



Responsible Jewellery Council (RJC)

RJC Code of Practices Review

Report on second public comment period and stakeholder consultation – December 2012 to March 2013

Inquiries please contact: Marieke van der Mijn, Standards Coordinator, marieke.vandermijn@responsiblejewellery.com

Website: <http://www.responsiblejewellery.com/standards-development/code-of-practices-review/>

1. Background

From December 2012 to March 2013, the RJC sought feedback on the Proposed Draft Revisions to the Code of Practices from all interested stakeholders.

The draft revisions have been developed from:

- Stakeholder comments on a proposed scope for the COP review;
- Review of parallel standards and initiatives;
- RJC's log of comments and questions from the past 3 years of implementation;
- RJC Standards Committee discussions on a number of key topics

Below is a table that gives an overview of the proposed changes per provision:

Table 1 – Quick-reference guide to proposed changes by provision

Provision	No change	Editorial change and/or minor change to requirement	Major change of requirement	New requirement
1.1 Business Ethics		1.1.1, 1.1.2, 1.1.3	1.1.4 (previously 1.1.5)	
1.2 Money Laundering and Finance of Terrorism			1.2.1, 1.2.2, 1.2.3	
1.3 Kimberley Process	1.3.1, 1.3.2	1.3.3, 1.3.4		
1.4 Product Security	1.4.1	1.4.2		
1.5 Product Disclosure		1.5 (all)	1.5.2	
1.6 Extractive Industries Transparency Initiative	1.6			
1.7 Grading and Appraisal				1.7 (all)
1.8 Provenance Claims				1.8 (all)
2.1 Human Rights				2.1 (complete revision)
2.2 Child Labour		2.2.2	2.2.1	
2.3 Forced Labour		2.3.1		2.3.2
2.4 Freedom of Association and Collective Bargaining			2.4 (all)	
2.5 Discrimination	2.5			
2.6 Health and Safety	2.6 (some)	2.6 (restructuring)	2.6 (some)	
2.7 Discipline and Grievance Procedures	2.7.2	2.7.1	2.7.3	
2.8 Working Hours	2.8.3	2.8.1, 2.8.4, 2.8.5	2.8.2	
2.9 Remuneration	2.9.5	2.9.3	2.9.1	2.9.2, 2.9.4, 2.9.6
2.10 General Employment Terms		2.10.2, 2.10.3		2.10.1
2.11 Community Engagement and Development	2.11.1	2.11.3, 2.11.4	2.11.2	
2.12 Use of Security Personnel	2.12.1	2.12.2, 2.12.3		
2.13 Indigenous Peoples		2.13.1		2.13.2
2.14 Artisanal and Small-Scale Mining		2.14.1		2.14.2
3.1 Environmental Management			3.1 (all)	
3.2 Hazardous Substances	3.2.1, 3.2.4	3.2.2, 3.2.3		3.2.5
3.3 Wastes and Emissions			3.3 (all)	
3.4 Use of Energy and Natural Resources			3.4	
3.5 Biodiversity	3.5.2	3.5.1	3.5.3, 3.5.4, 3.5.5	
4.1 Legal Compliance			4.1	
4.2 Policy and Implementation			4.2.1	4.2.2, 4.2.3
4.3 Business Partners		4.3.3	4.3.1, 4.3.2	
4.4 Impact Assessment	4.4.1	4.4.2		
4.5 Mine Closure Planning	4.5.1, 4.5.4	4.5.3	4.5.2	
4.6 Reporting		4.6.2		4.6.1

The Code of Practices is the cornerstone of RJC’s Certification program and sets standards for responsible business practices for companies in the jewellery supply chain. These companies operate in a wide range of sectors – from mining through to retail – and in a wide range of geographies. They include small,

medium and large businesses. Any business in the gold, diamond or platinum group metals jewellery supply chain is welcome to join the RJC and seek Certification against the RJC Code of Practices.

The RJC undertook to conduct the first formal review of the Code of Practices in 2012, three years after its publication. The objectives of the Review are to update the Code of Practices, as well as its supporting documents and training. RJC has logged issues and comments received since the publication of the Code of Practices in 2009 and identified key topics that will be reviewed.

In summary, the RJC commits to:

- be open and transparent in its standards development process
- encourage input from a wide range of interested and affected parties
- treat input from interested and affected parties with integrity and respect, and
- report publicly on feedback provided, including how comments have been addressed in subsequent drafting.

2. This Report

This Report summarises the submissions received during the comment period for December 2012 – March 2013. A copy of the report is available at: <http://www.responsiblejewellery.com/standards-development/code-of-practices-review/>.

3. Summary of Input Method

A broad range of stakeholders were notified by email and through discussions lists of the opportunity to comment on the RJC discussion paper. Interested parties could respond by fax, post or in an email or were invited to discuss by phone with the RJC team. During January 2013 the RJC conducted consultation workshops in London, Geneva, Antwerp and New York to discuss the proposed revisions to the code and to seek feedback. Workshop in Mumbai and Surat were held in February 2013.

In total, more than 130 individual comment points were received in emails and as stand-alone submissions from 16 submitters (see Appendix 1 for a list). Around a 100 comments and feedback was raised during the consultation workshops in Europe, the United States and India.

4. Comments received

4.1 Summary of Key Points

RJC greatly appreciates the time and insightful contributions from all submitters. Considering the submissions overall:

- Comments were received on all areas identified in Table 1 – Proposed Changes by Provision, apart from on Provision 2.5 Non-Discrimination (no changes proposed) and 2.7 Discipline and Grievance Procedures (minor editorial and structural changes and new provision under 2.7.3a &b).

- Comments were received from a range of stakeholders, including industry (RJC Members and non-Members), civil society, auditors, and other interested parties.
- Some of the main issues raised included:
 - **Business Ethics** section:
 - whether the new requirement for financial audits were a barrier for small business;
 - further clarification sought on Know Your Customer approached for Business Partners;
 - more thinking needed on how to deal with issues of inflated jewellery appraisals to consumers;
 - provide more guidance and clarification on how Provenance Claims provision will work.
 - **Human Rights and Social Performance** section:
 - strong support for the human rights section to be aligned with the UN Guiding Principles, though guidance sought for small business on how to apply the Principles is welcomed;
 - recommend stronger relationship to OECD Due Diligence Guidance framework, and clarification on identification of ‘conflict-affected areas’;
 - language on overtime needs to be simplified and further guidance on this provision is needed;
 - the inclusion of FPIC in the COP is very much welcomed but more thinking needed on wording.
 - Further guidance sought on specific India labour and working conditions questions.
 - **Environmental Performance** section:
 - consider formulation of wording that sees phasing out of mercury over time, while clarification on the managed use of mercury for ASM is welcomed;
 - clarification on how to assess ‘significant’ decline for threatened species;
 - consider the inclusion of a new provision on Undersea Mining.
 - **Management Practices** section:
 - Ensure consistency of use of term ‘business partners’ and consider approach to related provisions.
 - How would the new reporting requirements work for small businesses.
 - **General:**
 - review the applicability to exploration sites and review the definition of Mining Facility.
 - further information sought on how to evidence ‘full group’ Certification Scope

4.2 Comments by Provision

Table 2 below documents more than 130 individual comments received by 1 March 2013 and also includes a summary of the feedback received during the Code of Practices Review workshops. The comments are organised under the proposed revisions published in the proposed draft revisions document. In developing the next draft COP revision 2 and a draft 1 of the Standards Guidance for public comment, RJC is considering all comments carefully.

Name	Date	Comments
1 Business Ethics		
1.1 Bribery And Facilitation Payments		
Anonymous	8 February 2013	<p>1.1.1 - 'Members shall prohibit Bribery in all business practices and transactions that are carried out by them, or on their behalf by Business Partners'. The next amendment refers to ""Business Partners acting as agents". Consider consistency and explain the intention.</p> <p>Consider whether "governmental" is too narrow. For example, would this cover "public bodies" that are broader than "governmental"?</p> <p>1.1.2 - Policies and procedures are not developed to "monitor employees" etc. Policies are developed to set out the organisation's position in respect of areas of corruption, to provide the foundations on which procedures are developed and to provide guidance accordingly. Procedures are developed to provide tangible and commercially practicable means by which matters and risks identified in policies are managed.</p> <p>1.1.3 - More guidance in required on term 'considerations' and definition 'business-related' is too narrow. A personal gift provided at a highly sensitive time commercially could be quite inappropriate.</p>
AngloGold Ashanti	1 March 2013	<p>1.1.4 - AGA bans facilitation payments. Where companies do not ban them already members should work to eliminate them.</p> <p>Recommendation: Amend the clause: "Where Members do not ban Facilitation Payments they shall work to eliminate all Facilitation Payments. Where ..."</p>
1.2 Money Laundering And Finance Of Terrorism		
Anonymous	8 February 2013	<p>1.2.1 - Properly should be defined. How about defining it to 'financial auditor with internationally or nationally accepted accounting qualifications'</p> <p>1.2.2a – Please clarify term 'Business Partners' and make sure that this term carries the same meaning throughout the document.</p>

