|  |  |
| --- | --- |
| **Consultation Document for Fairtrade Stakeholders**  **Review of Fairtrade Standard for Gold and Associated Precious Metals for Artisanal and Small-Scale Mining** | |
| Consultation Period | **February 2024 – April 2024** |
| Standard Senior Project Manager: | Kerstin Cron |

**1. General Introduction**

**2. Background**

The review of the Fairtrade Standard for Gold and Associated Precious Metals for Artisanal and Small Scale mining was launched in November 2018. The first round of consultation took place in August and September of 2019, focusing on refining and clarifying the existing scope of the Standard. The current round of consultation will focus on proposed technical requirements in three main areas: defining an **artisanal and small-scale mining organisation** (ASMO); markets and trading; and Human Rights & Environmental Due Diligence (HREDD).

Different mining organisations have different structures, based on who holds the mining rights and the responsibilities of the members. As far as possible, the Standard seeks to clarify the definitions of these different structures, and to adapt the requirements accordingly.

In those cases where a requirement includes two questions (reflecting the different organisational structures of different ASMOs), you may answer the question which most directly relates to your type of organisation.

The Standard review also proposes changes to the Gold Sourcing Programme (GSP) to align it with other sourcing programmes.

HREDD is front and centre of this review. The HREDD requirements have been revised in line with the Organisation for Economic Co-operation and Development (OECD) guidelines and Fairtrade HREDD strategy, so that ASMOs are able to extract precious metals using the most responsible practices possible.

**3. Objectives of the Standard review**

* Adapt the Standard to the realities and market needs of ASMOs.
* Include elements which address the specific realities of supply driven markets.
* Review the minimum threshold requirements for achieving Fairtrade certification, and include requirements concerning the commercial viability of organisations.
* Ensure consistency with other Fairtrade Standards, in particular the Trader Standard.
* Improve language for better clarity and simplicity.

**4. Project and process information**

The project launched in Q4 2018 and the [project assignment](https://files.fairtrade.net/standards/Project-Assignment_Gold-2018_EN.pdf) is available on the Fairtrade International website, together with the current [Standard for Gold and Associated Precious Metals and Small Scale Mining](https://files.fairtrade.net/standards/2015-04-15_EN_Gold-and-Precious_Metals.pdf).

**Table 1.** Progress to date and next steps

|  |  |  |
| --- | --- | --- |
|  | Activity | Timeline |
| Standards Review | Scoping | November 2018 |
| Desk research | December 2018 – July2019 |
| First Consultation | mid-August – mid-September 2019 |
| Drafting Second Proposal | 2020 - 2023 |
| Second Consultation | Q4 2023 - Q1 2024 |
| Draft final proposal | Q2 2024 |
| SC decision | June 2024 |
| Publication | Q3 2024 |
| Implementation | Q4 2024 |

**5. Confidentiality**

All information we receive from respondents will be treated with care and kept confidential. Results of this consultation will only be communicated in aggregated form. All feedback will be analysed and used to draw up the final proposals. However, when analysing the data we need to know which responses are from producers, traders, licensees, etc., so we kindly ask you to provide us with information about your organisation.

**6. Acronyms and definitions**

|  |  |
| --- | --- |
| ATCB | All that can be |
| ASMO | Artisanal and Small-Scale Mining Organisation |
| ASMOs | Artisanal and Small-Scale Mining Organisations |
| ASM Operator | Artisanal and Small-Scale Mining Operator |
| CBA | Collective Bargaining Agreement |
| FI | Fairtrade International |
| FP | Fairtrade Premium |
| FPC | Fairtrade Premium Committee |
| FSI | Fairtrade Sourced Ingredient |
| GA | General Assembly |
| HL | Hired Labour |
| ILO | International Labour Organisation |
| LW | Living wage, remuneration received for a standard work week by a worker in a particular place sufficient to afford a decent standard of living for the worker and her or his family. Elements of a decent standard of living include food, water, housing, education, health care, transport, clothing, and other essential needs, including provision for unexpected events. |
| MEL | Monitoring Evaluation and Learning |
| NFO | National Fairtrade Organisation (Fairtrade country organisations in consumer markets) |
| NGO | Non-Governmental Organisation |
| PN | Producer Networks (regional Fairtrade organisations in producer markets) |
| PO | Producer Organisation |
| SC | Fairtrade International Standards Committee |
| SM | Sustainability margin |
| S&P | Standards & Pricing |
| TU | Trade Union |
| UN | United Nations |
| WB | World Bank |
| WHO | World Health Organisation |

**The target groups of this consultation are:**

* Miners, ASMOs, refineries, traders and jewellers
* PNs, NFOs, Fairtrade International, FLOCERT, NGOs, researchers, etc.

Each section first introduces the background information relating to the specific issue. Where relevant, the proposed changes to the Standard are presented and you are asked for your opinions and feedback.

**PART 2 Draft Standard consultations**

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# Information about your organisation

**Q0.1** **Please provide us with information about your organisation so that we can analyse the data precisely and contact you for clarifications if needed. The results of the survey will only be presented in an aggregated form and all respondents’ information will be kept confidential.**

Name of your organisation

Your name

Your email

Country

FLO ID (if applicable)

**Q0.2** **Are your responses based on your own personal opinion or are they a collective opinion representing your organisation?**

Individual opinion

Collective opinion representing my organisation/company

**Q0.3** **What is your gender? (Note: this is for data analysis purposes only)**

Female

Male

Other

**To help you answer the following question please note the following definitions:**  
  
**ASMO:** Formalized Artisanal and Small-scale Miner’s Organization or Operation. This is equivalent to an ASM Enterprise in the OECD Due Diligence Guidance. (ASM Enterprises – Artisanal and small-scale entities that are sufficiently formalised and structured to carry out the OECD Due Diligence Guidance.)   
  
Fairtrade in this standard distinguishes 3 different set-ups of ASMO:  
 **Artisanal and Small-Scale Mining Organization with direct rights (ASMO with direct rights)** : refers to an organization democratically constituted by ten or more members/owners, who have the same rights, obligations, and economic power. The organisation holds the direct legal rights to carry out the mining activity itself.   
  
**Artisanal and Small-Scale Mining Organization with indirect rights (ASMO with direct rights):**refers to a democratically constituted umbrella organization legally established by ten or more accredited artisanal members/owners who hold individually legal rights (authorization to operate) and trade their metal jointly.  
  
**Artisanal and Small-Scale Mining Operator (ASM Operator) :**refers to the operation of a family business, individual business, or a business partnership constituted by less than ten members/owners, with the same duties, rights and economic power, which holds the concession rights, legal property of the land and direct legal rights to mine.

**Q0.4 What is your main responsibility in the supply chain?**

**!** *tick* ***one*** *box only, that corresponds to your main responsibility*

|  |  |
| --- | --- |
| ASMO with indirect rights  ASMO with direct rights  ASM Operator  Worker  Service provider/conveyor  Exporter  Importer  Refiner | Processor  Retailer  Licensee  Other (e.g. PN, NFO, FLOCERT, FI), specify below: |

**Q0.5 What is your role or responsibility in your organisation?**

**!** *tick* ***one*** *box only*

Board of Directors’ representative

ASMO Manager

ASMO Member

Worker representative from Fairtrade Premium Committee

Mine operator, please specify here:

Other, specify here:      

# Proposed key changes and Standard consultations

NB: All changes are shown in red for easy identification.

# Topic 1. General Requirements

**1.1 Certification: 1.1.1 Accreditation[[1]](#footnote-1)**

**Background:** Accreditation as ‘artisanal’ or ‘small-scale’ mining in the current Standard requires only the existence of a letter of recommendation. This does not take account of the reality of formalisation processes, as legislation in each country generally determines the conditions for qualification as artisanal, small, medium or large-scale. Government agencies usually authorise and control mining operations in accordance with relevant legislation.

Accreditation as artisanal or small-scale, and the permits to operate as such, can change for different reasons - usually a change in size caused by increased processing volumes, introduction of technology or other elements detailed in the relevant legislation.

**Rationale:** Given that mining activity is regulated by states through legislation, it is important that this reality is reflected in the Standard. Each country’s legislation defines the criteria for categorising a mining operation as either artisanal or small-scale, and there is generally a check on compliance with those criteria.

The Standard includes a requirement to inform both Fairtrade and buyers about any changes regarding authorisation to operate or the size of the mining operation, especially from small to medium-scale. It is important to take timely action because of the impact of such changes on the supply chain.

You should answer each question depending on which type of Fairtrade ASMO applies to you: ASMO with direct rights, ASM Operator or ASMO with indirect rights.

**Proposed change to the requirement (changes highlighted in red):**

* + 1. **Accreditation**

|  |  |
| --- | --- |
| **Applies to:** ASMO with direct rights, ASM Operator | |
| Core | You **have accreditation for** your ‘artisanal’ or ‘small-scale’ qualification, and official written authorisation to operate endorsed by a government agency.  You inform the certification body annually about your accreditation as an artisanal or small-scale operation and **any changes relating to** your authorisation to operate.  If your status changes from artisanal or small-scale to ‘medium size’ mining operation, you must inform your buyers and the certification body immediately. From the moment your status changes, you have a transition period of six months before your certification becomes invalid.  If you lose your official authorisation to mine, you are not allowed to sell the precious metal under Fairtrade terms. |
| Year 0 |
| **Guidance:** The certification body will check this requirement during the application process**.** | |

|  |  |
| --- | --- |
| **Applies to:** ASMO with indirect rights | |
| Core | Your members have accreditation for their qualification as artisanal miners, and hold official written authorisation to operate endorsed by a government agency.  You maintain updated information in your register about the status of your members in relation to their qualification as artisanal miners and the official authorisation for mining.  If one of your members loses its official authorisation to mining, you are not allowed to sell its precious metal under Fairtrade terms. |
| Year 0 |
| **Guidance:** The certification body will check this requirement during the application process. | |

**Implications:** The proposed changes reflect the reality of certified ASMOs in terms of accreditation. ASMOs should report changes to the certification body, and as a result they will have to expand the scope of regular reporting. The exchange of important information in the supply chain is made even more transparent, ensuring that buyers are proactively informed about potential changes that may affect regular sourcing, and allowing for planned actions to be taken.

The Standard includes an explicit definition of an ASMO with Indirect Rights, its characteristics and how to become certified, with the intention of creating more Fairtrade certified organisations.

**Q 1.1 Do you agree with the proposed changes for ASMOs with direct rights and ASM Operators?**

**!** *tick* ***one*** *box only*

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Q 1.2 Do you agree with the proposed changes for ASMOs with indirect rights?**

**!** *tick* ***one*** *box only*

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

**1.1 Certification: 1.1.2 Formal Structure[[2]](#footnote-2)**

**Background:** Requirement 1.1.2 refers to the need for all ASMOs to have a formal structure. The existence of a legal structure is a necessary condition for certification, which makes it necessary to change this criterion to a General Requirement.

In addition to the change in General Requirements, production systems may vary. Thus it is important to differentiate between the mandatory character of an ASMO’s legal structure and the internal organisation of mining operators with whom there is an operating agreement but whose organisations may not yet be legally constituted.

**Rationale:** The proposed change makes clear the difference between the structure of organisations operating *within* an ASMO’s production system and the structure of the ASMO, which must be legally established.

**Proposed change to requirement (changes highlighted in red):**

**1.1.2 Formal structure**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| Core | You have a legal structure, and all organisations which operate within your production system have a formal and transparent structure which can, in time, become a legal structure under the relevant legislation. |
| Year 0 |

**Implications:** The proposed change provides greater clarity regarding the need for an ASMO applying for certification to be legally structured and established, and therefore subject to government control. It also affects organised mining operators who, even if not legally established, operate legitimately and transparently.

**Q 1.3 Do you agree with the proposed change?**

**!** *tick* ***one*** *box only*

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

**1.1 Certification: 1.1.4 Accepting audits[[3]](#footnote-3)**

**Background:** The Standard needs to be updated so that the acceptance of audits and the scope of audits are clearer.

**Rationale:** Improve the wording of the Standard so that it describes in more detail what it means to accept audits and the scope of audits.

Proposed change to requirement (changes highlighted in red):

1.1.4 Accepting Audits

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| Core | You accept announced and unannounced audits of your premises, and you also contractually require subcontractors to accept audits of their premises. You provide any information in relation to compliance with the Fairtrade Standards at the request of the certification body. |
| Year 0 |

**Implications:** There are no substantial implications, as the proposal simply clarifies and makes more explicit the existing practices, scope and interpretation of the Standard.

**Q 1.4 Do you agree with the proposed change?**

**!** *tick* ***one*** *box only*

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

**1.1 Certification: 1.1.5 Contact person for certification[[4]](#footnote-4)**

**Background:** The Standard requires one person to be responsible for all Fairtrade matters; however, the scope of their responsibilities is not described and is therefore subject to interpretation. Given the management changes experienced by many certified ASMOs, the contact person often holds the institutional memory regarding updating information and implementing Standards and improvement plans following audits.

**Rationale:** The contact person is identified as a **Fairtrade Officer,** which clarifies their role in relation to Fairtrade and enables their responsibilities to be incorporated into their job description. As the Standards are a strategy to achieve the desired changes and impact through certification, internal capacity for implementing them is important in order to strengthen knowledge, expertise and above all flow of information.

Proposed change to requirement (changes highlighted in red):

**1.1.5 Contact person for certification**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You **appoint** a contact person responsible for all Fairtrade matters. This person is identified as a Fairtrade Officer. This person **keeps** the certification body and Fairtrade International updated with contact details and important information, and acts as the liaison between Fairtrade International, the certification body, miners, mining operators and ASMO directors regarding Fairtrade requirements.  The Fairtrade Officer ensures the implementation and monitoring of the ASMO’s performance regarding the Fairtrade requirements. This person is a member and/or owner of the ASMO or a person with a direct relationship with the ASMO. If a person outside the ASMO, or without a direct employment relationship to it, is appointed as Fairtrade Officer, this will result in a non-compliance. |
| **Year 0** |
| **Guidance:** It is preferable that the Fairtrade Officer is part of the board of directors. However, the Fairtrade Officer could be a member’s son or daughter - thus encouraging the participation of future members and reducing the risk of losing institutional knowledge – or it could be a worker with a direct link to the ASMO. | |

**Implications:** The role and functions are much more clearly defined. As this is a new position within ASMOs, there will need to be a progressive process of internal mentoring, capacity building and investment in resources. It could be seen as a challenge for an ASMO that is starting the certification process.

**Q 1.5 Do you agree with the proposed change?**

**!** *tick* ***one*** *box only*

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

**1.1 Certification: 1.1.6 Contact person for commercial matters[[5]](#footnote-5)**

**Background:** The need for a person to take responsibility for commercial issues is currently mentioned in the Standard, but the importance of this position and the need to avoid confusion with the Fairtrade Officer has led to the creation of a new, additional, specific criterion. Given the position of trust that a Commercial Officer would have, their appointment should be the responsibility of the board of directors.

**Rationale:** The Fairtrade Officer’s scope of responsibility differs from the scope of the Commercial Officer/Manager/Director.

Proposed change to requirement (changes highlighted in red):

1.1.6 Contact person for commercial matters

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You designate one official contact for Fairtrade commercial matters. This person is responsible to, and appointed by, the board of directors for commercial matters. |
| **Year 0** |

**Implications:** There are no substantial implications, as the proposal clarifies what in practice has been the scope of interpretation of the Standard. The proposed change simply makes it explicit and provides greater clarity.

**Q 1.6. Do you agree with the proposed change?**

**!** *tick* ***one*** *box only*

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

**1.1 Certification: 1.1.7 Fairtrade support[[6]](#footnote-6)**

**Background:** The Standard currently allows for Fairtrade to provide support to ASMOs, but there is no clarity on the type of support and what it should achieve. Such programmatic support should contribute to generating impact and change for ASMOs within the framework of the overall strategy and the Theory of Change.

**Rationale:** If there is an agreed annual work programme between Fairtrade and ASMOs, the support process should result in expected outcomes which contribute to organisational strengthening. At the same time, such support should help organisations implement the appropriate Fairtrade strategy. Each support plan will have specific characteristics tailored to the needs of an individual ASMO in order to optimise the process.

Proposed change to requirement (changes highlighted in red):

1.1.7 Fairtrade support

|  |  |
| --- | --- |
| **Applies to:** All ASMO | |
| **Core** | You **allow** Fairtrade staff, and consultants working on behalf of Fairtrade, to support your organisation. Together, you develop an agreed operational annual Fairtrade Support Plan aligned with your strategy and the Fairtrade Theory of Change. |
| **Year 0** |
| **Guidance:** Fairtrade staff representing FI, PNs and NFOs, and consultants working on behalf of Fairtrade, support the empowerment and development of an ASMO and its members in order to increase their representation and participation in the global gold supply chain.  These representatives should be able to meet with members, miners and mining operators in coordination with management. Regular work should not be disrupted.  The Fairtrade Support Plan describes the agreed support activities (advice, training, workshops, visits, online support, exchanges etc) that Fairtrade will deliver yearly to your organisation. These activities are intended to help you (i) understand the Fairtrade Global Strategy, (ii) mainstream Fairtrade Standards into your management plans, (iii) prepare for external audits against the standard and (iv) participate in and be integrated into activities promoted under the Fairtrade Global Strategy. | |

**Implications:** The scope of Fairtrade support is clearly defined, incorporating the need for a support programme, to be developed together with ASMOs, which defines the objectives, expected results and actions linked to the overall Fairtrade strategy. ASMOs will need to collaborate with Fairtrade support staff to develop an annual support plan, the content of which is described in the guidance.

**Q 1.7. Do you agree with the proposed change?**

**!** *tick* ***one*** *box only*

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 1.2 Membership and boundaries: 1.2.1. Artisanal and small-scale miners

**Background:** The Standard includes a broad definition of artisanal and small-scale miners, and sets out the various ways in which mining groups are generally organised. However, the breadth of this definition impacts the wording of some criteria.

The Standard mentions the possibility of certifying ASMOs with indirect rights. However, precisely how membership is constructed, and the rights and obligations regarding the application of the Standard, is subject to interpretation.

The first round of consultation provided a positive response to the possibility that a mining operator which holds the legal right to operate could be certified as Fairtrade, even if it lacks the minimum number of members to be considered an ASMO. Given that possibility, it is important to be clear about who they are and under what rights and obligations they could be incorporated into the Standard.

**Rationale:** While the guidance refers to different legal sets-ups, the lack of definition in the current Standard leaves it open to interpretation. A more detailed description reduces the scope for interpretation and application of the Standard, and provides ASMOs with clarity about the implementation of their specific criteria. At the same time, a more detailed description of each ASMO set-up helps mining groups interested in certification to identify which criteria will apply to them.

Proposed change to requirement (changes highlighted in red):

**1.2.1. Artisanal or small- scale miners. ASMO with direct rights**

|  |  |
| --- | --- |
| **Applies to:** ASMO with direct rights | |
| **Core** | All of your members **are** community-based artisanal or small-scale miners. Mining is done by members and their families (children are not allowed to work, see req. 3.11.4). You must have a minimum of 10 members/owners in order to be considered an organisation.  Furthermore, the members/owners of the ASMO:   * + participate in mining activities or are dedicated to the economic activities of your ASMO;   + are part of the mining community;   + are not shareholders of industrial mining capital;   + hold equal duties, rights and economic power;   The ASMO holds the legal rights (concession rights and legal authorisation to use the land). |
| **Year 0** |

**Implications**: It establishes a clear definition of the minimum number of people required for your organisation to be considered an ASMO, in order to further democratic processes. Fairtrade defines a miner as a ‘person whose main economic activity is mining’. The proposed change ensures that all members - not just the majority - are miners in artisanal or small-scale operations, and clarifies what is meant by a majority. The proposed change also ensures that there are no inequitable power relations and provides clarity about who has the legal rights to operate.

**Q 1.8 Do you agree with the proposed change?**

**!** *tick* ***one*** *box only*

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

New requirement

1.2.1. New Artisanal or small/scale miners. ASMO with indirect rights

|  |  |
| --- | --- |
| **Applies to:** ASMO with indirect rights | |
| **Core** | All of your members **are** community-based artisanal miners. Mining is done by members and their families (children are not allowed to work, see req. 3.11.4). You must have a minimum of 10 members/owners in order to be considered an organisation.  Furthermore, the members/owners of the ASMO:   * + participate in mining activities;   + are part of the mining community;   + are not shareholders of industrial mining capital;   + hold equal duties, rights, and economic power;   + hold legal rights (authorisation to operate); |
| **Year 0** |

**Implications**: By providing a precise definition of an ASMO with indirect rights, artisanal miners' groups or organisations know which criteria apply to them, and have the potential to become certified.

**Q 1.9 Do you agree with the proposed change?**

**!** *tick* ***one*** *box only*

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

New requirement

1.2.1 New Artisanal or small/scale miners. ASM Operator

|  |  |
| --- | --- |
| **Applies to:** ASM Operator | |
| **Core** | ASM Operators are family business or small societies with fewer than 10 members/owners. The ASM Operator has concession rights and legal ownership of the land, and the ASM Operator is identified as local business.  You **are** community-based artisanal or small-scale miners. Mining is done by members and their families (children are not allowed to work, see req. 3.11.4), partners and hired workers.  Furthermore, the members/owners of the ASM Operator:   * + participate in mining activities or are dedicated to the economic activities of your ASM Operation;   + are part of the mining community;   + are not shareholders of industrial mining capital;   + hold equal duties, rights, and economic power. |
| **Year 0** |

**Implications**: Including family businesses and organisations with fewer than 10 people opens up the possibility of more ASMOs becoming certified, and thus extending Fairtrade’s impact to additional mining operators while responding to market demand.

**Q 1.10 Do you agree with the proposed change?**

**!** *tick* ***one*** *box only*

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 1.2 Membership and boundaries. 1.2.2. Defining membership and member information

**Background:** The chapter on Business and Development and sub-section on Democracy, Participation and Transparency includes the requirement for a register of miners working in the system of production. Nonetheless it is important to be able to identify the members of ASMOs, their rights and obligations.

**Rationale:** Systems of production differ widely. It is therefore important to identify how each ones works and the rules that apply to it, particularly regarding the obligations and commitments set out in the Standard. We also need to understand how democratic decision-making processes apply in different systems.

New requirement

**1.2.2 New Defining membership and member information**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You can clearly identify who is a member of your ASMO. You have written rules to determine who can become a member and you keep an updated record of your members. At a minimum, member records include name, contact information, gender, date of birth, amount of share-holding capital, and date of registration with your ASMO. |
| **Year 0** |
| Guidance: Keeping records helps to improve your management practices, to have a better and up-to date overview of your organisation and to gain understanding of members. | |

**Implications**: ASMOs generally already maintain this information, but this criterion helps ensure that information is updated annually. For some ASMOs it will mean adding new records and extending the scope of data collected to cover the minimum requirements.

