



Initiative for Responsible
Mining Assurance

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

Chapter 3.1 – Fair Labor and Terms of Work

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 3.1

Fair Labor and Terms of Work

NOTES ON THIS CHAPTER: This chapter has structural changes, as well as several additions and deletions.

Proposed additions and changes:

- There has been reorganization of some requirements (3.1.1.1 and 3.1.1.2) to distinguish between things that we expect all entities to do or have done, and things we expect would be written in a policy stating how the entity would behave if a certain situation that had never arisen were to arise (e.g., a legal strike). Absent this 'policy' focus, if the circumstance had never arisen at a site, there was nothing to audit and marking these requirements as 'not relevant' did nothing to encourage/ensure good practices (e.g., non-interference in legal strikes) amongst entities.
- We added nuance to existing requirements, for example adding explicit reference to 'equal pay for equal work' under the non-discrimination section (requirement 3.1.2.1), adding additional requirements for retrenchment planning (3.1.4.1), requiring entities to prioritize the most severe grievances, to actively inform stakeholders that using the grievance mechanism does not preclude use of other mechanisms, and to explicitly inform workers of their options for external recourse (beyond the grievance process) (3.1.5.1), requiring that entities utilize an internationally recognized methodology to calculate living wages (3.1.9.1), and strengthening or supplementing requirements related to benefits and working conditions across several requirements in criterion 3.1.9 and 3.1.10.
- We are proposing written policies in several areas where it was not sufficiently clear before (i.e., 3.1.7.1. on child labor). For the criteria on child labor and forced labor, we removed guidance that entities should shift their supply chain over time if use of child/forced labor persisted and instead specified that entities should take responsibility for ensuring such situations are remedied (3.1.7.5 and 3.1.8.3). We added requirements obligating entities to conduct risk assessments for child labor (3.1.7.4) and forced labor (3.1.8.2), as previously this was not an explicit requirement under this chapter (rather the obligation was under Chapter 1.3 on human rights).
- We are proposing a new anti-harassment criterion (3.1.3) as previously this was only mentioned in terms of disciplinary actions and treatment of women but did not address relations between all workers.
- We added requirements relating to training of employees or supervisors on various policies/procedures (i.e., 3.1.2.2 on non-discrimination, 3.1.3.2 on anti-harassment, 3.1.5.5 on grievance/whistleblowing mechanisms, 3.1.6.4 on disciplinary actions) and obligations of the entity to socialize policies/procedures where a requirement to do so didn't previously exist (i.e., 3.1.6.3 on disciplinary actions).
- We added reference to a whistleblower mechanism and changed the name of criterion 3.1.5 from 'Grievance Mechanisms' to 'Worker Grievance and Whistleblower Mechanisms' to reflect the inclusion of an explicit whistleblower requirement (3.1.5.2) and to more clearly distinguish between the worker grievance mechanism covered primarily in this chapter, and the stakeholder grievance mechanism that is the subject of Chapter 1.4. We also introduced additional requirements relating to the worker grievance mechanism (e.g., 3.1.5.6) drawing on similar sub-requirements for the stakeholder grievance mechanism in Chapter 1.4.
- Finally, we added new requirements to the sections on wages and benefits (3.1.9), and working hours (3.1.10) that require entities to document wages, benefits, and deductions (3.1.9.8) as well as hours worked (3.1.10.5), and meet sub-requirements relating to workers' living accommodations (3.1.9.9) and break times (3.1.10.4).

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

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

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

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

OBJECTIVES/INTENT OF THIS CHAPTER

To maintain or enhance the social and economic wellbeing of workers and respect internationally recognized workers' rights.

SCOPE OF APPLICATION

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

IRMA recognizes that some of the requirements of this chapter may be included in a collective bargaining agreement (CBA). Where this is the case, the CBA will take precedence over IRMA requirements, as long as the union that negotiated them is deemed by auditors - based on the evaluation of all evidence presented in relation to this chapter including stakeholder interviews - to be a legitimate representative body.

As per IRMA Chapter 1.1, the entity is also responsible for ensuring that contractors with which it works comply with relevant requirements in the IRMA Standard.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

TERMS USED IN THIS CHAPTER

Child Labor ■ Company Union ■ Consultation ■ Contractors ■ Control ■ Corporate Owner ■ Credible Methodology NEW ■ Entity NEW ■ Exploration NEW ■ Forced Labor ■ Grievance ■ Grievance Mechanism ■ Hazardous Work ■ Host Country Law ■ Indigenous Peoples ■ Living Wage ■ Mineral Processing NEW ■ Mining NEW ■ Operation NEW ■ Project NEW ■ Remediation/Remedy ■ Retrenchment ■ Serious Human Rights Abuses ■ Site NEW ■ Suppliers ■ Trafficking in People ■ Whistleblower ■ Worker ■ Workers' Health and Safety Representative NEW ■ Workers' Organizations ■ Workers' Representative ■

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

¹ The definition of contractors includes relevant subcontractors (i.e., those involved in providing services to contractors as part of their services to the entity/operation), and contracted workers.

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.).

CONSULTATION QUESTION 3.1-1

Background: Throughout Chapter 3.1, reference is made to 'workers' as a general category, with equivalent obligations relating to contractors being derived implicitly in Chapter 1.1 (requirement 1.1.3.1), which obligates entities to ensure that contractors meet IRMA requirements that are relevant to them.

In some of the requirements below, we specifically mention contractors. Where contractors are mentioned, it is the entity's responsibility to carry out an action (e.g., ensuring that contractors are informed of the entity's policy, or undertaking and assessment of risks related to contractors, etc.).

Where contractors are not explicitly mentioned, then as per Chapter 1.1 it would be expected that contractors themselves have systems in place to meet the IRMA requirements. For example, a contractor that has its own direct employees who are working at a mine/mineral processing site (or a broker that hires out contracted workers to the entity) would be expected to be paying fair wages and benefits. The entity's responsibility in such cases would be carrying out some monitoring to make sure that is happening.

Question: Are there any requirements in this chapter that are not currently the entity's responsibility that you believe should be (for example, should the entity have a grievance mechanism for contractors, or should it be the responsibility of the contractor to provide such a mechanism for its subcontractors/employees who are working at the project/operation)?

Conversely, are there any requirements in Chapter 3.1 that you believe should not be applied to or expected of contractors?

CRITICAL REQUIREMENTS IN THIS CHAPTER

Workers' freedom of association (3.1.1.1) and collective bargaining (3.1.1.2) are respected; the entity develops and implements an effective anti-harassment policy (or its equivalent) (3.1.3.1); workers have access to operational-level mechanisms that allows them to raise and seek resolution or remedy for complaints and grievances that may occur in relation to workplace-related issues (3.1.5.1); the entity has a policy prohibiting child labor (3.1.7.1); and the entity develops and implements a policy (or equivalent) on the avoidance of forced labor and the trafficking of people (3.1.8.1).

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.

Fair Labor and Terms of Work Requirements

3.1.1. Respect for Freedom of Association and Collective Bargaining

NOTE FOR 3.1.1: In the 2018 Mining Standard, criterion 3.1.1. was called 'Human Resources Policy' - the requirement in this criterion (3.1.1.1) asked for a human resources policy that aligned with the terms of this chapter. In the proposed update to the Standard this is redundant as we now ask for policies for specific subject areas throughout. Therefore, both the criterion and requirement have been removed.

In the 2018 Mining Standard, the equivalent criterion to the current 3.1.1 was called 'Workers Organization and Agreements.' In that version of the standard, the various elements in 3.1.1.1 and 3.1.1.2 are found in a number of individual requirements. Because these elements are all associated with freedom of association or collective bargaining in good faith, we have combined them to act as indicators that companies are, indeed, respecting these rights. In the 2018 Mining Standard, the requirement to respect freedom of association and collective bargaining was a critical requirement, so we have made both 3.1.2.1 and 3.1.2.2 critical requirements in this proposed Standard (for more on critical requirements see the note that accompanies 'Critical Requirements In This Chapter,' above).

3.1.1.1. (Critical Requirement)

The entity respects the rights of workers to freedom of association by:

- a. Informing workers of:
 - i. Their right to freedom of association under national labor and employment law (if relevant); and
 - ii. That they are free to join (or refrain from joining) a workers' organization of their choosing without any negative consequences or retaliation from the entity;
- b. Providing workers' representatives with access to facilities needed to carry out their functions in the workplace, including provision of access to designated non-work areas during organizing efforts for the purposes of communicating with workers, and provision of accommodations for workers' representatives at sites, where relevant;²
- c. Developing and implementing a policy on freedom of association (or equivalent) that includes commitments to:
 - i. Remain neutral in any legitimate unionizing or worker-organizing effort;
 - ii. Not produce or distribute material that disparages legitimate trade unions; and
 - iii. Not establish or support a "company union" that has the effect of undermining legitimate worker representation; and
- d. Where national law substantially restricts workers' organizations, allowing workers to develop alternative mechanisms to express their grievances and protect their rights regarding working conditions and terms of employment, and not attempting to influence or control these mechanisms.