		1.2.2b – Maybe better to omit the word ‘circumstances’ and just leave nature of their business
RJC COP Review Workshops London/Geneva/ Antwerp/New York	January 2013	<ul style="list-style-type: none"> • What are the boundaries when a company works many markets. • A point that getting KYC type info from large companies can be hard for SMEs – what should they do in this situation – address in Guidance. • Do high value goods include small diamonds? • Audits of financial accounts – a participant said companies were not obligated to do this in Antwerp, requiring this in COP would be a big cost and could be a barrier/burden for smaller companies. • A participant spoke about how they had got a 1 year certification on this issue because they didn’t have enough papers on their customers – that the auditor said going to see customers was not enough ... why did they need to have paperwork on them. Believe that knowing all the identity information of clients is too deep to go into. • What are the costs on small diamond trading businesses who don’t necessarily have the knowledgeable staff to carry it out. • Auditor asked about re-certs, if there was a minor NC on this issue 3 years ago and the minor situation is still there would it be elevated to a major. • New provision on financial audit – specify whether it’s a full audit or an auditor review ... a full audit thought to be complicated for diamonds because of inventory, however requiring an auditor review would be okay. An auditor review would acknowledge that “inventory valued by management”, as an accountant can’t look at inventory valuation. • Strong support for changes to define financial threshold for cash transactions, and how handled in absence of applicable law – this took a lot of work last time to work out the situation in different countries.
Alliance for Responsible Mining (ARM)	19 February 2013	<p>Incorporating KYC principle is a positive approach; for auditing purposes local partnerships and relationships could incorporate community approaches.</p> <p>Apart of fighting Money Laundering and Finance of Terrorism, Section 1.2 has implications on local artisanal miners, who sell their products through gold shops or stone dealers into the supply chain. In local rural economies such transactions involve necessarily cash payments. Companies in the scope of RJC may be legitimate downstream cash buyers of such shops, and such practice is not a priori related with money laundering or financing terrorism. KYC is important to distinguish between legitimate dealers of local ASM producers and middlemen of ASM-camouflaged illegal mining, and in consequence to properly distinguish between "real" and "fake" artisanal miners.</p> <p>1.2.2: Confusion might arise between addressing "Business Partners" in the first paragraph of 1.2.2 and limitation to</p>

		<p>"relevant Business Partners" in literal a). Same applies for literal c) referring to "relevant transactions" - what is "relevant" in this context?</p> <p>1.2.3: According to FATF the threshold of 15,000 applies "where the transaction is carried out in a single operation or in several operations that appear to be linked".</p>
RJC COP Review - India Committee	13 March 2013	<p>1.2.1: The term "Properly" can be misinterpreted – May be removed.</p> <p>1.2.2: The "Prevention of Money Laundering (Amendment) Act, 2012" has been notified by the Government of India recently. This amendment covers dealers in precious metals and precious stones. Thus, the Gem & Jewellery industry in India is covered under this Act. However, the details of rules and other compliance requirements have not yet been published and will be made known sometime in the future.</p> <p>In the absence of such rules, Clarifications / Guidance needed for the following:</p> <ul style="list-style-type: none"> - Is KYC applicable to B to B only or also to B to C? - Is KYC applicable for all transactions or only beyond a certain value? - What does KYC include – minimum requirements may be specified since the local law is not clear about this.
RJC COP Workshops India	February 2013	<ul style="list-style-type: none"> • Observation that the Indian AML law has been recently amended to bring the jewellery industry within its scope. Many in the audience seemed unaware of this change. • Concerns raised about the power/ability of small companies to demand and obtain detailed information from larger suppliers/customers. • Verbal support for the USD\$15,000 threshold. • Many supported calls for specific guidance for SMEs.
Anonymous	8 March 2013	Refer to point As we do not have a direct control over their business, how can we ask them to provide their business and financial transactions. Also, it is not feasible (and practically near to impossible) to ask for financial audit records from each of our business partners. Please provide proper guidance on this point.
1.3 Kimberley Process		
Anonymous	8 February 2013	1.3.4 - All the RJC auditor needs to do is to check that your appointed Financial auditors have included your warranty reconciliation in your financial audits. RJC accredited auditors are not qualified or trained on how to reconcile KP in and out.
Alan Martin, Partnership Africa Canada (PAC)	23 February 2013	<p><u>1.3 Kimberley Process and WDC System of Warranties:</u></p> <p>1.3.1 The addition is good, but what about instances in which diamonds are not classically defined "conflict diamonds" but are: a) involved in other forms of conflict (i.e. Marange) b) are subject to KP sanction because of trade irregularities (ie Venezuela, Lebanon, Marange) or c) involve individuals or entities that are listed on UN or national sanctions (ie those named in UN Expert Panels in DRC and Cote D'Ivoire etc, or the Zimbabwe Mineral Development</p>

		<p>Corporation named in US and EU economic measures)? RJC members should commit not to deal in any of the above mentioned diamonds, not just those sanctioned by the KP.</p> <p>1.3.2. This addition is somewhat meaningless as currently written. The only reconciliation of certificates undertaken by the KP is done at a national level, on an annual basis, in a country's report to the KP. The only requirement for private sector actors is to be able to demonstrate, if required, that they have KP certificates for diamonds they purchased or traded. Spot-checks of industry by "KP authorities" or enforcement agencies to verify these certificates are unheard of in most jurisdictions, including in North America and Europe. There has yet to be one example anywhere in the world where a WDC member has taken legal action against another for breaching the System of Warranties. This is where a Chain of Custody would add value to the RJC, and provide credible verification—of everything from trade statistics, provenance and fair valuation of stones.</p>
1.4 Product Security		
Alliance for Responsible Mining (ARM)	19 February 2013	<p>1.4.1: (editorial): "shall"</p> <p>(new additional) 1.4.3: "The product security measures shall at any moment respect the personal dignity of Employees, Visitors and other relevant Business Partners."</p>
Anonymous	21 January 2013	<p>As the RJC fully recognises; the implications of any loss of assets go far beyond financial ramifications and undoubtedly fuels crime and conflict.</p> <p>The Review appeared to make only minimal acknowledgments to risk during transportation (shipping) but which raised the following observations:</p> <ol style="list-style-type: none"> 1. Assets of the RJC Members are most vulnerable during transit and the efforts of reputable secure transport agents in the industry have mitigated risk over recent years but this has resulted in a degree of industry complacency. 2. We see an increasing trend to only be concerned that the method of transit qualifies for insurance cover as opposed to taking genuine responsibility for loss avoidance and safety of the operators. 3. Are secure transport agents classified as Contractors or Business Partners under the code? 4. The emphasis on responsibility for the safety or ability of "contractors", appears to concentrate on those operating within your members premises and not those providing transit services? 5. Is there any suggestion of formulating a specific section of the code of practices to cover companies providing transit and shipping services to your members. In our role as secure freight forwarders to your members, we often face the same if not greater risks and carry our own responsibilities to employees and the general public?

1.5 Product Disclosure		
Anonymous	8 February 2013	1.5.2a - Propose to define 'properly'.
RJC COP Review - India Committee	1 March 2013	1.5.2: Reference to "Applicable Law" is not clear – Trust this will be clarified in the Guidance Note. 1.5.2e: The reference to "recognized guidelines appropriate to particular jurisdiction" is not clear – May be clarified in the Guidance Note.
1.6 Extractive Industries Transparency Initiative		
Alan Martin, Partnership Africa Canada (PAC)	23 February 2013	<u>1.6 (Extractive Industries Transparency Initiative):</u> Language and commitment to EITI is a welcome step; however there are additional measures that could further demonstrate a company's commitment to the financial good governance of a host country. Capital flight and lost resource revenues remain major challenges for producing countries and are intimately tied to political relations some companies make with democratically challenged political elites or illegitimate parties, including criminal networks and/or rebel groups. The RJC is encouraged to find ways to widen members commitment to revenue transparency, particularly those who are not mining entities and covered by the EITI. For example, extractive companies and import/export companies should publicly disclose, on a disaggregated basis, what taxes, royalties or other relevant payments they paid in a given year—in both their home countries as well as any producing country from which they source diamonds. This measure would go a long way in ensuring diamond companies—mining or trading—are fulfilling a most basic requirement of civic duty—fairly contributing to the tax base of a country.
Marcelle Shoop, Rio Tinto	1 March 2013	1.6 EITI – Consider moving this provision so it appears immediately after 1.1 or 1.9.
1.7 Grading and Appraisal		
Anonymous	8 February 2013	1.7.2 - Please define consumer in this context, does it include the end consumer? 1.7.3 – 'Members that offer Diamond Grading Reports or Appraisal Reports to consumers that might reasonably be construed to be independent shall disclose any relevant vested interests in the sale of the Jewellery Product held by the grader or appraiser' - This needs to be clearer. Is this grading for jewellery and not loose stones? 1.7.4 – 'Members shall not use discounting against Appraisal Reports' - this needs to be defined, this could be construed as anti competitive.
RJC COP Review Workshops London/Geneva/Antwerp/New York	January 2013	<ul style="list-style-type: none"> • General acceptance of the grading provision re disclosing whether synthetics/treatments part of the assessment. • Difficult to enforce, fraud cannot be used as a selling tool, but other practices may be subjective to opinion. • Discuss in guidance (discounting – if keep) – how would apply to 20% of Rap, for example? • Is it anti-competitive to restrict selling strategies? • Auditor noted that could only assess deceptive selling practices through mystery shopping in audits. The role

		<p>of mystery shopping could be discussed in the Assessment Manual.</p> <ul style="list-style-type: none"> • If fraudulent behaviour, there are criminal tests for that which could be referred to. • Overall sense was that this will be difficult to audit and be consistent on – need to revisit. • Deceptive selling practices: some discussion about the change in diamond pricing between trading centres eg selling goods in Zim at \$50-60/carat, then out of Dubai at twice the price - is there collusion? Is the valuation system of the KP working?
RJC COP Review - India Committee	1 March 2013	1.7.1 & 1.7.2: We presume that these clauses apply to members who run laboratories that generate “Grading Reports”. If it applies to all members, how are they to ensure that the grading laboratory (which may not be a member of RJC) complies with these requirements?
RJC Cop Review Workshops India	February 2013	<ul style="list-style-type: none"> • Confusion expressed as to how this change might impact on the middle of the supply chain, i.e. diamond traders, cutters and polishers. A desire was expressed to have more explicit guidance.
Anonymous	8 March 2013	Does this clause applies to companies which provide grading reports to products cut & polished internally and not for any third party companies? Please provide clarification on the applicability of this clause.
1.8 Provenance Claims		
Anonymous	8 February 2013	<p>This proposed provision does not reflect the work or proposal of the diamond CoC subcommittee. Many things are missing here. Please review the proposal. During workshops it was described as a ‘minimal assurance’. There is no such thing as minimal assurance, the claims should be assured or not assured.</p> <p>The proposal that was voted through by the CoC diamond subcommittee was put forward in lieu of a standard for diamonds. Will there still be a diamond CoC Standard??</p>
RJC COP Review Workshops London/Geneva/Antwerp/New York	January 2013	<ul style="list-style-type: none"> • What are credible documents, are some more robust than others? KP is not a credible document. • Independent verification is important, it can’t be just a self declaration of the company • It shouldn’t be a minimum requirement, but a chain-of-custody, look at all systems, 3rd party. A company’s whole group needs to be included if they are making claims • If it is just a ‘light touch’ there is a high risk to failure • Power should be given to the Auditor, it should be less descriptive • Suggestion that Members need to be certified before claims are being made • Why would you do a CoC if all provenance claims are already made for? • What if Non Conformances are found and they are not supported by evidence. • Provenance claims: would this be applicable to “swiss-made watches”. Answer is no, as claim is not about