**Q 1.11 Do you agree with the proposed change?**

**!** *tick* ***one*** *box only*

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 1.2 Membership and boundaries. 1.2.3. Register of miners[[7]](#footnote-7)

**Background:** We propose to move this criterion from the chapter on Business and Development (sub-section Democracy, Participation and Transparency) to this chapter, and to clarify some requirements concerning information about miner operators who are not members of the ASMO but who are working in the production system.

**Rationale:** Production systems differ widely. As well as holding information on members, ASMOs should keep detailed information on other miners operating in their Fairtrade internal supply chain to promote greater transparency when implementing the Standards.

Proposed change to requirement (changes highlighted in red):

**1.2.3. Register of miners**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You **register and keep a record of** all miners working in your system of production, including the mining area (mining rights, land rights and respective concession numbers) and all mining works (e.g. pits, processing units) that contribute to the internal Fairtrade supply chain. For each registered miner, you record at least:   * name; * date of birth; * legal document/identity card number; * name of the mining operator to which they belong; * start date working in the system of production; * matrimonial status; * number and birth date of dependents; * reason why they are working in the mining sector; * reason why they have registered with the ASMO; and * type of working contract, working hours per week and income (in cash or in kind) per week. |
| **Year 0** |
| **Guidance:** The registration of individuals follows the admission principles of the internal regulations of the ASMO, in which admission and exclusion criteria of individuals are defined in section 4.3 (non-discrimination) below.  While it is your responsibility and in your own interests to avoid non-registered miners, community relations often limit the potential of sanctions against individuals who refuse to obey the rules. You cannot be held responsible for non-registered miners who engage in mineral extraction but who refuse to register or follow ASMO internal regulations, if you have no legal authority over them. | |

**Implications**: There are no new implications as ASMOs generally already maintain this information, and those that are certified keep records of miners operating in their system of production.

One additional element concerns the origin of minerals and the concept of an internal Fairtrade supply chain. ASMOs need to clearly identify the origin of the mineral and have full traceability information from mining operators, especially if their mineral is part of a doré bar exported under Fairtrade terms.

**Q 1.12 Do you agree with the proposed change?**

**!** *tick* ***one*** *box only*

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 1.3 ASMOs’ responsibilities. 1.3.2. Anti-corruption policy

**Background:** The scope of the standard currently covers only ASMOs, and it is intended to extend the scope to traders, due the anti-corruption policy concerns to all the supply chain actors. Linked to the anti-corruption policy it is proposed to include the internal procedures and practices that demonstrate the policy implementation.

**Rationale:** The fight against corruption is not a specific issue for ASMOs but also encompasses other actors along the supply chain. Any policy must be reflected in practices and hence the incorporation of these practices to be subject to verification.

Proposed change to requirement (changes highlighted in red):

**1.3.2. Anti-corruption policy**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs and traders | |
| **Core** | You establish and implement an anti-corruption policy. This policy strictly forbids bribery, fraud and money laundering, illegal taxation or extortion. This policy includes remediation measures if corruption is uncovered. |
| **Year 0** |

**Implications**: The implementation of the policy will be subject to verification, resulting in formalised procedures and practices.

**Q 1.13 Do you agree with the proposed change?**

**!** *tick* ***one*** *box only*

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 1.3 ASMOs’ responsibilities. 1.3.3. Taxes, fees, royalties and other tributes[[8]](#footnote-8)

**Background:** Responsibility for the payment of taxes, fees, royalties and other tributes is specified from extraction to export.

**Rationale:** Clarify the need for compliance with all ASMOs' tax obligations.

Proposed change to requirement (changes highlighted in red):

**1.3.3 Taxes, fees, royalties, and other tributes**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You **pay** taxes, fees, royalties and other tributes relating to extraction, trade, transport and export to the relevant authorities, as required by the applicable legislation. |
| **Year 0** |

**Implications**: The added text seeks to provide more clarity around the scope of tax obligations. As it is not an additional requirement, it will have no implications for compliance.

**Q 1.14 Do you agree with the proposed change?**

**!** *tick* ***one*** *box only*

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 1.3 ASMOs’ responsibilities. 1.3.4. Anti-money laundering policy, practices and procedures

**Background:** The Standard requires ASMOs and traders to establish and implement an anti-corruption policy. However, money laundering is a crime, the prevention of which needs to be explicit in the Standard. Compliance also contributes to securing and strengthening business relationships.

**Rationale:** The risk of money laundering in certain regions and supply chains - including artisanal and small-scale mining – colours perceptions of operators and makes their access to finance and export markets more challenging. Making our commitment to tackling money laundering more visible helps strengthen organisations and gives clear signs of transparency.

**New requirement**

**1.3.4 New Anti-money laundering policy, practices, and procedures**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs and Traders | |
| **Core** | You establish and implement an anti-money laundering policy. This policy must be linked to specific and proportionate procedures and practices, to prevent the possibility of money laundering connected to extraction, trade, handling, transport and export.  You implement a system, including a risk analysis, to ensure financial traceability.  Members of the board of directors have not been legally convicted for money laundering. |
| **Year 1** |
| **Guidance:** Proportionate procedures and practices would be assessed according to the risks inherent in any given activity. ASMOs with indirect rights in particular should promote prevention practices among their members, and carry out random on-site checks without prior notice. Traders should take the same approach with their suppliers.  Members who are facing a judicial process for money laundering cannot be members of the board of directors. | |

**Implications**: Both ASMOs and traders will make preventive actions against money laundering more visible by applying procedures such as tracing internal and external money flows. The implementation of this policy should be understood as a process, hence its verification in Year 1. The process may require investment in both human and financial resources, depending on an ASMO’s stage of development – but such investment should be seen as contributing to better positioning with respect to other actors in the supply chain.

**Q 1.15 Do you agree with the proposed change?**

**!** *tick* ***one*** *box only*

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 1.3 ASMOs’ responsibilities. 1.3.5. Compliance Officer

**Background:** We propose that ASMOs and traders establish and implement a policy to prevent money laundering. ASMOs and traders are in a good position to identify potential contraventions of laws, regulations and internal policies, which may result from a lack of information, guidance or internal controls. In this context, the Compliance Officer plays an important role as an internal point of reference, supporting the board and management and helping to strengthen business relationships. In some countries the Compliance Officer is also the point of contact for financial regulation authorities.

**Rationale:** Organisations are strengthened because the Compliance Officer provides knowledge and support to ensure all financial transactions are transparent, are linked to normal economic activity and comply with laws and regulations. The Compliance Officer is an expression of the policy.

**New requirement**

**1.3.5. New Compliance Officer**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs and Traders | |
| **Core** | You appoint a Compliance Officer, who ensures that you comply with laws and internal and external regulations to prevent money laundering.  The Compliance Officer’s responsibilities are clearly defined. They focus on monitoring the proper implementation and operation of money laundering prevention systems, are able to carry out their duties with autonomy and independence, and you fully support their role. |
| **Year 3** |
| **Guidance:** In countries where the appointment of the Compliance Officer is mandatory, their responsibilities are generally defined by law.  The core function of the Compliance Officer is to anticipate any potential violations. Among their main duties and responsibilities are: to perform periodic risk assessments; update the organisation about relevant laws and regulations and monitor their compliance; review and analyse traceability reports and records; monitor financial information; analyse financial statements; and in the event of unusual or suspicious operations, to report them to the relevant authority.  Generally, the Compliance Officer is appointed by the ASMO board of directors and is the contact person for relevant regulators, supervisors and government departments. Their role and profile will generally be defined by the relevant legislation to ensure they are able to fulfil their legal functions. | |

**Implications**: In countries where the role of Compliance Officer exists in law, there are no implications. ASMOs in countries where this (or a similar role) does not exist should comply with the criterion by creating a position and - if a suitable professional profile does not already exist – by hiring a new person. Making this a Year 3 requirement provides sufficient time to create the position and the training to go with it.

**Q 1.16 Do you agree with the proposed change?**

**!** *tick* ***one*** *box only*

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 1.4 Relationship with local communities. 1.4.6. Integration of vulnerable groups[[9]](#footnote-9)

**Background:** The current description in the Standard concerning the integration of vulnerable groups is very general and subject to interpretation. As a development requirement, it is important to provide guidance to orient and motivate ASMOs to progress.

**Rationale:** A detailed definition of vulnerable groups, and the inclusion of agreed or jointly developed integration activities and plans, will help ASMOs make their concrete efforts more visible. At the same time, more detailed guidance is provided to reduce the scope for interpretation, particularly during compliance verification.

Proposed change to requirement (changes highlighted in red):

**1.4.6 Integration of vulnerable groups**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Dev** | You identify vulnerable groups (e.g. women mineral selectors, young people, migrants, people with disabilities, etc.) and make all reasonable efforts to integrate and support them in your system of production.  You identify and describe their role in your system of production.  You have a jointly-agreed implementation plan and concrete activities to integrate them and a description of how you are going to support them.  If you are an ASMO with indirect rights, you keep information about:   * members who are identified as vulnerable people * how they work (e.g. time allocated for mining activities; time shared with other activities; care responsibilities in the case of women collectors etc.). |
| **Year 3** |
| **Guidance:** In any organisation or society, some groups of people are disadvantaged. This is typically based on differences in observable characteristics or practices, such as ethnicity, race, religion, disability or sexual orientation. Groups especially vulnerable to human rights abuses and structural discrimination include (but are not limited to) women and girls; children and young people; migrant workers and /or internally displaced persons; stateless persons (without identification papers); national minorities; indigenous peoples; lesbian, gay and transgender people; and persons with disabilities.  ‘Reasonable efforts’ include, *inter alia*, providing training; forming committees and self-help groups; offering income generating opportunities; and targeted provision of health and other social services.  The Standard aims to engage self-employed women mineral selectors and support them to access Fairtrade supply chains.  If self-employed women mineral selectors do not feature in your system of production, they are nonetheless a priority group. You are expected to provide direct support to them as part of the activities implemented in the mining community. These activities could be reflected in the Fairtrade Premium development plan (see requirement 4.1.8).  You commit to protecting and safeguarding information about vulnerable groups and avoid any kind of discrimination on the basis of this information. | |

**Implications**: The additional text and new guidance should help ASMOs integrate vulnerable groups into their system of production, based on dialogue and common agreement with them.

**Q 1.17 Do you agree with the proposed change?**

**!** *tick* ***one*** *box only*

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

# Topic 2. Trade

**2.1 Traceability: 2.1.1 Traceability system and records**

**Background:** Traceability and transparency are the pillars which build trust and confidence in a commercial relationship. One of the most frequent market-side requests is to ensure the origin and integrity of exported precious metal - and a proper traceability system is the answer. (same applies for this and the next requirement)

**Rationale:** A traceability system is key for transparency and is connected to the policies relating to the prevention of money laundering. Implementing a traceability system should contribute to improving credibility and facilitate access to market, especially if the system is audited by a third party.

New requirement

2.1.1 New Traceability system and records

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| Core | You implement in your system of production (including mining operators), a traceability system covering the entire production process from mineral extraction, processing, handling and transport of your precious metal until it is no longer in your ownership. The traceability system offers the capacity to:   * systematically track and trace * document or record the product flow * record reliable, accurate, detailed, organised and systematic information * cover both financial (money) and physical traceability.   Your traceability system is a key component of your internal control system (ICS). |
| Year 1 |
| **Guidance:** A well-organised traceability system allows access to all information about your precious metal (Fairtrade and non-Fairtrade) throughout its life cycle from extraction to melting by using a recording and identification system. Tracking allows your supply chain stakeholders to follow the precious metal throughout its production journey, while tracing enables identification of the origins and characteristics of the precious metal as it progresses through the supply chain. A complete traceability system will also track and trace the financial flow when the precious metal is sold. | |

**Implications:** ASMOs should evaluate their internal traceability practices as a matter of routine, but this proposal could require you to upgrade some internal formats and/or add new records and a more detailed codification system. However, once upgraded this system should become a management tool to take informed decisions and strengthen the formalisation process.

**Q 2.1 Do you agree with the proposed change for ASMOs with direct rights and ASM Operators?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

**2.1 Traceability: 2.1.2 Physical segregation of minerals and precious metals[[10]](#footnote-10)**

**Rationale:** Traceability systems must demonstrate that precious metal sold as Fairtrade comes from the production system of a Fairtrade certified ASMO. Physical segregation of minerals and precious metals ensures that only certified mineral is sold as Fairtrade.

This condition also applies when two or more ASMOs combine their production: this is only allowed if the mineral is traceable and is not mixed with non-certified mineral.

**Proposed change to requirement (changes highlighted in red):**

**2.1.2 Physical segregation of minerals and precious metals**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| Core | Precious metals sold as Fairtrade come from your system of production. Precious metal, metal ore, minerals, concentrates and tailings from non-registered miners or mines are kept separate from Fairtrade precious metal and are not sold as Fairtrade precious metal. The entire volume of precious metal (in particular Fairtrade precious metal) from your production system must be physically traceable from extraction, concentration and processing to the point at which the product is sold.  Joining, blending or consolidating two or more certified volumes of mineral or intermediate products from two or more certified ASMOs is allowed if the Fairtrade certified minerals are not mixed with non-certified mineral. |
| Year 0 |

|  |
| --- |
| **Guidance:** In order to guarantee the traceability of the minerals and prevent the introduction of non-certified material into your supply chain, you set up and use an ICS or traceability system which proves the origin of the ore, concentrates and final products. |

**Implications:** The additional text provides greater clarity about the scope of the traceability system, and highlights the obligation of the ASMO to document and physically differentiate between certified and non-certified mineral. As it is a clarification, there is no additional requirement and no implications for compliance.

**Q 2.2 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

**2.1 Traceability: 2.1.3. Physical traceability in case of owned processing[[11]](#footnote-11)**

**Background:** All ASMOs are responsible for ensuring the integrity of the precious metal from the point of extraction to when it is sold. This responsibility at each stage of the process should be registered and identified in order to trace physical changes, particularly weight (in/out) and recovery rates. This principle applies not only in your own processes but also those of your members and any hired third parties.

**Rationale:** Implementing a traceability system should improve your credibility, not only with your clients but also with other important actors such as local authorities, financial institutions, customs agencies and value transport companies. A traceability system is a measure to prevent risks.

Proposed change to requirement (changes highlighted in red):

2.1.3. Physical traceability in case of owned processing

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| Core | If you (or your members) own equipment for mineral processing, or if you (or your members) lease or hire equipment for mineral processing owned by a third party, you ensure complete physical traceability of the precious metal.  Your traceability system includes an annex describing the physical traceability process, and you maintain all records, reports and evidence of the process in chronological order. |
| Year 0 |

|  |
| --- |
| **Guidance:** The list in the requirement is not exhaustive. More elements can be added depending on the needs of the ASMO. |

**Implications:** The core of the standard does not change as you should already have a traceability system for your system of production. In addition, however, ASMOs will need to keep members’ traceability reports up to the point they deliver the product to you, and to keep information from any third party contracted to process the mineral. In both scenarios you should also analyse, review and maintain information as evidence not only of the origin but also of the transformation process up to the point at which the doré bar is exported.

**Q 2.3 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

**2.1 Traceability: 2.1.4 Physical traceability system in processing facilities**

**Background:** Traceability and transparency are the pillars which build trust and confidence in a commercial relationship. One of the most frequent market-side requests is to ensure the origin and integrity of exported precious metal - and a proper traceability system is the answer.

**Rationale:** A traceability system should be able to cope with the demands of the system of production and its internal mineral supply chains, but at minimum should contain enough basic information to trace and track the entire transformation process up to the point the product is sold.

New requirement:

2.1.4 New Physical traceability system in processing facilities

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | All processing facilities have a documented physical traceability system available on site. All data is documented in a central traceability system. Minimum requirements are:   * A list of all miners and processing units delivering precious metal minerals and tailings to the processing facility, signed by the person responsible and including their identity card number * Delivery date * Amount delivered * Area of origin (name, description) assigned by you to the miners’ groups * Precious metal content * Laboratory results (if applicable) * Internal traceability reports.   Internal traceability reports kept by a processing facility include:   * A lot/batch code generated when the precious metal minerals and tailings enter, together with a record of the net weight. * Records of changes in the lot/batch identification when precious metal minerals and tailings are processed. * Records of laboratory analysis of precious metal content. * Records of any lots/batches combined into one new lot/batch. |
| **Year 0** |

**Implications:** ASMOs should review their traceability systems and analyse whether they comply with the basic records and processes described in the criteria. If any of the required records are missing, they should incorporate them into their systems and train the people responsible for the records.

**Q 2.4 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

**2.1 Traceability: 2.1.5. Traceability of transactions[[12]](#footnote-12)**

**Background:** In order to ensure supply chain transparency and physical traceability, all transactions should be traceable. Both buyer and seller are jointly responsible for keeping records of the history of the precious metal so as to minimise risks and contribute to strengthening the customer relationship.

**Rationale:** Trust is built on evidence. Both parties involved in a transaction should fulfil their obligations to ensure the integrity of the product. Buyers should be confident they are getting a complete history so they can track the product they have bought back to its origin, and that it complies with verified physical traceability. This condition clearly applies both to Fairtrade labelled products and, in the case of Gold Sourcing Programme (GSP), up to the point the precious metal is mass balanced.

Proposed change to requirement (changes highlighted in red):

2.1.5 Traceability of transactions

|  |  |
| --- | --- |
| **Applies to:** All ASMOs and Traders | |
| **Core** | You keep transparent and verifiable records of all your transactions, which are documented and fully traceable.  For Fairtrade precious metals destined for Fairtrade labelled products, you verify the compliance of physical traceability requirements for each transaction.  For gold sourced under GSP, you **verify the compliance of physical traceability requirements for each transaction** from the ASMO to the operator where the precious metal is mass-balanced. |
| **Year 0** |
| **Guidance:** This requirement applies to traceability during accumulation, trade, transport and export, including a date and unique reference number for each input and output. | |

**Implications:** ASMOs should keep up-to-date records of all transactions, not only those linked to trading on Fairtrade terms. For transactions under Fairtrade terms, traceability records and the quality of information must be verified together with the Trader receiving the precious metal. All ASMOs at all times should comply and provide evidence that a physical and documentary traceability system is in place and being applied.

**Q 2.5. Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

**2.1 Traceability: 2.1.6 Documentary traceability[[13]](#footnote-13)**

**Rationale:** The process of identifying mass-balanced precious metal is made explicit in order to trace the ore of origin, volumes in and the final volumes out that will be marketed as GSP.

Proposed change to requirement (changes highlighted in red):

2.1.6. Documentary traceability

|  |  |
| --- | --- |
| **Applies to:** All ASMO and Traders | |
| **Core** | In addition to physical traceability, documentary traceability **is ensured** by any operator at any point of the supply chain by using an identification mark on all related documentation.  You **clearly indicate** traceability with an identification mark on all related documentation (such as contracts, delivery notes and invoices).  You ensure that you and the certification body are able to trace:   * the seller of the product * the physical form of the product at the time of transaction (purchase and sale) * alterations performed and relevant yields * disposals * quantities bought and sold (one up – one down) * dates of transactions * proof of payment of Fairtrade Minimum Price, Fairtrade Premium, Ecological Premium, and pre-financing (where applicable).   For gold sourced under GSP, you and the certification body can trace mass-balanced precious metal identified as GSP gold on all relevant documentation (e.g. contracts, delivery notes and invoices). |
| **Year 0** |

**Implications:** GSP operators should include the proposed identification on all documents relating to mass-balanced precious metal transactions.

**Q 2.6. Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 2.1 Traceability: 2.1.7. Traceability in the case of third-party processing[[14]](#footnote-14)

**Background:** Traceability and transparency are the pillars which build trust and confidence in a commercial relationship. One of the most frequent market-side requests is to ensure the origin and integrity of exported precious metal - and a proper traceability system is the answer.

For a number of reasons including lack of investment finance, ASMOs may not have their own processing facilities and so subcontract third-party operators. Even so, they must ensure that physical traceability of Fairtrade precious metals and transparent processes are reflected in their traceability system.

**Rationale:** It is important to ensure that traceability covers the entire process from extraction to export. Mineral processing plants must be committed to transparent traceability procedures and willing to make their traceability reports subject to audit, in order to minimise money laundering risks. Certified processing plants are committed to share information with ASMOs.

Proposed change to requirement (changes highlighted in red):

**2.1.7. Traceability in the case of third-party processing**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | If you subcontract third-party operators to process your minerals or to perform further enrichment of intermediary products, you comply with all physical traceability requirements.  In this case, your traceability system describes the physical traceability process of the third-party operator.  Third-party operators do not act as a first buyer with an obligation to pay the Fairtrade Minimum Price and Premium.  Third-party operators must be Fairtrade certified under the Fairtrade Trader Standard.  Exception applicable under GSP (see 2.2.3) |
| **Year 0** |

|  |
| --- |
| **Guidance:** It is your responsibility to sign a legally binding contract with the subcontracted service provider in which they agree to announced or unannounced physical audits at any time.  Your traceability system includes an annex describing the physical traceability process followed by this third party. You maintain all the records, reports and evidence of the process to ensure the integrity of your material. |

**Implications**: The use of third-party operators is restricted to those that are Fairtrade certified and are willing to offer their processing and (potentially) export services. These certified operators are obliged to comply with the requirements set out in this Standard as well as those defined in the Trader Standard. ASMOs do not transfer ownership of the mineral, therefore processing is understood as a service.

**Q 2.7 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 2.1 Traceability: 2.1.8. sales and/or trade of Eco Fairtrade precious metals [gold]

**Background:** There is a growing interest by ASMOs to move into the production of Eco Fairtrade precious metals. This proposal introduces the basic conditions for accessing a potential Eco Fairtrade precious metals/gold market, including traceability and contracts. It also answers questions relating to tailings with the potential, if traceability conditions are met, to be traded under Fairtrade terms once processed by a certified operator.

Production systems capable of producing – and eventually trading – Eco Fairtrade gold must comply with basic conditions including traceability and export capacity.

**Rationale:** In order to facilitate market access, it is important to have specific trade conditions for Eco Fairtrade precious metals including evidence of demand, transparent contracts and certification. Internal control systems may need updating, especially procedures relating to traceability and differentiating whether sales are Fairtrade or Eco Fairtrade. Specific internal supply chains supplying exclusively Eco Fairtrade gold may also be needed.