NOTE FOR 3.1.1.1: REVISED. This requirement draws on requirements 3.1.2.1, 3.1.2.2, 3.1.2.4, 3.1.2.5, and components of 3.1.2.6 from the 2018 Mining Standard.

In 3.1.1.1.a.ii, we clarified that workers must be free to join or not join a workers' organization, in recognition that there may be pressure at some sites to join an organization where workers would otherwise choose not to do so.

We re-organized 3.1.1.1 to distinguish between those points we expect would be written in a policy (e.g., how the entity *would* behave in during an organizing effort or in the event of a legal strike, even if neither has not occurred) and those that are actions we expect all entities to have taken. In the 2018 Mining Standard there are a number of requirements - including this one - that are difficult to audit as written, because if the entity tells auditors, for example, that there have not been any efforts to organize at the operation then the auditor has two choices – mark as 'fully meets' the requirement that the entity remains neutral during worker organization efforts (which is not accurate, since the entity can provide no evidence of this beyond perhaps a verbal guarantee that if organizing were to occur that the entity would remain neutral) or mark it as not relevant (which is more accurate, but is problematic because IRMA is trying to promote this best practice, and while there may not have been an organizing effort in the past one could happen). Requiring entities to make policy commitments to remain neutral during organization efforts demonstrates a respect for and intention to uphold the practice).

² For example, at remotely located sites.

3.1.1.2. (Critical Requirement)

The entity demonstrates respect for the rights of workers to collective bargaining by:

- a. During worker induction:
 - i. Informing workers of their right to collective bargaining under national labor and employment law, if relevant;
 - ii. Informing workers of their rights under an applicable collective bargaining agreement (CBA), if relevant; and
 - iii. Providing workers with a copy of the CBA and the contact information for the appropriate trade union (or workers' organization) representative, if relevant;³
- b. Negotiating in good faith with workers' representatives and workers' organizations and providing them with information needed for meaningful negotiation in a timely manner; and
- c. Developing and implementing a policy on collective bargaining (or equivalent) that includes commitments to:
 - i. Respect the terms and agreements of CBAs;
 - ii. Not use short-term contracts or other measures to undermine a CBA or avoid or reduce obligations to workers under applicable labor and social security laws and regulations;⁴
 - iii. Not impose sanctions on workers, workers' representatives or workers' organizations participating in a legal strike;⁵ and
 - iv. Not hire replacement workers in order to prevent, undermine or break up a legal strike, support a lockout, or avoid negotiating in good faith. The entity may, however, hire replacement workers to ensure that critical maintenance, health and safety, and environmental control measures are maintained during a legal strike.

NOTE FOR 3.1.1.2: This requirement draws on requirements 3.1.2.3, 3.1.2.6, 3.1.2.7, 3.1.2.8, 3.1.2.9, and 3.1.2.10 from the 2018 Mining Standard.

In the 2018 Mining Standard there are a number of requirements - including this one - that are difficult to audit as written, because if the entity tells auditors, for example, that they do not hire replacement workers to undermine a legal strike but there has never been a legal strike at the site, then the auditor has two choices – mark as 'fully meets' the requirement that the entity does not hire short term workers to undermine a legal strike (which is not accurate, since the entity can provide no evidence of this beyond perhaps a verbal guarantee that if a legal strike were to occur that the entity would not hire short term workers) or mark it as not relevant (which is more accurate, but is problematic because IRMA is trying to promote this best practice, and while there may not have been a legal strike in the past one could happen). Requiring entities to explicitly make policy commitments to remain neutral during organization efforts demonstrates a respect for and intention to uphold the practice.

We therefore re-organized 3.1.1.2. to distinguish between those points that we expect would be written in a policy (i.e., what an entity *would do* in the event of a legal strike, for example, which may or may not have occurred) (see 3.1.2.2.d) and those that are actions we expect all entities to take or have taken.

We also added a guidance note (currently footnote #3) that clarifies the conditions under which short-term contracts may constitute a violation of sub-requirement 3.1.2.2.d.iv.

³ If the entity has another process in place that meets the intent of this requirement - e.g., allowing unions to speak to all new recruits during induction - then this can fulfil the requirement to 'provide contact information for unions'.

⁴ Short-term contracts can be used under certain circumstances, i.e., for fixed-term service providers (i.e., a consultant or specialist contracted to meet a specific, time-constrained need), or to meet temporary business needs. However, the use of successive short-term contracts (without benefits) for the same person/role or similar behavior may indicate that there is an intent to avoid labor obligations or to undermine the CBA and will be investigated as such by auditors.

⁵ Nothing in this requirement shall remove the right of an entity to seek enforcement action when workers, workers' representatives or workers' organizations are operating in contravention to laws or regulations.

3.1.2. Non-Discrimination and Equal Opportunity

NOTE FOR 3.1.2: This was criterion 3.1.3 in the 2018 Mining Standard.

3.1.2.1. The entity develops and implements a policy on non-discrimination and equal opportunity (or equivalent) that:

- a. States that discrimination in the workplace is not acceptable;
- b. States that employment relationships are based on the principles of equal opportunity, fair treatment, equal pay for equal work,⁶ and non-discrimination, and that employment decisions are not based on personal characteristics that are unrelated to inherent job requirements;⁷
- c. Only includes exceptions with respect to hiring and recruitment in the case of:
 - i. Targets or quotas mandated by law; or
 - ii. Entity targets for the employment of local residents, Indigenous Peoples, or individuals who have been historically disadvantaged, if there are explicit goals and justification for such targets.
- d. Is communicated to all employees (e.g., managers, supervisors, workers) and contractors.

NOTE FOR 3.1.2.1: REVISED. This was requirement 3.1.3.1 in the 2018 Mining Standard. We combined previous requirements 3.1.3.1 and 3.1.3.2, the latter which provided the exceptions to 3.1.3.1 as these should be audited and scored as one requirement.

We added sub-requirements (a) and (d) - similar requirements are found in the RBA/RMI ESG Standard for Mineral Supply Chains.⁸

We added in the concept of 'equal pay for equal work' to sub-requirement (b) as an objective indicator of the success of the entity's efforts to ensure non-discrimination. While often used in relation to gender disparities in remuneration, we will include guidance that auditors are to ensure equal pay for equal work across a number of categories (see footnote 289). Insofar as it relates to gender, it is important to note that this criterion is complementary to a new proposed chapter on Gender Equality and Gender Protections, which contains additional requirements relating to gender in the workplace. If this proposed chapter is not approved for inclusion as a stand-alone chapter in Version 2.0 of the IRMA Standard, we will assess which requirements, if any, from that chapter should be incorporated into this chapter (3.1).

We removed 3.1.3.3 of the 2018 Mining Standard, "The operating company shall take measures to prevent and address harassment, intimidation, and/or exploitation, especially in regard to female workers", as we now have an anti-harassment policy criterion below that fulfills this intent (3.1.3).

CONSULTATION QUESTION 3.1-2: Other standards have included requirements aimed at ensuring gender-based discrimination, such as not requiring women to undergo pregnancy or virginity tests as a condition of employment.⁹ IRMA currently proposes to include this as guidance notes for 3.1.2.1 above, i.e., as something

⁶ Equal pay for equal work refers to the right of women and men to receive equal remuneration for work of equal value - this means men and women working in identical or similar jobs should receive the same pay, as well as when working in different jobs that can be shown to be of equal value in terms of required skills, qualifications, working conditions, level of responsibility, and effort required by the job (see Equal Pay International Coalition web site, "Equal pay for work of equal value," <https://www.equalpayinternationalcoalition.org/equal-pay/>).

⁷ "Employment relationships" include: recruitment and hiring, compensation (including wages and benefits), working conditions and terms of employment, access to training, job assignment, promotion, termination of employment or retirement, and disciplinary practices. "Personal characteristics unrelated to inherent job requirements" may include: gender, race, nationality, ethnicity, social class, religion or belief, disability, HIV status, age, sexual orientation, marital status, parental status, worker status (e.g., local vs. migrant workers, temporary versus permanent workers), political affiliation, union membership, or veteran status.

⁸ Responsible Business Alliance. 2021. Environmental, Social and Governance (ESG) Standard for Mineral Supply Chains. Requirement VI-3. https://www.responsiblemineralsinitiative.org/media/docs/standards/RMI_RMAP%20ESG%20Standard%20for%20Mineral%20Supply%20Chains_June32021_FINAL.pdf

⁹ E.g., Responsible Business Alliance. 2021. Environmental, Social and Governance (ESG) Standard for Mineral Supply Chains. Requirement VI-3. https://www.responsiblemineralsinitiative.org/media/docs/standards/RMI_RMAP%20ESG%20Standard%20for%20Mineral%20Supply%20Chains_June32021_FINAL.pdf

that auditors should investigate as something that may be indicative of discriminatory practices. Are there other similar discriminatory recruitment/hiring practices you have experienced or seen that we should be including in this guidance?