		<p>materials, but this needs to be clarified in Guidance.</p> <ul style="list-style-type: none"> Relationship to CoC for diamonds ... needs further discussion.
Alliance for Responsible Mining (ARM)	19 February 2013	We believe ASM sourcing could increasingly become a strong CSR strategy under the current policy context and thus recommend that it is added in the definition of Provenance Representation as a specific type of source.
RJC COP Review – India Committee	1 March 2013	<p>The India Committee feels that this clause in RJC COP adequately addresses the requirement of Chain of custody. The following may be clarified:</p> <p>There may be occasions when a member does not make a provenance claim at the time of certification but will be required to claim provenance any time during the three year period when the certificate is valid – Will he be required to get his facility audited again so that he can make such provenance claim?</p> <p>Is the KPC / SOW process part of provenance claim? If yes, what credible documented information (other than KPC certificates, SOW declarations and auditor certification of reconciliation) will be needed?</p>
RJC COP Review Workshops India	February 2013	<ul style="list-style-type: none"> Guidance need around how such claims could be substantiated, i.e. the specific types of objective evidence that would be required. How would members receive credit/ acknowledgment for substantiated provenance claims?
2 Human Rights and Social Performance		
2.1 Human Rights		
RJC COP Review Workshops London/Geneva/Antwerp/New York	January 2013	<ul style="list-style-type: none"> When is it 'enough' what companies do on Human Rights, it is very subjective and difficult to determine what criteria are Human Rights is not a new area, but capacity building is important, especially for SMEs 'Significant adverse effects' – what does this mean Ruggie is high on the agenda but causing companies headache for implementation. How is this going to be implemented by tier 1 and tier 2 companies. Question – does human rights due diligence involve a full audit of all your business partners? No – this will be clarified in Guidance and templates. Question – can small companies have a list of countries that have conflict, for the provision re sourcing directly from a conflict area? Companies looking for practical guidance on human rights due diligence eg including in commercial terms, risk-based, small steps that are easy for companies to implement i.e. what is enough for an auditor. Ruggie language can be complex so templates etc will be important.

		<ul style="list-style-type: none"> • Sector considerations may be relevant eg how do polished diamond traders carry out human rights due diligence.
Alliance for Responsible Mining (ARM)	19 February 2013	2.1.2 (amend): "... and take steps to avoid contributing to, participating in, or benefitting from the Conflict."
Verité	25 February 2013	An effort should be made to reference sub-section 2.1 on Human Rights in the Code of Practice's later section on Management Practices, so that human rights due diligence is mainstreamed into business processes.
Marcelle Shoop, Rio Tinto	1 March 2013	2.1 – It is good that human rights section is now aligned with the UN Guiding principles. The comments column proposes developing additional guidance and a template for human rights due diligence, particularly for smaller businesses. It could be useful for RJC to identify any other guidance being developed for SMEs by other organizations, which could be used as a reference.
RJC COP Review – India Committee	1 March 2013	2.1.1b & 2.1.1c: We need clarification as to how to demonstrate that "Human Rights Due Diligence Process" has been carried out. It is suggested that there should be no need to prepare additional documentation as evidence of this compliance. 2.1.2: How do we identify "Conflict Affected Area"?
RJC COP Review Workshops India	February 2013	<ul style="list-style-type: none"> • Strong support given to the proposal to provide guidance for SMEs on how to apply the Ruggie Principles. • Concerns raised as to how and/or who would identify "conflict-affected areas". • On the point above, concern was raised that RJC should not be political in making such assessments itself.
Sasha Lezhnev, Enough Project	1 March 2013	Section 2.1.2 should be stronger and more specific, in our view. Unless it is, it will open up a can of worms for anyone to source from anywhere. The company should: <ol style="list-style-type: none"> 1) have a company policy on conflict minerals (or conflict gold). 2) if it sources from conflict or high-risk areas, it should have independent audits conducted, and it should publish these independent audits 3) it should participate in the Conflict-Free Smelter Program or programs with an MOU with the CFS. 4) it should require its suppliers to source from the CFS or analogous programs.
2.2 Child Labour		
RJC COP Review Workshops London/Geneva/Antwerp/New York	January 2013	<ul style="list-style-type: none"> • Risk is variable, in mining but also up in the supply chain • Research needs to be done, not many children working in diamond cutting and polishing as it is a skilled job and ageing workforce. • Perhaps the RJC can publish the results of audits. RJC noted it will be publishing aggregate audit data as part

		<p>of its Impacts program.</p> <ul style="list-style-type: none"> • There is child labour in the manufacturing sector, it is a major risk in countries such as China and for industry as a whole. Research not necessarily always accurate, parents don't tell auditors/researchers their children work (often child labour is in the informal sector). • Hazardous Child Labour – what constitutes is spelt out in applicable law.
Alliance for Responsible Mining (ARM)	19 February 2013	2.2.1 b. ii.: by amending 2.1.2, the part "and the use of children in armed conflict" becomes obsolete and could be deleted. (Neither children nor adults shall participate in armed conflicts.)
RJC COP Review Workshops India	February 2013	<ul style="list-style-type: none"> • Concerns raised as to how Members can control contractors, other than in obvious circumstances when it is plain to see the employee is a young child. • Guidelines should explicitly cover where 15-18 year persons can work. • What responsibility/onus will be placed on Members to be able to detect fake IDs? • Re above, there is a difficulty in obtaining documentation from itinerant workers.
2.3 Forced Labour		
Anonymous	8 February 2013	2.3.3 – More guidance is required here (on human trafficking).
Alliance for Responsible Mining (ARM)	19 February 2013	<p>2.3.2 d.: Might be important to include "or as established by applicable law" as there are context where notice is not required. i.e.: "... freely terminating their employment after reasonable notice or as established by applicable law."</p> <p>2.3.3.: Might be more applicable to monitor their recruitment processes, rather than focusing on recruitment agencies. Delete "relationships with". i.e.: " Members shall monitor recruitment agencies for risks of Human Trafficking."</p>
Verité	25 February 2013	<p>Under provision 2.3 on forced labour, it would be advisable for point 2a not to implicitly differentiate between on-site and off-site housing. Unreasonable restrictions on freedom of movement should be prohibited in both situations. They can, for example, be common in off-site housing where dormitories or housing facility operators enforce such restrictions. You may also wish to ensure that the standard explicitly addresses all employer-provided housing, including both employer-operated and third-party-contracted residences, to avoid any potential confusion later. Housing providers can be the employer or a third party; both can be involved in enforcing restrictions, as can private security firms hired by the employer or third party contractor.</p> <p>Point 3 on human trafficking is a welcome addition to the standard. It could be strengthened with direct reference to the relevant UN Protocol (which defines human trafficking) and supported by language setting out specific protections for migrant workers, as per relevant ILO and UN Conventions.</p>
Anonymous	8 March 2013	How can we monitor such agencies whether they are involved in Human Trafficking or not? We have a limited control on any such aspect. Please guide what all proofs will be required to ensure compliance to this clause.

2.4 Freedom of Association and Collective Bargaining		
Marcelle Shoop, Rio Tinto	12 February 2013	2.4.2 - Collective bargaining- Recommend a modification to clarify the parameters of local law: Members shall respect the right of Employees to collective bargaining, and subject to applicable laws shall participate in any collective bargaining processes in good faith, and shall adhere to collective bargaining agreements, where such agreements exist.
RJC COP Review – India Committee	1 March 2013	<p>2.4.1 & 2.4.2: In the Indian context, most entities do not have trade unions and collective bargaining does not take place. However, Worker Representative Committees are formed and all issues are discussed between this committee and the management and amicably settled.</p> <p>The Workers who are members of the committee are not elected and are generally nominated by general consensus among the workers. This practice must be recognized as a normal process for formation of Worker Representative Committees who then take up issues with the management.</p> <p>As such, “Minutes of Meetings” between the Worker Representative Committees and the management must be considered as equivalent to “Collective Bargaining Agreements”. Suitable guidance may be provided along these lines.</p>
Marcelle Shoop, Rio Tinto	1 March 2013	2.4.2 - Collective bargaining- Recommend a modification to clarify the parameters of local law: Members shall respect the right of Employees to collective bargaining, and subject to applicable laws shall participate in any collective bargaining processes in good faith, and shall adhere to collective bargaining agreements, where such agreements exist.
2.5 Discrimination		
		No comments received.
2.6 Health and Safety		
RJC COP Review – India Committee	1 March 2013	<p>2.6.4: Generally, on-site contractor’s employees are not included in the Health & Safety Committee. Granting such rights to contractor’s employees can lead to such contractor’s employees claiming employment rights with the parent company. Hence, this requirement should be deleted.</p> <p>The entity will ensure that Health & Safety issues are administered to contractors’ employees in the same manner as done for entity’s own employees.</p> <p>2.6.5: Following clarifications are needed:</p> <ul style="list-style-type: none"> - Fire Safety training to all employees may be restricted to usage of fire fighting equipment - Indicative Norms may be provided for number of persons to be trained in first aid in proportion to number of employees in the facility - A composite training provided to employees on RJC Code of Practice should be considered valid rather than insisting

		upon training specific to each section - Audio/visual recording of training session should be acceptable as evidence.
RAISE Health: Initiative for Workers, Companies and Communities.	10 March 2013	<p>2.6 Health and Safety Sections for comment:</p> <p><u>2.6.1.h.</u> How it currently reads: maintaining adequate workplace hygiene at all times by conducting regular routine cleaning, providing safe and accessible potable drinking water and sanitary facilities for food storage, and clean and hygienic washing and toilet facilities commensurate with the number and gender of staff employed. Suggested changes: maintaining adequate workplace hygiene at all times by conducting regular routine cleaning, providing safe and accessible potable drinking water and sanitary facilities for food storage, clean and hygienic washing and toilet facilities, and providing sanitary napkins for women commensurate with the number and gender of staff employed.</p> <p><u>2.6.6.</u> How it currently reads: Members will provide access to adequate on-site Health and medical facilities, including clearly marked first aid provisions, and develop procedures for transportation of more serious Health concerns to local hospitals or medical facilities. Suggested changes: Members will provide access to adequate on-site Health and medical facilities, including clearly marked first aid provisions and working hours of medical staff, and develop procedures for transportation of more serious Health concerns to local hospitals or medical facilities and policies to enable access to services to address basic health needs if services are not available after work hours. On-site facilities should have educational materials on health accessible to workers, and medical staff should be trained in general and gender-specific health issues and in making referrals to qualified providers as needed.</p> <p><u>2.6.9.</u> How it currently reads: Members will provide training so that employees are aware of: specific role-related Health and safety Risks and Hazards; and methods for appropriate protection from such Hazards, including proper use of PPE and</p>