New requirement

**2.1.8. New Eco-Fairtrade precious metals [Gold] sales/trade**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs producing ecological precious metals | |
| **Core** | You are only allowed to sell Eco Fairtrade gold or precious metal after the certification body has certified you for this. Additionally, you need a contract with your buyer for volumes of Eco Fairtrade gold and precious metals. For shipment you mark your doré-bar as “Eco Fairtrade”. If you do not have a contract for Eco Fairtrade gold or precious metal you may still sell the gold as Fairtrade.  Tailings from precious metal classified as ecological precious metal may be sold to industrial third-party plants outside your system of production for further processing. If the gold or precious metal from these tailings is finally sold as Fairtrade, it must be physically traceable.  Eco Fairtrade gold or precious metal provided by specific internal Fairtrade supply chains within your system of production is allowed if:   * traceability is ensured * you have a geographically separate concession or clearly separated geographical mining areas * the mining operator is able to produce an exportable doré-bar from their extracted gold or precious metal. |
| **Year 0** |

**Implications**: ASMOs should have realistic market expectations, knowing that Eco Fairtrade certification reflects a commitment to improve their internal processes and to become more aware of their environmental footprint.

The proposed change aims to clarify the definition of Eco Fairtrade gold and precious metal, the potential scope of the market and sales, and the conditions needed to sell Eco Fairtrade gold and precious metals.

ASMOs should be clear about both the context required to gain Eco Fairtrade certification and the different processes needed to trade precious metal under Eco Fairtrade terms. Context and process are separate but complementary elements, as Eco Fairtrade certification by itself does not ensure the existence of a market.

**Q 2.8 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 2.1 Traceability: 2.1.9. Traceability of Eco Fairtrade gold and precious metals[[15]](#footnote-15)

Proposed change to requirement (changes highlighted in red):

**2.1.9. Traceability of Eco Fairtrade gold and precious metals**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs producing ecological precious metals | |
| **Core** | For Eco Fairtrade gold, both physical and documentary traceability are identified as ecological production records on product coding or identification systems and documents such as contracts, delivery notes and invoices.  For post refining stage Eco Fairtrade gold sourced under GSP, the mass-balanced precious metal is identified as Ecological GSP gold on all relevant documentation such as contracts, delivery notes and invoices. |
| **Year 0** |

**Implications**: As the proposed changes provide clarity on the need for a traceability system in any scenario, and make the general concept of traceability explicit, there are no implications. Where Ecological GSP exists, it should be identified as such in all relevant documents.

**Q 2.9 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 2.2 Traceability in the supply chain: 2.2.1. Traceability in refining

**Background:** Refineries generally have internal control systems - including traceability systems - in place, and can therefore identify all origins and transformation processes.

**Rationale:** The nature of precious metals and their potential for recycling makes it important to ensure that information about volumes purchased by licensees is regularly available for internal control purposes and for analysis of precious metal flows in supply chains. Such information should include the volumes and destinations of Fairtrade refined and recycled gold and precious metal.

New requirement

**2.2.1 New Traceability in refining**

|  |  |
| --- | --- |
| **Applies to:** Refiners | |
| **Core** | You source only freshly mined or recycled gold that is physically traceable.  You report sourcing and sales to [reporting@fairtrade.gold](mailto:reporting@fairtrade.gold) within one month of the end of each quarter. You report the amount of Fairtrade gold in stock as of 31 December each year. The same principle applies to any other Fairtrade certified precious metals. |
| **Year 0** |

**Implications**: Refineries should produce a report every quarter (four per year year) based on information held in their own traceability and internal control systems. The information flows are formalised by the inclusion of this criterion.

**Q 2.10 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 2.2 Traceability in the supply chain. 2.2.2. Traceability in manufacturing[[16]](#footnote-16)

**Background:** Any semi-finished or final consumer product carrying the Fairtrade MARK must contain Fairtrade precious metal, traceable through the internal control and traceability systems of its ASMO of origin, and onwards during the refining and manufacturing process. Thus, Fairtrade certified precious metal can be distinguished, both physically and through documentation, from non-certified precious metals.

**Rationale:** Brands are sensitive to the expectations of customers and retailers looking to buy a Fairtrade certified product. Responsible sourcing policies reflect a commitment to ensure the precious metal is traceable from mine to refinery to manufacturer to finished jewellery, guaranteeing that production has followed Fairtrade Standards and that a third party has validated compliance.

Proposed change to requirement (changes highlighted in red):

**2.2.2. Traceability in manufacturing**

|  |  |
| --- | --- |
| **Applies to:** Traders | |
| **Core** | Any precious metal used in the manufacture of a Fairtrade certified semi-finished or final consumer product is physically segregated and traceable. |
| **Year 0** |

**Implications**: As the changes simply clarify interpretation of the criterion, there are no implications.

**Q 2.11 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 2.2 Traceability in the supply chain: 2.2.3. Traceability in the Gold Sourcing Programme (GSP)[[17]](#footnote-17)

**Background:** In somesupply chains, the intermediate, semi-finished or final product contains a mixture of precious metal from various origins, including Fairtrade precious metal. When Fairtrade certified precious metal is mixed with other precious metals it loses its defining characteristic and cannot be labelled as a Fairtrade certified product – but physical traceability to the point of refining still applies. This scenario is covered by GSP.

**Rationale:** The proposed changes seek to clarify the GSP model and define mass balance more explicitly. GSP is framed by a licensing contract which sets out the scope of application and the circumstances under which a licensee will operate. Under certain circumstances this could include mass balance in the country of origin by a Fairtrade certified operator, but only if a prior contract with an end-buyer exists.

Proposed change to requirement (changes highlighted in red):

**2.2.3. Traceability in GSP**

|  |  |
| --- | --- |
| **Applies to:** Traders | |
| **Core** | Under GSP, Fairtrade certified precious metal can be mixed with non-certified precious metal from another origin. The amount of precious metal *sold* as Fairtrade is equivalent to the amount *sourced* as Fairtrade, minus any process losses. This practice is defined as mass balance.  Mass-balanced precious metal can be sourced for further manufacturing by operators with a specific GSP license contract, which must include an annual sourcing commitment and relevant communications guidelines. GSP volumes are subject to annual verification by the certification body.  If you purchase GSP Fairtrade precious metal, the precious metal is physically traceable from a certified ASMO up to the point of refining (mass balance).  Exceptionally, mass-balancing of precious metal in the production country is possible if you have a prior and binding volume commitment from a final buyer. The exception is requested from, and approved by, the certification body. The Fairtrade precious metal is physically traceable to the point of refining (mass balance). |
| **Year 0** |

**Implications**: As the changes simply clarify interpretation of the criterion, there are no implications.

**Q 2.12 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 2.2 Traceability in the supply chain: 2.2.4. Reporting and verifying Fairtrade sales transactions on Fairtrace

**Background:** Fairtrace is a traceability tool which aims to verify volumes bought and sold under Fairtrade terms, the price paid and the Fairtrade Premium paid and received**.**

"Fairtrace is an online platform that follows the principle of collaboration and mutual assurance. Collaboration means that users need to interact with each other in the platform by inviting and accepting invitations from their business partners (Suppliers and Customers). Mutual assurance – means that for each transaction, one actor reports and the other verifies whether the information is correct or not, performing a virtual handshake."

(Fairtrade User Guide. V.19. 23.12.2021).

**Rationale:** FLOCERT requires ASMOs and Traders to be audited for compliance within the timelines set out in the Fairtrade User Guide. As non-compliance with registration and timelines results in a non-compliance requiring corrective action, it is important that this requirement is made visible as part of the Standards.

New requirement

**2.2.4 New Reporting and verifying Fairtrade sales transactions on Fairtrace**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs, Traders | |
| **Core** | You fulfil the following responsibilities in Fairtrace:   * As a trader you report purchases from ASMOs, including volumes, price and Premium information. You report all your sales (except sales made as licensee or small licensee). You verify your purchases from other traders. Your purchases from traders are reported by your supplier as sales (this also applies to small licensees). * As a conveyor you transfer payments of the Fairtrade Minimum Price and/or Premium from your customer to the ASMO and you report that price and Premium information. * If you are an ASMO also holding trader certification, you only need to report direct purchases from other certified ASMOs. * As an ASMO you verify sales reported by your customers. Once a transaction has been reported by your customer, you have 30 days to verify it. |
| **Year 1** |

**Implications**: ASMOs and traders will have clarity about the obligatory registration and verification of information on the Fairtrace platform, eliminating the possibility of non-compliance due to unfamiliarity with the Fairtrace User.

**Q 2.13 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 2.2 Traceability in the supply chain: 2.2.6. Recycling of Fairtrade gold

**Background:** Asthere is a growing interest in recycled gold, including Fairtrade gold, we need to define who can sell and what can be sold.

**Rationale:** It is important to have clear indications about how recycled Fairtrade gold can be re-integrated into the Fairtrade supply chain.

New requirement

**2.2.6 New Recycling of Fairtrade gold**

|  |  |
| --- | --- |
| **Applies to:** Refiners | |
| **Core** | Recycling of Fairtrade gold is possible in the following cases, if it is acceptable following due diligence by the refiner:   * from your licensed business partner   + ingots (24K) * from certified manufacturers   + scrap (alloy) from the production of intermediate or final products   + scrap (alloy) from casting   + gold (alloy or 24K) no longer needed in the production process   If Fairtrade gold is recycled, the refinery issues a credit note to the client for the amount of the Fairtrade Premium. The credit note will be deducted in the next invoice. |
| **Year 0** |

**Implications**: In line with the Standard, licensees and manufacturers can find different ways to recycle Fairtrade gold which take account of the Fairtrade Premium.

**Q 2.14 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 2.3 Product composition: 2.3.1 Final consumer products[[18]](#footnote-18)

**Background:** The Standard needs updating and clarifying to include watches as a labelled final consumer product.

**Rationale:** The update makes it clearer that watches are part of the group of labelled final consumer products.

Proposed change to requirement (changes highlighted in red):

**2.3.1. Final consumer products**

|  |  |
| --- | --- |
| **Applies to:** Traders | |
| **Core** | Your final Fairtrade or Eco Fairtrade labelled consumer products may include any product made from pure or alloyed precious metal, for example:   * jewellery and semi-finished jewellery components * watches * coins, ingots and bullion products of commemorative and/or financial nature * medals and trophies; and * religious artefacts. |
| **Year 0** |
| **Guidance:** Mobile phones or other technology products may contain mass-balanced Fairtrade precious metal components. Such products cannot be labelled as Fairtrade but you may claim this in your communication – see GSP communication guidelines. | |

**Implications**: The biggest implication is the potential to develop a new line of Fairtrade labelled products, extending the market visibility and demand for Fairtrade precious metals. As the guidance clarifies the labelling and communication of mobile phones and technology products, there is no implication beyond providing more information.

**Q 2.15 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 2.3 Product composition: 2.3.2 Minimum caratage [[19]](#footnote-19)

**Background:** The Standard needs updating to clarify that the minimum caratage of Fairtrade certified precious metal also applies to semi-finished products.

**Rationale:** The introduction of minimum caratage in semi-finished products reduces the scope of interpretation and ensures that semi-finished products comply with the requirement of minimum caratage of Fairtrade precious metal.

Proposed change to requirement (changes highlighted in red):

**2.3.2 Minimum caratage**

|  |  |
| --- | --- |
| **Applies to:** Traders | |
| **Core** | The minimum caratage of Fairtrade certified precious metal used in your semi-finished or final product **complies** with the national legislation of the country in which they are being sold. Products **also conform** to the internationally recognised product description laid out in the World Jewellery Confederation, ‘BLUE Book – Precious Metals Book – terminology and classification’ |
| **Year 0** |

**Implications**: Traders should have the necessary documentation and specific information to demonstrate compliance with minimum caratage requirements in final and semi-finished products.

**Q 2.16 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 2.3 Product composition: 2.3.3 Jewellery and watch components [[20]](#footnote-20)

**Background:** Some components required for a piece of watch or jewellery may not be made from Fairtrade certified precious metals because there is no source of supply. However, the volume of those components in relation to the Fairtrade certified precious metal is open to interpretation, and it is precisely this gap in interpretation that is closed by the addition of an acceptable volume reference.

**Rationale:** Ensure that Fairtrade certified precious metal predominates in the final product by allowing you to use non-certified metals in certain components of the final piece of jewellery, provided they do not exceed 15 percent of the total weight of Fairtrade certified precious metals used in the finished jewellery.

Proposed change to requirement (changes highlighted in red):

**2.3.3 Jewellery and watch components**

|  |  |
| --- | --- |
| **Applies to:** Traders | |
| **Core** | Where jewellery components cannot be fully sourced from a Fairtrade certified precious metal source, you **are permitted** to use non-certified metals in the following components of the final piece of jewellery, provided it does not exceed 15 percent of the total Fairtrade certified precious metals content by weight on the finished jewellery item:   * earring scrolls * catches (bolt rings, trigger clasps, swivels, bayonets) * chains * brooch backs, catches, joints and pins * solder and alloys * watch hands |
| **Year 0** |
| **Guidance:** In the event that you are attempting to source any other gold/precious metal components into your finished piece which cannot be sourced as Fairtrade, you contact [info@fairtrade.gold](mailto:info@fairtrade.gold) for further advice. | |

**Implications**: In those cases where the weight of non-Fairtrade certified precious metal components exceeds 15 percent of the weight of Fairtrade certified precious metal, you will need to make the necessary adjustments to comply with this limit. Additionally, for verification purposes, traders should have information on components, weights and quality (Fairtrade and non-Fairtrade certified)

**Q 2.17 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 2.3 Product composition. 2.3.4 Metal composition [[21]](#footnote-21)

**Background:** The current criteria is general and lacks both detail and guidance, leading to a gap in interpretation. For a product to be Fairtrade certified, the precious metal used in its production must be 100 percent Fairtrade certified and must make up at least 20 percent of the total weight of the product. Plated, vermeilized, filled and glazed items cannot be Fairtrade certified, unless the material to which any of the described techniques are applied fulfils the conditions for Fairtrade labelling.

**Rationale:** To bring greater clarity and close the interpretation gap.

Proposed change to requirement (changes highlighted in red):

**2.3.4 Metal composition**

|  |  |
| --- | --- |
| **Applies to:** Traders | |
| **Core** | The Fairtrade certified precious metal component used in the alloy of your labelled final consumer product **constitutes** one hundred percent of this metal. Mixing with the same non-Fairtrade metal is not allowed.  The Fairtrade certified precious metal content of any Fairtrade labelled finished product is at least 20 percent of the total weight.  Items plated, vermeilized, filled or gilded with Fairtrade gold (where a thin decorative layer of gold has been applied) cannot be labelled as Fairtrade unless the underlying material is Fairtrade certified without the plating. Gold used for plating may be sourced as Fairtrade GSP and you may communicate about it in accordance with GSP communication guidelines. |
| **Year 0** |
| **Guidance:** Fairtrade gold sourced under GSP may be used for *any* purpose including gilding or electro-plating. You may communicate about such gold in accordance with GSP communication guidelines.  As with all other types of bullion bar, gold ingots are required to contain more than 99.5 percent pure gold. | |

**Implications**: Traders should check whether Fairtrade certified products in stock meet the conditions described in the criterion and should keep a record of the content and weights of the final products.

**Q 2.18 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 2.4 Responsible sourcing and market information: 2.4.1 No support to non-state armed groups [[22]](#footnote-22)

**Background:** The Standard currently refers to the second edition of the OECD Minerals Due Diligence Guidance (DDG). It is thus important to incorporate updated elements and references from the third edition.

With a focus on continuous improvement, the Standard provides elements which will help certified operators implement due diligence.

In addition to updating the Standards for ASMOs, it is important to include other actors and operators in the supply chain in order to identify certain potential risks in the supply chain and address them jointly.

**Rationale:** Updates are in line with the OECD DDG third edition. They are intended to harmonise approaches while providing guidance and recommendations about trade activities which respect human rights and prevent sourcing practices which could result in conflict, human rights violations or insecurity.

Proposed change to requirement (changes highlighted in red):

**2.4.1 No support to non-state armed groups**

|  |  |
| --- | --- |
| **Applies to:** Traders | |
| **Core** | You **do not provide direct or indirect support to non-state armed groups**, public or private security forces which illegally control mines, traders, other intermediaries or transport routes through supply chains, or which illegally tax or extort money or minerals through supply chains.  You do not directly or indirectly cause, tolerate or benefit from any acts of armed violence or **serious human rights abuses** (such as human trafficking and slavery) in your own operations or supply chains. |
| **Year 0** |
| **Guidance:** According to the OECD guidance, “direct or indirect support” to non-state armed groups or their affiliates includes making payments to them or providing them with any kind of financial support, logistical assistance or equipment. | |

**Implications**: There are no implications for the suggested changes for certified operators who already implement due diligence practices in line with OECD DDG for responsible supply chains.

For operators in the process of implementing their internal due diligence practices, this criterion contributes to the definition of policies, internal practices and procedures, as well as to risk identification and prevention.

**Q 2.19 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 2.4 Responsible sourcing and market information: 2.4.3 Identification of risks in the supply chain[[23]](#footnote-23)

**Background:** Adequate risk identification in supply chains contributes to effective risk management. In this spirit, the criterion clarifies the scope of risk identification from the point of origin of the precious metal until it reaches the refinery.

**Rationale:** To bring greater clarity and close the interpretation gap.

Proposed change to requirement (changes highlighted in red):

**2.4.3 Identification of risks in the supply chain**

|  |  |
| --- | --- |
| **Applies to:** Refinery | |
| **Core** | You identify and regularly assess (at least every three years) risks in your supply chain, particularly from the point of origin to the refinery, including:   * whether the extraction, transport or trade of Fairtrade gold or precious metal in the supply chain includes conflict-affected or high-risk areas * any risks within your own operations regarding the direct or indirect financing or support of non-state armed groups; human rights abuses; or illegal activities * any risks associated with money laundering or financing terrorism.   You consider external data and research, and/or consult independent expertise (governments, civil society, national human rights institutions and relevant multi-stakeholder initiatives) in order to regularly assess the risk of human rights violations in origin region of the products you purchase. |
| **Year 0** |
| **Guidance:** To detect and assess these risks, you may perform supply chain due diligence using different indicators or information sources, such as:   * + ‘Red flags’ listed in the OECD DDG   + The Conflict Barometer produced by the Heidelberg Institute for International Conflict research[[24]](#footnote-24)   + UN Security Council Resolutions and Peacekeeping Operations [[25]](#footnote-25)   + US State Department Conflict Minerals Map and associated reports required by the Dodd Frank Act. Section 1502 of the Dodd-Frank Wall Street Reform and Consumer Act of 2010   + US State Department Country Reports on Human Rights Practices.   + Geneva Academy indicators for conflict- affected and high-risk areas   If it exists, this information may be passed on by the ASMO (see requirement 3.2.8) but you are still responsible for due diligence on conflict-minerals, as laid out on this requirement. | |

**Implications**: Traders should carry out a risk analysis from the ASMO through the entire supply chain up to the point where ownership of the precious metal is taken, including a risk analysis of the trader's own operation. Depending on the role and size of the trader, this risk analysis should be carried out at least every three years and updated on a regular basis.

Traders are expected to conduct an in-depth risk analysis, based on independent expert research and information, which gives them a local or regional baseline of potential risks to human rights violations.

**Q 2.20 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 2.4 Responsible sourcing and market information: 2.4.4 Reporting due diligence measures[[26]](#footnote-26)

**Background:** If risks are identified within the framework of the commitment to respect human rights, companies must take coordinated action with others in the supply chain to reduce the probability of them happening and their potential impact. You are expected to share information about processes and actions taken in this context with those who request it.

Sharing knowledge and information will raise awareness about human rights and environmental sustainability both internally and with suppliers, and will help to influence structural changes.

**Rationale:** Incorporating elements that contribute to due diligence processes will reduce the likelihood of negative impacts on people and the environment. The additional text is expected to support the Human Rights and Environmental Due Diligence (HREDD) measures of the operators to whom this criterion applies.

Proposed change to requirement (changes highlighted in red):

**2.4.4 Reporting due diligence measures**

|  |  |
| --- | --- |
| **Applies to:** **Refiners/Importer** | |
| **Core** | If after completing requirement 2.4.3 you discover   * you purchase Fairtrade gold and/or precious metals from a supplier in a conflict-affected or high risk area, or * you detect risks of direct or indirect financing or support of non-state armed groups, human rights abuses, or illegal activities   Then you report (at the request of interested stakeholders, commercial partners or a member of the public) the due diligence and risk management measures you have implemented to raise awareness of human rights and environmental sustainability. This report must not contain commercially sensitive or confidential information, or information which creates a security risk for the trader. A non-disclosure agreement may be signed. |
| **Year 1** |

**Implications**: If they have not already done so, operators to whom this criterion applies should design and implement HREDD procedures. Those with existing HREDD procedures should review them to see if they need updating in the light of the new elements required by the criterion.

Internal mechanisms such as a clear procedure for information management and reporting should be included in the process.

**Q 2.21 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 2.4 Responsible sourcing and market information: 2.4.6 Preventive measures and remediation projects[[27]](#footnote-27)

**Background:** UNGP Guiding Principle 22, which is incorporated in this Standard, allows Fairtrade to frame and more clearly define the scope of prevention and remediation support from Traders to ASMOs.

Respect for human rights in the supply chain should transcend certified Traders’ own operations. There is a legitimate interest in ensuring that business-related human rights abuses do not occur in the supply chain and, if they do, that there is adequate remediation.

**Rationale:** Define the scope of support to ASMOs which promotes shared responsibility for both prevention and remediation. The intention is to provide elements that help strengthen the HREDD processes and mechanisms of both parties.

Proposed change to requirement (changes highlighted in red):

**2.4.6 Preventive measures and remediation projects**

|  |  |
| --- | --- |
| **Applies to:** Traders | |
| **Core** | You support ASMOs to set up preventive measures and/or appropriate remediation projects (requirement 3.2.9).  You participate in ASMOs’ remediation efforts through legitimate processes. For example, a case of business-related human rights abuses would require a Trader to accept responsibility for respecting human rights and to actively participate in remediation, either alone or in cooperation with others**.** |
| **Year 3** |

**Implications**: Due diligence is built into the criteria which now incorporate elements to more clearly define expectations in terms of support and scope of collaboration.

Traders should cooperate with ASMOs to identify areas for collaboration and support on a case-by-case basis.

**Q 2.22 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 2.4 Responsible sourcing and market information: 2.4.7 Signed agreements[[28]](#footnote-28)

**Background:** The aim is to close the interpretation gap and clarify the structure of agreements signed between ASMOs and Traders. Agreements are expected to describe all the points negotiated and to regulate the development of the commercial relationship. The objective is to increase transparency and to highlight it in documents.