3.1.2.2. All employees (e.g., managers, supervisors, workers) and contractors are trained on the above policies and procedures as appropriate to their role.

NOTE FOR 3.1.2.2: NEW. We added this requirement to ensure that policies are not only implemented in a top-down manner, but also understood by the workers themselves.

3.1.3. Anti-Harassment

NOTE FOR 3.1.3: NEW. This criterion did not exist in the 2018 Mining Standard. See explanatory note for creating a criterion for anti-harassment below (note for 3.1.3.1).

3.1.3.1. (Critical Requirement)

The entity develops and implements an anti-harassment policy (or its equivalent) that:

- a. States that corporal punishment, harsh or degrading treatment, sexual or physical harassment, mental, physical or verbal abuse, coercion, or intimidation, particularly with regard to female workers, are not acceptable in the workplace; and
- b. Is communicated to all employees, workers and contractors and available to them on an ongoing basis.

NOTE FOR 3.1.3.1: REVISED. This replaces requirement 3.1.3.3 in the 2018 Mining Standard, which said "The operating company shall take measures to prevent and address harassment, intimidation, and/or exploitation, especially in regard to female workers." That requirement was a critical requirement, and so we have made 3.1.3.1 critical, since it is this requirement that best captures that intent (for more on critical requirements see the note that accompanies 'Critical Requirements In This Chapter,' above).

We wanted to make it clear that the behaviors listed in 3.1.3.1.a are not appropriate for anyone at the site (i.e., workers, supervisors, contractors), and so they all need to be aware of this policy. Previously, the only prohibition on these actions was in relation to disciplinary activities.

3.1.3.2. The entity provides mandatory training for all supervisors on the anti-harassment policy.

NOTE FOR 3.1.3.2: NEW. See note for 3.1.3.1.

3.1.4. Retrenchment

3.1.4.1. Prior to implementing any collective dismissals (i.e., retrenchment):

- a. The entity carries out an analysis of alternatives to retrenchment; and
- b. If the analysis does not identify viable alternatives to retrenchment, develops and implements a retrenchment plan that:
 - i. Is developed in consultation with workers, their organizations, and, where appropriate, community leaders and/or the government;
 - ii. Includes measures to reduce the adverse impacts of retrenchment on workers;
 - iii. Outlines a clear timeline and budget for each stage of retrenchment; and
 - iv. Incorporates the principle of non-discrimination by developing objective, fair, and transparent criteria by which workers will be chosen for dismissal.

NOTE FOR 3.1.4.1: REVISED. This requirement was 3.1.4.1 in the 2018 Mining Standard.

We added **NEW** expectations in this requirement (sub-requirements b.ii to b.iv) to better approximate international best practice on retrenchment planning – this includes references to objective, fair, and transparent criteria, the requirement for a clear timeline and budget, and reference to consultations with community leaders if necessary.

3.1.4.2. All workers subject to retrenchment:

- a. Receive notice of dismissal and severance payments mandated by law and collective agreements;
- b. Receive outstanding back pay, social security benefits, and pension contributions and benefits upon or before termination of the working relationship, or in accordance with a timeline agreed through a collective bargaining agreement; and
- c. Receive payments directly, or through an appropriate institution that provides certain benefits to workers (e.g., pension or health funds). Where payments are made to such institutions for the benefit of workers, the workers are provided with evidence of such payments.

NOTE FOR 3.1.4.2: REVISED. This was 3.1.4.2 in the 2018 Mining Standard. We restructured this to more clearly lay out the expectations, and added clarifying language that this requirement refers specifically to workers *subject to retrenchment* (not regular acts of dismissal). Removed the language that payments be made in a timely manner, since we state outright that payments need to occur upon or before termination.

3.1.5. Worker Grievance and Whistleblower Mechanisms

NOTE FOR 3.1.5: REVISED. We changed the name of this criterion from 'Grievance Mechanisms' to 'Worker Grievance and Whistleblower Mechanisms' to reflect the inclusion of an explicit whistleblower requirement (3.1.5.2) and to more clearly distinguish between the worker grievance mechanism covered primarily in this chapter, and the stakeholder grievance mechanism that is the subject of Chapter 1.4. In the guidance notes in both this chapter and 1.4, we will clarify this distinction and state how both Chapter 3.1 and Chapter 1.4 are to be audited if the mechanism for workers and communities/stakeholders are one in the same, or distinct.

3.1.5.1. (Critical Requirement)

The entity provides a grievance mechanism for workers (and their organizations, where they exist) to raise workplace concerns. The mechanism is underpinned by a grievance procedure (or equivalent) that:

- a. Provides for the involvement of an appropriate level of management in the oversight of grievances;
- b. Outlines how grievances and communications with complainants are tracked, recorded, acknowledged, investigated, and equitably resolved in a timely manner, including general timeframes for each phase of the process;
- c. Provides that workers will face no retaliation relating to any grievance submitted;¹⁰
- d. States that severe grievances such as those involving gender-based violence or other human rights abuses will be prioritized;
- e. Outlines how complainants can file anonymous grievances and how the confidentiality of a complainant's identity will be protected, if requested by the complainant;
- f. 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 complaint through other available mechanisms; and
- g. 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 pertaining to serious human rights abuses; and
- h. States that workers' representatives can be present at any proceedings or discussions relating to a grievance, if requested by the aggrieved worker.

NOTE FOR 3.1.5.1: REVISED. This was requirement 3.1.5.1 in the 2018 Mining Standard, and was a critical requirement (for more on critical requirements see the note that accompanies 'Critical Requirements In This

¹⁰ Retaliation can take the form of termination of employment, demotion, unfair/discriminatory/unequal assignment of work-related tasks seen as undesirable, withholding of benefits or rejection of valid requests for leave, etc.

Chapter,' above). We divided sub-requirement (a) from the 2018 Mining Standard into sub-requirements (a), (b), and (c), above, as they are distinct processes that exist independently of one another.

We added two **NEW** sub-requirements: (d) which requires prioritization of the most severe grievances; and (g) which requires entities to explicitly inform stakeholders of their options for external recourse, pursuant to sub-requirement (f).

In sub-requirement (f), we similarly clarified the need for entities to explicitly state (in a written procedure) that utilizing the grievance mechanism does not preclude recourse to other procedures; without an explicit statement to this effect auditors can only look for workers that have both utilized the grievance mechanism and sought recourse to alternative mechanisms (whether successfully or unsuccessfully), which in many cases might be difficult to identify. Furthermore, if workers do not know this is an option, they are unlikely to avail themselves of it, therefore there is nothing to audit.

In sub-requirement (h), we clarified that there needs to be an explicit statement in a written grievance mechanism procedure that workers' representatives can be present at proceedings/discussions. Previously this requirement was difficult to audit because, absent a requirement for this to be made explicit to workers, it was possible workers would not know this was available to them and if they did not know this was available, they were unlikely to ask for it, and if they did not ask for it, there was nothing to audit. We therefore altered the language to put the onus on the entity to explicitly state this option, in line with similar changes in other chapters where things were 'upon request' of affected stakeholders (see Chapter 1.2, [Note for requirement 1.2.4.3](#)).

CONSULTATION QUESTION 3.1-3: Working group 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:

1. Under what conditions should this be required (i.e., is it applicable to only the most serious grievances or to all grievances)?
2. At what point in the grievance process should an independent third-party be brought in?
3. Who should make the determination of an independent third-party should become involved?

3.1.5.2. The entity establishes a formal, confidential, and documented whistleblower process to enable workers and contractors to raise concerns regarding the unlawful or unethical activity or behavior (e.g., bribery, corruption, willfully ignoring safety standards) of an employee or contractor.¹¹ The entity does not retaliate in any way against a whistleblower who, in good faith, has reported such issues.

NOTE FOR 3.1.5.2: NEW. We added this requirement in response to a noted gap in terms of best practice; previously there were no provisions pertaining to whistleblowing. This was added in the proposed IRMA Mineral Processing Standard but under Chapter 1.5 on Anti-Corruption rather than under Chapter 3.1. We are proposing to include it here, since it is an aspect of the grievance mechanism for workers. A whistleblower mechanism was added in the draft IRMA Mineral Processing Standard because it is required in other standards, for example, Responsible Jewellery Council's Code of Practices and the RBA/RMI ESG Standard for Mineral Supply Chains.¹²

¹¹ See also requirement 1.5.5.1.c in Chapter 1.5 on Financial Transparency and Anti-Corruption and requirement 4.X.4.1.f. in proposed Chapter 4.X on Management of Physical Stability.