		<p>appropriate action to take in the event of an accident or emergency. Training will include first aid training to designated employee representatives and appropriate training in fire safety and emergency procedures for all employees. Training undertaken must be recorded and repeated for new and re-assigned employees.</p> <p>Suggested changes:</p> <p>Members will provide training so that employees are aware of: specific role-related Health and safety Risks and Hazards; and methods for appropriate protection from such Hazards, including proper use of PPE and appropriate action to take in the event of an accident or emergency; and basic health areas, including non-communicable diseases, hygiene, and maternal and reproductive health. Training will include first aid training to designated employee representatives and appropriate training in fire safety and emergency procedures for all employees. Training undertaken must be recorded and repeated for new and re-assigned employees. Medical personnel must also participate in training of employees as well as training of proper medical techniques to treat such an emergency.</p>
2.7 Discipline and Grievance Procedures		
		No comments received.
2.8 Working Hours		
Anonymous	8 February 2013	2.8b & 2.8c: Presentation: too much detail, this would be better placed in the guidance paper and not in the standards as these should remain top line.
RJC COP Review Workshops London/Geneva/ Antwerp/New York	January 2013	<ul style="list-style-type: none"> • A lot of this can be in the Guidance, not in Standard • In that case what goes into the Standards has to be right. Also, 60 hours is not a ‘normal’ week, it is related to remuneration (workers don’t want to work more hours, they want more pay), if there is a collective agreement you can do a lot more. • The 60 hour workweek is not complying with local law (in China it is a 40 hour work week) • Are the overtime changes the same for employees/management team? • Supportive of change, need to look at ‘forced’ vs. ‘chosen’ overtime • Genuine choice or not – eg have seen situations where companies regrade workers as managers to avoid the provision – so it has to be a genuine choice over working hours – add to Guidance.
Marcelle Shoop, Rio Tinto	1 March 2013	<p>2.8.5 – Recommend the changes noted below including replacing the term “rotational shift” with the term “roster cycle,” which includes “rotational shift” and other types of work schedules.</p> <p><i>Where Employees operate on a rotational shift basis roster cycle at Mining Facilities, Members shall ensure that:</i></p> <p><i>a. Working hours and overtime that do not meet 2.8.1 and 2.8.2 above shall be in compliance with Applicable Law;</i></p>

		<p><i>b. Rest intervals shall be provided on an equivalent basis to 2.8.3 with <u>the equivalent of</u> at least one day off for every seven-day period;</i></p> <p><i>c. Shifts Roster cycles shall be planned to provide safe and humane working conditions.</i></p>
RJC COP Review – India Committee	1 March 2013	<p>2.8.2: We feel that the provisions are not very clear. Sub clause 2.8.2 b permits 60 hours of total working per week – this means that overtime could be 12 hours per week. Further, there is a provision for overtime beyond these hours to meet short term demand. However, reference to “Applicable Law” or “Collective Bargaining Agreements” needs further guidance.</p> <p>In the Indian context, law relating to overtime permits only 50 hours per quarter. In most cases, there are no collective bargaining agreements. We had made the following representation in September 2012:</p> <p>Overtime Hours – Seasonality / Market dynamics of the diamond / jewellery industry results in overtime hours exceeding limits during certain periods – This subject needs a suitable guideline.</p> <p>We request that the following guideline be considered in the Indian context:</p> <p>Entities that are required to work overtime to meet seasonal demand should seek consensus of the concerned workers through a Worker Representative Committee (not necessarily elected). If the concerned workers agree to the overtime proposal in a voluntary manner, the entity may resort to overtime. The entity shall maintain records of such overtime done by each worker and it shall be ensured that such overtime of any worker does not exceed beyond 12 hours per week calculated on an annual average basis.</p> <p>2.8.3: We had made the following representation in Sept. 2012:</p> <p>Annual Leave – Social and regional factors require the industry to take a break in operations at certain periods of the year - This period of vacation is set off against Annual Leave of workers – This practice needs to be included as a guideline.</p> <p>In the Indian context, annual vacations are taken by the diamond manufacturing industry during the Diwali festival. We request for a specific guidance along the following lines:</p> <p>Entities may adjust “Earned Leave” of employees against the annual festival leave that is observed by the entity in line with local / regional practice. The following conditions should be fulfilled:</p> <ul style="list-style-type: none"> - Consensus of the Worker Representative Committee (not necessarily elected) shall be obtained for such set off - The entity shall maintain records of earned leave due to each employee, the festival leave observed by the company and the number of days thus set off. - All such set off days shall be paid for as per the normal wages payable to the employees.

AngloGold Ashanti	1 March 2013	<p>2.8.1, 2.8.2, 2.8.5: The text on overtime has become excessively complicated and difficult to follow, with at least two exceptions, for management-level employees and some miners on “a rotational shift basis”.</p> <p>2.8.1 requires members to “comply with ... industry standards”. Which standards? What if they are incompatible with the law? This addition is significant but is not noted in the document.</p> <p>Making an exception in the guidance is unsatisfactory – the CoP should clearly state the requirements. It is not entirely clear what a “rotational shift basis” means.</p> <p>Recommendation: Completely revise the three clauses as follows, including incorporating 5 into 1 and 2.</p> <p>1 Members shall comply with Applicable Law on working hours and public holidays. The normal work week, not including overtime, shall not exceed 48 hours unless defined otherwise by Applicable Law.</p> <p>2 If overtime work is required for business needs, Members shall ensure that:</p> <p>a. Overtime work is requested under a voluntary overtime system. Required overtime is permitted only where it is within the limits allowed under Applicable Law or collective bargaining agreements.</p> <p>b. The sum of the normal work week and overtime hours shall not exceed 60 hours in a week unless defined otherwise by Applicable Law or permitted under a collective bargaining agreement.</p> <p>c. Excessive overtime hours that create negative impacts on Employee health and safety shall be avoided.</p> <p>c. Shifts shall be planned to provide safe and humane working conditions.</p>
RJC COP Review Workshops India	February 2013	<ul style="list-style-type: none"> • Desire for guidance as to whether it would be acceptable to RJC if a Member has a “Works Committee” or equivalent, that agrees to longer working hours in the period prior to Diwali. • Guidance desired on how the provision of a premium rate for overtime applies with regard to a piece rate payment system.
2.9 Remuneration		
Michael Allchin, Birmingham Assay Office	24 December 2012	<p>I have read through the proposed revisions to the COP and I think they have been very well thought through. Well done. Another big step forward.</p> <p>The only section I would like to be ‘picky’ about is section 2.9.2 relating to overtime payments to employees where the implication is that all overtime should be paid at a premium rate. We have three categories of staff where different overtime arrangements apply:</p> <ol style="list-style-type: none"> 1. Directors and Senior Managers are expected to work whatever hours are needed to fulfil their obligations and they get no overtime payments. 2. Salaried Middle Managers who sometimes need to work extra hours and are rewarded for these extra hours at their standard rate; not at a premium rate.

		<p>3. Hourly paid staff who are always paid at a premium rate for overtime hours. I'm sure there are many RJC Members with similar arrangements who would not be able to meet requirement 2.9.2 as it is currently drafted. Please will you think about how this section might be reworded to take account of individual agreements that some employees have willingly contracted to. Thank you.</p>
Marcelle Shoop, Rio Tinto	12 February 2013	<p>2.9.2 - Overtime rate It is not clear that the provision concerning rotational shifts (roster cycles) for mining facilities referred to in 2.8.5 carries over to 2.9.2. A possible suggestion is: Members shall reimburse overtime work at a rate at least equal to that required by Applicable Law or a collective bargaining agreement, or where unregulated by either, at a premium rate at least equal to the prevailing industry standards.</p>
RJC COP Review – India Committee	1 March 2013	<p>2.9.1: This clause has an impact on piece rated workers. We had made the following representation in September 2012:</p> <p>Payment to Piece rate workers – While piece rate system is prevalent in the industry, it is ensured that wages and compensation are in line with time rated workers based on a fixed rate structure and minimum wage requirements are adhered to – IC seeks guidance in this regard.</p> <p>We propose the following guideline: Wage calculation for piece rate workers may be modelled on “Monthly Fixed Rate” basis. All legal requirements of minimum wage and other benefits shall be built into the wage structure. A provision may be made for “Incentive Payment” to accommodate the variations in wages arising out of piece rate working.</p> <p>The following example will demonstrate the point:</p> <ul style="list-style-type: none"> • Average number of pieces manufactured by a worker in a month based on 8 hour shift =100 (Assumed productivity norm for a particular quality / size of diamond) • Current piece rate = Rs. 78 per piece (Assumed) • Monthly gross wage based on above = Rs. 7800 (above current minimum wage). • Based on above, Rs. 7800 is fixed as total monthly wage. This wage is structured into various allowances as per company policy. The appointment letter mentions the wage as Rs. 7800 p.m. as well as the break up of the same. • In any particular month, the worker may produce 105 pieces in a 8 hour shift. He is now eligible to get Rs. 8190. The additional amount of Rs. 390 is shown as “Incentive Payment” in the wage slip. <p>2.9.2: The premium rate for overtime in India is double the ordinary wage. There is an ambiguity regarding the basis for calculating the overtime amount. We propose the following guideline in which overtime payments are based on minimum wage.</p>