**Rationale:** To bring greater clarity and close the interpretation gap.

Proposed change to requirement (changes highlighted in red):

**2.4.7 Signed agreements**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs and traders | |
| **Core** | You **sign** legal agreements that guarantee the transparency of all Fairtrade transactions.  The agreement contains all terms negotiated between the parties, defines the type of relationship and sets out the role and responsibilities of each. |
| **Year 0** |

**Implications**: ASMOs and Traders should review their current signed agreements, check whether they contain all the necessary clauses and, if not, incorporate new clauses into the contract. Both parties should have written terms to govern their business relationship, as this contributes to a long-lasting and strengthened business relationship, especially if the legal representation of either party changes relatively frequently.

**Q 2.23 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 2.4 Responsible sourcing and market information: 2.4.8 Fairtrade production sourcing plan[[29]](#footnote-29)

**Background:** Experience shows the importance of closing the interpretation gap and application of this criterion. The annual production plan is not the same as the Fairtrade production sourcing plan, because total production may not be sold under Fairtrade terms or to just one first buyer.

For the purpose of planning and building supply chains, it is important that ASMOs share their annual Fairtrade sourcing plan - including the specific volumes to be sold and bought - with their first buyer(s). This guidance also specifies the circumstances under which this sourcing plan - which forms part of the contract - may not be fulfilled. It also points out the importance of proper communication and understanding between parties.

**Rationale:** Respond to both the purchasing expectations of the first buyer and the sales expectations of the ASMOs, so both parties are clear and in agreement each year regarding the volumes that can on the one hand be absorbed by the market, and the supply commitment on the other.

This plan also involves steps towards strengthening trade relations and towards greater formality in business planning. Knowledge of planning is one of the elements of formality.

Differentiation between annual production plans and Fairtrade sourcing plans, facilitates sales forecasting and identification of new buyers or product lines.

It formalises a practice already being developed by certified ASMOs.

These commitments also limit speculative practices and contribute to the building of long-lasting business relationships.

Proposed change to requirement (changes highlighted in red):

**2.4.8 Fairtrade production sourcing plan**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs and first buyers | |
| **Core** | At the beginning of each year, you and your first buyer sign a precious metal sourcing plan specifying the volume of Fairtrade precious metal sales and/or purchases throughout the coming year.  This annual precious metal sourcing plan becomes part of your contractual refining agreement, which includes a specific provision in this respect.  If the contractual agreement is longer than a year, the precious metal sourcing plan may be agree for the whole duration of the contract a fix Fairtrade sourcing volume per period, e.g. per month or per quarter, or you may agree to define the Fairtrade sourcing plan annually. |
| **Year 0** |
| **Guidance:** Signed agreements need to be fulfilled. Therefore, you may not make changes to the volumes specified in a current, signed agreement, even if another buyer makes you a better offer, unless it is mutually agreed by the contracting parties.  Reasons for changing the terms of a signed agreement while it is still in force could include those beyond the influence of the parties, such as a drop in precious metal content, closure of operations due to a pandemic, heavy rain, landslides or similar. | |

**Implications**: No implications are identified, as the criterion simply specifies what has been happening in practice with certified ASMOs. ASMOs should have a clearer market and first-buyer supply strategy on which they can base their projections and plans. Likewise, from the market side, the first buyer can provide information to its customers about potential expected annual volumes.

**Q 2.24 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 2.4 Responsible sourcing and market information: 2.4.10 Trial period[[30]](#footnote-30)

**Background:** Based on experience, the criteria take account of generally accepted industry practice, the interpretation gap is closed and best practice and guidance are more accurately incorporated.

**Rationale:** The trial period is clearly defined and agreed to allow space for learning and knowledge sharing between the parties, and to define processes, volumes and strategies for a successful export and supply dynamic.

This period also helps to close compliance gaps concerning transport, customs and export requirements.

Proposed change to requirement (changes highlighted in red):

**2.4.10 Trial period**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs and Traders | |
| **Core** | For new trading relationships, the certified ASMO and the buyer may agree on a trial period. This trial period is clearly defined in a contract agreement and is in line with standard industrial practice and/or regulation. This trial period **does not exceed** three consignments.  In the case of a “failed delivery report” or “non-conformity” filed by a buyer, a new trial period may be agreed between the buyer and the ASMO, which must not exceed three consignments. |
| **Year 0** |
| **Guidance:** After a trial period, ASMOs and buyers are encouraged to negotiate and agree a long-term contract with a pre-financing clause. See 4.4.2 | |

**Implications**: No implications are identified, as the criterion simply specifies what has been happening in practice with certified ASMOs.

**Q 2.25 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 2.4 Responsible sourcing and market information. 2.4.11 Trade through third-party operators[[31]](#footnote-31)

**Background:** If agreed between an ASMO and buyer, third-party operators can provide a good alternative – for example to allow an ASMO with small volumes to manage the costs relating to accessing export markets. In this case, the third-party operator could aggregate the volume from a group of ASMOs using the same export processes. The role of third-party operators is now defined as a service provider/conveyer, thus clarifying their position in the supply chain.

**Rationale:** Clarify the role of third-party operators as export service providers. If allowed by law, third-party operators can initiate export processes, facilitate transport and customs clearance, and aggregate small volumes from different ASMOs in order to keep their costs down when accessing export markets.

Proposed change to requirement (changes highlighted in red):

**2.4.11 Trade through third party operator**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You **may contract** a third-party operator (service provider/conveyer) if this is permitted by law and agreed with your buyer. The third-party operator may implement and administer all legal obligations required for trade and export (e.g. customs) on your behalf. You are accountable for the third party’s activities.  Third-party operators who convey the Fairtrade Minimum Price and Premium are certified. |
| **Year 0** |

**Implications**: The role of the third-party operator is limited to that of a service provider/conveyer, and their role is made clearer.

ASMOs with small volumes could lower and share export costs by aggregating volumes for export. This should provide an alternative route to market without affecting the relationship with the buyer.

**Q 2.26 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 2.4 Responsible sourcing and market information: 2.4.12 Shipment orders[[32]](#footnote-32)

**Background:** Shipment orders usually specify the quantity of precious metal based on laboratory analysis. Using this information, ASMOs prepare the invoice and other documents required by customs.

**Rationale:** The suggested change provides more precision.

Proposed change to requirement (changes highlighted in red):

**2.4.12 Shipment orders**

|  |  |
| --- | --- |
| **Applies to:** Traders | |
| **Core** | Shipment announcements or shipment orders specify the quantity of precious metal per shipment. |
| **Year 0** |
| **Guidance:** The assumed purity and value of the precious metal is declared in the shipment documents. | |

**Implications**: No major implications are expected with this clarification

**Q 2.27 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 2.4 Responsible sourcing and market information: 2.4.13 Documentary transparency[[33]](#footnote-33)

**Background:** The proposed change complements and reaffirms the importance of transparency in information relating to Fairtrade transactions. It covers documents relating to sourcing from mining operators, accumulation or processing, and is linked to both traceability and anti-money laundering requirements. In all cases, confirmation of ASMO certification status is included at the time of each export.

**Rationale:** The suggested change provides greater precision and closes interpretation gaps.

Proposed change to requirement (changes highlighted in red):

**2.4.13 Documentary transparency**

|  |  |
| --- | --- |
| **Applies to:** All ASMO and traders | |
| **Core** | You **document** (on paper or in your in electronic system) all Fairtrade transactions throughout the supply chain from supplier to buyer, and the segregated management and processing within your organisation.  With each shipment, ASMOs confirm in writing to the buyer the validity and the status of their Fairtrade certification. |
| **Year 0** |

**Implications**: Traders and ASMOs should have all documentation relating to all their Fairtrade transactions available. ASMOs should confirm the validity and the status of their Fairtrade certification (currently a best practice).

**Q 2.28 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 2.4 Responsible sourcing and market information: 2.4.14 Retro-certification

**Background:** Fairtrade certification runs in parallel with due diligence compliance by transport companies, customs agents and first buyers (usually refineries). There may however be occasions when an ASMO has fulfilled its due diligence requirements - and is therefore able to export - but has not yet completed certification to the point where it has a Permit to Trade.

Being non-perishable, precious metals can be stored and, once the ASMO has permission to trade, could be sold under Fairtrade terms. This allows ASMOs to access the Fairtrade Premium and so strengthen their organisations. It also opens up the possibility of a production base that responds to the needs of buyers, especially where there is unsatisfied demand.

It is proposed that precious metals can only be retro-certified from the moment an ASMO is assigned a FLO ID, as it indicates that documents sent during application have been analysed.

**Rationale:** Due to the nature of precious metals and their ability to accumulate, it is important to determine the specific volume that can be accumulated, retro-certified and incorporated into Fairtrade supply chains.

Given that export is subject to due diligence, it is important to determine the point at which precious metal could be stored, and when it could be considered for retro-certification. A FLO ID is only assigned after documents sent by an ASMO have been analysed and certification approved.

New requirement:

**2.4.14 New Retro-Certification**

|  |  |
| --- | --- |
| **Applies to:** Traders | |
| **Core** | Shipments made between the successful application process (assignment of FLO ID) and the initial audit (granting permission to trade) can be retro-certified as Fairtrade. |
| **Year 0** |

**Implications**: FLOCERT approves retro-certification applications once the conditions for retro-certification have been met.

Traders should ask ASMOs selling precious metal for documentary proof of their FLO ID allocation announcement and take this date as a reference point when applying for retro-certification of the precious metal, once the ASMO has obtained permission to trade.

**Q 2.29 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 2.4 Responsible sourcing and market information: 2.4.15 Financial traceability

**Background:** Both ASMOs and traders play an important role in the prevention of money laundering. Financial transactions need to be made traceable and visible by ensuring that money from exports is recorded in the financial system and by minimising cash payments.

**Rationale:** This measure helps prevent the risk of money laundering and contributes to fully traceable money flows being recorded in financial systems.

New requirement:

**2.4.15 New Financial traceability**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs and traders | |
| **Core** | You ensure that financial operations linked to Fairtrade transactions are recorded in the formal financial system and are not transacted in cash.  You have implemented a proper and transparent accounting system and reliable financial procedures to guarantee money traceability. |
| **Year 1** |

**Implications**: ASMOs should develop a financial management manual, with policies and procedures.

All financial transactions should be done through bank transfers. Members, workers and mine operators should have a bank account to receive payments.

ASMOs and traders must demonstrate that cash payments are for petty cash only.

**Q 2.30 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 2.4 Responsible sourcing and market information: 2.4.16. Legal financial control[[34]](#footnote-34)

**Background:** Legal financial control is one of the measures that should be implemented to prevent money laundering. ASMOs are responsible for their own financial operations.

**Rationale:** This measure helps reduce the risk of money laundering and contributes to fully traceable money flows being recorded in financial systems.

Proposed change to requirement (changes highlighted in red):

**2.4.16 Legal financial control**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You have legal financial control over all the operations of your organisation. All financial transactions are traceable, especially those relating to the internal Fairtrade supply chain. |
| **Year 1** |

**Implications**: ASMOs should develop financial procedures and practices to trace the flow of money both externally and internally.

As all payments should go through the financial system, all miners should have a bank account to receive payments from their ASMO and mining operators should have a guide for financial practices.

**Q 2.31 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 2.4 Responsible sourcing and market information: 2.4.17. Reporting transactions with mining operators and ASMOs with direct rights[[35]](#footnote-35)

**Background:** In production systems which cover several mining operators, traders may be interested in buying precious metal from a specific mining operator. Even if this type of commercial relationship is legal, the ASMO cannot be excluded and must be part of the contractual agreement due their legal rights and responsibilities over the concession. In this scenario, good communication and the exchange of information is essential for transparency and preventing money laundering.

**Rationale:** Mining operators working in the production system of a certified ASMO, who have the technical capabilities and the capacity to trade ore, should have the opportunity to do so. However, since this precious metal is sold by the ASMO, it must be part of the contract and the whole process must be transparent both to prevent money laundering and because it is the ASMO which is certified, not the operator.

Proposed change to requirement (changes highlighted in red):

**2.4.17 Reporting transactions with mining operators in ASMOs with direct rights**

|  |  |
| --- | --- |
| **Applies to:** Traders | |
| **Core** | You are allowed to develop a direct commercial relationship with individual mining operators at a certified ASMO, if it is legally permitted and if the ASMO is a party in the contractual agreement between you and the mining operator you trade with.  You provide the ASMO with a report of all transactions with its mining operator. Reports are submitted for each transaction as soon as final payments are made to the ASMO and to the mining operator, which must include:   * date of transaction * volume of precious metal bought * assay result * settlement report * amount of applicable product price paid to the mining operator * amount of applicable Fairtrade Premium paid to the ASMO |
| **Year 0** |

**Implications**: The current Standard allows trade directly with miners, but this undermines the role of ASMOs. Therefore direct trade with an operator is only possible, if the ASMO is contractual part of such sales and it is ensured that the resulting premium directly reaches the ASMO and can be managed by all its members.

**Q 2.32 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 2.4 Responsible sourcing and market information: 2.4.18. Reporting transactions in ASMOs with indirect rights

**Background:** There is currently no specific criterion relating to reporting transactions in ASMOs with indirect rights. However, given that the ASMO is the Fairtrade certified operator, it is important for transparency that both internal transactions and those aggregated with buyers are reported. This information must be made available to the Board of Directors.

**Rationale:** This measure promotes transparency and helps prevent risks relating to money laundering. It is important for internal strengthening purposes that directors have clarity about the terms negotiated with the buyer and the result of each export transaction.

New requirement:

**2.4.18 New Reporting transactions in ASMOs with indirect rights**

|  |  |
| --- | --- |
| **Applies to:** ASMOs with indirect rights | |
| **Core** | The ASMO shares a report with the Board of Directors detailing all transactions of the ASMO and of its operators with buyers.  The report includes:   * date of transaction * volume of precious metal sold * assay result * volume(s) and price(s) fixed * amount of applicable Fairtrade Premium received * dates of payments * any deductions (e.g. commission, transport etc.) |
| **Year 1** |
| **Guidance:** The price depends on the purity and the date of transaction. Usually there is a down payment on the purity estimated by the ASMO and a later, final payment by the buyer after assay. The LBMA price may vary between these payments, meaning different prices may apply to the same transaction. | |

**Implications**: ASMOs with indirect rights should produce a report for the Board each time the entire export and liquidation process is completed, and ensure that the information in the report is understood.

**Q 2.33 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 2.4 Responsible sourcing and market information: 2.4.19. Trading with integrity

**Background**: Unfair trading practices mostly occur in cases of imbalance between trading partners, which can happen anywhere in the chain but most frequently at the expense of producers. In the last revision of the Trader Standard a new requirement on trading with integrity was added to tackle unfair trading practices (TS requirement 4.1.8).

**Rationale:** Sanctioning unfair trading practices is very challenging since by nature they are difficult to identify and verify. The current proposal is drafted at a high level to be able to have the possibility to act in case bath faith practices are found without having to define precisely which requirements they violate.

New requirement:

**2.4.19 New Trading with Integrity**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | There are no indications that you or your members deliberately circumvent the standard. |
| **Year 0** |
| **Guidance**: This refers to manipulative behaviour to prevent mandatory provisions in the standard from applying to members or organizations. | |

**Implications**: Actions to circumvent the standard may lead to non- conformities and/or suspension of organizations.

**Q 2.34 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 2.5 Use of the Fairtrade certification mark. 2.5.2 Artwork approval

**Background:** ASMOs are interested in using the Fairtrade mark for external communication purposes such as promotional materials. The criteria confirms that it is possible, but subject of approval by Fairtrade International.

**Rationale:** Respond to the interest of ASMOs to promote their Fairtrade certification as a differentiating factor. It is important to ensure that the use of the Fairtrade Mark is in line with official guidelines.

New requirement:

**2.5.2 New Artwork approval**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | If you want to use any of the Fairtrade Marks on your external promotional material (such as brochures, websites or digital materials) you first contact Fairtrade International for approval at [artwork@fairtrade.net](mailto:artwork@fairtrade.net). |
| **Year 0** |
| **Guidance:** Fairtrade International encourages producers to use the Fairtrade Marks in line with the “Fairtrade Mark Guidelines” to protect its integrity. | |

**Implications**: ASMOs may use the Fairtrade Mark once they get approval from Fairtrade International. ASMOs would find it easier to communicate and promote their Fairtrade certification.

**Q 2.35 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 2.5 Use of the Fairtrade certification Mark: 2.5.4 Fairtrade Mark on labels or stamps[[36]](#footnote-36)

**Background:** The suggested change provides more accuracy and more clearly defines which final consumer products may be labelled, stamped or laser printed.

**Rationale:** To bring greater clarity and close the interpretation gap.

Proposed change to requirement (changes highlighted in red):

**2.5.4 Fairtrade Mark on labels or stamps**

|  |  |
| --- | --- |
| **Applies to:** Traders | |
| **Core** | The label and/or stamp and/or laser print on the final consumer product **indicates** clearly that the precious metal component in the alloy is certified as Fairtrade gold, silver or platinum, in line with Fairtrade International labelling rules for precious metals.  Labelling, stamping or laser printing with the Fairtrade Mark is not allowed if physical traceability cannot be guaranteed - for example if the precious metal component originates under GSP (mass-balanced) – or on any final consumer product created by registered Fairtrade Goldsmiths. |
| **Year 0** |
| **Guidance:** Products made by registered Fairtrade Goldsmiths will follow the “Fairtrade Mark Guidelines for Registered Goldsmiths” | |

**Implications**: The proposed change reflects what is already implemented in practice, so there are no implications beyond a clear message that labelling will be subject to audit.

**Q 2.36 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

# Topic 3. Production

## 3.1 Management of production practices: 3.1.1 Definition of your system of production

***ASMO with direct rights and ASM Operators***

**Background:** The production system is the organised set of activities and operations that come together in an articulated way in the production of goods and services. It is understood as a system because all the activities are organised, regulated and above all, interrelated to achieve a result.

A detailed description of the production system helps proper control of internal flows (e.g. labour, material and information) and helps make decisions for the overall success of an ASMO.

**Rationale:** Contribute elements to help ASMOs design a production system as a tool for organising production and decision making. For this reason, elements previously described in the guidance have been included in the Standard, detailing the minimum information required to configure a production system, such as resources and basic flows.

Proposed change to requirement (changes highlighted in red):

**3.1.1. Definition of your system of production**

|  |  |
| --- | --- |
| **Applies to:** ASMOs with direct rights and ASM Operators | |
| **Core** | You **describe** your system of production which includes:   * A complete register of all participating miners (members/owners, workers and other mining operators), including their function, role, duties and rights. * Areas in which you have legal authority (land and mining rights). * A description of the character and the ownership of all mining and processing units (domestic and industrial). * Names of external service providers and the type of services they provide. * A mining plan which indicates clearly where mining and processing activities take place.   The register must contain declaration numbers, concession numbers and other relevant official data. |
| **Year 0** |
| **Guidance:** The system of production facilitates organisational capacity building, cooperation, and identification of the participating miners. | |

**Implications**: ASMOs should analyse and compile the information requested in the criteria. If necessary they should add anything missing.

**Q 3.1 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

**3.1 Management of production practices: 3.1.1 Definition of your system of production**

***ASMOs with indirect rights***

**Background:** The production system is the organised set of activities and operations that come together in an articulated way in the production of goods and services. It is understood as a system because all the activities are organised, regulated and above all, interrelated to achieve a result.

A detailed description of the production system helps proper control of internal flows (e.g. labour, material and information) and helps make decisions for the overall success of an ASMO.

**Rationale:** The production system of an ASMO with Indirect Rights can be quite complex due to its different processes and sub-processes. Each artisanal miner constitutes an internal sub-system. A specific description for ASMOs with Indirect Rights provides a more precise definition of each individual production sub-system, the resources needed for the expected outputs and the decisions needed to optimise a system which aggregates small sub-systems.

Proposed change to requirement (changes highlighted in red):

**3.1.1 Definition of your system of production (ASMOs with indirect rights)**

|  |  |
| --- | --- |
| **Applies to:** ASMOs with indirect rights | |
| **Core** | You **describe** your system of production which includes:   * A complete register of all your members, their qualification as formal artisanal miners, their duties and rights. * The form of mineral to be delivered to the ASMO (rocks or sediment containing precious metal, crushed rocks, concentrates – ore, amalgam, sponge gold or solid gold doré). * All areas to be mined by your members including documentation of their individual legal land and mining rights. * A description of the character and the ownership of all mining and processing units (domestic and industrial) owned by the ASMO and/or its members. * Names of external service providers and the type of service they provide. * A mining plan which indicates clearly where mining and processing activities take place, and the estimated production volume of each member.   The register must contain declaration numbers, concession numbers and other relevant official data. |
| **Year 0** |
| **Guidance:** Formal artisanal miners are documented or registered by the relevant authority.  The system of production integrates and facilitates organisational capacity building, cooperation and identification of the members.  Where applicable, the description of your system of production includes information about the accumulation process required to aggregate small (daily) deliveries of miners into volumes that can be traded efficiently and traceably, taking into consideration pre-financing and security aspects. | |

**Implications**: ASMOs with indirect rights should obtain information from each of the miners, then aggregate and organise it in such a way as to demonstrate how these sub-systems relate to the ASMO's own overall system.

**Q 3.2 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.1 Management of production practices: 3.1.2 Definition of your internal Fairtrade supply chain

**Background:** Ore flows in the production system must be identifiable and traceable. The role of ore flows in internal supply chains depends on whether ore is extracted by mining operators within the production system or purchased externally. It is therefore important to be able to clearly identify and differentiate which internal supply chains or flows will supply the Fairtrade market, and which not.

**Rationale:** Traceability is essential for access to international markets, as well as being important for preventing money laundering. It is important that each mineral flow is identifiable, and especially important to define, identify and differentiate those in internal supply chains supplying the Fairtrade market. It should be noted that traceability applies to the entire production system.

New requirement:

**3.1.2 New Definition of your internal Fairtrade supply chain**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | All miners and mining operators who participate in the extraction of precious metal which is sold under Fairtrade terms are part of the internal Fairtrade supply chain.  Therefore, in the description of your system of production you distinguish which of the mining operators and areas are included and which are excluded from your internal Fairtrade supply chain. |
| **Year 0** |
| **Guidance:** Mining operators include processing plants and third-party mining operators | |

**Implications**: ASMOs should map supply chains in the production system, design a system to code and differentiate internal supply chains (defined according to the geographical location from which the material is extracted) which includes the differentiation of internal Fairtrade supply chains. Overall, this practice will contribute to improving an ASMO’s position regarding the transparency of their processes and it should be possible to determine the make up of the final exported volume.