¹² Responsible Jewellery Council. 2019. Code of Practices. Requirement 11.2.d. <https://www.responsiblejewellery.com/wp-content/uploads/RJC-COP-2019-V1.2-Standards.pdf>; and Responsible Business Alliance. 2021. Environmental, Social and Governance (ESG) Standard for Mineral Supply Chains. Requirement VII-17. https://www.responsiblemineralsinitiative.org/media/docs/standards/RMI_RMAP%20ESG%20Standard%20for%20Mineral%20Supply%20Chains_June32021_FINAL.pdf

3.1.5.3. The entity informs workers of the grievance mechanism and informs workers and contractors of the whistleblowing process at the time of recruitment/hiring and makes procedures easily accessible to them on an ongoing basis in languages and formats that are understandable to them.¹³

NOTE FOR 3.1.5.3: REVISED. This was 3.1.5.2 in the 2018 Mining Standard. We added reference to a whistleblowing mechanism (in addition to the grievance mechanism) and added language to ensure that grievance and whistleblowing procedures and the mechanisms themselves are available in appropriate languages and formats (particularly where grievance mechanisms are designed at the corporate level, materials may be in English or another language that is not appropriate for workers). Previously whistleblowing protections/mechanisms were only addressed in Chapter 1.5 on Bribery and Corruption; however, as they relate to workers and working conditions it was appropriate to include it here as well. The guidance notes will indicate that auditors can consider the same evidence for both chapters.

3.1.5.4. The entity maintains a record of all concerns submitted through the grievance and whistleblower mechanisms, communications with involved parties, final resolutions, and the entity's actions taken to respond to and/or resolve the issue.

NOTE FOR 3.1.5.4: REVISED This was 3.1.5.3 in the 2018 Mining Standard. We added reference to a whistleblowing mechanism (in addition to the grievance mechanism). Previously, whistleblowing protections/mechanisms were only addressed in Chapter 1.5 (in requirements related to bribery and corruption); however, because whistleblowing can also occur in relation to behaviors in the workplace it was appropriate to include it here as well. The guidance notes will indicate that auditors can consider the same evidence for both chapters.

3.1.5.5. Relevant personnel (i.e., those managing grievances or whistleblowing incidents) are informed of and understand the proper procedures for handling grievances or concerns expressed through the grievance or whistleblower mechanisms.

NOTE FOR 3.1.5.5: NEW. We added this requirement, which in the 2018 Mining Standard was included only in Chapter 1.4 – 'Grievance Mechanism and Access to Remedy'. In this proposed update to the IRMA Standard we have separated the worker grievance mechanism requirements from the broader community/stakeholder mechanism. Therefore, it was necessary to bring this requirement over from Chapter 1.4.

3.1.5.6. Periodically, workers:

- a. Are provided with clearly communicated opportunities to provide input on how to make the grievance/whistleblower mechanisms more trusted and accessible; and
- b. Receive feedback on how their input was considered.

NOTE FOR 3.1.5.6: NEW. We added this requirement, which in the 2018 Mining Standard was included only in Chapter 1.4. As mentioned in the note for 3.1.5.5, because of the separation of worker and community grievance mechanisms it was necessary to bring this requirement over from Chapter 1.4.

3.1.6. Disciplinary Actions

NOTE FOR 3.1.6: REVISED. We changed the name of this criterion from 'Disciplinary Procedures' to 'Disciplinary Actions' to better reflect the content of the chapter.

3.1.6.1. The entity develops and implements a disciplinary policy (or equivalent) that:

- a. States that the entity does not use corporal punishment, harsh or degrading treatment, sexual or physical harassment, mental, physical or verbal abuse, coercion, or intimidation during disciplinary actions;¹⁴ and
- b. Is communicated to all employees, workers and contractors and available to them on an ongoing basis.

¹³ Guidance: This can be done at the time of recruitment, hiring or during induction trainings.

¹⁴ If the anti-harassment or another policy in 3.1.3.1 includes references to not using the listed behaviors during disciplinary actions, then a separate policy would not be necessary.

NOTE FOR 3.1.6.1: REVISED. This was 3.1.6.2 in the 2018 Mining Standard. We modified this requirement to specifically ask for a written disciplinary action policy. In doing so, we separated the policy component out from the procedures that flow from it (now covered in 3.1.6.2) to be consistent with other structural changes to the Standard. The Responsible Steel Standard also requires a disciplinary policy.

We added sub-requirement (b) because workers should be aware of behavior that is not acceptable by their supervisors, and also their rights in terms of not being subject to degrading treatment (per the prohibited actions listed in 3.1.6.1).

- 3.1.6.2. The entity develops and implements disciplinary procedures (or their equivalent) which:
- Provide specifics pertaining to the disciplinary actions associated with each type of infraction;
 - Details the process that will be followed in the event of a disciplinary action (including timelines for resolution, appeals process, proper documentation, etc.); and
 - Keeps records of all disciplinary actions taken.

NOTE FOR 3.1.6.2: REVISED This combines 3.1.6.1 and 3.1.6.3 in the 2018 Mining Standard.

We added sub-requirement (a) to expand on what the procedures should detail (under the 2018 Mining Standard no such specifics were given).

- 3.1.6.3. The entity provides mandatory training for all supervisors on the disciplinary policy and procedures.

NOTE FOR 3.1.6.3: NEW Added this requirement for supervisor training on disciplinary procedures as previously there was no requirement that facilitated top-down understanding and capacity in this regard.

3.1.7. Child Labor

3.1.7.1. (Critical Requirement)

The entity develops and implements a policy on the avoidance of child labor (or equivalent) that:

- States that:
 - Children (i.e., people under the age of 18)¹⁵ are not hired to do hazardous work (e.g., working at heights or in confined spaces, or where there is exposure to hazardous substances¹⁶) or any other work defined as a worst form of child labor by ILO Convention 182 (Worst Forms of Child Labor) and ILO Recommendation 190 (Worst Forms of Child Labor);¹⁷ and
 - Children (i.e., people under the age of 15, or the minimum age outlined in national law, whichever is higher) are not hired to do any work (hazardous or otherwise) for the entity; and
- Stipulates the entity's expectations of contractors and suppliers vis-à-vis the above commitments;
- Is communicated internally, and is communicated to contractors, labor brokers (if relevant), and suppliers.

¹⁵ Age 18 is the dividing line between childhood and adulthood according to the major ILO child labor conventions (Nos. 138 and 182), and the United Nations Convention on the Rights of the Child (CRC). Although many cultural traditions and personal characteristics could argue for a higher or lower age, in first crafting and then in ratifying these Conventions the international community has determined that people under 18 are children and have the right to special protection. (International Labor Organization. 2011. Children in Hazardous Work: what we know, what we need to know. http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_155428.pdf)

¹⁶ Examples of hazardous work activities include work (i) with exposure to physical, psychological, or sexual abuse; (ii) underground, underwater, working at heights, or in confined spaces; (iii) with dangerous machinery, equipment, or tools, or involving handling of heavy loads; (iv) in unhealthy environments exposing the worker to hazardous substances, agents, processes, temperatures, noise, or vibration damaging to health; or (v) under difficult conditions such as long hours, late night, or confinement by employer. (Source: IFC. 2012. Performance Standard 2: Labor and Working Conditions. Footnote 12. Available at: <https://www.ifc.org/en/insights-reports/2012/ifc-performance-standards>)

¹⁷ International Labour Organization (ILO). C182, Works Forms of Child Labour Convention, 1999 (No. 182). Available at, https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182; International Labour Organization (ILO) "R190 - Worst Forms of Child Labour Recommendation, 1999 (No. 190)", available at, https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312528:NO

NOTE FOR 3.1.7.1: REVISED This requirement combines the content from the critical requirement in the 2018 Mining Standard 3.1.7.2 and 3.1.7.3 (specifying the relevant ages for legal (15-18 yrs) and non-legal (under 15 yrs) child labor into this criterion. We added this explicit requirement for a written policy relating to child labor as previously this was not made explicit.

We do not believe that this changes the intent of the 2018 critical requirement, as a policy prohibiting child labor would by definition have had to specify what ages constitute 'child' labor, and any prohibition by the entity of labor under a certain age (whether or not it is written into a policy) would have to have been based on some sort of shared understanding (i.e., a policy) about what ages are and are not appropriate (for more on critical requirements see the note that accompanies 'Critical Requirements In This Chapter,' above).

We added reference to ILO Conventions 182 and 190, as there may be other forms of labor that are not fitting for persons under the age of 18 other than the examples provided. We will add guidance on this.