		<p>Example: Considering minimum wage of Rs. 6240 and total number of working days in the month – 26 days</p> <ul style="list-style-type: none"> • Daily rate based on Rs. 6240 / 26 = Rs. 240 • Hourly Rate – Rs. 240 / 8 = Rs. 30.00 • If a worker does overtime for 1 hour per day, he should get paid at the premium rate of double the wage – Rs. 60 per hour of Overtime. • Thus, if the worker is present for 26 working days and did overtime of 1 hour on every working day, he should be paid as follows: • Overtime Wages - Rs. 60 * 26 days = Rs. 1560 • Irrespective of the monthly wage and / or production achieved of the worker during overtime hours, the payment towards overtime of 1 hour per day will be Rs. 1560 and for 2 hours per day, Rs. 3120, <p>2.9.4: We presume that the deductions referred in this section are other than statutory deductions – This may be clarified.</p> <p>Refer 2.9.4 b – This clause needs further clarification. The entity may give loans to workers whose wages are very close the minimum wage. In such cases, there will be occasions when the monthly wage net of deductions will be less than minimum wage. This seems to violate the requirement of this clause. This aspect should be clarified.</p> <p>Refer 2.9.4 c – Collective Bargaining agreements do not exist in most cases. The Worker Representative Committees referred in 2.4 must be empowered in this regard.</p>
AngloGold Ashanti	1 March 2013	<p>2.9.4b - May not be achievable. In South Africa, employees may have garnishing orders on their wages which require the employer to deduct funds from their salary/wage before it is paid to the employee and this may result in the employee receiving less than the minimum wage. The garnishing order is the result of the employee having made a purchase or taken out a loan over which the employer has no control.</p> <p>Recommendation: Delete the clause.</p>
2.10 General Employment Terms		
RJC COP Review Workshops London/Geneva/Antwerp/New York	January 2013	<ul style="list-style-type: none"> • Does the RJC audit need labour contracts for staff that have been working with them for 30 years – this was a minor NC for one company. Can the Belgium book of rules for workers suffice (this could be relevant for the new provision on employment terms.
RJC COP Review – India Committee	1 March 2013	<p>2.10.3: This requirement shall be complied with. However, since wage has been converted to time based wage, auditors should not insist on treating the payment as piece rate. This aspect may be covered in the Guidance Document.</p>

		With respect to contract employees employed through Contractor Agency for non-core business activities like house keeping and security, copy of legal agreement executed with the Contractor Agency should be considered as adequate. Other employee records like wage payment records and working hours records being maintained by the Contractor Agency should not be insisted upon.
2.11 Community Engagement and Development		
RJC COP Review Workshops London/Geneva/ Antwerp/New York	January 2013	<ul style="list-style-type: none"> Look at ISO 26000 on community engagement – add as potential reference in Standards Guidance.
2.12 Use of Security Personnel		
Anonymous	21 January 2013	5. The aim of avoiding fire arms on premises needs further clarification as in some instances; your members are now asking that security companies not attend their premises carrying weapons. There are instances where this would be counter to the security operator’s license and it could be considered irresponsible to ask people to undertake such work without the protection of firearms.
2.13 Indigenous Peoples		
RJC COP Review Workshops London/Geneva/ Antwerp/New York	January 2013	<ul style="list-style-type: none"> What does it look like in practice? To be discussed in Guidance. FPIC: One participant questions whether FPIC required for all 4 triggers in IFC PS7.
Christina Hill, Oxfam Australia	15 February 2013	<p>It is really terrific that you are proposing the inclusion of FPIC into the COP. I must admit though that I do not understand what is meant by “facilitate a process of Free, Prior and Informed Consent”. Facilitating a FPIC process may not necessarily be the same as committing members to only operating if they receive the free, prior and informed consent of affected Indigenous Peoples. Better wording in the COP would be that “Members with Mining Facilities shall obtain the Free, Prior and Informed Consent with affected Indigenous Peoples, consistent with International Finance Standard (IFC) Performance Standard 7, during the planning and approval stages for new mining projects”</p> <p>This would require the removal of the existing 2.13.2 because obtaining broad-based support is not the same as FPIC. Sorry if it seems that we are being overly finicky – unfortunately we see lots of examples of statements that get close to FPIC but not close enough. Of course, if I have interpreted the COP incorrectly do let me know.</p> <p>The suggestion to include a reference to the UN Declaration on the Rights of Indigenous Peoples in the ‘Standards Development’ section is obviously a good one. We also suggesting including “Advice No. 2 (2011): Indigenous peoples and the right to participate in decision-making” by the UN Expert Mechanism on the Rights of Indigenous Peoples as this is another authoritative reference – this is useful partly because it defines ‘free’, ‘prior’ etc and puts</p>

		FPIC into a broader human rights framework http://www.ohchr.org/Documents/Issues/IPeoples/EMRIP/Advice2_Oct2011.pdf
Alliance for Responsible Mining (ARM)	19 February 2013	Very important to have FPIC in the Code of Good Practices. We recommend a wide definition of indigenous, as it is wrongly understood many times as ethnic minorities in the country.
Marcelle Shoop, Rio Tinto	1 March 2013	2.13.3 FPIC - typographical error – “International Finance Standard” should be “International Finance Corporation”
2.14 Artisanal and Small-Scale Mining		
RJC COP Review Workshops London/Geneva/ Antwerp/New York	January 2013	<ul style="list-style-type: none"> • Why have only these 3 risks been identified for ASM? There are many more. • RJC can function as a platform between ASM and LSM • Social impacts: displacement of miners if they are on the vein if a mine comes into practice. Also ASM miners illegally enter formal mine site. • RJC also function as an information sharing platform > case-studies. • Consider ASM as potential Members in drafting these provisions.
Alliance for Responsible Mining (ARM)	19 February 2013	Agree with proposed changes.
Verité	25 February 2013	Under provision 2.14 on Artisanal and Small-Scale Mining, point 2 should consider referencing other labour and human rights risks alongside child labour, including forced labour and human trafficking. On child labour, you may wish to prioritise a review of risks associated with hazardous child labour and child trafficking as the most relevant “worst forms of child labour” risks in this sector. Better understanding labour and human rights conditions associated with ASM (and how these change, improve or deteriorate over time) is also important in reviewing associated risks. To this end, assessing such conditions for ASM producers would be a key step in mitigating the associated risk.
WWF Switzerland	26 February 2013	1 We agree Members that source Diamonds, Gold and/or Platinum Group Metals directly from ASM producers shall regularly review and develop time-bound action plans to reduce and exclude child labour, uncontrolled mercury use, and other major environmental impacts.
3 Environmental Performance		
3.1 Environmental Management		
WWF Switzerland	26 February 2013	1 Members shall identify environmental risks, significant environmental impacts, and opportunities for improving environmental performance. Please explain (in the Standards Guidance) what is meant with “significant” environmental impacts. 2 We agree 3 We agree
Anonymous	8 March 2013	What are the measures by which we can record the opportunities for improving environmental performance. As this aspect clearly depends on volatility of business, it is difficult to record such observations / efforts in figures.
3.2 Hazardous Substances		
Patrick Laine, WWF UK	19 January 2012	In keeping with my plea that the aspiration of the RJC should be to lead legislation rather than follow it, I think we

		<p>should make an effort to get the miners to agree some formulation of wording that sees us phasing out the persistent pollutant mercury over time. We could start with some wording that bans its direct use by LSM for amalgamation purposes by [2015], and that it may be continue to be used in managed, closed loop systems until [2020], after which time its use must be terminated. For those LSM companies whose processes result in the emission of mercury (<i>it often comes from burning coal as an energy source</i>), they have an obligation to monitor emissions, and if they have more than 50 pg/Nm3 of dioxins, they must develop an action plan to reduce emissions. ASM is much more difficult ---- I am hoping for some great inspirational guidance from Estelle to give us a reasonable roadmap to improvement by this sector, without driving its use underground.</p> <p>There will be those that will want to wait for the formal treaty to be ratified, or to see what the implementing legislation looks like. I would argue that this will take years --- so hope that RJC can play a leadership role in this.</p>
Estelle Levin, Estelle Levin Ltd.	28 January 2012	<p>I note that the emphasis in the RJC Code of Practices will be on how LSM can support ASM to manage mercury better (and potentially eliminate it too). The Fairtrade/Fairmined standard already has requirements of ASM on mercury management and of course ARM/RJC have an MOU and ASM can achieve RJC certification through FT/FM certification. Perhaps consideration by ARM as to how LSM can support miners achieve their requirements would be the best starting point?</p>
RJC COP Review Workshops London/Geneva/ Antwerp/New York	January 2013	<ul style="list-style-type: none"> • More specific on managed use of mercury for ASM • RJC should lead legislation, to agree on some formulation of wording that phases out the persistent pollutant mercury. • Develop roadmap for ASM > welcome feedback from Estelle Levin. • Formal treaty will take years to be ratified. • Question as to whether having an inventory by type and quantity was reasonable – how frequently should it be updated? • Mercury – update on legally binding instrument negotiations – focus on air emissions, waste, and use of best available technologies. Not every source is necessarily covered. Lots of flexibility on how would be addressed. Governments would ratify the treaty, probably take 5-6 years for this process.
Alliance for Responsible Mining (ARM)	19 February 2013	<p>3.2.3: include Contractors: "... be clearly communicated to all Employees and Contractors who work with them."</p> <p>3.2.5: The comment indicates: " Mercury is also referenced in the new 2.14.3 re sourcing from artisanal mining", this is supposedly 2.14.2</p>
WWF Switzerland	26 February 2013	<p>1, 2, 3, 4 We agree 5 Members with Mining Facilities where mercury is used in processing or contained in saleable products, by-products or emissions shall adopt responsible management practices, that are at minimum in accordance with Applicable Law, and will take measures to minimize and where feasible eliminate the mercury releases of their activity, and adopt over time mercury –free techniques.</p>