**Q 3.3 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.1 Management of production practices: 3.1.3 Internal Control System (ICS)[[37]](#footnote-37)

**Background:** An ICS is designed to provide reasonable assurance of reliability; help safeguard an organisation; further its objectives; minimise risks; ensure accurate records including traceability; promote operational efficiency; and encourage adherence to policies, rules, regulations, and laws. An ICS should be designed to help an organisation act in case of adverse events and reduce potential risks.

**Rationale:** The ICS should act as an internal safeguard and help an ASMO run its processes efficiently and effectively. Correct controls are tools for an ASMO to implement its plans and to prevent errors, irregularities and frauds. They help to increase transparency, identify problems and take corrective actions throughout the organisation.

The ICS should not only ensure that sales and volumes come solely from registered members, areas and processing units, but should act as a management tool.

Proposed change to requirement (changes highlighted in red):

**3.1.3 Amended: Internal Control System**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You **design, introduce and maintain** an Internal Control System (ICS) to provide a significant level of reliability in achieving a clear and functional system of production, including:   * Reliability and workflow in internal supply chain(s) * Traceability system * Compliance with internal and external regulations, including compliance with Fairtrade requirements * Reliability of financial statements * Giving your members greater control over their own lives * Performance in line with practices associated with formal economy.   Control activities are risk-based, focus on the most significant risks and correspond to the ASMO’s organisational structure and processes. The control scope includes both documentary and physical control.  The General Assembly elects a Supervisory Committee of at least two members, who are not members of the Board of Directors to oversee the ICS activities. The Supervisory Committee is responsible for monitoring the implementation of the ICS on a continuous basis. |
| **Year 3** |
| **Guidance:** The ICS is the internal strategy implemented by the Board of Directors to errors and frauds.  You describe the internal controls which are embedded in your strategic and operational plans (i.e. mining plan, production plan, supply plan, occupational health and safety plan, and environmental plan); and your legal obligations, internal manuals (i.e. traceability, internal labour regulations and financial manuals) and voluntary regulations (i.e. Fairtrade Standards and due diligence) which jointly define the formal operation of the ASMO. | |

**Implications**: ASMOs should develop and implement their own ICS and a strategy to ensure it works. As the ICS should respond to risk factors, ASMOs should conduct a risk analysis covering, as a minimum, the points described in the criterion. Once the ICS is developed and implemented, it will be important for preventing risks and ensuring compliance with plans, rules, standards and regulations. This process will require resources including internal capacity building.

**Q 3.4 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.1 Management of production practices: 3.1.4 Regular monitoring[[38]](#footnote-38)

**Background:** Internal control is a process designed to provide reasonable assurance concerning reliability. Internal controls are designed to help safeguard an organisation and further its objectives; minimise risks; ensure accuracy of records (e.g. traceability); promote operational efficiency; and encourage adherence to policies, rules, regulations and laws.

An ICS should be designed to help the organisation to act in case of adverse events and to reduce potential risks.

**Rationale:** This criterion complements the previous one by emphasising the importance of regular monitoring and that monitoring reports should specify the points that have been checked. In addition, the guidance includes a risk-based approach to determine the frequency of monitoring.

Proposed change to requirement (changes highlighted in red):

**3.1.4 Regular monitoring**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | The ICS **includes** regular monitoring of the assigned areas where miners operate. Regular monitoring is to be carried out, including random visits to check who is working in designated areas and monitoring the daily delivery to processing facilities. Such visits are carried out by authorised persons such as a supervisor or shift leader. You record the frequency, points checked, dates and any observations and irregularities. |
| **Year 3** |
| Guidance: The frequency of control activities is risk based. Activities include documental control. | |

**Implications**: No major implications are expected from this clarification.

**Q 3.5 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.2 Human rights, environmental and minerals from conflict-affected and high-risk areas due diligence: 3.2.1 Human rights policy[[39]](#footnote-39).

**Background:** Economic activities can have significant positive and negative impacts on human rights and the environment. As agents of change, Fairtrade certified ASMOs are expected to express their commitment to respect human rights and to protect the environment.

This commitment must be translated into practices which make clear that ASMOs operate with respect and aim to promote people’s dignity and well-being.

This public statement of commitment identifies common areas of interest between ASMOs, their business partners and communities of influence. Above all, it reflects the contexts in which partners, members, owners, workers and mine operators will develop their activities.

**Rationale:** a clear commitment to respect human rights and the environment demonstrates a political decision by an ASMO to uphold certain values and promote an internal organisational culture which aims for a positive and committed impact on the well-being of people and the environment.

This level of commitment will therefore facilitate the implementation of the Standard from a rights-based approach and a focus on sustainability.

Proposed change to requirement (changes highlighted in red):

**3.2.1 Human rights policy**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You have a human rights policy which reflects your commitment to respect human rights and commits to avoiding, contributing to or causing adverse human rights impacts.  The policy is approved at your most senior level, your General Assembly or Board of Directors.  This policy reflects, at minimum, your commitment to all the ILO conventions contained in this Standard, and the UN Guiding Principles on Business and Human Rights (UNPG).  You align your operational policies, procedures and management system with this policy.  Your policy is publicly available and communicated both internally and externally to your stakeholders.  Your commitment includes:   * Creating awareness (system of production) * Evidence of adoption and implementation * A risk assessment, prevention, mitigation and remediation plan * An early warning risk awareness system for (a) mineral extraction, (b) trade, (c) handling and (d) export.   If you are operating in a conflict affected area your policy should include (see requirement 3.2.3):   * No tolerance of abuse, torture, cruel or inhumane treatment. * No tolerance of forced or compulsory labour. * No tolerance of the worst forms of child labour. * No tolerance of human rights abuses and violations, such as sexual, gender-based or other forms of violence. (see requirement 3.11.4) * No tolerance of war crimes, crimes against humanity, genocide or other serious violations of international humanitarian law. * No direct or indirect support of non-state armed groups. * No direct or indirect support of private or public security forces illegally controlling the mining sites. * No tolerance of bribery, corruption, or money laundering. * No tolerance of fraudulent misrepresentation of the origin of minerals. |
| **Year 0** |

**Implications**: ASMOs should review their human rights policy, if they have one, and determine whether it reflects the meaning and scope of the criterion.

ASMOs should conduct a review with their members or Board of Directors in order to have sufficient information to finalise their commitment and to extend it throughout the production system.

ASMOs without a human rights policy should initiate a process of awareness-raising and training, leading to collective reflection, decision-making and agreement on their commitment to respect human rights, and ultimately to a clear policy which is understood, appropriate and practised by all.

ASMOs should publish and communicate their human rights policy.

**Q 3.6 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.2 Human rights, environmental and minerals from conflict-affected and high-risk areas due diligence : 3.2.2 Awareness raising

**Background:** Once a human rights policy has been approved, it must be mainstreamed into the daily practices of ASMOs. This will only happen when all those involved in daily activities are aware of it, understand how it affects them and what their responsibilities are. Capacity building and awareness raising will help create both individual and organisational buy-in.

**Rationale:** Individuals and their decisions will define whether the policy is reflected in practice. The concept of upholding human rights must be embedded within ASMOs in order influence attitudes and behaviours, and have the desired outcome.

Proposed change to requirement (changes highlighted in red):

**3.2.2 Awareness Raising**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You educate your members, workers and mining operators in your system of production about your human rights policy, and the practical implications for them and for your ASMO’s operations.  You take measures to inform on request of your buyers and other relevant stakeholders. |
| **Year 0** |
| Guidance: It is best practice to make the commitment publicly available online. | |

**Implications**: ASMOs should discuss with each area manager how the policy impacts internal practices and procedures.

ASMOs should analyse the advocacy mechanisms in mining operations and review how the human rights policy is adopted by mining operators.

ASMOs should design a training programme to allow its members, workers and mining operators to be aware not only of what the policy states, but also of what it means for organisational culture at strategic, operational and tactical levels. It must be understood that it is an ongoing process.

**Q 3.7 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.2 Human rights, environmental and mineral from conflict affected and high-risk areas due diligence: 3.2.3 Risk assessment[[40]](#footnote-40)

**Background:** “The second step in the HREDD process is to identify the salient – or most serious and common – human rights and environmental risks and problems linked to your production and business relationships. Note that this risk assessment focuses on risks and problems to people and the environment – not risks to your business”[[41]](#footnote-41) (Implementing Human Rights and Environmental Due Diligence HREDD. First edition, May 2023).

HREDD applies to all ASMOs, regardless of whether or not they are in a conflict or high-risk area. As part of the commitment of their human rights policy, ASMOs should implement a procedure that allows them to identify adverse human rights impacts (actual or potential), which covers not only the operations in their production system but also their business relationships.

ASMOs operating in conflict or high-risk areas should carry out a deeper risk identification and assessment process (see 3.2.3) and include it in their conflict minerals and human rights policy.

**Rationale:** “It is much easier to address problems before they grow, harm people or the environment and are discovered by auditors, your buyers or journalists. The costs rise if the problem fuels violence, causes severe environmental damage, reputational damage, loss of commercial relationships or a court case against your organisation” (Implementing Human Rights and Environmental Due Diligence HREDD. First edition, May 2023).

Proposed change to requirement (changes highlighted in red):

**3.2.3 Risk assessment**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You regularly (at least every three years) identify and assess any actual or potential risk which contributes to, or is associated with, adverse human rights impacts in your operations (extraction, processing, handling and export) and business relationship.   * You integrate human rights and environmental risk analysis into your existing risk assessment processes. * You consult independent expertise such as governments, civil society organisations, national human rights institutions and/or multi-stakeholder initiatives, or Fairtrade staff/consultants, in order to assess the risks of human rights violations. * You assess if you are working in a conflict area and the risks associated with it. * If you are operating in a conflict-affected or high-risk area, or an area where human rights violations occur, you also identify and assess risks that could violate your human rights policy relating to conflict-affected areas. |
| **Year 0** |
| **Guidance:** Fairtrade has developed the Fairtrade Risk Map and the Fairtrade’s Due Diligence Risk Assessment Tools to guide you through a basic HREDD risk assessment process.  To determine whether you are operating in a conflict-affected or high-risk area, or whether there are risks regarding the direct or indirect financing or support of non-state armed groups or illegal activities, you may use different indicators and information sources, such as:   * “Red flags” listed in the [OECD DDG](http://www.oecd.org/daf/inv/mne/OECD-Due-Diligence-Guidance-Minerals-Edition3.pdf) * The Conflict Barometer produced by the [Heidelberg Institute for International Conflict Research](https://hiik.de/?lang=en) * UN Security Council Resolutions and Peacekeeping Operations * Section 1502 of the Dodd-Frank Wall Street Reform and Consumer Act of 2010 * US State Department Country Reports on Human Rights Practices * Geneva Academy indicators for conflict-affected and high- risk areas * Guidance from your buyers, interviews with workers, miners or local NGOs, etc. * [EU regulations regarding conflict minerals](https://ec.europa.eu/trade/policy/in-focus/conflict-minerals-regulation/regulation-explained/) | |

**Implications**: ASMOs should review and update their tools for identifying human rights risks, including *inter alia* occupational health and safety risk maps, environmental risk and impact assessments, identification of socio-economic needs (partners, workers, mine operators and community) and assessments of working conditions.

ASMOs should review information from a range of other sources relating to the area and sector in which they operate, to determine any potential risks not identified by their own research.

ASMOs should review the references in the guidance, and reflect on the general risk map developed by Fairtrade and other sources mentioned in the Standard, in order to determine whether they are in an area affected by conflict or with high risks of human rights violations.

You should also consult with independent experts who can provide additional information and advice.

**Q 3.8 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.2 Human rights, environmental and minerals from conflict affected and high-risk areas due diligence: 3.2.4 Risk management[[42]](#footnote-42)

**Background:** The management of human rights risks arising from the activities or operations of an organisation or business should be understood as a process of identification, assessment and response.

Risk management is a strategy to prevent risks and their consequent impacts from occurring. Potential negative impacts are assessed and action taken to mitigate and remedy them.

Successful risk management systems are strategic and include tools to be appropriately and progressively implemented at all levels and in all areas of the organisation.

**Rationale:** All ASMOs, not just those operating inconflict-affected or high-risk affected areas, should manage the risk of human rights violations in their operations and should be audited as such.

Proposed change to requirement (changes highlighted in red):

**3.2.4 Amended: Risk management**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You put a risk management system in place**[[43]](#footnote-43)** which includes all of the following:   * Assigning two senior staff member responsible for managing due diligence and response relating to direct or indirect support of non-state armed groups and of human rights abuses or violations. * Conducting the regular risk assessments. * Conducting unannounced spot checks of all areas and facilities in the system of production as part of the ICS. * Conducting regular awareness-raising sessions with staff about how to report conflict-related issues or human rights abuses or violations, and who to report them to. |
| **Year 1** |
| **Guidance:** a risk management system allows you to monitor risks and detect them at an early stage. Other measures to strengthen your risk management system and reassure buyers include: conducting background checks before admitting new members; regularly checking the capacity of the system of production against actual production; and regularly checking the capacity of on-site processing facilities against actual output.  We highly recommend that you assign two senior staff members responsible for managing due diligence to ensure your risk management system is implemented effectively.  Your Fairtrade certification will be suspended if human rights violations or direct or indirect support to non-state armed groups occur and you have failed to take appropriate measures to mitigate and prevent such violations in future. | |

**Implications**: All ASMOs must design and implement a human rights risk management system, which at the very least includes risk identification, assessment and action. The risk management system must be incorporated into the ICS.

ASMOs should assign two person to be responsible for implementing this system and applying due diligence. Resources should be allocated to build the necessary capacity and skills to ensure that the system works.

**Q 3.9 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.2 Human rights, environmental and minerals from conflict affected and high-risk areas due diligence: 3.2.5 Grievance procedure[[44]](#footnote-44)

**Background:** Experience from Fairtrade certified organisations shows that complaints procedures are an effective early-warning system for incidents or situations which could later develop into something more serious. This proposed change aims to improve the functionality of the grievance procedure, the participation of decision-makers, the channels for receiving complaints (including anonymous complaints), and confidentiality.

**Rationale:** The grievance procedure helps identify risks and potential rights violations, and should therefore be subject to continuous improvement.

Proposed change to requirement (changes highlighted in red):

**3.2.5 Grievance procedure**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You have a transparent, legitimate, accessible, equitable and effective grievance procedure[[45]](#footnote-45), including a due diligence process,for issues relating to conflict, human rights and environmental risks or practices. The grievance procedure includes:   * (Ideally) two responsible persons with decision making powers in charge of assessing and responding to grievances, nominated by the ASMO management. * An appropriate grievance submission channel which can be used both internally and by external stakeholders such as affected local parties. * Processes for documenting grievances, concerns and corrective measures. * Processes for investigation and decision-making within ninety days of receiving a grievance. * A process to receive anonymous grievances and ensure confidentiality.   The grievance mechanism allows lessons to be drawn and thus minimises the risk of a grievance being repeated. You seek to improve the mechanism and prevent future harm through regular review of grievance cases and dialogue with key stakeholders. |
| **Year 1** |

**Implications**: ASMOs should ensure that decision makers - usually members of the Board of Directors - are trained to apply the grievance procedure and have sufficient skills and knowledge to ensure it works as expected.

ASMOs should review the effectiveness of their current grievance procedures, to assess whether they need changing in order to incorporate the proposed criteria.

**Q 3.10 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.2 Human rights, environmental and minerals from conflict affected and high-risk areas due diligence: 3.2.6 Promotion of grievance mechanism

**Background:** Experience from Fairtrade certified organisations shows that complaints procedures are an effective early-warning system for incidents or situations which could later develop into something more serious. This proposed change aims to improve the functionality of the grievance procedure, the participation of decision-makers, the channels for receiving complaints (including anonymous complaints), and confidentiality.

**Rationale:** Ensure not only that a good complaints procedure and an effective mechanism for receiving complaints are in place, but that they are promoted widely to encourage their use.

New requirement:

**3.2.6 New Promotion of grievance mechanism**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You inform all your members, workers and mining operators in your system of production about your grievance mechanism. You take measures to make the mechanism increasingly better known, accessible, equitable and legitimate to members, workers, mining operators, surrounding communities and other stakeholders. |
| **Year 0** |
| **Guidance:** If you have a web portal, it is good practice to make your grievance mechanism available online. | |

**Implications**: ASMOs should evaluate their current grievance mechanism and make improvements where necessary.

ASMOs should regularly provide information about the complaints procedure and mechanism to members, workers and mine operators, as well as other stakeholders such as communities of influence.

**Q 3.11 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.2 Human rights, environmental and minerals from conflict affected and high-risk areas due diligence: 3.2.7 Investigation by an external body[[46]](#footnote-46)

**Background:** This criterion provides an independent external alternative if a grievance cannot be processed. It is important to clarify both the independence of the external investigators and the responsibilities of the ASMO in developing the terms of reference. Additionally, the responsibility of the certification body for approving the terms of reference is removed as being impracticable.

**Rationale:** The independence of external investigators gives complainants a level of trust in the grievance procedure.

**Proposed change to requirement (changes highlighted in red):**

**3.2.7 Investigation by an external body**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | If a grievance cannot be resolved, it is investigated by a competent and independent environmental or human rights body (as applicable) recognised by the national federation of the affected miners. **You develop** terms of reference for the investigation. You take measures in accordance with the decision of the investigating body.  You cover the **costs of investigation** (except for repetitive grievances previously decided in your favour, in which case the investigation is only carried out if the losing party commits to the external body to cover the costs). |
| **Year 0** |
| **Guidance:** Fairtrade local support staff can be consulted for advice and guidance in case of grievance issues. You are encouraged to put aside a fund to cover any expenses relating to grievance procedures. | |

**Implications**: In this scenario, ASMOs should consider deferring to the decision of the independent body addressing unresolved complaints.

**Q 3.12 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.2 Human rights, environmental and mineral from conflict affected and high-risk areas due diligence: 3.2.8 Reporting on due diligence measures[[47]](#footnote-47)

**Background:** Due diligence is a process that, based on an expressed commitment to respect human rights, determines a logic of intervention to address human rights or environmental risks or concerns. The intervention logic includes preventing risks from occurring in the first place, and mitigating or remedying when they do happen. This generally translates into a plan which should be monitored and evaluated for progress towards achieving the desired results.

Commercial relationships are built partly on the trust generated by effective prevention, mitigation and remediation. Your business partners need to know what measures you have taken and what the results are. This proposal allows them to access information whilst making it easier for you to manage and communicate that information.

**Rationale:** Communication with business partners or stakeholders is part of the due diligence cycle. It highlights the prevention, mitigation or remediation actions being taken and strengthens an ASMO’s position with its stakeholders, who know that reports are based on proper information management.

Proposed change to requirement (changes highlighted in red):

**3.2.8 Reporting on due diligence measures**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | When requested by interested stakeholders and commercial partners, you communicate about your due diligence and risk management measures to prevent, mitigate and/or remediate human rights and environmental problems and identified risks (see criteria 3.2.3).  Such reports must not contain commercially sensitive or confidential business information, or information which creates a security risk for you or for people affected by conflict or human rights abuse. For this purpose, a non-disclosure agreement may be signed. |
| **Year 1** |

**Implications**: ASMOs should develop a communication plan including messages, information and reports tailored to different audiences, based on relevance, timeliness, different levels of confidentiality and the needs of the party requesting information.

**Q 3.13 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.2 Human rights, environmental and minerals from conflict affected and high-risk areas due diligence: 3.2.9 Preventive, mitigating and remediation measures [[48]](#footnote-48)

**Background:** Due diligence is a process that, based on an expressed commitment to respect human rights, determines a logic of intervention to address human rights or environmental risks or concerns. The intervention logic includes preventing risks from occurring in the first place, and mitigating or remedying when they do happen. This generally translates into a plan which should be monitored and evaluated for progress towards achieving the desired results.

Commercial relationships are built partly on the trust generated by effective prevention, mitigation and remediation. Your business partners need to know what measures you have taken and what the results are. This proposal allows them to access information whilst making it easier for you to manage and communicate that information.

**Rationale:** The risk analysis should inform your plan to prevent existing risks and to define your mitigation and/or remediation plan. Similarly, there may be preventative policies and procedures already in place relating to occupational health and safety, working conditions or labour relations which are important to articulate as part of due diligence.

Proposed change to requirement (changes highlighted in red):

**3.2.9 Preventive, mitigating and remediation measures**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | Based on your risk assessment (requirement 3.2.3), you put in place due diligence measures designed to address the specific risks, which will help you to prevent, mitigate and remediate in compliance with local law and international regulations.  You set up prevention, mitigation and remediation measures proportionate and appropriate to the specific risk.  You track all measures or projects implemented and develop a report with data relating to any actions taken. |
| **Year 3** |
| **Guidance:** Measures may be at individual, mine or community level. Examples could include a community-based project about conflict-related issues involving conflict-affected stakeholders, or a joint project with appropriate partner(s), including commercial partners, to understand the roots and causes of an event and its effects on individuals, miners and community. | |

**Implications**: ASMOs should, as part of their due diligence procedures, have the capacity to design and implement a prevention, mitigation and remediation plan to address each specific risk identified.

In a case of adverse impact, ASMOs should design an effective response plan which includes detailed remediation actions. It is important to remember that, depending on the severity of the impact, business operations and the mineral supply may be suspended until remediation actions have been implemented.

A good risk identification exercise should provide the necessary elements to design and successfully implement effective prevention, mitigation and remediation. This strengthens the confidence of trading partners in an ASMO’s ability to manage such risks.

**Q 3.14 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.2 Human rights, environmental and minerals from conflict affected and high-risk areas due diligence: 3.2.10 Monitoring and remediation system

**Background:** Due diligence is a process that, based on an expressed commitment to respect human rights, determines a logic of intervention to address human rights or environmental risks or concerns. The intervention logic includes preventing risks from occurring in the first place, and mitigating or remedying when they do happen. This generally translates into a plan which should be monitored and evaluated for progress towards achieving the desired results.

Commercial relationships are built partly on the trust generated by effective prevention, mitigation and remediation. Your business partners need to know what measures you have taken and what the results are. This proposal allows them to access information whilst making it easier for you to manage and communicate that information.

**Rationale:** It is important that ICSs and due diligence processes pay attention to particular issues where coordination with other actors in the sector could result in a much greater impact.