CONSULTATION QUESTION 3.1-4: ILO 138 allows for 'light work' for children 2 years beneath the legal working age in the country (14 or 15, depending on the country) so 12- to 13-year-olds in some, and 13- to 14-year-olds in others. Other standards take differing positions on this. For example, the RBI/RMI standard prohibits labor under the age of 15 "unless the exceptions recognized by the ILO apply".¹⁸ However, the Towards Sustainable Mining (TSM) 'Preventing Child and Forced Labour Protocol' states that while there are exceptions contained in ILO 138 that allow for workers under the age of 15 in some circumstances, such exceptions are not applicable to mining.¹⁹ Can you think of any situations in which provisions should be made for "light work" by children under the age of 15 (according to the ILO-approved age scheme indicated above) in the context of mining entities?

3.1.7.2. The entity documents the ages of all workers.

NOTE FOR 3.1.7.2: This was 3.1.7.1 in the 2018 Mining Standard.

3.1.7.3. When a child between 15 and 18 years is legally performing non-hazardous work, the entity assesses and minimizes the risks to the child's physical or mental health and ensures the national labor authority or, if that is not possible, the entity itself, conducts regular monitoring of the child's health, working conditions, and working hours.

NOTE FOR 3.1.7.3: REVISED. This was 3.1.7.4 in the 2018 Mining Standard. We added the ages into the requirement to add clarity.

3.1.7.4. The entity carries out an assessment of the risk of child labor amongst their contractors and in their supply chain.²⁰

NOTE FOR 3.1.7.4: NEW We are proposing to add this requirement for a risk assessment to be done to evaluate the potential for child labor amongst contractors and suppliers. Under the 2018 Mining Standard, there was no explicit requirement for a risk assessment in this chapter, but rather it was expected that this risk determination would be made under the auspices of Chapter 1.3 (Human Rights Due Diligence). However, this created the potential that it could be overlooked, especially if two different auditors were auditing the two chapters.

¹⁸ Responsible Business Association. 2021. Environmental, Social & Governance (ESG) Standard for Mineral Supply Chains. Requirement VII.3. https://www.responsiblemineralsinitiative.org/media/docs/standards/RMI_RMAP%20ESG%20Standard%20for%20Mineral%20Supply%20Chains%20June32021_FINAL.pdf

¹⁹ Towards Sustainable Mining (TSM) 'Preventing Child and Forced Labour Protocol', Mining Association of Canada (June 2019), p.3. Available at: https://mining.ca/wp-content/uploads/dlm_uploads/2023/04/Preventing-Child-and-Forced-Labour-Protocol-English.pdf

²⁰ This can be a stand-alone assessment or it could be conducted as part of the human rights risk assessment, per requirement 1.3.2.1.

If the project/operation is located in or sourcing minerals from a conflict-affected and high-risk area, child labor should be one of the issues assessed in the conflict risk assessment. If child labor is identified as a risk, the due diligence outlined in Chapter 3.4 applies. The due diligence steps in Chapter 3.4 are intended to align with the OECD Due Diligence Guidance on Responsible Mineral Supply Chains from Conflict Affected and High-Risk Areas (2016). <https://mneguidelines.oecd.org/mining.htm>

The assessment may still be done as part of the human rights risk assessment in Chapter 3.1, but now the verification that the risk child labor has been assessed will be evaluated and reported in this chapter.

3.1.7.5. Where the risk assessment conducted in 3.1.7.4 indicates there is a high risk of child labor amongst contractors or suppliers in the project's/operation's supply chain, the entity develops and implement procedures to monitor its contractors and suppliers to determine if children below the minimum age for hazardous or non-hazardous work are being employed. If any cases are identified:

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

NOTE FOR 3.1.7.5: REVISED This requirement combines 3.1.7.5 and 3.1.7.6 from the 2018 Mining Standard. We added specific reference to 'contractors' (in addition to supply chain) and We also replaced reference to entities "taking appropriate measures" to address any identified child labor to being specific about what those measures entail.

We are also proposing to remove reference to entity obligations to shifting supply chain over time where remedy to child labor in the supply chain is not possible. The motivation for this was to encourage operations to always take action to address incidents of child labor, as some for remedy should always be possible, rather than simply shifting suppliers, as shifting suppliers does nothing to improve the lives of those who have been harmed.

A similar change is proposed for forced labor, below. See [CONSULTATION QUESTION 3.1-5](#), below.

3.1.8. Forced Labor and Trafficking of People

NOTE FOR 3.1.8: REVISED. We changed the name of this criterion from 'Forced Labor' to 'Forced Labor and the Trafficking of People' to better reflect the content of the chapter.

3.1.8.1. (Critical Requirement)

The entity develops and implements a policy (or procedures) on the avoidance of forced labor and the trafficking of people that:

- a. Includes the following practices:
 - i. Workers are not required to pay fees or deposits associated with their recruitment or employment;
 - ii. Workers are not charged fees for food, clothing, transportation, health checks, documentation, or supplies as part of their recruitment;
 - iii. Workers are issued written contracts to workers in appropriate local language(s) for review prior to employment;²¹
 - iv. The entity does not retain or restrict access to official identity papers and personal documentation originals provided by workers as part of the employment process;
 - v. The entity does not unreasonably restrict the movement of workers or their access to basic liberties;
 - vi. Workers are allowed to terminate their employment without penalty if reasonable notice is given per the worker's contract; and
- b. Stipulates the entity's expectations of contractors and suppliers vis-à-vis the above commitments;
- c. Is communicated internally, and is communicated to contractors, labor brokers (if relevant), and suppliers.

²¹ Guidance notes: foreign workers must be provided with a copy of their contract prior to leaving their country of origin, and no substitutions or changes to the content of the contract can be made upon arrival in the receiving country. An exception to this is if changes are required to meet local laws and result in equal or more favourable terms for the employee. A similar approach is utilized in the Responsible Minerals Initiative's 'Environmental, Social & Governance (ESG) Standard for Mineral Supply Chains' (June 2021).

NOTE FOR 3.1.8.1: NEW. In the 2018 Mining Standard, the original requirement on forced labor (3.1.8.1) stated “The entity does not employ forced labor or participate in the trafficking of people.” We are proposing to replace it to provide more clarity on expectations (and a requirement that is more auditable) relating to forced labor and trafficking. These include specifics related to recruitment practices ([a] to [c]), treatment of workers ([c] to [e]) and employment termination (f), all of which are adopted from the RBA/RMI ESG Standard for Responsible Mineral Supply Chains.²²

This was a critical requirement in the 2018 Mining Standard and it remains critical in this version of the Standard (for more on critical requirements see the note that accompanies ‘Critical Requirements In This Chapter,’ above).

We also added a footnote to sub-requirement (c) that will ultimately go in the guidance notes specifying entity obligations vis-a-vis foreign workers and presentation of work contracts.

3.1.8.2. The entity carries out a risk assessment of the risk of forced labor and the trafficking of people amongst their contractors and in their supply chain.²³

NOTE FOR 3.1.8.2: NEW. As with child labor, we are proposing to include a requirement for a risk assessment to be done specifically examining forced and trafficked labor amongst contractors/in the supply chain (new 3.1.8.2). We included specific reference to ‘contractors’ (in addition to supply chain). See note for requirement 3.1.7.4 above.

3.1.8.3. Where the risk assessment conducted in 3.1.8.2 determines that there is a risk of forced or trafficked labor, the entity develops and implements procedures to monitor its contractors and suppliers to determine if forced labor or trafficked workers are being employed. If any cases are identified, the entity ensures the following are provided to the worker subject to forced labor, as appropriate to the situation:

- a. Shelter and accommodation;
- b. Medical and health-care services and counselling;
- c. Mental health and psychosocial support;
- d. Legal assistance;
- e. Financial assistance; and
- f. Repatriation assistance or reintegration into the labor market.²⁴

NOTE FOR 3.1.8.3: REVISED. This was 3.1.8.2 in the 2018 Mining Standard.

We added explicit reference to contractors (in addition to suppliers), and also replaced reference to the entity “taking appropriate measures” to address any identified forced labor, as it was not clear what would constitute appropriate measures. Sub-requirements (a) through (f) were added to enumerate appropriate measures. These recommendations come from the International Organization for Migration (see footnote for sub-requirement [f]).

CONSULTATION QUESTION 3.1-5

²² Responsible Business Alliance. 2021. Environmental, Social and Governance (ESG) Standard for Mineral Supply Chains. VII-4, VII-6, and VII-7. https://www.responsiblemineralsinitiative.org/media/docs/standards/RMI_RMAP%20ESG%20Standard%20for%20Mineral%20Supply%20Chains_June32021_FINAL.pdf

²³ This can be a stand-alone assessment or it could be conducted as part of the human rights risk assessment, per requirement 1.3.2.1.