AngloGold Ashanti	1 March 2013	<p>3.2.1 AGA uses CFCs at some operations. The CFCs are part of stockpiles purchased decades ago before restrictions were introduced. They have lasted so long because the use is non-consumptive and the CFCs are a valuable resource.</p> <p>Recommendation: Ensure that the guidance makes it clear that “banned substances” may be used where this is legally permitted.</p> <p>3.2.5 This clause is superfluous because it only requires “practices that are at minimum in accordance with Applicable Law”, which is covered elsewhere.</p> <p>Recommendation (Mercury): Either impose a standard more stringent than the law, which will likely encounter opposition, or delete the clause.</p>
3.3 Wastes and Emissions		
David Chambers, Center for Science in Public Participation	21 December 2012	<p><i>Section 3.3 Waste and Emissions</i></p> <p><i>c. Not use riverine tailings disposal at new Mining Facilities.</i></p> <p>Comment: Presently riverine disposal of both tailings and waste rock is taking place at several locations (e.g. OK Tedi, Porgera, and Grasberg. Marine disposal of waste rock was done at Misima, and this caused significant offshore reef damage.). The prohibition should cover both tailings and waste rock. That is implicit in the present wording, but should be clarified and made more specific.</p> <p><i>d. Not use marine tailings disposal for land-based Mining Facilities, unless:</i></p> <p>Add: • a thorough inventory has been conducted of existing marine resources that would be impacted by the marine waste disposal.</p>
Patrick Laine, WWF UK	16 February 2013	<p>I hope it is not too late to submit another two recommended changes (below) to the COP for consideration by the Standards Committee. The first one refers to marine tailings disposal. While the previous/existing wording is conceptually correct; in practice, there is very little reliable baseline data available which indicates the level of risk involved with marine tailings. Our scientists have seen some comparisons used for this purpose that were completely irrelevant --- as taken from different oceans, different depths, different eco-system considerations, etc. The key point is that if scientific data is not available, then the precautionary principle should apply for these fragile ecosystems.</p> <p>The second involves the growing trend toward undersea mining. I’m sure you are aware of the destructive impact to</p>

	<p>benthics that diamond hoovering off the coast of South Africa has caused. There are also growing efforts to harvest black smokers, undersea nodules, and other minerals via dredging, ROVs, etc. This activity, uncontrolled, has the potential to cause massive damage via sediment plumes, habitat destruction, introduction of heavy metals into the food chain, etc. We don't want to be too proscriptive, but some high level principles must apply here as well. I would hope that standards will begin to emerge soon for this type of activity. Again, in the absence of governance and scientific data, the precautionary principle should apply.</p> <p>Regards</p> <p>Patrick</p> <p>3.3.4.c</p> <p>Not use marine tailings disposal for land-based Mining Facilities, unless:</p> <ul style="list-style-type: none"> • A thorough environmental and social analysis of alternatives is conducted which shows that marine tailings disposal creates fewer environmental and social impacts and risks than a land-based tailings facility. This analysis must be based on scientifically valid data to enable relevant comparison, and any such operations must include long-term impact monitoring, in particular for cumulative impacts, and provision made for an abatement/mitigation plan; and, • It can be scientifically demonstrated that a significant adverse effect on coastal or marine resources or ecosystems does not result including impacts on features such as deep water corals, sponge and vent communities; and • The tailings are released in seawater below the surface thermocline and euphotic zone. <p>In the absence of the above conditions, or lack of relevant data to conduct such analysis, the precautionary principle must apply, and commercial activity proscribed.</p> <p>New section: Undersea Mining</p> <p>Undersea exploration or exploitation of minerals should not commence until measures are in place to protect undersea ecosystems from adverse impacts, and any social and economic impacts to the region are fully understood. Such operations should not be conducted until:</p> <ol style="list-style-type: none"> 1. Responsible states and the International Seabed Authority, in bioregions being considered for seabed exploration or mining, have established an equitable governance system; 2. Strategic Environmental Assessments including likely impacts of deep-sea exploration or exploitation of minerals
--	---

		<p>on the marine environment, local communities, and including the potential cumulative effects in conjunction with other human activities are conducted. Such analysis must include adequate baseline information on the marine environment where mining or diamond collection is planned and be based on scientifically valid and relevant data;</p> <ol style="list-style-type: none"> 3. Environmental Impact Assessments for each potential project are conducted, that include full identification, assessment and treatment of risks (including those with low probability, but high consequence); 4. A comprehensive and adequately-funded mechanism is established to cover clean-up costs, damages to affected parties, and the restoration of the environment associated with unauthorised discharges of materials and/or waste where the responsible party is unknown, unable or refuses to pay. <p>In the absence of the above conditions, or lack of relevant data to conduct such analysis, the precautionary principle must apply, and commercial activity proscribed.</p>
WWF Switzerland	26 February 2013	<ol style="list-style-type: none"> 1 We agree 2 Members shall responsibly manage the identified wastes and emissions by: <ol style="list-style-type: none"> a. Taking into account environmental impact considerations (including off-site impacts of operations), alongside cost considerations; b. Applying the principles of reduce, recover, re-use and recycle to reduce environmental impact where applicable; c. Discharging or disposing wastes and emissions in compliance with Applicable Law, or where Applicable Law does not exist, by adopting prevailing international standards; d. Assessing long term post closure risks; e. Implementing a risk-based tailing management, during operation and post closure (based on geochemical risk assessment); f. Implementing appropriate treatment of contaminated groundwater; g. Segregating and /or isolating acid-generating material in waste facilities. 3 Members with Mining Facilities shall: <ol style="list-style-type: none"> a. We agree b. We agree c. Not use riverine tailings disposal at new Mining Facilities and phase out riverine tailings disposal at existing Mining Facilities. d. Not use marine tailings disposal for land-based Mining Facilities. Unless: <ul style="list-style-type: none"> • A thorough environmental and social analysis of alternatives is conducted which shows that marine tailings disposal creates fewer environmental and social impacts and risks than a land-based tailings facility. (and precautionary principle wording as already submitted by WWF) 4 Members with Mining Facilities shall disclose on an annual basis, the nature of discharge and waste disposal and

		any remediation measures. 5 Members with Mining Facilities shall disclose on an annual basis, their financial investments in environmental management and post closure funding.
3.4 Use of Energy and Natural Resources		
Anonymous	8 February 2013	The heading “climate change” is too broad for the text as currently drafted. The text refers only to energy consumption and GHG emissions.
Alliance for Responsible Mining (ARM)	19 February 2013	3.4.1: Part of the content of the former provision - efficiency of water usage - is lost by changing the topic to Climate Change. Has this been moved elsewhere? Particularly for mining operations, efficient water use a hot spot for conflicts (e.g. Cajamarca / Peru).
WWF Switzerland	26 February 2013	3.4.1 We agree with the proposed revision, but would add an additional point on “Use of Water and Natural Resources” (e.g. 3.6 below) 3.4.2 Members shall monitor energy usage in their business operations and put in place energy efficiency initiatives, including through measures that reduce any significant use of fossil fuels and associated greenhouse gas emissions (including increased use of renewable energy).
AngloGold Ashanti	1 March 2013	3.4.1 - It may not be practical to “reduce any significant use of fossil fuels and associated greenhouse gas emissions”. The alternatives open to remote site tend to be minimal and those that are available tend to be very expensive. The reference to water has been dropped. Recommendation: End the text at “initiatives” and reintroduce references to water: Members shall monitor energy and water usage in their business operations and put in place energy and water efficiency initiatives. The heading “climate change” is too broad for the text as currently drafted. The text refers only to energy consumption and GHG emissions. Recommendation: Retain the title USE OF ENERGY AND NATURAL RESOURCES.
Anonymous	8 March 2013	What are the measures by which we can record the opportunities for improving environmental performance. As this aspect clearly depends on volatility of business, it is difficult to record such observations / efforts in figures.
WWF Switzerland	26 February 2013	Add: 3.6 Use of Water and Natural Resources Members shall seek to ensure the efficiency of their business operations in terms of consumption of natural resources including, but not limited to, water.
3.5 Biodiversity		
RJC COP Review Workshops London/Geneva/	January 2013	<ul style="list-style-type: none"> • What is meant with ‘significant’ decline in 3.5.4? • How will/can language such as ‘net positive impact’ be measured and audited? Important to be transparent

Antwerp/New York		<p>on what is meant with these statements.</p> <ul style="list-style-type: none"> • Can't always rely on Environmental Impact Assessments as a baseline • Direct but especially indirect impacts are important > ASM need to leave as a result of mining. • Biodiversity: Participant suggested amending language on 'not lead to significant decline', as how would an auditor assure/find objective evidence for this? Suggest 'management systems to address' or similar.
WWF Switzerland	26 February 2013	<p>1 Members with Mining Facilities shall not explore or mine in World Heritage Sites, IUCN Protected Areas Cat. I-II, Ramsar Sites and Alliance for Zero Extinction Sites and shall ensure that their activities do not negatively impact on the Outstanding Universal Value of any adjacent World Heritage Site, IUCN Protected Areas Cat. I-II, Ramsar Site or Alliance for Zero Extinction Site.</p> <p>2 Members with Mining Facilities shall respect not explore or mine in legally designated protected areas that do not explicitly permit mining. Members shall ensure by ensuring that.</p> <ol style="list-style-type: none"> a. We agree b. We agree <p>We agree</p> <p>3 Members with Mining Facilities shall identify Key Biodiversity Areas affected by their operations and:</p> <ol style="list-style-type: none"> a. Use the mitigation hierarchy to avoid, minimize, rehabilitate or as a last measure offset impacts on biodiversity and ecosystem services; b. Implement action plans to deliver measurable biodiversity benefits commensurate with the level of impacts and where practicable, deliver net positive impact; <p>We agree</p> <p>5 Members with Mining Facilities shall demonstrate that they proactively support measures to minimize the environmental impact of infrastructure (roads, power stations, harbors, employee housing, etc.) created to support mining operations.</p> <p>3.6 Use of Water and Natural Resources Members shall seek to ensure the efficiency of their business operations in terms of consumption of natural resources including, but not limited to, water.</p> <p>3.7 Undersea Mining Members with Mining Facilities shall not operate in deep sea areas, before (precautionary principle wording already suggested by WWF)</p>
Marcelle Shoop, Rio Tinto	1 March 2013	<p>3.5.4 - The addition of "significant decline" – There is a concern about the auditability of the addition of the criteria and what it means in practice. Consider clarifying the focus on systems or practices.</p>

