individuals are more likely to report a lack of trust in grievance mechanisms often resulting from a lack of gender-balanced management, lack of timely resolutions, or lack of anonymity.

Collecting gender-disaggregated data, setting diversity targets, and conducting gender analyses can all help identify and address these issues.

The IRMA Standard offers requirements, guidance, and procedures throughout that aim to advance gender equality and gender protections. Examples include understanding the social and political dynamics of the surrounding community, collecting gender-disaggregating data, and requiring interviews with male and female workers and community members in the auditing process. This chapter complements the commitment to gender equality and gender protections found throughout the IRMA Standard by requiring mining companies to develop a related policy and plan and to monitor and report on it.

TERMS USED IN THIS CHAPTER

Business Relationships ■ Competent Professionals ■ Confidential Business Information ■ Consultation ■ Credible Methodology **NEW** ■ Customary (Traditional) Laws **NEW** ■ Entity **NEW** ■ Exploration **NEW** ■ Gender **NEW** ■ Gender Diverse **NEW** ■ Gender Mainstreaming **NEW** ■ Gender Protections **NEW** ■ Grievance ■ Grievance Mechanism ■ Indigenous Peoples ■ Inform ■ Intersectional ■ Livelihood ■ Mineral Processing **NEW** ■ Mining **NEW** ■ Mining-Related Activities ■ Mitigation ■ Operation **NEW** ■ Project **NEW** ■ Remediation/Remedy ■ Rights-Compatible ■ Rights Holder ■ Stakeholders ■ 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.

attributes related to diversity and inclusivity, including the number of women employees and managers, finding that gender-diverse companies are more flexible and adaptable to change.

Likewise, a 2015 McKinsey report on 366 companies found that those in the top quartile for gender diversity are 15% more likely to have financial returns above the industry mean. While the study does not attribute direct causation, the presumed drivers for the higher returns in gender-diverse companies come from attracting the best talent, having a strong customer orientation, improved decision making, and increased employee satisfaction. D. Hunt, et. al, *Why Diversity Matters*, McKinsey & Co. (2015) <https://www.mckinsey.com/capabilities/people-and-organizational-performance/our-insights/why-diversity-matters>

² Eftimi, A., Heller, K. & Strongman, J. (2009) Gender Dimensions of the Extractive Industries: Mining for Equity. Extractive Industries and Development Series No. 8 (World Bank). <https://openknowledge.worldbank.org/handle/10986/18236>

OBJECTIVES/INTENT OF THIS CHAPTER

To achieve and maintain gender equality, gender mainstreaming, and gender protections in the workplace and communities where mining and mineral processing takes place.

SCOPE OF APPLICATION

RELEVANCE: This chapter is applicable to all exploration, mining and mineral processing projects and operations.

Note that the requirements outlined below are only applicable to the activities and business relationships that relate to the specific project/operation that is being audited, not all of an entity's activities and business relationships. (See note at the end of the chapter)

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

None at this time.

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.

Gender Equality and Gender Protections Requirements

1.X.1. Policy Commitment

1.X.1.1. A gender policy (or equivalent) is in place that includes an acknowledgement of the entity's commitment to advance gender equality and gender mainstreaming and to ensure gender protections respect all internationally recognized human rights.³ The policy:

- a. Is approved at the most senior level of the entity;
- b. Is informed by relevant internal and/or external expertise;
- c. Stipulates the entity's expectations of personnel, business partners and other parties directly linked to the project/operation to advance gender equality and gender mainstreaming and to ensure gender protections; and
- d. Is publicly available and communicated internally and externally to all personnel, business partners, and other relevant parties and stakeholders.

³ IRMA recognizes that for some entities, a policy commitment may be made at the corporate level. In these cases, entities do not need to have developed their own policies, but they will be expected to demonstrate that they are operating in compliance with their corporate owner's policy (e.g., site-level management understand the policy, and have integrated it into the site-level procedures and dealings with business partners, contractors, etc.).