If the project/operation is operating in or sourcing minerals from a conflict-affected and high-risk area, forced labor should be one of the issues assessed in the conflict risk assessment. If forced labor is identified as a risk, the due diligence outlined in Chapter 3.4 applies. The due diligence steps in Chapter 3.4 are intended to align with the OECD Due Diligence Guidance on Responsible Mineral Supply Chains from Conflict Affected and High-Risk Areas (2016). <https://mneguidelines.oecd.org/mining.htm>

²⁴ Adapted from the International Organization for Migration (IOM) "Remediation Guidelines for Victims of Exploitation in Extended Mineral Chains" (2018), available at https://publications.iom.int/system/files/pdf/remediation_guidelines.pdf and the ILO "Combating forced Labor: A Handbook for Employers & Business" (2015), available at: https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_101171.pdf

Background: We are proposing to remove reference to entity obligation to shift to other suppliers where remedy to forced or trafficked labor in the supply chain is not possible. The motivation for this was to encourage operations to take action to reduce forced and trafficked labor and improve the lives of those who have been harmed, as some for remedy should always be possible, rather than simply shifting suppliers. The language is open enough that either the entity could carry out remediation, or the contractor/supplier could do it (but the entity would need to ensure, through monitoring or other methods, that it is being done).

Question: Do you agree that entities should take responsibility for remediation of identified cases of child labor or forced labor amongst their contractors and suppliers, either through their own actions or by applying leverage/pressure on contractors and suppliers to provide remediation? Or are there cases where entities should immediately shift to other contractors/suppliers? Should IRMA provide a timeline by which entities (and their contractors/suppliers) have to remediate child/forced labor per the above sub-requirements?

3.1.9. Wages, Benefits, and Other Compensation

NOTE FOR 3.1.9: REVISED. This criterion heading has been expanded from the 2018 Mining Standard, which was simply called 'Wages'. We are now proposing to include all requirements that relate to benefits here, also. And we are proposing to include a requirement related to compensation (e.g., for lost time due to illness or injury), here, as all of these categories relate to payments to workers (or their families).

3.1.9.1. When workers are members of a workers' organization that has negotiated a collective bargaining agreement (CBA), wages are paid according to the terms of the agreement. If any workers are not covered by a CBA, then:

- a. Entities determine and demonstrate what constitutes a living wage using a credible methodology;²⁵ and
- b. Wages paid to workers not part of a CBA meet or exceed the higher of applicable legal minimum wage(s), or the living wage.²⁶

NOTE FOR 3.1.9.1: REVISED. There may be situations where sites have both workers covered by a CBA, and those who are not. We have therefore changed the language to make it more clear of the expectation in such situations.

We are also proposing a **NEW** requirement that entities must proactively determine and demonstrate what constitutes a living wage. In the 2018 Mining Standard, there was no explicit obligation to do so, which did not encourage understanding on behalf of entities as to how their wages fit into the socioeconomic reality of their workers' lives (i.e., ability to live a decent life on the wages being paid), and address a more challenging aspect, with the requirement as previously written. Without any determination by the entity on whether or not a living wage is being paid, it puts the onus on auditors to make this determination. We are proposing that it is not the job of the auditors to carry out studies to verify the truth of an entity's claim that it is paying a living wage; it is the obligation of the entity to provide that evidence to the auditors.

3.1.9.2. Overtime hours are paid at a rate defined in a CBA, where relevant, or the higher of the either the overtime rate outlined in national law or a rate that is at least 125% of the regular hourly wage.

NOTE FOR 3.1.9.2: REVISED. The 2018 Mining Standard did not specify a minimum for overtime pay. The ILO's minimum recommend threshold for overtime pay is 125% of regular pay.²⁷ We are proposing that if the rate suggested by the ILO is higher than any rate outlined in national law, then that is what should be paid.

²⁵ The determination of whether the wages paid to an entity's workers constitute a 'living wage' within the specific country context must draw on internationally established best practice and/or external reports or expertise concerning determination of a living wage. The Anker Methodology is the most prominent approach to calculating living wage (see <https://ankerresearchinstitute.org> and "The Anker Methodology for Estimating a Living wage: <https://globallivingwage.org/about/anker-methodology/>); however, any methodology that meets the definition of a credible methodology will be accepted.

²⁶ In some jurisdictions there are different minimum wage levels set for different types of workers.

²⁷ International Labour Organization (ILO), 2004, Conditions of Work and Employment Programme. Social Protections Sector. Available at, https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_170708.pdf

3.1.9.3. Unless otherwise provided for in a CBA, the entity provides all workers the following benefits, at a minimum:

- a. An annual paid holiday of at least three working weeks per year, after achieving one year of service;²⁸
- b. A paid gender-neutral parental leave period of no less than 18 weeks for the primary caregiver, and one week for secondary caregiver, at full pay; and
- c. Paid medical leave with a sufficient wage replacement rate to prevent poverty and ensure essential needs can be met during leave-taking.

NOTE FOR 3.1.9.3: REVISED. This was requirement 3.1.10.2 in the 2018 Mining Standard. We have moved this requirement out of criterion 3.1.10 'Working Hours' and into this criterion, because it is more related to benefits than working hours.

The requirement in the 2018 Mining Standard only required that the outlined benefits related to certain types of leave only needed to be provided if not covered in a CBA or in national law. That wording implied that, as long as there was some provision in national law, then that is all that needed to be met, even if that provision was weaker than IRMA's expectations. However, we are proposing here to set some best practice expectations for these benefits and create the expectation that IRMA's requirements be met regardless of what is required in host country law (unless the host country law is stronger, in which case the legal requirements should be met).

- Sub-requirement 3.1.9.3.a is unchanged.
- Sub-requirement 3.1.9.3.b has been **REVISED**. The 2018 Mining Standard only required 14 weeks of maternity leave and did not require that it be paid. We are proposing this revision so that the requirement aligns more closely with expectations in ILO Convention 183 – Maternity Protection Convention, including that "Cash benefits shall be at a level which ensures that the woman can maintain herself and her child in proper conditions of health and with a suitable standard of living."²⁹ However, IRMA is proposing that full pay be provided for two reasons; 1) calculating what level of cash benefits "ensure the [parent] can maintain themselves and [their] child" is subjective and difficult for the auditor to verify; 2) a review of current best practice amongst mining companies and other standards suggests that 'full pay' is common practice (Responsible Steel Standard and RBA/RMI both indicate 'paid' parental leave).
- Sub-requirement 3.1.9.3.c is **NEW**. The proposed language outlines a minimum standard meant to ensure that workers who are ill (but not as the result of a work-induced illness – that is covered in 3.1.9.4, below) are able to afford to take time off.

CONSULTATION QUESTION 3.1-6

Background: Based on research pertaining to parental leave policies across six major mining companies, the following types of leave were identified that are not currently included in the IRMA standard:

- Paid leave for domestic violence (10 days)
- Paid parental leave at full duration/benefits for parents experiencing stillbirth or death of the child.
- Paid parental leave applicable to either natural births or adoption.

Question: Should IRMA require that entities provide these forms of leave to workers? If so, should this be provided to all workers, or only to certain categories (i.e., full time permanent, core services, etc.).

CONSULTATION QUESTION 3.1-7: Should IRMA strive to set a higher standard for paid medical leave (in 3.1.8.9.c) or be more specific about minimum number of weeks/months of paid medical leave and a lower

²⁸ A worker whose length of service in any year is less than that required for the full entitlement shall be entitled in respect of that year to a holiday with pay proportionate to his or her length of service during that year. (Based on ILO C132 – Holidays with Pay Convention (Revised), 1970 (No. 132). http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100::NO:12100:P12100_ILO_CODE:C132:NO)

²⁹ International Labour Organization (ILO), Convention 183 – Maternity Protection Convention. Available at https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C183

limit to the wage replacement rate? Given the wide variation in paid medical leave (see, for example, [https://www.worldpolicycenter.org/sites/default/files/WORLD_Report - Personal Medical Leave OECD Country Approaches 0.pdf](https://www.worldpolicycenter.org/sites/default/files/WORLD_Report_-_Personal_Medical_Leave_OECD_Country_Approaches_0.pdf)) any thoughts on acceptable standards would be welcome.

3.1.9.4. Workers are provided with compensation for work-related injuries and illnesses as follows:

- a. In countries where workers' compensation is not provided through government schemes or a collective bargaining agreement:³⁰
 - i. The entity compensates workers for work-related injuries or illnesses at a rate that, at minimum, covers medical expenses and wages during the recovery and rehabilitation period;³¹
 - ii. The entity covers the cost of worker rehabilitation to facilitate an expeditious return to work;
 - iii. If a worker is not able to return to work due to the severity of a work-related injury or illness, the entity compensates for lost earnings until the worker qualifies for an adequate pension (i.e., 2/3 or more of the salary they would otherwise normally receive if healthy and working);³² or
 - iv. If an occupational illness manifests after a worker has retired, the entity or its corporate owner compensates the worker for related medical expenses, unless the entity or its corporate owner can establish that the illness was not connected to the worker's employment at the operation.³³
- b. Where a worker dies as a result of a work-related injury or illness, the entity, at minimum:
 - i. Covers the cost of funeral expenses and transportation of the worker's body;
 - ii. Provides compensation to the family of the deceased work that is equal to or greater than three months of the worker's salary; and
 - iii. Offers to pay for counselling or other forms of psychological support for family members.