New requirement:

**3.2.10 New Monitoring and remediation system**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Dev** | You implement a monitoring and remediation system which regularly checks for, and responds to, cases of human rights or environmental violation. You can focus on particular violations – for example child labour, forced labour or gender-based violence – which you have identified as salient for your organisation.  You may establish and operate this system by yourself or in partnership with others, including relevant government agencies, NGOs, traders or others.  Your system contains the elements described in the Monitoring and Remediation System Guidelines. You seek to enable and cooperate with the remediation of any case found. You document the type and number of cases identified and responded to. |
| **Year 6** |
| **Guidance:** When forming partnerships, you help to eliminate violations from your country and supply chains. You may also access funds and other resources for this work. In geographic areas and products where risks are high, some buyers are increasingly selecting suppliers who have established monitoring and remediation systems on salient issues.  Please access the Monitoring and Remediation System Guidelines [here](https://www.fairtrade.net/standard). | |

**Implications**: ASMOs could influence changes to issues affecting their sector or area through coordinated, combined and collective intervention.

**Q 3.15 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.2 Human rights, environmental and minerals from conflict affected and high-risk areas due diligence: 3.2.11 Dialogue

**Background:** When an ASMO and its business partners commit to respect human rights, they have a shared interest and responsibility to ensure that any risks or rights violations are addressed through successfully implemented prevention, mitigation and/or remediation plans. The strengthening of trade relations intersects with the need for a permanent and transparent dialogue in all spheres, including due diligence. The intention is to build agreements based on dialogue, to ensure that plans are implemented and achieve the expected results.

**Rationale:** Common interest and commitment can translate into collaboration and support when built on dialogue.

New requirement:

**3.2.11 New Dialogue**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You seek dialogue and collaboration with your largest buyers on the human rights and environmental challenges in your operations and operational environment. You present your action plans and remediation activities, and invite buyers to present theirs, and agree a mutually acceptable type and level of support from your buyers for your activities.  Where a buyer co-finances an activity, you report about its implementation to the buyer. |
| **Year 3** |
| **Guidance:** Remember that when a buyer contributes to human rights or environmental violations, for example via low pricing, they have a responsibility to cooperate in remediating those violations. It may be useful to also invite public authorities and/or civil society organisations to join the dialogue. | |

**Implications**: ASMOs and their buyers should start a dialogue about collaboration in situations such as those described in the criteria. As part of their due diligence, ASMOs could invite their customer(s) to discuss the plan and explore the level of support and contribution during implementation.

**Q 3.16 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.3 Environmental Management Plan : 3.3.2 Environmental inspection reports

**Background:** Mining activities are generally regulated by government agencies which conduct regular and unannounced environmental inspections, the results of which may require you to respond.

**Rationale:** Given the importance of environmental inspections carried out by qualified professionals on behalf of state entities, sharing their reports and corrective measures with Fairtrade helps identify both weaknesses and potential areas for change.

New requirement:

**3.3.2 New Environmental inspection reports**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You maintain records of external environmental inspections conducted by official governmental entities and any corrective actions implemented as a result. You make this information available to the certification body.  You share the reports and the corrective measures plan with Fairtrade staff or consultants working on behalf of Fairtrade. |
| **Year 0** |
| Guidance: You inform your commercial partners about any inspection results and share the information requested by them. | |

**Implications**: An improved flow of information about environmental issues and the results of government inspections contribute to better understanding of the challenges and risks faced by ASMOs. Maintaining information about inspections helps to optimise audits, even if correction or remediation measures are still being implemented.

**Q 3.17 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.3 Environmental Management Plan: 3.3.3 Protected areas[[49]](#footnote-49)

**Background:** Clarifies the requirement that mines are not located in high conservation value areas (HCVAs) which are protected by national legislation and where mining is not allowed.

**Rationale:** To bring greater clarity and close the interpretation gap.

**Proposed change to requirement (changes highlighted in red):**

**3.3.3 Amended: Protected areas**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | Your mining area **is not located** in any **High Conservation Value Areas** (HCVAs) protected under national legislation where mining is not allowed.  If the mining area is located within an area protected under national legislation where mining is allowed, you may apply for an exception only if:   * You have authorisation from the relevant authority, stating that your mining activities are legal and compatible with the conservation and management objectives of the protected area. * You can provide evidence of an environmental impact assessment having been conducted in the past three years, as well as regular and on-going environmental monitoring activities. * Your application for Fairtrade certification includes an environmental mitigation plan. * You have a positive track record, having operated with a legal permit and under the monitoring of local authorities for at least five years. |
| **Year 0** |

**Implications**: No major implications are expected with this clarification.

**Q 3.18 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.3 Environmental Management Plan: 3.3.4 Measuring environmental impacts

**Background:** The proposed changes follow the logic of the environmental management system, which should describe the baseline of mining operations, starting by identifying all environmental impacts that may arise during mining. This leads to the development of an environmental impact assessment of an ASMO’s operations.

Next, the ASMO develops individual environmental management plans for mercury, cyanide, water, waste, maintenance and mine closure, as well as a human health and environmental risk assessment. This is followed by an environmental contingency plan based on the risks, impacts and management practices identified in the previous steps. Finally, all these plans and intended measures are included in the ASMO’s overall environmental management plan.

**Rationale:** The inclusion of new plans, assessments and analyses are necessary for a more structured and complete environmental protection section. These requirements complement the existing criteria to form a more comprehensive environmental management system. Newly proposed and existing plans:

o mercury management plan

o cyanide management plan

o water management plan

o waste management plan

o maintenance plan

o mine closure plan

o environmental contingency plan

o environmental management plan

o environmental impact assessment

o human health and environmental risk analysis

New requirement:

**3.3.4 New Measuring environmental impact**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You carry out an environmental impact assessment (EIA) of operations in your system of production and use this information to implement an environmental management plan to monitor, control and mitigate the impact of operations in your system of production.  The EIA provides clear and impartial information about potential environmental impacts, including information about:   * alteration of soil, water and air quality * alteration of flora and fauna * alteration of the geomorphology, reliefs and habitats * alteration of streambeds, rivers and water sources * loss and disturbance of wildlife * loss of forest mass * loss of organic matter * modification of the natural landscape * land degradation * desertification of the area * water resource depletion (water usage) * energy consumption (fuel, oil and/or electricity) |
| **Year 0** |
| Guidance The list is not exhaustive, and you should also assess any other environmental impact that may occur due to your mining operations.  If you compare the usage data of your productive inputs to the weight of fine precious metal extracted, you can calculate how the efficiency of your operation evolves over time.  Based on this EIA, you develop an environmental management plan. | |

**Implications**: This proposed change is not very different from existing government requirements for ASMOs. Formal mining operations usually need a government-approved mining project analysis of impacts on water resources, air, soil, fauna and flora and other environmental and social aspects. After a legally defined period, EIAs are generally updated to take account of the actual impacts of a current mining operation.

**Q 3.19 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.3 Environmental Management Plan: 3.3.5 Environmental impact of technological change[[50]](#footnote-50)

**Background:** Suggested new wording in the title of this criteria and in the text to provide clarity and harmonise concepts. A new EIA should be carried out if there are changes in technology.

**Rationale:** The changes introduced should avoid confusion with the newly proposed section “Measuring environmental impact”.

Proposed change to requirement (changes highlighted in red):

**3.3.5 Environmental impact of technological change**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You carry out a new EIA for any technological change in your system of production and establish an environmental mitigation plan if appropriate. |
| **Year 1** |

**Implications**: The spirit of the criterion is the same, but more clarity is provided to close interpretation gaps.

**Q 3.20 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.3 Environmental Management Plan : 3.3.6 Environmental management plan[[51]](#footnote-51)

**Background:** The proposed changes follow the logic of the environmental management system, which should describe the baseline of mining operations, starting by identifying all environmental impacts that may arise during mining. This leads to the development of an environmental impact assessment of an ASMO’s operations.

Next, the ASMO develops individual environmental management plans for mercury, cyanide, water, waste, maintenance and mine closure, as well as a human health and environmental risk assessment. This is followed by an environmental contingency plan based on the risks, impacts and management practices identified in the previous steps. Finally, all these plans and intended measures are included in the ASMO’s overall environmental management plan.

**Rationale:** The description of the criterion is rather general and subject to interpretation. It is important to have a plan which operationalises the actions necessary to address any environmental impacts identified. Such a plan is essential for producing Eco-Fairtrade precious metals, as it establishes a baseline against which to measure continuous improvement.

Proposed change to requirement (changes highlighted in red):

**3.3.6 Environmental management plan**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs producing Eco Fairtrade precious metals | |
| **Core** | You implement an environmental management plan which seeks to improve your mining operations so they become more environmentally friendly over time. The plan includes measures to prevent, monitor, control, correct, minimise and recover any negative environmental impacts identified in your EIA at any stage of your mining operations.  The plan should include measurements, descriptions, facts and figures, timelines and annual action plans. It should also include a detailed description of the mining operations during the first year of Eco Fairtrade certification to be applied as a baseline. This baseline will be used to make an annual comparison of all environmental improvements achieved by your ASMO.  The following list covers the *minimum* environmental aspects to be considered in your plan. It is not exhaustive, and you may include any other environmental aspects relevant in your mining operations.   * generation of mining effluents * generation of noise and vibrations * generation of emissions and particulate matter * ore and waste disposal * vegetation and soil removal * topsoil handling * generation and disposal of non-hazardous solid waste * generation and disposal of hazardous solid waste * water consumption * generation of spills, fires and/or explosions * wastewater management * tailings and tailings disposal * energy use * maintenance plan (roads, vehicles, dams, installations, lightning conductors, motor engines, equipment etc.). |
| **Year 0** |
| **Guidance:** Your measurements include at least all the usage data specified in section Error: Reference source not found  You research or record the original ecology of the area. This is the basis for the environmental rehabilitation after mine closure. | |

**Implications**: The proposed change makes it clearer that Eco Fairtrade certification requires an environmental management system with a focus on continuous improvement. This will require financial, technical and human resources.

**Q 3.21 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.3 Environmental Management Plan: 3.3.7 Environmental contingency plan

**Background:** The proposed changes follow the logic of the environmental management system, which should describe the baseline of mining operations, starting by identifying all environmental impacts that may arise during mining. This leads to the development of an environmental impact assessment of an ASMO’s operations.

Next, the ASMO develops individual environmental management plans for mercury, cyanide, water, waste, maintenance and mine closure, as well as a human health and environmental risk assessment. This is followed by an environmental contingency plan based on the risks, impacts and management practices identified in the previous steps. Finally, all these plans and intended measures are included in the ASMO’s overall environmental management plan.

**Rationale:** Once potential environmental risks have been identified, it is important to have a plan that anticipates risks and can be enacted in a timely fashion if any occur.

New requirement:

**3.3.7 New Environmental contingency plan**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You develop an environmental contingency plan, including a general set of rules and procedures, to foresee and control in a timely fashion any environmental risk resulting from the operations in your system of production. The plan is based on the human health and environmental impact assessment and its goal is to define the actions to be followed in the case of an emergency or disaster. |
| **Year 1** |

**Implications**: If they do not already have one, ASMOs should develop a contingency plan for responding to potential risks. Developing the plan provides clarity around the roles, responsibilities and resources needed for any given intervention. The response capacity and plan will be subject to audit.

**Q 3.22 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.3 Environmental Management Plan: 3.3.8 Open pit mines[[52]](#footnote-52)

**Background:** The proposed change includes a requirement that the technical criteria for slope stability be corroborated by an expert whose recommendations contribute to managing potential failures, understanding their origin and preventing accidents.

**Rationale:** Avoiding accidents potentially involving both human and material losses which could significantly affect the mining project.

Proposed change to requirement (changes highlighted in red):

**3.3.8 Open pit mines**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | If you have open pit mines, inclination of slopes and height of benches do not exceed limits generally considered safe for that type of soil or rock.  The security of the slope is to be assessed by a professional expert. Recommendations resulting from the assessment which are relevant to the safety of the pit are implemented. |
| **Year 0** |
| Guidance: Where slopes are not already specified in national legislation, slope angles should be determined by reference to similar artisanal or small-scale mines nearby where slopes have not failed. | |

**Implications**: ASMOs should determine whether the slope inclination or the height of benches meet technical criteria by contracting permanent or temporary geological professionals to produce relevant studies or assessments. These studies and compliance with the recommendations will be audited.

**Q 3.23 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.3 Environmental Management Plan: 3.3.9 Rules for alluvial mining[[53]](#footnote-53)

**Background:** Based on the experience of working with ASMOs that carry out alluvial mining, additional elements have been included in the criteria to strengthen risk prevention linked to adequate management of water and dams.

**Rationale:** Address potential risk factors and ensure that rules regarding water use include not only source management but also water management throughout the operation, including water treatment.

Proposed change to requirement (changes highlighted in red):

**3.3.9 Rules for alluvial mining**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | In the case of alluvial mining, the ASMO and its members:   * use only **small-scale extraction techniques** (e.g. pumps and/or excavators) which are in line with national legislation * do not destroy river banks * do not destroy river beds * do not affect water quality * have a drainage system, channels and/or ditches in place to guarantee rainwater runs off properly * install crown gutters to avoid runoff water directly entering dams/ponds (thereby increasing the risk of exceeding their capacity) * ensure proper disposal of coarse and intermediate grain waste in an area authorised by the competent governmental authority * implement sludge dams, de-silting/sandblaster, sedimentation and treatment, clarification and contingency dams * make all dams impermeable to avoid water filtration at the base and slopes of the dams |
| **Year 0** |

**Implications**: ASMOs should assess the new elements in the Standard and organise a plan and designate resources to close any existing gaps.

**Q 3.24 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.3 Environmental Management Plan: 3.3.11 Awareness raising about health risks associated with burning amalgam[[54]](#footnote-54)

**Background:** It is not enough that miners are aware that amalgam burning carries health risks. ASMOs must ensure that miners in their production system understand the negative health effects and thus change the way they work.

**Rationale:** Minimising risk needs to go beyond mere awareness-raising. ASMO should ensure a deeper understanding among miners of the health risks.

Proposed change to requirement (changes highlighted in red):

**3.3.11 Awareness raising about health risks associated with burning amalgam**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Dev** | You ensure that members and mining operators in your system of production are aware about and understand the health risks related to amalgam burning. |
| **Year 1** |
| **Guidance:** It is a best practice if you extend your awareness-raising activities to include the local mining community. | |

**Implications**: As understanding improves and the level of awareness rises, it is much more likely that decisions will be made to shift to alternative forms of gold recovery. ASMOs should include in-depth and continuous training.

**Q 3.25 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.4 Mercury Management Plan: 3.4.1 Mercury management plan

**Background:** Where an ASMO uses mercury, there is a risk of emissions that may endanger both human health and the environment. It is important to implement a mercury management plan which describes the system for the control of emissions, including records of procedures and practices for the efficient management, reduction and potential elimination of mercury.

**Rationale:** To protect people's health and the environment, it is important that ASMOs demonstrate verifiable activities which give visibility to their mercury management plan and their commitment to reduce mercury.

New requirement:

**3.4.1 New Mercury management plan**

|  |  |
| --- | --- |
| **Applies to:** ASMOs using mercury in gold recovery | |
| **Core** | You implement a mercury management plan which aims to reduce emissions and releases of mercury to air, water and land to protect human health and environment.  You make continuous efforts to implement the best available techniques to progressively reduce and eventually remove mercury from your processes. |
| **Year 1** |
| **Guidance:** A mercury management plan describes the plans, timelines, and output of activities that an ASMO intends to implement to reduce and potentially eliminate the use of mercury. It covers technical and financial plans and evaluations for the removal of mercury from processes; basic procedures and records of mercury use (section 3.4.3); mercury emissions and releases (Section 3.2.x); mercury recovery (Section 3.4.8); mercury supplier(s) information (section 3.4.2); training for miners; and a human health and environmental risk assessment and action plan.  The mercury management plan should, as a minimum, ensure that the minimum mercury management threshold standards of UNIDO’s Technical Guidelines on Mercury Management in Artisanal and Small-Scale Gold Mining are reached. Good practice is to [develop the action plan based on an Environmental Impact A](https://wedocs.unep.org/handle/20.500.11822/11525)ssessment.  For a reference document on best available techniques see UNEP’s [practical guide: Reducing mercury use in artisanal and small-scale gold mining](https://www.unep.org/resources/case-study/reducing-mercury-use-artisanal-gold-mining-practical-guide). “Best available techniques”, according to [Article 2 of the Minamata Convention on Mercury](https://www.mercuryconvention.org/en/resources/%20inamata-convention-mercury-text-and-annexes), means those techniques that are the most effective to prevent and, where that is not practicable, to reduce emissions and releases of mercury to air, water and land and to minimise the impact of such emissions and releases on the environment as a whole, taking into account economic and technical considerations for a given Party or a given facility within the territory of that Party.  In this context,   * “Best” means most effective in achieving a high general level of protection of the environment as a whole. * “Available” techniques means, in respect of a given Party and a given facility within the territory of that Party, those techniques developed on a scale that allows implementation in a relevant industrial sector under economically and technically viable conditions, taking into consideration the costs and benefits, whether or not those techniques are used or developed within the territory of that Party, provided that they are accessible to the operator of the facility as determined by that Party. * “Techniques” means technologies used, operational practices and the ways in which installations are designed, built, maintained, operated, and decommissioned. | |

**Implications**: Both the plan and its implementation will be subject to audit. Auditors will require evidence that actions towards mercury reduction and potential elimination are in place.

A planning exercise is accompanied by monitoring and evaluation processes. This exercise should be documented and information made available during audits.

Awareness should be raised through capacity building and training, and instruments should be designed and adapted to the reality of each ASMO.

**Q 3.26 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.4 Mercury Management Plan: 3.4.2 Mercury supply

**Background:** In countries where the use of mercury is allowed by law, it is the responsibility of ASMOs to comply with laws and regulations for the control and monitoring of mercury.

**Rationale:** Because of the nature of mercury and the impact it has on human health and the environment, it is important to ensure that supply channels comply with legislation and that ASMOs comply with the relevant conditions and authorisations. ASMOs should also ensure that any mercury purchased comes from the formal, regulated market.

New requirement:

**3.4.2 New Mercury supply**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You have legal permits to buy mercury, and your supplier complies with all legal regulations to trade mercury. |
| **Year 0** |

**Implications**: ASMOs should obtain due diligence from the supplier, including legal permission to trade mercury. Likewise, ASMOs, if required by national legislation, should have the appropriate permits to purchase mercury.

**Q 3.27 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.4 Mercury Management Plan: 3.4.3 Mercury data registration

**Background:** Where an ASMO uses mercury, there is a risk of emissions that may endanger both human health and the environment. It is important to implement a mercury management plan which describes the system for the control of emissions, including records of procedures and practices for the efficient management, reduction and potential elimination of mercury.

**Rationale:** Data registration allows the success (or otherwise) of mercury management to be assessed. This criterion contributes to the design of records that, taken together, allow mercury management to be assessed and progress towards mercury reduction to be objectively measured.

New requirement:

**3.4.3 New Mercury data registration**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You have a detailed register of mercury storage, use and recovery, including information from your members and mining operators working in your system of production.  For each shipment of precious metals, you record the quantities of mercury used, recovered and unrecovered. This record is linked to the relevant stage of the production process and consequently constitutes part of your traceability system.  Your recorded mercury use reflects your efforts to reduce, substitute and/or eliminate mercury in line with your mercury management plan. |
| **Year 1** |

**Implications**: Recording mercury information is part of the mercury management plan and is linked to data procedures and formats. This proposal aims to connect mercury records with the traceability system and the internal control system, which may take some time. In addition, management of the information will require using systematic data records such as spreadsheets, which could mean a transition if the information is currently only recorded manually.

**Q 3.28 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.4 Mercury Management Plan: 3.4.6 Limited designated areas for mercury use[[55]](#footnote-55)

**Background:** This criterion has always required ASMOs to take measures to minimise the human health and environmental problems caused by mercury by ensuring it is used only under safe and controlled conditions. The proposed change introduces a reference to minimum distance from both inhabited places and water bodies.

**Rationale:** The existence of a reference that can be subject to verification ensures that the gap in the interpretation of the criterion is closed.

Proposed change to requirement (changes highlighted in red):

**3.4.6 Limited designated areas for mercury use and storage**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | Your use and storage of mercury is **limited to designated areas at least 500m from any inhabited place and at least 100m from** rivers and other water bodies. |
| **Year 0** |

**Implications**: ASMOs should verify that designated areas where mercury is used comply with the proposed distances - otherwise a relocation of these areas should be planned and implemented.

**Q 3.29 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.4 Mercury Management Plan: 3.4.7 Amalgam burning in designated premises[[56]](#footnote-56)

**Background:** This criterion has always required ASMOs to take measures to minimise the human health and environmental problems caused by mercury by ensuring it is used only under safe and controlled conditions. The proposed change introduces a reference to minimum distance from both inhabited places and water bodies.

**Rationale:** It articulates criterion 3.4.6, specifying that burning amalgam can only be done in areas designed for that purpose where the process is controlled and proper techniques are used and at a minimum distance from inhabited places, which will be subject to verification.

Proposed change to requirement (changes highlighted in red):

**3.4.7 Amalgam burning in designated premises**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | Amalgam burning **does not take place** in homes, kitchens or other indoor places where people without protection may be affected.  Amalgam burning **is done only in designated premises at least 500m from any inhabited place. These designated premises provide privacy and security** using recovery techniques such as retorts and other alternatives, and with proper equipment and trained users. |
| **Year 0** |

**Implications**: ASMOs should verify that designated areas where mercury is used comply with the proposed distances - otherwise a relocation of these areas should be planned and implemented.

**Q 3.30 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.4 Mercury Management Plan: 3.4.8 Mercury recovery and recycling

**Background:** Overall, the criterion seeks to eliminate the burning of amalgam in open spaces, and to incorporate the concept of mercury management (including the rational and controlled use of mercury) to prevent negative impacts on people and the environment. In this context, it calls for the use of appropriate methods such as trimming, and for mercury to be recovered, recycled and reactivated for reuse.

**Rationale:** Contribute to the management of mercury through measures which reduce health risks for miners, families and surrounding communities and the environment, by implementing technical solutions which help reduce emissions and lower people’s exposure to mercury vapours. This is a precursor to implementing mercury-free methods.

New requirement:

**3.4.8 New Mercury recovery and recycling**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | If you use mercury in mineral processing, you must use retorts or alternative methods for mercury recovery and recycling. Recovered and/or recycled mercury is not disposed of, but is cleaned and reactivated for further use in mineral processing. |
| **Year 1** |
| Guidance: Mercury recovered by retorting or recycling gets deactivated and often does not have the same amalgamation properties as new or activated mercury. For this reason, many miners simply dispose of the mercury recovered from retorts. However, there are several simple methods to reactivate the surface of mercury to bring back its amalgamation properties. The two documents below provide a step-by-step description of such methods:  [Manual for Training Artisanal and Small-Scale Gold Miners](https://iwlearn.net/resolveuid/fe84adccc030ee07813d8278fdb4b790) Chapter: Recycling mercury Page: 83  [Reducing Mercury use in Artisanal and Small-Scale Gold Mining](https://wedocs/) Chapter: Mercury Activation Page: 46 | |

**Implications**: ASMOs should review and evaluate their processes with a view to improving technology, which may mean investment in, for example, retorts and/or fume hoods to enable mercury capture and recycling. Recycling and reactivation also have an impact on reducing mercury purchase costs.