1.X.2. Gender Impact and Opportunities Assessment

1.X.2.1. The entity establishes an ongoing process to identify and assess their level of achievement of gender equality and gender protections, and to assess gender-related risks or actual impacts from mining-related activities and business relationships. Assessments:

- a. Follow a credible methodology;⁴
- b. Are carried out by competent professionals;
- c. Draw on internal and/or external gender expertise; and
- d. Is informed by consultations with potentially affected rights holders, including different genders, ages, ethnicities, and any potentially vulnerable groups⁵, and other relevant stakeholders.

1.X.2.2. As part of its assessment, the entity documents, at minimum:

- a. An explanation of the assessment methodology;
- b. An analysis of current gender norms and gender equality and gender protections context in the country and project/operation area, including norms and contexts that may have adverse impacts and those that may create opportunities;
- c. An overview of relevant gender equality and gender protection laws, including customary (traditional) laws;
- d. Assessment of the following gender-related factors, at a minimum:
 - i. Gender inequalities within the workplace including: 1) differences in remuneration (e.g., non-equal pay for equal work); 2) differences in retention; 3) differences in roles and responsibilities, including participation in senior leadership and management roles and responsibilities; 4) differences in benefits; and 5) differences in levels of health and safety;
 - ii. Gender-specific risks in the workplace including violence, sexual harassment, intimidation, and health and safety;
 - iii. Gender-specific barriers to employment including: 1) education level; 2) training opportunities; 3) accommodating family roles; 4) cultural norms; 5) legal status; and 6) health and safety;
 - iv. Gender-specific barriers to stakeholder engagement (e.g., participation in consultations, training, capacity building) including: accommodating family roles; cultural norms; and health and safety.
 - v. Gender-specific differences in or barriers to equitable community development and benefit sharing opportunities;
 - vi. Gender-specific differences in or barriers to restoration of livelihoods and in outcomes of resettlement action plans, if relevant;
 - vii. Gender-specific risks in the community including violence, sexual harassment, and intimidation; and
 - viii. Opportunities to collaborate with stakeholders to promote gender equity and empowerment in the community and workplace.

⁴ A “credible” assessment process/methodology would typically include: scoping or identification of the salient human rights, stakeholder consultations; data collection; assessment of the severity of human rights risks and impacts; development of prevention/mitigation measures; and monitoring and evaluation of the effectiveness of implemented measures. This process should be ongoing/updated, as mentioned in 1.X.2.4. For more information see: <https://www.humanrights.dk/projects/human-rights-impact-assessment>

⁵ What stakeholders must be included and what may constitute a 'vulnerable group' requiring specific focus depends on the context. 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 in particular, special attention should be paid to demographics such as women, children, the elderly, people with disabilities, socially or geographically marginalized groups, ethnic or religious minority groups, groups occupying different places on the socio-economic spectrum, different ethnicities, etc. Additional guidance will be provided in the IRMA Guidance Document.

- e. The identification of rights holders, an analysis of the potential differentiated risks to and impacts on rights holder groups such as different genders, ages, ethnicities, and any potentially vulnerable groups⁶, and a disaggregation of results by rights holder group; and
- f. Recommended actions or measures that can be taken by the entity to prevent, mitigate, and remediate identified risks and impacts, giving priority to the most salient issues, and recommended actions or measures that can be taken to promote gender equity and empowerment.⁷

NOTE FOR 1.X.2.2: If this chapter is added to the IRMA Standard, we will cross-reference the elements in 1.3.2.3.d in relevant chapters, e.g., 2.3, 2.4, 3.1, 3.2, 3.3. Also, we can add guidance to clarify and provide examples of gender-specific barriers.

CONSULTATION QUESTION 1.X-3: Do you have any comments on the set of minimum factors listed above and/or can you provide examples of common factors used in gender assessments (with reference to original source)?