NOTE FOR 3.1.9.4: REVISED (and **NEW** to this chapter). This was previously requirement 3.2.4.4 in Chapter 3.2 – 'Occupational Health and Safety' in the 2018 Mining Standard. We are proposing to move it here so that we consolidate all requirements related to payments to workers in one place. Also, some content in the requirement has been modified.

There were three sub-requirements in the original (a), (b) and (c). We moved sub-requirement (b) related to worker rehabilitation into sub-requirement (a), as it also applied to the situation where national law or CBA did not address health and safety-related costs. It is now 3.1.9.4.a.ii.

The content in 3.1.9.4.a.ii was also **REVISED**. Previously it said that an entity needed to ensure that workers have free or affordable access to rehabilitation programs. However, it was unclear what was meant by "affordable" access. If the injury was suffered while on the job, then it would seem reasonable that the entity should pay for the rehabilitation.

Sub-element 3.1.9.4.b.iii is **NEW**. It has been added as this is a practice that is occurring at some mine and mineral processing sites where fatalities have occurred. See note for 3.2.6.2.

CONSULTATION QUESTION 3.1-8: Further to [CONSULTATION QUESTION 3.1-1](#) above pertaining to contractor obligations in general, what would be the appropriate expectations for contractors who suffer injury or illness when engaged in work at a mining or mineral processing operation? Should the entity that owns/operates the

³⁰ Many, but not all countries have workers' compensation schemes. For example, a 2002 report found that 136 countries had worker compensation programs, meaning that approximately 60 did not. (Eleson, R. 2002. International Workers' Compensation. Prepared for the Indiana Compensation Rating Bureau. <http://compclues.icrb.net/file/29dbcff9-2752-4fed-bfdc-422c8c403483>)

³¹ If medical expenses are fully covered by health insurance, then companies are not required to provide additional compensation.

³² If the government does not provide for an "adequate pension," the entity would be expected to supplement the government pension so that a worker was receiving equivalent to 2/3 or more of the salary he or she would otherwise receive; if no government pension program exists, the entity would be expected to pay compensation equivalent to 2/3 or more of the salary the worker would otherwise normally receive if healthy and working. Normally, this requirement can be met by providing the appropriate public or private disability insurance coverage.

³³ If medical expenses are fully covered by health insurance or relevant compensation schemes covering occupational health matters, then companies are not required to provide additional compensation.

site be accountable for providing compensation (if not covered by government programs), or is it the employer of the contractor (or labor broker) who should provide that compensation? And/or in the case of self-employed independent contractors, would there be no compensation guaranteed at all?

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

NOTE FOR 3.1.9.5: This was 3.1.9.3 in the 2018 Mining Standard.

3.1.9.6. Wages are paid in a manner that is reasonable for workers (e.g., bank transfer, cash, or check).

NOTE FOR 3.1.9.6: This was 3.1.9.4 in the 2018 Mining Standard.

3.1.9.7. Deductions from wages are not made for disciplinary purposes unless one of the following conditions exist:

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

NOTE FOR 3.1.9.7: This was 3.1.9.5 in the 2018 Mining Standard.

3.1.9.8. Employee wages, benefits, and deductions are recorded and documented.³⁴

NOTE FOR 3.1.9.8: NEW This was proposed in the draft IRMA Mineral Processing Standard. Other standards require keeping such records, and this makes sense as these records will be necessary to demonstrate conformity with the IRMA Standard.

3.1.9.9. Entity-provided accommodations for workers, if applicable, meet the following requirements:

- a. Rental arrangements including any fees for accommodations or services are discussed during recruitment and are clearly specified in employment contracts;
- b. Rental rates do not exceed of local norms/market conditions;
- c. Workers and contractors are not required to sign up for rental of accommodations that exceed the period of employment; and
- d. There are no fees or penalties for leaving accommodations early, e.g., if workers or contractors voluntarily terminate their employment before their contract is up; and
- e. Workers and contractors are provided with a reasonable period of time to vacate the premises when the contract of employment is terminated.

NOTE FOR 3.1.9.9: NEW. We added this requirement to address a gap wherein rules for rental accommodations for workers were not addressed. We have included it in this section as it relates to payments that may be made to the entity by workers where rental situations exist.

Sub-requirements (b), (c), and (d) are similar to expectations included in the RBA/RMI ESG Standard for Mineral Supply Chains.³⁵

³⁴ We will add guidance notes stating that auditors need to check that benefits such as social security, pension and other contributions required by national law are being paid, and that the entity is paying legally mandated deductions from workers' wages to the government as required by national laws. (As per Chapter 1.1, companies are required to comply with host country laws)

³⁵ Responsible Business Alliance. 2021. Environmental, Social and Governance (ESG) Standard for Mineral Supply Chains. Requirement VII-16. https://www.responsiblemineralsinitiative.org/media/docs/standards/RMI_RMAP%20ESG%20Standard%20for%20Mineral%20Supply%20Chains_June32021_FINAL.pdf

Note also that in IRMA Chapter 3.2 – ‘Occupational Health and Safety’ (requirement 3.2.4.6)) we are proposing additional requirements related to accommodations that are based on international best practices developed by the IFC/EBRD and ILO.³⁶ Sub-requirements 3.1.9.9.a and 3.1.9.9.e are from that guidance.

3.1.10. Working Hours

NOTE FOR 3.1.10: REVISED. In the 2018 Mining Standard, this criterion was called 'Working Hours and Leave'; however, we have moved requirements relating to leave up to criterion 3.1.9 ('Working Hours, Benefits, and other Compensation'.

Also, in the 2018 Mining Standard, all expectations related to working hours were included in a single requirement. We are proposing to separate them out here, so that they get adequate attention and it is clear in the audit reports how an entity is performing on each element.

3.1.10.1. Regular working hours do not exceed eight hours per day, or 48 per week. Where workers are employed in shifts the 8-hour day and 48-hour week may be exceeded, provided that the average number of regular hours worked over a 3-week period does not exceed 8 hours per day and 48 hours per week.

NOTE FOR 3.1.10.1: This requirement was 3.1.10.1.a in the 2018 Mining Standard.

3.1.10.2. Workers are provided with at least 24 consecutive hours off in every 7-day period unless:

- a. A freely negotiated CBA is in force that allows variances to the rest period above; and
- b. A process is in place, carried out in collaboration with workers’ health and safety representatives, to assess the potential impacts of the alternative rest schedule on the health, safety and welfare of workers; mitigation measures are developed to minimize the impacts; monitoring takes place to determine the effectiveness of the mitigation; and if impacts to worker health, safety or welfare are occurring, the 24 consecutive hours off in every 7-day period is reinstated until another assessment can be undertaken.

NOTE FOR 3.1.10.2: REVISED. This requirement was 3.1.10.1.b and 3.1.10.1.d in the 2018 Mining Standard.

The language in 3.1.10.2.b is different than the language in the 2018 Mining Standard, which said, “Through consultations with workers’ representatives a risk management process that includes a risk assessment for extended working hours is established to minimize the impact of longer working hours on the health, safety and welfare of workers.”

We are proposing more detailed language because typically risk management processes involve monitoring of effectiveness, and if mitigation strategies are not being effective, then corrective action is taken. We are proposing that the reasonable corrective action would be to return to the “safe” schedule until another assessment can be done.

3.1.10.3. Overtime hours are allowed for workers under the following conditions:

- a. Working overtime is always consensual; and
- b. Overtime is limited to 12 hours per week unless:
 - i. A freely negotiated CBA is in force that allows variances to overtime hours above; or
 - ii. A process is in place, carried out in collaboration with workers’ health and safety representatives, to assess the potential impacts of allowing more than 12-hours of overtime per week on the health, safety and welfare of either those working the extra overtime, or on others workers; mitigation measures are developed to minimize the impacts; monitoring takes place to determine the

³⁶ See: International Labor Organization (ILO). ILO Helpdesk Factsheet on Workers’ Housing. p. 2. https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/---multi/documents/publication/wcms_116344.pdf; and International Finance Corporation (IFC) and European Bank for Reconstruction and Development (EBRD). 2009. Workers’ accommodations: processes and standards. Guidance note by IFC and the EBRD. p. 20. https://www.ebrd.com/downloads/about/sustainability/Workers_accomodation.pdf

effectiveness of the mitigation; and if impacts to worker health, safety or welfare are occurring, the 12-hour-maximum overtime per week rule is reinstated until another assessment can be undertaken.

NOTE FOR 3.1.10.3: REVISED. This requirement was 3.1.10.1.c and d in the 2018 Mining Standard. See note for 3.1.10.2, above.