4 Management Practices		
Verité	25 February 2013	To promote consistency with the UN Guiding Principles, Section 4 on Management Practices may wish to integrate the concept of “due diligence” as a basis for operationalising policy commitments to human, labour, social and environmental standards. Such due diligence should be integrated across management practices to promote a deeper assessment and management of risk.
4.1 Legal Compliance		
RJC COP Review Workshops London/Geneva/Antwerp/New York	January 2013	<ul style="list-style-type: none"> Sometimes there are conflicting legal opinions from lawyers in places such as India, what do we do with this?
RJC COP Review – India Committee	1 March 2013	Currently, this clause gives unfettered scope to auditors to check even insignificant legal compliance requirements and cause unexpected difficulties to the auditees. There is a need to elaborate the phrase “systems in place”. We would like to suggest that a “Model Compliance Register” is provided in the Guidance Document with certain explanations about what kind of legal compliance systems are to be ensured. We welcome the descriptions provided for “Major” and “Minor” non conformances.
AngloGold Ashanti	1 March 2013	<p>4.1.1 - The definition of a minor non-compliance includes the following: “A finding which may not be an actual breach of the RJC Code of Practices at this point in time, but is judged to be a potential inadequacy in the Member’s business practices during the Certification Period.” Although this is not new it potentially allows an auditor to make a very subjective judgment.</p> <p>Recommendation: Delete this bullet point.</p>
RJC COP Review Workshops India	February 2013	<ul style="list-style-type: none"> Great verbal support for clear instruction to be given to auditors that RJC is not a legal compliance audit but that Members evidence that they have systems in place for legal compliance. Support for the delineation between Minor and Major Non-conformances, based on threats to workers, community and/or the environment.
4.2 Policy and Implementation		
RJC COP Review Workshops London/Geneva/Antwerp/New York	January 2013	<ul style="list-style-type: none"> Periodic review of policy and implementation: unreasonable for small business
Alliance for Responsible Mining (ARM)	19 February 2013	Subsidiaries are considered a loophole. Some Large Mining Corporations in Latin America are known to “outsource” unethical activities (e.g. oppressing ASM communities) to subsidiaries, operating under a different name. It is reasonable and understandable that a Member can be certified even if the Mother Corporation is not RJC compliant, as the daughter company has no or little direct control over the mother corporation. However, a mother company aiming for RJC certification can be reasonably assumed to be in

		<p>the position to control (majority-)owned daughter companies (subsidiaries).</p> <p>We would like to propose to include majority-owned subsidiaries in the scope of the policies:</p> <p>(new additional, insert after 4.2.1): Policies adopted by Members shall be mandatory for sole- or majority-owned subsidiaries.</p>
Verité	25 February 2013	<p>In section 4.2 on Policy and Implementation, point 1 should integrate language consistent with the UN Guiding Principle 16e (or reference previous section 2.1 of the COP) recommending that the policy is “reflected in operational policies and procedures necessary to embed it throughout the business enterprise.” This will be important alongside endorsement by senior management, public availability and communication to employees.</p>
AngloGold Ashanti	1 March 2013	<p>4.2.1 - A member’s commitment to the practices listed may be found in more than one policy statement.</p> <p>Recommendation: Amend the clause: “Members shall adopt a policy or policies that document(s) the Member’s commitment to responsible ethical, human rights, social and environmental business practices, is/are endorsed ...”</p>
4.3 Business Partners		
Anonymous	8 February 2013	4.3 Business Partners - Is the definition in this case the same as in the anti bribery section?
RJC COP Review Workshops London/Geneva/Antwerp/New York	January 2013	<ul style="list-style-type: none"> • Changes to 4.3 on Business Partners: previously the focus was on the business partners in the jewellery supply chain, does this expand the scope to all business partners? <ul style="list-style-type: none"> ○ Also does it address government corruption (tie into Ruggie)? ○ How would the auditor review conformance on this? ○ Language of ‘seek to prevent or mitigate’ meets/exceeds Ruggie, who calls for proactive efforts, and taking some steps, depending on leverage. RJC ahead of the curve on this.
Verité	25 February 2013	<p>Further guidance on Section 4.3 Business Partners would be helpful in the Code of Practice or integrated within supporting documentation, in particular a reference to who is included under the term business partners. Normally, this is limited to direct suppliers or contractors of goods, but it should also include suppliers of services, for example third party security, cleaning or labour provision. Consideration of business responsibility for labour, human rights and environmental practices “deeper” in the supply chain, should also be included. In many industries, including jewellery and mining, the most egregious forms of labour and human rights abuse linked to supply chains are found in subcontracting arrangements often on the margins of the formal economy.</p> <p>With the above in mind, risk assessments should consider the potential adverse human and labour rights impacts of business practices linked to their operations, products or services through subcontracting and outsourcing arrangements.</p>
RJC COP Review	February 2013	<ul style="list-style-type: none"> • Comment re AML reiterated: about the relative power/ability to obtain such information.

Workshops India		<ul style="list-style-type: none"> Proposal that contractors should obtain RJC Certification or an equivalent, and thereby attract more business from RJC Members.
Anonymous	8 March 2013	<p>W.r.t. business partners which are directly affecting our products (such as suppliers, traders, brokers etc.) we have little control over them and their business. All we can do is take a declaration from them because we can not audit their records and company as a whole.</p> <p>W.r.t. the on site contractors providing support services (which are not directly affecting the product quality), these are third party contractors and they have their own policies and practices. We can keep a track of necessary records (such as leave, time and salary) of employees working on our sites, and not of all the employees or company as a whole.</p> <p>We request to provide further clarification on this point.</p>
4.4 Impact Assessment		
Verité	25 February 2013	<p>Under Section 4.4 on Impact Assessment, point 2 should include social (labour and employment) impact alongside environmental protection, human rights, gender and conflict. Here or in related guidance, a clarification of what impact assessments involve, how they are conducted, and by whom, as well as how they relate to other forms of assessment, including risk assessments and internal or third party audits, would be valuable.</p> <p>A key element within management practices that support effective policy implementation is awareness raising and capacity building for direct staff as well as business partners, where the latter is possible. This aspect is missing in this section and could be integrated following 4.4. on Impact Assessment. So-called “internal” training of relevant personnel should be mandatory on labour, human rights and environmental policies and impacts, while engagement of business partners, suppliers and service providers should also be encouraged. This is a key stepping stone to mainstreaming policies across the company and effecting change in the supply chain.</p>
WWF Switzerland	26 February 2013	<p>1, 2, 3, ... we agree</p> <p>4 Members with Mining Facilities shall have robust strategies for disaster management that are reviewed by external experts.</p> <p>5 Members with Mining Facilities shall ensure that if an independent EIA finds that perpetual, active remediation treatment of mine waste will be required, the project will not be initiated.</p>
RAISE Health: Initiative for Workers, Companies and Communities.	10 March 2013	<p><u>4.4.1</u></p> <p>How it currently reads:</p> <p>...Social impact assessments and management plans should include assessment of human rights, gender</p>

		and conflict. Suggested changes: ...Social impact assessments and management plans should include assessment of human rights, <i>health</i> , gender and conflict.
4.5 Mine Closure Planning		
David Chambers, Center for Science in Public Participation	21 December 2012	<i>Section 4.5 Mine Closure Planning</i> 2. "... ensure availability of adequate resources, including financial resources to meet closure requirements." Comment: The present wording for the requirement that 'adequate financial resources' be available to meet closure requirements is being left entirely to the judgment of each mine operator. Without being more prescriptive about how this needs to be accomplished, the adequacy cannot be determined until the mine has been closed and reclaimed. Unless more specifics are included about: (1) what needs to be covered in an financial assurance for mine closure; and, (2) the forms of the financial surety that are acceptable; from a practical standpoint this provision is unenforceable and meaningless.
WWF Switzerland	26 February 2013	1 We agree 2 Rehabilitation and closure planning shall consider risks and residual impacts from infrastructure, subsidence, or acid-generation material, and ensure availability of adequate resources, including financial resources guarantees to meet closure requirements such as remediation with best available technology, perpetual stabilization of subaerial sulfidic mine waste and long-term monitoring. 3 We agree 4 We agree
4.6 Reporting		
Verité	25 February 2013	A final sub-section on or reference to stakeholder engagement and/or dialogue (complementary to the community engagement section earlier in the standard) would strengthen this section on Management Practices. It could be integrated following 4.6 on Reporting, which requires members to communicate with such stakeholders. Dialogue and engagement are key aspects of effectively implementing social and human rights policies, carrying out due diligence and preventing/mitigating adverse impacts. According to the UN Guiding Principles, the process of assessing impacts resulting from business practices and/or business relationships should involve "meaningful consultation with potentially affected groups and other relevant stakeholders" (18b). You may also wish to consider the role of policy advocacy as an important component of addressing human and labour rights risks faced by companies, particularly where this is done through representative trade or industry associations. Such advocacy is particularly relevant – both at national and international levels – for issues relating to labour markets and migration, for example trafficking in persons where associated risks may result not only from business practices but from restrictive policy and regulatory circumstances.