CONSULTATION QUESTION 1.X-4: In some circumstances a person may prefer not to disclose their gender, e.g., when filing a grievance—including a grievance related to gender. Allowing a worker or community member to choose not to disclose this information can have the positive impact of protecting a stakeholder or stakeholder group in some cases and may also make assessing and addressing impacts and opportunities by gender more challenging. Should we include a requirement that allows a preference not to disclose one’s gender? Why or why not? In what contexts might a preference not to disclose one’s gender be necessary? In what contexts might this not be appropriate?

CONSULTATION QUESTION 1.X-5: We note that in some circumstances a person may prefer not to disclose sexual orientation, marital status, or other factors. Should we include a requirement to allow a preference not to disclose particular intersectional factor(s)? If so, what factors and why? In what contexts might a preference not to disclose the factor(s) you’ve identified be necessary? Are there any contexts in which a preference not to disclose the factor(s) may not be appropriate?

CONSULTATION QUESTION 1.X-6: This chapter aims to take an intersectional approach, promoting assessment of impacts by gender and understanding and addressing related factors of discrimination such as ethnicity, socioeconomic status, disability, age, geographic location, gender identity, sexual orientation, religion, or marital status, for example. Are there specific factors you recommend for intersectional assessments?

1.X.2.3. At minimum, stakeholders and rights holders who participate in the assessment process:

- a. Have the opportunity to review draft key issues and findings that are relevant to them, and
- b. Are consulted to provide feedback on assessment findings and proposed strategies to prevent, mitigate, and remediate identified salient risks and impacts and promote gender equity and empowerment.

1.X.2.4. The assessment is updated when there are proposed changes to mining-related activities, or changes in business relationships or in the operational, environmental, or social context that may create new risks or change the nature or degree of an existing impact.

⁶ What stakeholders must be included and what may constitute a 'vulnerable group' requiring specific focus depends on the context.

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 in particular, special attention should be paid to demographics such as women, children, the elderly, people with disabilities, socially or geographically marginalized groups, ethnic or religious minority groups, groups occupying different places on the socio-economic spectrum, different ethnicities, etc. Additional guidance will be provided in the IRMA Guidance Document.

⁷ IRMA’s Glossary defines “Salient Human Rights” as: Those human rights that are at risk of the most severe adverse impacts through an entity’s activities or business relationships. They therefore vary from company to company. This concept of saliency can also be applied to gender-related issues.

1.X.3. Management and Promotion of Gender Equity and Empowerment

1.X.3.1. A gender management plan (or equivalent) is developed and implemented to prevent, mitigate, and remediate the most salient gender-related risks and impacts, and promote gender equity and empowerment in its project/operation and in affected communities.⁸ The plan:

- a. Is developed by competent professionals;
- b. Outlines specific actions that will be implemented to prevent, mitigate, and remediate identified salient risks and impacts and promote gender equity and empowerment;
- c. Identifies key indicators, and ensures that there is an adequate baseline for the indicators to enable measurement of the effectiveness of actions over time; and
- d. Assigns implementation of actions, or oversight of implementation, to responsible staff;⁹
- e. Includes an implementation schedule; and
- f. Includes estimates of human resources and budget required and a financing plan to ensure that funding is available for the effective implementation of the plan.

1.X.3.2. Stakeholders have access to and are informed about a rights-compatible grievance mechanism and other mechanisms through which they can raise concerns and seek recourse for grievances related to gender-related impacts.

1.X.4. Monitoring and Evaluation

1.X.4.1. The entity monitors whether the prevention, mitigation, and remediation strategies developed to address salient gender risks and impacts and the efforts to promote gender equity and empowerment included in the management plan are being effectively implemented. The monitoring:

- a. Includes documentation of actual performance in relation to indicators (see 1.X.3.1.b); and
- b. Includes feedback from internal and external sources, including affected rights holders.