**Q 3.31 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.4 Mercury Management Plan: 3.4.11 Trials with alternative processing methods[[57]](#footnote-57)

**Background:** Incorporates a reference that the criterion applies to ASMOs that use mercury in their processes.

**Rationale:** Close the interpretation gap and link to trials of alternative processing methods for ASMOs using mercury.

Proposed change to requirement (changes highlighted in red):

**3.4.11 Trials with alternative processing methods**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | If you use mercury in mineral processing, you **have started trials** of alternative processing methods to minimise and eliminate the use of mercury in the recovery of gold. |
| **Year 3** |

**Implications**: The spirit of the criterion is the same, but more clarity is provided to close interpretation gaps.

**Q 3.32 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.4 Mercury Management Plan: 3.4.12. Access to amalgam recovery installation[[58]](#footnote-58)

**Background:** ASMOs bear direct responsibility for managing mercury in their production systems, but they also have a social responsibility for the health of miners operating in the community. The wording of the criterion has been improved to better reflect support for these miners.

**Rationale:** The Standard aims to reduce health risks in mining communities and to improve their lives. The more opportunities for support and collaboration that exist, the more likely it is that this objective will be achieved.

Proposed change to requirement (changes highlighted in red):

**3.4.12. Access to amalgam recovery installation**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Dev** | You have a plan to support miners from the mining community outside your system of production to access your amalgam recovery installation. |
| **Year 6** |
| **Guidance:** You can contact a development agency for support in implementing this project. | |

**Implications**: The spirit of the criterion is the same, but more clarity is provided to close interpretation gaps.

**Q 3.33 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.5 Cyanide Management Plan: 3.5.1 Cyanide management plan

**Background:** ASMO management should be adequate to protect people's health and to prevent and reduce potential impacts on the environment. Cyanide management is framed in the context of responsible, planned and documented practices.

**Rationale:** It is important that ASMOs use cyanide appropriately and that cyanide management contributes to minimising and eliminating risks to workers, communities and the environment, especially water resources and wildlife.

New requirement:

**3.5.1 New Cyanide Management Plan**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | If you use cyanide in mineral processing, you implement a cyanide management plan which aims to minimise the health and environmental impact of cyanide.  The cyanide management plan includes procedures to guarantee safe management and ensure the protection of human health and environment. These procedures cover the entire process from identifying certified suppliers, operational use and internal controls and monitoring to measure the impact of cyanide use, to procedures for decommissioning of cyanide facilities/infrastructure. |
| **Year 1** |

**Implications**: The implementation of the management plan will be subject to audit, and as with other plans it should be linked to the internal control system.

**Q 3.34 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.5 Cyanide Management Plan: 3.5.2 Detoxification of cyanide solutions and tailings[[59]](#footnote-59)

**Background:** Proper management focuses on avoiding impacts on people and the environment, and involves developing cyanide destruction and recovery processes aimed at reducing toxicity.

Responsible management of cyanide and a stringent risk management system should prevent injury or damage. The residual solution (barren of gold) is collected along with the tailings in a tailings impoundment system. It is possible to recover and reuse cyanide, thus minimising the amount of cyanide used and potentially reducing operational cost.

Over time, natural processes such as exposure to sunlight can reduce the concentration of toxic forms of cyanide in solutions to very low values.

**Rationale:** Cyanide solutions and tailings can be recirculated in the extraction system.

Recycling cyanide leeching to reduce the amount of water in contact with the cyanide increases the recovery rate and reduces the amount of fresh cyanide used per ounce of fine gold extracted or tonne of ore.

Proposed change to requirement (changes highlighted in red):

**3.5.2 Detoxification of cyanide solutions and tailings**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | If you use cyanide to recover gold and other precious metals, cyanide solutions and tailings are recirculated in the extraction system and detoxified in a lined pond or tank before discharge. |
| **Year 0** |

**Implications:** ASMOs should, if they do not already do so, practice cyanide recycling, which could mean new investments.

**Q 3.35 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.5 Cyanide Management Plan: 3.5.4 No environmental contamination[[60]](#footnote-60)

**Background:** Responsible management of cyanide with a stringent risk management system should avoid impacts on people and the environment, and prevent injury or damage.

Clarity has been added regarding the appropriate technical handling of tailings and to ensure the treatment of tailings obeys technical criteria, even when handled by external agents over whom the ASMO has no direct control (but which, with adequate foresight, it is possible to respond in a timely manner). The new criterion emphasises the need for a cyanide management model.

**Rationale:** Dam ruptures are rare, but they cause significant negative impact when they do happen. Consequently, the Standards should make it clear that dams are technically correct constructed and that cyanide is managed in line with technical requirements. Cyanide management is also articulated in the environmental management plan, allowing for a more holistic approach to environmental non-contamination and emphasising the importance of prevention.

Proposed change to requirement (changes highlighted in red):

**3.5.4 No environmental contamination**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | The cyanide leaching plant **is constructed** in such a way that environmental contamination does not occur.  The dams of the tailing pond are constructed in such a way that they cannot be broken by exceptional heavy rain or earthquakes. To prevent the ecological and impact of a dam break, a safety dam is built at a suitable distance.  Prevention includes adequate implementation of your environmental management plans and/or programmes in the operation in your system of production. |
| **Year 0** |
| **Guidance:** As part of your environmental management plan, you include an industrial water management plan; a contingency plan for the collapse of dam walls; a sludge management plan; a coarse grains management plan and a geotechnical study of slope stability; reports and records in line with national legislation and the commitments made in your environmental management plan.  Tailings ponds should comply with these requirements:   * 1 m of free border from the border of the pond to the material * the water surface should be located on the opposite side of the downstream wall * the walls and bottom of the pond should be covered with waterproof material. | |

**Implications**: ASMOs should carry out a technical assessment of the dams to demonstrate that the constructions are safe. Plans, including the contingency plan, should define a strategy to deal with a potential or actual rupture.

ASMOs should incorporate dam maintenance and control as part of their routine activities.

**Q 3.36 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.6 Water Management Plan: 3.6.1. Water management plan

**Background:** Due to the importance of proper water management, a specific chapter is incorporated to help ASMOs implement a management system for the rational and efficient use of water. It specifies actions to identify, prevent and remediate risks arising from any impact on water quality.

**Rationale:** Water is one of the most important resources for both mining operations and their surrounding communities. Mining activities should be developed with respect and responsibility, including the efficient and rational use of water, and actions to prevent contamination.

New requirement:

**3.6.1.New Water management plan**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | As an ASMO with direct rights or an ASM Operator, you implement a water management plan which includes suitable management strategies to prevent surface and groundwater contamination in all the mines in your system of production from exploration to mine closure. The plan also includes efficient use of water in the operations in your system of production.  As an ASMO with indirect rights, you actively support your members to implement water management strategies agreed by them, and any plans required by local regulations. |
| **Year 1** |
| Guidance: Good practice water management strategy includes:   * water quality monitoring * maintaining or improving water quality * mine discharges meeting water quality indicators * efficient use of water such as recirculation, reuse and/or recycling * compliance with local regulations * awareness raising among your members, workers and mining operators in your system of production * keeping records of changes. | |

**Implications**: The major implication is that these actions are not independent, but framed in a plan and consequently in a management model. ASMOS which do not already have such an approach should design and implement concrete plans and management strategies (for ASMOs with indirect rights, this should be done with each individual member). The plans, their implementation and results will be audited.

**Q 3.37 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.6 Water Management Plan: 3.6.2. No discharge of toxic tailings[[61]](#footnote-61)

**Background:** The proposed changes are for clarification.

**Rationale:** As written, the Standard could be interpreted to mean that amalgamation and cyanidation tailings must not be discharged into water bodies. The proposed change makes it clear that tailings must also be detoxified.

**Proposed change to requirement (changes highlighted in red):**

**3.6.2 No discharge of toxic tailings**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | Amalgamation and cyanidation tailings and solutions **are not discharged** unless they are detoxified. |
| **Year 0** |
| **Guidance:** Disposal of mercury-contaminated tailings can be done by placing them in a clay or laterite soil-lined pit of several metres depth, located at least 100 metres away from any water body. When the pit is filled with mercury-contaminated tailings, it should be covered with a minimum of one meter of clay or laterite, then compacted, covered with soil and revegetated.” | |

**Implications**: The spirit of the criterion is the same, but more clarity is provided to close interpretation gaps.

**Q 3.38 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.6 Water Management Plan: 3.6.3. Operation and maintenance of dams

**Background:** This criterion is incorporated to ensure that dams containing both water and/or tailings are subject to monitoring and inspection by ASMOs, in order to prevent potential risks from factors outside their control, such as heavy rainfall. Their construction must follow rigorous planning techniques to ensure the integrity of the structure and prevent failures. Regular internal inspections and maintenance plans will help to identify risks and take measures to reduce them.

**Rationale:** Contribute to risk prevention through inspections as part of the ICS, to ensure the proper operation and maintenance of the dams. Small dams usually require continual maintenance and repairs, especially after heavy rains or storms.

New requirement:

**3.6.3 New Operation and maintenance of dams**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You conduct regular inspections of all dams in your system of production and document them. These inspections are designed to detect potential problems and allow for repair and maintenance, to prevent the structure being compromised.  Inspections are conducted by trained personnel and follow principles of prevention and opportunity, including an analysis of potential risks that could compromise the dam or cause failure, such as:   * erosion of embankment/slopes * piping * cracking at the crest and slopes * slumping * landslides * unusual flows or ponding   You ensure the continuous safe operation of the dam by carrying out routine maintenance. |
| **Year 3** |
| Guidance: You could develop an inspection plan or schedule which includes internal reporting mechanisms for your members and externally when they are requested.  Routine maintenance should address and repair all defects noted during inspections, clean and unclog drains and spillways, and establish a maintenance schedule for pumps and other mechanical equipment. | |

**Implications**: ASMOs should design and implement an inspection plan as part of the ICS, and these inspections should be documented. Technical training should be provided for both inspectors and workers. Both inspections and maintenance should be documented and made available during audits.

**Q 3.39 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.6 Water Management Plan: 3.6.5. Availability of water

**Background:** Responsible mining means ASMOs should be aware of the state of water in the area in which they are operating. They should consider not only their own internal water management and impacts, but also any challenges concerning local water availability and access. It is important to maintain active dialogue and collaboration with local authorities in the search for solutions.

**Rationale:** Water management is not complete unless it includes an analysis of water availability and access in the area in which it is operating. Plans should focus on collective efforts to protect water supplies now and in the future.

New requirement:

**3.6.5 New Availability of water**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Dev** | You are informed about water resources in your area. If local environmental authorities or other entities consider that your water sources are depleted, in a critical situation or under excessive pressure, you discuss with local authorities and local initiatives ways to participate in researching and finding solutions. |
| **Year 3** |
| Guidance: You may find it difficult to know the sustainability or replenishing capacity of local water sources, but you may monitor public information about their sustainability from local authorities, universities or organisations working in your region. | |

**Implications**: ASMOs should be more involved with local initiatives to research and analyse current and potential water availability, use, management and maintenance. The water management plan should focus not only on technical aspects but on fostering local relationships to preserve the quality and quantity of current and future water sources.

**Q 3.40 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.7 Waste Management Plan: 3.7.1. Waste management plan

**Background:** ASMOs should have a waste management model which goes beyond waste management activities or practices. Their environmental management system should incorporate a waste management plan based on identified risks to human health, safety and the environment, and which sets out the technical processes for efficiently disposing of different types of waste.

**Rationale:** Incorporate a holistic management approach to risk prevention and protection of people and the environment which goes beyond practices (or even good practices) of waste management. The ICS is based on the monitoring and evaluation of the plans in order to foster continuous improvement within the framework of a responsible approach to mining activities.

New requirement:

**3.7.1 New Waste management plan**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You implement a waste management plan which reflects good waste management practices based on identified risks. It defines organisational timelines, measures and action plans including the proper disposal of tailings and of wastewater by trained personnel. Additionally, it sets out a plan for recycling waste - particularly toxic waste - in collaboration with other mines and suppliers in the area. |
| **Year 3** |

**Implications**: ASMOs should adopt an approach of management and continuous improvement. Plans should be understood as tools to ensure activities relate to set objectives, and that the budget is available to implement them. Your risk analysis should determine which preventive actions are incorporated in the plan.

**Q 3.41 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.7 Waste Management Plan: 3.7.3. Site for disposal of toxic substances[[62]](#footnote-62)

**Background:** The proposed changes clarify the scope of the criterion. Further information is included in the guidance section.

**Rationale:** To provide greater clarity and close gaps in interpretation.

Proposed change to requirement (changes highlighted in red):

**3.7.3 Site for disposal of toxic substances**

|  |  |
| --- | --- |
| **Applies to:** ASMOs | |
| **Core** | **You maintain** a safe site for the specific purpose of storage, use and disposal of toxic and dangerous substances and the containers used for their transport and storage. This location **has** adequate conditions for safe storage and inventory keeping. Toxic and dangerous substances **are not stored** in domestic residences. Where possible they are recycled back to the supplier. |
| **Year 0** |
| **Guidance:** Toxic and dangerous substances include fuel and oil, explosives, mercury, cyanide, acids and any other chemical substance. ‘Adequate conditions’ include a ventilated building or structure accessed only by trained personnel.  Metallic mercury should be stored in unbreakable air-tight containers covered with a shallow layer of water (approx. 1cm) to prevent mercury evaporation (retrieved from section 13 Storage of Mercury from UNIDO Technical Guidelines on Mercury Management in Artisanal and Small-Scale Gold Mining).  Mineral and water remaining after mercury extraction are considered toxic and dangerous. You ensure safe and secure disposal. | |

**Implications**: ASMOs should check their procedures to ensure containers of toxic substances are kept in secure and specific locations. ASMOs should evaluate recycling possibilities and discuss them with their suppliers.

**Q 3.42 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.7 Waste Management Plan: 3.7.4. Disposal of chemicals[[63]](#footnote-63)

**Background:** ASMOs should have a waste management model which goes beyond waste management activities or practices. Their environmental management system should incorporate a waste management plan based on identified risks to human health, safety and the environment, and which sets out the technical processes for efficiently disposing of different types of waste.

**Rationale:** Disposal of chemicals and chemical-contaminated material is an important part of the plan.

Proposed change to requirement (changes highlighted in red):

**3.7.4. Disposal of chemicals**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | The disposal of chemicals and chemically contaminated material is properly planned and is an essential part of your waste management plan. You ensure the use **of protective equipment such as masks and filters.** |
| **Year 3** |
| **Guidance:** The plan may include the pre-treatment of effluents, establishment of collection points at the site, correct disposal in designated area and other suitable measures. | |

**Implications**: The waste management plan should contain a chapter for disposal of chemicals.

**Q 3.43 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.8 Mine Closure Plan: 3.8.1. Mine closure plan

***ASMOs with direct rights and ASM Operators***

**Background:** The life cycle of a mine covers planning, exploitation and closure. Closure plans are usually a gradual approved by government entities.

Mine closure runs in parallel with mining activities and is therefore subject to monitoring, evaluation and funding. Ultimately, the intention is to ensure that mines are not abandoned after the ore has been extracted and that the resources necessary for mine closure are available. Hence its incorporation as a criterion.

**Rationale:** To avoid local communities being left with abandoned mines, and to ensure progressive mine closure plans are implemented, evaluated and monitored. Land can be put to use after closure.

New requirement:

**3.8.1. New Mine closure plan**

|  |  |
| --- | --- |
| **Applies to:** ASMOs with direct rights and ASM Operators | |
| **Core** | You have a mine closure plan that complies with applicable laws and regulations. The plan aims to guarantee the long-term geochemistry and physical stability of the mining installations.  To achieve this, you rehabilitate the environment, ensure the adequate quality of water bodies and prevent hazards. If open pits or underground mine openings were created, you must refill them according to the applicable national environmental laws and regulations.  The plan is progressive, ensuring closure activities are implemented during and after the operational lifetime of a mine. You prioritise activities occurring during the operational period of the mine. |
| **Year 1** |
| Guidance:  Environmental rehabilitation   * Clean, level and revegetate the affected land by filling in depressed areas, seeking to reproduce their natural geoformations and to ensure their physical and geomechanical stability, minimising their impact on the quality, flow and possible future uses of natural waters and soils * Carry out the closure works with materials and technologies adapted to the characteristics of the topography of the area.   Geochemistry stability and water management   * Adopt measures to ensure water quality and that discharges comply with current regulations. * Manage surface water runoff, rehabilitating watercourses where feasible. * Restore water flow and landscape to conditions that best reflect the initial properties of the environment.   Physical stability   * Ensure the stability of waste rock dumps and tailings deposits to ensure they withstand the maximum expected events (e.g. floods or earthquakes). * Profile pit slopes and other excavations and revegetate surfaces to minimise erosion from water runoff or wind erosion.   Hazard prevention   * Minimise risks by limiting access to closed facilities. Close access to places such as open pits, dumps, waste dumps and chimneys. * Responsible industrial and hazardous waste disposal should be in accordance with current regulations. | |

**Implications**: Compliance with the closure plan will be subject to audit. In those countries where a progressive approach is not the norm, you should include it along with necessary financial planning.

**Q 3.44 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.8 Mine Closure Plan: 3.8.1. Mine closure plan

***ASMOs with indirect rights***

**Rationale:** In ASMOs with indirect rights, individual mine operators are responsible for both extraction and closure activities. The organisation itself monitors, evaluates and supports the mine operators’ planning and financing of progressive closures within the framework of the ICS. The organisation thus contributes to reducing the possibility of a mine being abandoned once the ore has been extracted.

New requirement:

**3.8.1. New Mine closure plan**

|  |  |
| --- | --- |
| **Applies to:** ASMOs with indirect rights | |
| **Core** | You support your members to develop a mine closure plan that complies with applicable national environmental laws and regulations. As part of your ICS and environmental management plans, you evaluate and monitor the activities set out in the mine closure plan to confirm they are being implemented as planned. For this, you maintain evidence and records.  Mine closure is progressive. You ensure closure activities are implemented during and after the operational lifetime of a mine, in a way that guarantees the long-term geochemistry and physical stability of the mining installations; enables the rehabilitation of the environment; and ensures the adequate quality of water bodies and hazard prevention.  Backfill can be considered as an alternative. |
| **Year 3** |
| Guidance: Support to your members includes creating awareness, building the financial resources to finance closure work, training and technical assistance. | |

**Implications**: The role of an ASMO with indirect rights in relation to its members is clear. There is a shared responsibility to ensure that closure can take place.

**Q 3.45 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.8 Mine Closure Plan: 3.8.2. Rehabilitation[[64]](#footnote-64)

**Background:** The proposed changes clarify that rehabilitation is part of the mine closure plan, rather than occurring within two years of mining activities ceasing. Rehabilitation happens progressively and while mining is still going on, so that ASMOs can demonstrate changes in areas which have already been mined. This approach also helps with financial planning.

**Rationale:** To avoid local communities being left with abandoned mines, and to ensure progressive mine closure plans are implemented, evaluated and monitored. Land can be put to use after closure.

Proposed change to requirement (changes highlighted in red):

**3.8.2 Rehabilitation**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | As part of your mine closure plan, you set up a planning process for the environmental rehabilitation of the mined areas. You consult the intended future use with the local community, intended beneficiaries and other impacted people or organisations.  Closed mining areas are rehabilitated and revegetated in ways that enhance local biodiversity as appropriate for the native ecosystem and/or are converted to an alternative use in accordance with the land planning priorities of the local community authorities.  The plan mentions that environmental rehabilitation is addressed in the progressive mining closure activities in your system of production.  The environmental rehabilitation is comparable to the ecological conditions and quality of the original site. |
| **Year 3** |

**Implications**: ASMOs should include in their progressive mine closure plan a specific set of activities for environmental rehabilitation, even in those cases where progressive mine closure is not mandatory.

**Q 3.46 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.9 Ecological gold, silver and platinum: 3.9.1. Certification of Eco Fairtrade gold and associated precious metals

**Background:** Precious metals certified as Eco Fairtrade must meet higher expectations than that of a conventional precious metal. Eco Fairtrade certification is a progressive process and is reached when all the core criteria and development of the environmental protection section have been met (0, 1, 3, and 6).

For that reason, the whole set of criteria becomes the starting point (year 0) for certification as Eco Fairtrade. However, once an ASMO has complied with the Standard it can apply for certification and does not have to wait for the times defined in each criterion.

**Rationale:** Eco Fairtrade certification is differentiated by an environmental management system which precludes the use of cyanide or mercury (set out in sections 3.3, 3.6, 3.7 and 3.8).

New requirement:

**3.9.1 New Certification of Eco Fairtrade gold and associated precious metals**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs producing ecological precious metals | |
| **Core** | You comply with all previous core and development (sections 3.3; 3.6; 3.7 and 3.8) requirements under the environmental protection section above. |
| **Year 0 Eco** |

**Implications**: Greater clarity of what must be implemented to be Eco Fairtrade certified and how that differs from conventional precious metals.

**Q 3.47 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.9 Ecological gold, silver and platinum: 3.9.2. Protection of forest and vegetation

**Background:** Environmental protection and social and economic sustainability are among Fairtrade’s strategic objectives. Protecting and conserving forests is a key part of tackling the climate crisis and is reflected in increasing legislation including new European regulations on deforestation and new laws under discussion in countries such as the United Kingdom and United States.

**Rationale:** Eco Fairtrade certification depends not only on an environmental management system and the exclusion of mercury or cyanide, but also a commitment to protect forests and vegetation. Mining activity must ensure that rehabilitation activities linked to progressive mine closure are fulfilled.

New requirement:

**3.9.2. New Protection of forests and vegetation**

|  |  |
| --- | --- |
| Applies to: All ASMOs producing ecological precious metals | |
| **Core** | You do not cause deforestation. |
| **Year 0 Eco** |
| **Guidance:** If forest loss does occur, it must only be temporary and environmental rehabilitation must be ensured. To achieve this, you must implement a progressive mine closure plan describing the measures for environmental rehabilitation.  Deforestation is the conversion of forest to other land use or the permanent reduction of the tree canopy cover below the minimum 10 percent threshold (Global Forest Resources Assessment, FAO, 2015).  The following activities are not considered to be ‘deforestation':  When a tree crop is replaced by another (for example a cocoa, coffee or fruit tree)  Tree management in agroforestry or home-garden production systems. | |

**Implications**: The mine closure plan should clearly incorporate strategies for the protection of forests and vegetation, and information should be collected to demonstrate that this plan does not lead to deforestation.