WWF Switzerland	26 February 2013	<p>1 Members shall periodically communicate to stakeholders on their business practices relevant to the RJC Code of Practices. These reports shall be publicly disclosed.</p> <p>2 – We agree</p> <p>3 Members shall disclose the results of governmental audits for high risk facilities and/or tailings.</p>
Marcelle Shoop, Rio Tinto	1 March 2013	Consider further clarifying the relationship between 4.6.1 communication requirement and 4.6.2 (GRI reporting).
General		
RJC COP Review – India Committee	1 March 2013	The enclosed document may be taken as our feedback. We have only referred to those clauses where we have a comment / feedback. The clauses not referred in the enclosed document are found to be acceptable and we have no comments / feedback relating to those clauses.
Derek Palmer, Pluczenik Diamond Company NV	18 February 2013	<p>The rules and regulations have to strike a balance between proper meaningful standards and the work and cost involved by a small company to implement them. To help in understanding this I think it might be good to consider how to test out the process with a few small companies with little CSR experience to establish just how much it costs and how much time is involved. Assuming we can demonstrate that it is not so much of a barrier this test can then be used to help promote the RJC to smaller players. The perception of very small companies with no CSR department currently is that it is a lot of work for little real reward or benefits. We need to change this.</p> <p>If on the other hand we establish it is a lot of work for an inexperienced company in this area maybe we need to work on simplifying it and making the whole process easier without lowering our standards</p> <p>Once part of RJC I think we need to develop some B2B marketing materials which can be used by the members at trade shows to show they have achieved the CSR standards and are RJC members. This would help them differentiate and promote the RJC on a B2B basis. For example at the Antwerp show there was no signage.</p>
Alan Martin, Partnership Africa Canada (PAC)	23 February 2013	<p><u>General comments:</u></p> <p>PAC considers the draft Code of Practices (COPs) to be a welcomed step toward strengthening and broadening industry responsibilities at every stage of the diamond supply chain. The spirit and mandate of the RJC is, in our opinion, to provide best practices and aspirational guidance to ethically inclined industry members. The RJC must, however, remain agile and flexible to changing realities and commit to continually improve its standards and practices so as to remain apace, or one step ahead, of regulators or NGOs seeking to improve governance and/or economic outcomes in diamond producing countries.</p> <p>With this in mind we offer some general comments aimed at improving the draft Code of Practices. These are supplemented by some additional comments related to specific sections of the Code. In many cases there is some overlap between the two.</p> <ul style="list-style-type: none"> • Compliance with the Kimberley Process’ “conflict diamond definition” should be a necessary but not

		<p>sufficient standard by which RJC members should commit themselves. Until such time as the KP adopts newer and more credible language that incorporates violence and rights abuses by state actors and private security firms (in addition to its current and singular focus on rebel groups), the deficiencies of the current KP definition should be made clear to RJC members. The current KP definition should not give any comfort with respect to the “conflict-free” status of diamonds from certain locations. A disclaimer to this effect should be added to reflect this.</p> <ul style="list-style-type: none"> • Efforts should be made to harmonize the Code of Practices with other initiatives to strengthen the conflict component beyond the KP’s outdated definition. The draft already does this by incorporating reference to <i>OECD Due Diligence Guidance on Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas</i>. This could be strengthened, however, by also including the Diamond Source Warranty Protocol that prohibits commercial transactions with individuals or entities listed on U.S. Treasury Department’s (OFAC) restrictive economic measures. Language should also include broadening the reach of the Warranty Protocol by referencing similar measures that may be in play in the European Union and other key jurisdictions. The benefit of doing so would not only reinforce a wider application and acknowledgement of what constitutes a “conflict diamond” but underscore to RJC members that recognition of voluntary human rights standards could also have mandatory and possible legal ramifications. • Transparency: Currently the only reference in the COPs to transparency is Section 1.6 on the Extractive Industries Transparency Initiative (EITI). This is to be commended, but the RJC should champion further disclosure. As mentioned above with respect to the Warranty Protocol and OECD Guidances, RJC members should commit to support other transparency initiatives such as the Dodd Frank Act, where applicable. The COPs also make repeated mention of audits, including those of an independent nature or undertaken as part of RJC membership. Where possible, but particularly as part of the membership process, these audits should be publicly available on either or both RJC or company websites. • Audits: The current practice of RJC audits is to focus on whether an applicant member has “systems” in place, rather than a “compliance” with RJC standards or practices. Serious consideration should be given to introducing regular but occasional audits that would check compliance. There should also be a process in place to check compliance in instances where serious allegations or concern about a member’s practices could compromise RJC standards and practices. • Enforcement: in instances of major non-compliance or breach of RJC standards there has to be a mechanism through which members who are implicated in such activity are sanctioned, including having their RJC membership revoked. Conformance with best practices and standards needs to be codified into the COPs, as does an investigation and adjudication process. • PAC recognizes that the issue of Chain of Custody is currently a voluntary measure and separate of the Code of Practices. Moreover, we recognize that making it a mandatory requirement of RJC membership is still being decided by the Standards Committee. It is our opinion, however, that it should be a mandatory requirement of membership and included in the COPs. This would greatly reduce problems related to
--	--	--

		smuggling and poor diamond valuations in countries with poor internal controls, corruption and other governance challenges.
RJC COP Review Workshops London/Geneva/ Antwerp/New York	January 2013	<ul style="list-style-type: none"> • What's needed is practice help for small companies eg 4-5 people. • AWDC / trade associations have a role to play to help support smaller businesses. • Review the COP for applicability to exploration sites ... also definition of Mining Facility.
RAISE Health: Initiative for Workers, Companies and Communities.	10 March 2013	<p>Worker health has been an under-valued concern in codes and principles even when they emphasize their adherence to human rights. Health has long been recognized a basic human right, with a range of formulations. And reproductive health has also been recognized as a human right. Thus, under a rights-based approach, as indicated in the code's adherence to international human rights, the language on health should go beyond the narrowly defined area of <i>occupational</i> health and safety.</p> <p>From a business case perspective, there is also a strong case to be made for companies and their supply chains addressing health concerns beyond occupational health and safety. Studies undertaken by Business for Social Responsibility and others indicate a strong return on investment from reduced absenteeism and turnover and a wide range of other qualitative benefits to a firm that views the health of its workers, particularly women's health, as integral to effective operations. The RJC new principles and codes need to recognize the broader responsibility for companies and their suppliers to respect the broad health needs and rights of their workers. Language that does not make broader health issues, including women's health, explicit will cause those firms that comply with these principles to do nothing more than address occupational health.</p>
Certification Scope		
RJC COP Review Workshops London/Geneva/ Antwerp/New York	January 2013	<ul style="list-style-type: none"> • Re the definition of Membership; there is a reputational and operational risk to RJC if members redefine their membership to avoid having to report against non-compliance/problems. How does RJC deal with opt-out option? <i>[Note – RJC Members cannot redefine their Membership in this way or 'opt out' of requirements in the Code of Practices.]</i> • Include workers that don't work on a facility > enhance transparency. • The RJC website is a good place to show the history of the Certified Member's organisation, and should NOT give a link to the website of the whole group unless certification applies to the whole group. • Show differentiation between Members who have gone the whole way and those who haven't. • How to deal with dormant subsidiaries if not active entities. Auditors noted that this has come up in audits and has been managed by noting them in the summary report, and that they have not be assessed because there are not current activities/practices to assess against.

		<ul style="list-style-type: none"> • Weakness/risk for RJC where Antwerp office only is in and other factors are out. Welcomed proposal in the revision document. • Some discussion about how parent companies might be disclosed in scope, included in Cert Info.
RJC COP Review - India Committee	1 March 2013	<p>Current practice of certifying individual entities that are declared by the applicant member is supported by the India Committee.</p> <p>The suggestion that auditors will identify group entities needs to be reviewed. There is no consensus about what constitutes a “Group” and ownership patterns are difficult to establish. As such, information gathered by auditors cannot be authentic. It is likely to create difficult situations for auditees and the auditors and hence must be avoided.</p> <p>While RJC can encourage certification of entities that come under a common ownership, it is not practical to track such entities and report it in the published information.</p>
Implementation in India		
RJC COP Review Workshops India	February 2013	<p>Payment for Piece Rate Work</p> <ul style="list-style-type: none"> • Guidance required as to how piece rates should be structured so as to meet minimum wage requirements. <p>Remuneration for trainees</p> <ul style="list-style-type: none"> • Comment was made that legislative recognition of trainees within the jewellery industry was imminent in some (unspecified) Indian jurisdictions. <p>Calculations for Basic Wage and Provident Fund</p> <ul style="list-style-type: none"> • Concerns raised about remaining uncertainty regarding the basis for calculations for both the basic wage and Provident Fund calculations. • Agreement by some workshop participants to seek legal advice to provide to RJC in support of their preferred basis for both calculations. The idea being that such legal advice could be referred to in guidance until legal clarity is achieved, either through legislation or the Indian courts. <p>Emergency Exits Proposed changes supported.</p>

Appendix 1 – Submissions received

- Alan Martin, Partnership Africa Canada (PAC)
- Alliance for Responsible Mining (ARM)
- AngloGold Ashanti
- Christine Hill, Oxfam Australia
- David Chambers, Centre for Science in Public Participation
- Derek Palmer, Pluczenik Diamonds Company NV
- Estelle Levin, Estelle Levin Ltd.
- Marcelle Shoop, Rio Tinto
- Michael Allchin, Birmingham Assay Office
- Patrick Laine, WWF UK
- RAISE Health: Initiative for Workers, Companies and Communities
- RJC COP Review - India Committee
- Sasha Lezhnev, Enough Project
- Verité
- WWF Switzerland
- 3 submissions where anonymity was requested
- Comments and feedback from Members, Standards Committee participants, Auditors and Interested Parties during RJC workshops in London, Antwerp, Geneva, New York, Mumbai and Surat