1.X.4.2. Annually or more frequently, the entity reviews monitoring results (1.X.4.1) and any related grievances and evaluates the effectiveness of its strategies. Based on that review, the management plan is updated, if necessary, to improve the effectiveness of its actions.

1.X.5. Reporting

1.X.5.1. The entity annually reports publicly on the effectiveness of its gender equality and gender protection activities.¹⁰ At minimum, reporting includes the methods used to determine the salient gender issues, a list of salient gender risks and impacts that were identified, and actions taken at the site-level to prevent, mitigate and/or remediate the salient gender risk and impacts and promote gender equity and empowerment.¹¹

⁸ IRMA's Glossary defines "Salient Human Rights" as: Those human rights that are at risk of the most severe adverse impacts through an entity's activities or business relationships. They therefore vary from company to company. This concept of saliency can also be applied to gender-related issues.

⁹ If work is carried out by third party contractors, then there needs to be a staff employee responsible for overseeing the quality of work, timelines, etc.

¹⁰ Public reporting referred to in 1.X.5.1 may exclude information that is politically sensitive, is confidential business information, or that may compromise safety or place any individual at risk of further victimization.

If the entity's corporate owner is responsible for gender-related reporting, this requirement can only be fully met if the corporate owner reports on all of the elements in 1.X.5.1, including issues specific to the site undergoing the IRMA assessment.

¹¹ IRMA's Glossary defines "Salient Human Rights" as: Those human rights that are at risk of the most severe adverse impacts through an entity's activities or business relationships. They therefore vary from company to company. This concept of saliency can also be applied to gender-related issues.

CONSULTATION QUESTION 1.X-7: Is the requirement to report ‘annually’ appropriate here? Do you recommend any other specific timeframe (e.g., bi-annually) and/or circumstance (e.g., major modifications to the mining or mineral processing operation, significant changes in technology, etc.) that should prompt a public report?

NOTES

This chapter is generally aligned with IRMA Chapter 1.3 – ‘Human Rights Due Diligence,’ which is based on the framework for corporate responsibility established in the UN Guiding Principles on Business and Human Rights.¹² It includes best practice requirements to increase transparency, the ability of rights holders to participate, in a meaningful way, in decisions that affect their lives.

GLOSSARY OF TERMS USED IN THIS CHAPTER

PROPOSED NEW DEFINITIONS

Customary Law (or Traditional Law)

The law and related customs of Indigenous and Tribal Peoples and local communities, increasingly recognized by courts, lawmakers, and public administrative bodies. Even where national or subnational legislation is available that aims to protect Indigenous Peoples and local communities, their rights are frequently denied in practice. Recognition of customary traditional law can aid in fair and effective administration of justice that is necessary to foster reconciliation, peace, stability and development among Indigenous Peoples and local communities.

Source: UN Economic and Social Council Commission on Human Rights. 2004. Human Rights and Indigenous Issues. pp. 2-3, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G04/105/28/PDF/G0410528.pdf?OpenElement> and World Intellectual Property Assoc. 2016. Customary Law and Traditional Knowledge. <https://www.wipo.int/publications/en/details.jsp?id=3876>

Credible Method/Methodology

A method/methodology that is widely recognized, accepted, and used by experts and practitioners in a particular field of study.

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.

Gender

Gender refers to the norms, responsibilities, and social structure enforcing pre-defined roles for women, men, girls, boys, and gender-diverse people. As a social construct, gender varies from society to society and can change over time. Regarding mineral development (i.e., exploration, mining, mineral processing), issues of gender equality often focus on women in particular because they face a heightened risk to adverse effects from mining-related activities, due in large part to patriarchal gender norms and differences in women’s access to and control over resources relative to men.

Source: Adapted from World Health Organization, Health Topics: Gender, https://www.who.int/health-topics/gender#tab=tab_1

¹² 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

Gender Diverse

People whose gender identity, including their gender expression, is at odds with the gender norm, including those who do not place themselves in the male/female binary (non-binary) and people who identify with a different sex than the one assigned to them at birth (transgendered).