3.1.10.4. Workers are provided with appropriate time off for meals and breaks, including reasonable accommodations of the timing of breaks to allow for workers' religious practices.

NOTE FOR 3.1.10.4: NEW. The lack of a requirement for breaks was raised by stakeholders, and so we are proposing this new requirement as both Responsible Steel Standard and the Responsible Jewellery Council (RJC) Code of Practice require that workers be provided with breaks (see consultation question below). We have also added that accommodation also be made for workers' religious practices, as this is something mentioned in the RBA/RMI ESG Standard for Mineral Supply Chains.³⁷

CONSULTATION QUESTION 3.1-9

Background: According to an International Labour Organization (ILO) fact sheet on rest periods, "Different forms of rest and annual leave are important for a workers physical and mental well-being. If structured properly, they can all have a positive impact on occupational health and safety as well as improve productivity in the workplace."³⁸

The ILO fact sheet also says that "in practice, coffee and tea breaks can be given for 10 – 30 minutes and are organized in the middle of each half of the work shift. Meal breaks are organized around the middle of the full shift and the last from 30 minutes to 2 hours." Finally, the fact sheet says that "rest breaks can be included as working time and thus paid, as in Argentina, or they can be unpaid."

Neither the Responsible Steel nor RJC standards provide details on the length of breaks. Responsible Steel requires a policy that "all workers are provided with appropriate time off for meals and breaks," and RJC requires that if not covered by law, employees are provided with "at least one uninterrupted work break of reasonable duration if they work longer than six hours."³⁹

Question: Would it be reasonable for IRMA to specify minimum break times as one of the following:

Option 1. Two coffee/tea breaks of at least 15 minutes duration, and a meal break of at least 30 minutes for each six hours worked?

Option 2. One (1) hour of total break time per six hours worked (apportioned as appropriate for the work being undertaken)?

Should these breaks be considered paid working time? If they are not paid, will that result in breaks not being taken (thus creating risks to worker health and safety)?

3.1.10.5. Worker hours worked (regular and overtime) and hours taken for annual, medical and parental leave are recorded and documented.

NOTE FOR 3.1.10.5: NEW. Other standards require keeping such records, and this makes sense as these records il be necessary to demonstrate conformity with the IRMA Standard.

³⁷ Responsible Business Alliance. 2021. Environmental, Social and Governance (ESG) Standard for Mineral Supply Chains. Requirement VII-15. https://www.responsiblemineralsinitiative.org/media/docs/standards/RMI_RMAP%20ESG%20Standard%20for%20Mineral%20Supply%20Chains_June32021_FINAL.pdf

³⁸ International Labor Organization (ILO). (No date). Fact Sheet: Rest Periods. https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_491374.pdf

³⁹ ResponsibleSteel. 2022. ResponsibleSteel International Standard. V.2.0. Requirement 6.9.1.c. <https://www.responsiblesteel.org/standard/>
Responsible Jewellery Council. 2019. Code of Practices. Requirement 16.5. <https://www.responsiblejewellery.com/wp-content/uploads/RJC-COP-2019-V1.2-Standards.pdf>

NOTES

This chapter uses, as its basis, the International Finance Corporation's (IFC) Performance Standard 2 (PS 2) Labor and Working Conditions. In addition to aligning with IFC performance standard requirements, this chapter contains two other criteria related to Wages (3.1.10) and Working Hours and Leave (3.1.11), which contain requirements that are based, in part, on ILO conventions. Where IFC or ILO concepts have been integrated into IRMA criteria, they are referenced in IRMA explanatory notes.

CROSS REFERENCES TO OTHER CHAPTERS

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

GLOSSARY OF TERMS USED IN THIS CHAPTER

PROPOSED NEW DEFINITIONS

Corruption

Any unlawful or improper behavior that seeks to gain a private advantage through illegitimate means. Any kind of bribery is a form of corruption; but corruption also includes abuse of power, extortion, fraud, deception, collusion, cartels, embezzlement, and money laundering.

Source: Adapted from Responsible Jewellery Council 2019. <https://www.responsiblejewellery.com/wp-content/uploads/RJC-COP-2019-V1.2-Standards.pdf>

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.

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.

Whistleblower

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

Workers' Health and Safety Representative

A worker chosen to facilitate communication with senior management on matters related to occupational health and safety, and to participate in and/or have access to information on health and safety risk assessments, monitoring, inspections and investigations. A representative is selected by other workers, or in unionized facilities may be selected by a recognized trade union.

Site

An area that is owned, leased, or otherwise controlled by the entity and where mining-related activities are proposed or are taking place.

EXISTING DEFINITIONS

Child Labor

Work that deprives children of their childhood, their potential, and their dignity, and that is harmful to physical and mental development. In most jurisdictions - and for the purposes of the IRMA Standard - child labor meeting this definition is all labor by children under the age of 15, and all labor by children between 15 and 18 years old that does not meet certain conditions (i.e., is not hazardous work - see definition below, does not occur during school hours, does not total more than 10 hours/day between work and school, etc.).

Company Union

A workers' organization that is dominated or controlled by an employer.

Consultation

An exchange of information between an entity 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 entity should take into account the concerns and views expressed by stakeholders in the final decision.

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).

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

Corporate Owner(s)

The corporation(s) or other business institution(s) including any private or state-run enterprises that have complete or partial financial interest in or ownership of a project/operation.

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

Forced Labor

Any work or service not voluntarily performed that is exacted or coerced from an individual under threat of force or penalty. This covers any kind of involuntary or compulsory labor, such as indentured labor, bonded labor or similar labor-contracting arrangements required to pay off a debt; or slavery or slavery-like practices. It also includes requirements of excessive monetary deposits, excessive limitations on freedom of movement, excessive notice periods, substantial or inappropriate fines, and loss or delay of wages that prevent workers from voluntarily ending employment within their legal rights.

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.

Hazardous Work (in relation to child labor)

Work that, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety, or morals of children.

Host Country Law

May also be referred to as national law, if such a phrase is used in reference to the laws of the country in which a project or operation is located. Host country law includes all applicable requirements, including but not limited to laws, rules regulations, and permit requirements, from any governmental or regulatory entity, including but not limited to applicable requirements at the federal/national, state, provincial, county or town/municipal levels, or their equivalents in the country where the project/operation is located. The primacy of host country laws, such as federal versus provincial, is determined by the laws of the host country.

REVISED. Changed wording from mining project to project or operation.

Indigenous Peoples

An official definition of 'Indigenous' has not been adopted by the UN system due to the diversity of the world's Indigenous Peoples. Instead, a modern and inclusive understanding of 'Indigenous' includes peoples who: identify themselves and are recognized and accepted by their community as Indigenous; demonstrate historical continuity with pre-colonial and/or pre-settler societies; have strong links to territories and surrounding natural resources; have distinct social, economic ,or political systems; maintain distinct languages, cultures, and beliefs; form non-dominant groups of society; and resolve to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities. In some regions, there may be a preference to use other terms such as tribes, first peoples/nations, aboriginals, Adivasi, and Janajati. All such terms fall within this modern understanding of 'Indigenous'.

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.

Living Wage

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

Hazardous Work (in relation to child labor)

Work that, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

Indigenous Peoples

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 people, First Nations, aboriginal peoples, ethnic groups, Adivasi and Janajati. All such terms fall within this modern understanding of “indigenous.”

Remediation/Remedy (including in relation to human rights impacts or grievances)

Remediation and remedy refer to both the processes of providing remedy for an adverse 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.

REVISED. Added reference to grievances.

Retrenchment

The elimination of a number of work positions or the dismissal or layoff of a number of workers by an employer, generally by reason of plant closing or for cost savings. Retrenchment does not cover isolated cases of termination of employment for cause or voluntary departure. Retrenchment is often a consequence of adverse economic circumstances or as a result of a reorganization or restructuring.

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.

Suppliers

Those who provide goods, services and materials to the operation.

Trafficking in People/Human Trafficking

The recruitment, transportation, transfer, harboring or receipt of a person by means of the threat or use of force or other means of coercion, or by abduction, fraud, deception, abuse of power or of a position of vulnerability, or by the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation includes, at a minimum, the exploitation of the prostitution of

others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs. Women and children are particularly vulnerable to trafficking practices.

Worker

All non-management personnel directly employed by the entity.

REVISED. Added that personnel are directly employed by the entity.

Workers' Organizations

Typically called trade unions or labor unions, these organizations are voluntary associations of workers organized on a continuing basis for the purpose of maintaining and improving their terms of employment and workplace conditions.

Workers' Representative

A worker chosen to facilitate communication with senior management on matters related to working conditions or other workers' concerns. A representative is selected by other workers, or in unionized facilities may be selected by a recognized trade union.

REVISED. Removed reference to occupational health and safety, as that is now covered by workers' health and safety representative, and revised second sentence.