Source: Adapted from United Nations Human Rights Office of the High Commissioner, The Struggle of Trans and Gender-Diverse Persons: Independent Expert on Sexual Orientation and Gender Identity, <https://www.ohchr.org/en/special-procedures/ie-sexual-orientation-and-gender-identity/struggle-trans-and-gender-diverse-persons#:~:text=The%20term%20%22gender%2Ddiverse%22,binary%3B%20the%20more%20specific%20term>

Gender Equality

The equal rights, responsibilities, and opportunities of women, men, and gender-diverse individuals. Equality does not mean that women and men will become the same, but that rights, responsibilities, and opportunities will not depend on a person's sex at birth. Gender equality implies that the interests, needs, and priorities of women, men, and gender-diverse individuals are taken into consideration. Gender equality is not a women's issue; it is an issue that should concern and fully engage men, women, and gender-diverse individuals. Equality between women, men, and gender-diverse individuals is seen both as a human rights issue and as a precondition for, and indicator of, sustainable people-centered development.

Source: Adapted from UN Women, Gender Mainstreaming Concepts and Definitions, available at <https://www.un.org/womenwatch/osagi/conceptsanddefinitions.htm>

Gender Mainstreaming

Integration of gender concerns into the design and management of business operations in order to improve business outcomes and identify areas where benefits, risks and impacts may be experienced differently for men, women, and gender-diverse individuals. This may include intersectional gender analysis, intersectional gender impact assessments, and consultation with gender experts.

Gender mainstreaming can better enable the successful development, implementation and ongoing monitoring of gender-responsive strategies and measures designed to address issues of gender equality.

Gender Protections

Addressing and keeping people safe from gender-based discrimination, violence, and harm, e.g., sexual and gender-based violence (SGBV).

Source: Adapted from International Federation of Red Cross and Red Crescent Societies (IFRC), Protection, Gender and Inclusion, <https://www.ifrc.org/our-work/inclusion-protection-and-engagement/protection-gender-and-inclusion#:~:text=Protection%20means%20addressing%20violence%20and,excluded%20people%20in%20our%20work>

Intersectional

Discrimination based on one factor such as gender may intersect with other factors of discrimination such as ethnicity, socioeconomic status, disability, age, geographic location, gender identity and sexual orientation, among others.

Source: World Health Organization, Health Topics: Gender, https://www.who.int/health-topics/gender#tab=tab_1

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

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.

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.

REVISED. Deleted reference to Chapter 4.1.

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 people 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.

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.

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.

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

Grievance Mechanism(s)

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.

Indigenous Peoples

An official definition of “indigenous” has not been adopted by the United Nations 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, Adivasi and Janajati. All such terms fall within this modern understanding of “indigenous.”

Source: Adapted from United Nations Permanent Forum on Indigenous Issues, Fifth Session, “Fact Sheet 1: Indigenous Peoples and Identity.”

REVISED. Removed the term “ethnic groups” as this is broadly applicable to other populations that are not considered Indigenous Peoples, and could make it challenging to audit.

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.

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.

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

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 its extent, with any residual impact then requiring remediation.

Remediation/Remedy

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.

Resettlement Action Plan

A plan designed to mitigate the adverse impacts of displacement by providing for the relocation of people. These plans typically involved: identifying livelihood restoration opportunities; developing a resettlement budget and schedule; and establishing the entitlements of all categories of affected people (including host communities). Such a plan is required when resettlement involves physical displacement of people.

Source: Adapted from IFC. 2012. Performance Standard 5, paragraph 19.

REVISED. We are proposing to add some details concerning what is typically included in a RAP to better align with relevant requirements within the Standard.

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.

Rights-Compatible

In reference to grievance mechanism, means ensuring that outcomes and remedies accord with internationally recognized human rights.

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: 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 (repeated from above): 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?