**Q 3.48 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.10 Labour conditions: 3.10.2. Assessment of working conditions

**Background:** ASMOs with indirect rights are potentially more complicated. Some workers are hired directly by the ASMO, but individual ASMO members can also hire workers. Additionally, as ASMO members are self-employed, it is also important to know under which working conditions they operate and what health or pension coverage they have.

**Rationale:** An ASMO with indirect rights must be clear not only about the different working relationships that may exist in its production system, but also about the working conditions under which their members are operating. This assessment can help to standardise working conditions and implement practices to improve them.

New requirement:

**?3.10.2 New Assessment of working conditions**

|  |  |
| --- | --- |
| **Applies to:** ASMO-indirect rights | |
| **Core** | You **assess** the existing employment relationship and working conditions of all employed workers and members/self-employed miners in your system of production and **identify** their priority needs. |
| **Year 1** |
| Guidance: Priority needs must be understood in the context of working conditions. They could, for example, be identified using a gap analysis between members/self-employed miners and hired workers doing the same or similar work. | |

**Implications**: The major implication is the inclusion of self-employed miners in any assessment of employment relationships and working conditions. ASMOs should evaluate which of their members are self-employed and which ones employ workers. ASMOs should have information about their members’ working conditions and evaluate alternatives in order to bring about change. This process should include awareness raising and training about workers’ rights.

**Q 3.49 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.10 Labour conditions: 3.10.3. Monitoring of employment relationships and working conditions[[65]](#footnote-65)

***ASMOs with direct rights and ASM Operators***

**Background:** Production systems in ASMOs differ widely, including employer-worker and co-operative models. Some set-ups are more complicated, involving self-employed miners and/or mine operators who sub-contract workers. Given these differences, it is important to gather clear information about the different working relationships and (joint) responsibilities involved before assessing workers’ conditions and needs, and who is responsible for them.

**Rationale:** Labour relations and working conditions are continuously evolving. Evaluation provides information to inform actions which either improve weaknesses or maintain and replicate good practice. It is important that actions are taken to monitor changes and developments.

Proposed change to requirement (changes highlighted in red):

**3.10.3 Monitoring of employment relationship and working conditions**

|  |  |
| --- | --- |
| **Applies to:** ASMOs with direct rights and ASM Operators | |
| **Core** | You **monitor** changes in the employment relationship and working conditions of all workers in your system of production annually. |
| **Year 1** |

**Implications**: Monitoring working conditions was already part of the Standard, but this proposed change adds a requirement for monitoring employment relationships. For each employer there should be a follow-up process and procedure to identify changes.

**Q 3.50 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.10 Labour conditions: 3.10.3. Monitoring of employment relationships and working conditions[[66]](#footnote-66)

***ASMOs with indirect rights***

**Background:** ASMOs with indirect rights are potentially more complicated. Some workers are hired directly by the ASMO, but individual ASMO members can also hire workers. Additionally, as ASMO members are self-employed, it is also important to know under which working conditions they operate and what health or pension coverage they have.

**Rationale**: ASMOs with indirect rights should, as part of their aim to improve the quality of life of their members, have information about the working conditions of self-employed miners/members and how they evolve over time. Monitoring should provide information about the quality of life, working conditions and wellbeing of its members, and this information should be used to help them move towards conditions similar to those enjoyed by an employed worker.

Proposed change to requirement (changes highlighted in red):

**3.10.3 Monitoring of employment relationship and working conditions**

|  |  |
| --- | --- |
| **Applies to:** ASMO with indirect rights | |
| **Core** | You **monitor** changes in the employment relationship and working conditions of all workers and members/self-employed miners in your system of production annually. |
| **Year 1** |
| Guidance: Self-employment refers to non-salaried employment and includes self-employed miners without employees who earn a profit (or income) and are not remunerated by a salary (according to the international classification of status in employment).  Using this definition, your members can be defined as self-employed. In addition, there may be some miners or family members who receive part of the mineral obtained as payment for time worked with someone else in the system of.  It is important for ASMOs to have a clear understanding of the labour relationships in its system of production. You should identify different types of labour relationship and have information about the different conditions under which your members (and other miners in your system of production) currently work.  This information will help you to design strategies to improve these conditions and to encourage your members to aspire to conditions similar to those of an employed worker. | |

**Implications**: Monitoring employees’ working conditions was already part of the Standard. The proposed change extends this monitoring to ASMO self-employed members/partners. ASMOs should identify self-employed members and provide and training.

**Q 3.51 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.10 Labour conditions: 3.10.4. Decent work policy

**Background:** Previous criteria included a requirement that ASMOs make visible their commitment to the respect and promotion of human rights. This decent work policy derives from the human rights policy and is intended to promote workers’ rights, social protection and social dialogue.

**Rationale:** Decent work goes beyond good labour practices and working conditions. Decent work is a commitment that workers should be able to work in a setting that allows them to develop personally and socially.

New requirement:

**3.10.4. Decent work policy**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | Based on the assessment in requirement 3.10.2 , you **develop** a decent work policy designed to improve the working conditions of all workers employed directly or indirectly by you and by your registered miners.  The policy **is part** of the ASMO’s development plan (see details on the requirement 4.1.8) |
| **Year 3** |
| Guidance: Decent work is considered a driver of sustainable development. It concerns quality jobs, dignity, equality, fair income and safe working conditions. People are at the centre of development, have a voice in what they do, are protected from exploitation and can look forward to a sustainable and inclusive future (ILO).  Decent work covers four pillars: employment, rights at work, social protection and social dialogue. It is an evolving process, and you and your members may also identify areas for improvement. The decent work policy may include:   * Indicators relating the four pillars - for example, employment opportunities for women, men and young people; protecting labour rights; promoting safe and secure work environments for all workers; education and training; and people-centred policies such as social protection and wage policies. * Developing awareness-raising tools to support the improvement of working conditions, such as leaflets or visual guides on health and safety issues, or training workshops for members and workers on workers’ issues. * Taking workers’ needs into account when developing Fairtrade Premium projects.   The decent work policy is a tool for you to share the benefits of Fairtrade with workers, and to facilitate the transition from the informal to the formal economy. | |

**Implications**: ASMOs should encourage capacity building, training and debate to reflect their commitment to promoting decent work, and this may take time.

Currently, Fairtrade Premium money investments focus on SDG 8 (decent work and economic growth), which suggests that the conditions are in place to address this policy.

**Q 3.52 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.10 Labour conditions: 3.10.5.Decent work good practices

**Background:** Previous criteria included a requirement that ASMOs make visible their commitment to the respect and promotion of human rights. This decent work policy derives from the human rights policy and is intended to promote workers’ rights, social protection and social dialogue.

**Rationale:** The decent work policy includes successful practices which improve the welfare of workers and the progress of ASMOs.

New requirement:

**3.10.5 New Good practices on decent work**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Dev** | You develop and implement good practices linked to your decent work policy; these practices are defined according to your ASMO’s progress. |
| **Year 6** |

**Implications**: Based on an assessment of working conditions and awareness of decent work, ASMOs should establish practices to ensure adequate conditions of work and employment, dialogue, equal opportunities, development, wellbeing and treatment of people. Such practices should also help develop and strengthen the organisation.

**Q 3.53 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.11 Freedom from discrimination: 3.11.2. No abuse of any kind[[67]](#footnote-67)

**Background:** The title of the criterion does not fully reflect its aim of zero tolerance of any kind of abuse. The text has been amended to provide greater clarity.

**Rationale:** It is important to give a clear message including specific references to bullying and harassment in the title.

Proposed change to requirement (changes highlighted in red):

**3.11.2 No abuse of any kind**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You and your members do not engage in, support or tolerate the use of corporal punishment, mental or physical coercion, bullying, harassment, verbal abuse or abuse of any kind. |
| **Year 0** |

**Implications**: The spirit of the criterion is the same. There are no implications except to close any interpretation gap.

**Q 3.54 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.11 Freedom from discrimination: 3.11.4 Policy on zero tolerance of gender-based violence and harassment[[68]](#footnote-68)

**Background:** ASMOs must commit to eradicating all forms of actual or potential gender-based violence (GBV) and harassment, and are urged to reflect this commitment in policy and practice. The guidance below defines GBV and its impacts in more detail, and offers suggestions for awareness raising, prevention and response.

**Rationale:** No form of violence is acceptable. The existence of a policy creates confidence that mechanisms for prevention and remediation will be put in place.

Proposed change to requirement (changes highlighted in red):

**3.11.4 Policy on zero tolerance of gender-based violence and harassment**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You, your members and mining operators in your system of production, develop a policy indicating that they do not engage in, support or tolerate violent or abusive behaviour (including gestures, language and physical contact), such as sexually abusive acts, intimidation, bullying or other forms of exploitation and abuse. You identify and prevent such practices. |
| **Year 1** |
| **Guidance:** GBV is an umbrella term for any harmful act that is perpetrated against a person’s will and that is based on socially ascribed (gender) differences between females and males. Examples include sexual violence, including sexual exploitation/abuse, forced prostitution, domestic violence and trafficking.  Other forms of exploitation and abuse include physical (causing injury or trauma to another person), psychological or emotional (violating any person’s dignity and creating fear, embarrassment, or intimidation) and verbal (using words to threaten, harass, intimidate, or harass a person). Abusive language and exploitative posters displayed in an ASMO’s premises are also banned.  Where GBV and other forms of harassment are endemic within a sector or region, you are encouraged to include activities to address this in your Fairtrade Premium Development Plan or to develop a written policy that clearly prohibits sexually intimidating behaviour and to introduce a monitoring system to prevent GBV.  When cases are identified, your organisation is expected to remedy them. This includes ensuring the prolonged safety of the individual(s) involved, and implementing policies, procedures and monitoring to prevent GBV and other forms of violence.  ‘Prolonged safety’ means keeping the person(s) free from risk of actual harm or danger.  The policy can also be linked to a broader policy against any form of discrimination. Best practice includes building organisational capacity to understand GBV and other forms of violence, and to strengthen its ability to ensure that such harm is eliminated. Where this is not possible, it is recommended you seek the support of local expert rights-based organisations to help your ASMO eliminate such practices. | |

**Implications**: This criterion is closely linked to the human rights policy and to HREDD. ASMOs should conduct a risk analysis of GBV and use it to define actions for prevention, case management and/or remediation. Actions could include training, awareness raising, cultural changes and internal procedures for prevention and case management.

**Q 3.55 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.11 Freedom from discrimination: 3.11.5. Equal opportunities for decent work[[69]](#footnote-69)

**Background:** Equality and inclusion are implicit in both the policy for promoting decent work (3.10.5) and SDG 8. ASMOs committed to decent work should provide job opportunities for women, men, young people and people with disabilities based on their abilities and their contribution, and should eliminate any possibility of discrimination or discriminatory practices.

The guidance below includes suggestions for promoting equal opportunities and valuing the contribution of women to the care economy.

**Rationale:** It is important to make the connections between equality, inclusion and decent work clear in the criteria.

Proposed change to requirement (changes highlighted in red):

**3.11.5 Equal opportunities for decent work**

|  |  |
| --- | --- |
| **Applies to:** ASMOs with direct rights and ASM Operators | |
| **Dev** | **You and your members** provide equal employment opportunities in all your areas of mining activity by recognising the specific capabilities and needs of men, women and disadvantaged individuals, regardless of their background or origin. |
| **Year 3** |
| **Guidance:** Equal employment opportunities include measures to improve the access of disadvantaged people to education, skills training and healthcare. You adequately consider women’s role in the care economy – for example, through work-family balance measures or by offering workplace-level incentives for providing childcare and parental leave. | |

**Implications**: There are no implications, as the text is the same and compliance is now covered by the decent work policy. A guide is included for information, but is not subject to audit.

**Q 3.56 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.11 Freedom from discrimination: 3.11.6. Equal opportunities for decent work

**Background:** Equality and inclusion are implicit in both the policy for promoting decent work (3.10.5) and SDG 8. In addition to promoting equal opportunities in their own recruitment, promotion, training and other policies, ASMOs with indirect rights also have responsibilities in this regard towards their own members. They should seek to promote equal opportunities for members with few investment assets and poor access to finance, such as women mineral collectors.

**Rationale:** Women mineral collectors are usually the most disadvantaged. It is important to understand how they are structured, who they are and their capacity for growth. Only then can you support those who have the least assets for investment, limited access to financing and little control over family finances. Following this analysis, ASMOs should take action to improve equality and close gaps between those in the production system.

New requirement:

**3.11.6 New Equal opportunities for decent work**

|  |  |
| --- | --- |
| **Applies to:** ASMOs with indirect rights | |
| **Dev** | You promote equal opportunities in all your areas of mining activity by recognising the specific capabilities and needs of men, women and disadvantaged individuals, regardless of their background or origin. You promote entrepreneurship among your members, especially those with limited assets and those in a disadvantaged position, particularly self-employed women. |
| **Year 3** |
| **Guidance:** You should focus on how best to support self-employed women when planning activities to increase access to land, credit, skills, technology, networks, business information and markets. This will help to create better opportunities for men and women entrepreneurs. | |

**Implications**: Equal opportunities were already present but were usually associated with hired workers. The proposed change extends equal opportunities principles to self-employed members, with an implication for additional resources for activities to promote and develop better understanding of a cooperative and entrepreneurial spirit.

**Q 3.57 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.11 Freedom from discrimination: 3.11.7. Support to pregnant and breastfeeding women[[70]](#footnote-70)

**Background:** Pregnant and breastfeeding women have certain legal rights depending on the country in which they live, and those rights should be fulfilled. The criterion covers employers’ responsibilities to all women in their production system, including self-employed women.

ASMOs should provide all necessary support, such as access to health care, adequate working conditions and facilities for mother and child care. They should also address issues relating to the economic impacts of pregnancy, birth and breastfeeding when there is no minimum period covered by social insurance.

**Rationale:** Responsibility is placed on ASMOs to fulfil their legal obligations and guarantee the rights of women workers, including self-employed women who should be able to enjoy the same benefits as other women. The guidance includes advice about providing the support mentioned in the criterion.

Proposed change to requirement (changes highlighted in red):

**3.11.7.Support to pregnant and breastfeeding women**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Dev** | You and your members comply with the applicable laws and regulations for all pregnant and breastfeeding women miners and **provide support** to all of them in your system of production. |
| **Year 3** |
| **Guidance:** You and your mining operators make every possible effort to ensure self-employed women working in your system of production during pregnancy and breastfeeding have access to health services and social protection.  You and your mining operators promote working conditions and opportunities for those women so they can continue working, such as lighter duties and/or non-hazardous work. You provide access to childcare facilities (where applicable). To this end you can work together with local authorities.  You make every effort to support self-employed women to manage economic constraints relating to unpaid maternity leave which can push them back to work before the minimum time allowed for hired women miners with paid maternity leave. | |

**Implications**: Compliance with legal obligations will be subject to audits. ASMOs should develop a plan to provide social protection for self-employed women, including a level of protection during pregnancy and/or breastfeeding.

**Q 3.58 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.12 Freedom from forced labour: 3.12.1. No forced labour[[71]](#footnote-71)

**Background:** Whilst the spirit of the Standard is unchanged, the previous wording was very general and a more detailed description of the scope and types of forced labour is needed to provide greater understanding and to identify risks linked to HREDD.

**Rationale:** Forced labour is always a risk in the context of informal labour relations. Even formal organisations such as ASMOs are vulnerable to malpractice relating to informal settings. Detailed criteria and guidance support ASMOs’ risk assessments and analyses.

Proposed change to requirement (changes highlighted in red):

**3.12.1 No forced labour**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You, your members and the mining operators in your system of production do not directly or indirectly engage in, support or tolerate forced labour, including slave, bonded or involuntary prison labour.  You explain this to all miners. |
| **Year 0** |
| **Guidance:** ‘Forced labour’ includes work for which a person has not offered themself voluntarily and is forced to perform under the threat of any penalty.  Forced labour includes slavery, involuntary prison labour, forced recruitment, debt bondage and human trafficking for labour and/or sexual exploitation.  Characteristics of forced labour include: retaining any part of the workers’ salary, benefits, property or documents in order to force them to remain in their employment; requiring or forcing workers to remain in employment against their will using any physical or psychological measure; and demanding an unreasonable notice period for termination of the contract of employment.  The terms ‘bonded labour or ‘debt bondage refer to workers who have received loans from employers which are subject to unreasonable and/or unjust repayment terms and conditions, or where the worker and/or their families are held to pay off the loan through their labour against their will.  Indicators developed by ILO can help you assess if your organisation is at risk of forced labour.   * abuse of vulnerability * deception * restriction of movement * isolation * physical and sexual violence * intimidation and threats, * retention of identity documents * withholding of wages * debt bondage * significant abusive working and living conditions * excessive overtime   Wages significantly lower than the minimum wage can also be an indicator of risk of forced labour. | |

**Implications**: ASMOs should raise awareness about forced labour and provide training for everyone in their production system. They should also implement a monitoring system to help ensure no forced labour, and include forced labour in their risk analyses and HREDD criteria.

**Q 3.59 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.12 Freedom from forced labour: 3.12.2. Remediation if forced labour is identified.

**Background:** If forced labour practices are found in the system of production, it is important both to stop them and to remediate any negative impacts, and to monitor the effectiveness of these actions.

**Rationale:** Strengthen HREDD processes and procedures.

New requirement:

**3.12.2 New Remediation if forced labour is identified**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | If you identify cases of forced adult labour in your system of production, you, your members and mining operators keep the impacted person(s) free from perceived or actual risk of harm or danger.  You ensure your relevant policies and procedures are properly implemented to prevent vulnerable adults above the age of 18 years from being employed in abusive, exploitative or unacceptable working conditions (as defined by ILO Conventions 29 and 105). |
| **Year 1** |
| Guidance: ‘relevant policies and procedures’ can include a due diligence and risk mitigation system to monitor forced labour and relevant projects to prevent and respond to it.  You use a rights-based approach to remediate cases and to ensure you do no further harm to impacted persons. ‘Do no harm’ means avoiding exposing people to additional risks as a result of remediation actions. You should also assess whether your actions follow (or will breach) applicable laws or regulations.  Consider involving trusted family members, work colleagues, community actors, national or district level government officials, expert NGOs, trade unions and/or your PN to ensure autonomy and support the impacted person’s ability to take control of their future.  For children identified in forced labour, refer to the child labour and child protection section. | |

**Implications**: As part of their human rights policy, ASMOs should develop procedures to enable HREDD. This criterion articulates the due diligence process in general.

**Q 3.60 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.12 Freedom from forced labour: 3.12.3. Freedom for spouses[[72]](#footnote-72)

**Background:** The proposed changes highlight an ASMO's responsibility to ensure neither a workers’ job nor housing is conditional on their spouse also having to work for the same employer (whether the ASMO, a member and/or mining operator).

**Rationale:** The spirit of the Standard is unchanged, but is extended to all employers in the production system (ASMO, members and/or mining operators). Given that it is the ASMO which is certified, it is important to ensure that this criterion applies to the entire production system.

Proposed change to requirement (changes highlighted in red):

**3.12.3 Freedom for spouses**

|  |  |
| --- | --- |
| **Applies to:** All ASMO | |
| **Core** | You, your members and mining operators in your system of production do not make the employment of a worker, or an offer of housing, conditional on the employment of their spouse.  Spouses and family members above the legal age to work have the right to work elsewhere. |
| **Year 0** |

**Implications**: This specific issue should be included an ASMO’s monitoring, risk analysis and evaluation of labour relations and working conditions. ASMOs should provide training and awareness raising about this and related criteria to all employers in the production system.

**Q 3.61 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.12 Freedom from forced labour: 3.12.5. Freedom to enter into employment[[73]](#footnote-73)

**Background:** Recruitment processes must be transparent, in line with standard procedures and subject to monitoring and control. Workers must be free to enter an employment relationship without any intimidation or pressure.

**Rationale:** The proposed change makes it clear that the recruitment process may not include a demand for any type of payment or recruitment fee from the worker under any circumstances.

**Proposed change to requirement (changes highlighted in red):**

**3.12.5 Freedom to enter into employment**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | Workers **enter** into employment voluntarily and freely, without threat of penalty, violence, harassment, intimidation and without paying for their recruitment. |
| **Year 0** |

**Implications**: ASMOs should design and implement a standard recruitment procedure. As part of your monitoring and evaluation of labour relations, you should carry out random interviews with workers to understand how other employers in the production system recruit workers.

**Q 3.62 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.13 Child labour and child protection: 3.13.2. No children under 15 years employed [[74]](#footnote-74)

**Background:** Because of the nature of mining activities and the risks involved, no child under the age of 15 may help their parents in any way.

**Rationale:** No certified ASMOs, including those with complex production systems, allow children under the age of 15 to help their parents. There are no mining activities appropriate for children under the age of 15 to undertake.

**Proposed change to requirement (changes highlighted in red):**

**3.13.2. No children under 15 years employed**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | Children of members, workers and mining operators below the age of 15 or under the age defined by local law, whichever is higher, are not allowed to help in the mining operations of their families. |
| **Year 0** |
| **Guidance:** Children below the age of 15 years are not allowed to help their families in mining activities in your system of production. Your ICS should include procedures to prevent, mitigate and, if applicable, remediate and take corrective actions to support them and their families. | |

**Implications**: There are no implications for ASMOs that are currently certified. ASMOs applying for certification in which families rely on help from children under 15 years of age should implement strategies to help them improve their economic situation and thus safeguard their children’s rights and development.

**Q 3.63 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.13 Child labour and child protection: 3.13.3. No unconditional worst forms of child labour and/or hazardous work for children under 18 years[[75]](#footnote-75)

**Background:** The law in some countries allows the employment of children over 15 and under 18 years of age. Nonetheless ASMOs must ensure that work is appropriate to a worker’s age and that health, safety and personal development - including attendance at educational institutions - are not compromised. Additional information has been included in the guidance to better understand the worst forms of child labour.

**Rationale:** The proposed change clarifies that safeguarding children under the age of 18 who are legally allowed to work in mining applies to the whole production system. In addition, it specifies that unconditional worst forms of child labour are not permitted.

**Proposed change to requirement (changes highlighted in red):**

**3.13.3. No unconditional worst forms of child labour and/or hazardous work for children under 18 years**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You, your members and mining operators in your system of production do not submit workers under 18 years of age to the unconditional worst forms of child labour, or to any type of work which by its nature or circumstances is likely to jeopardise their health, safety, morals or education. |
| **Year 0** |
| Guidance: ‘Unconditional worst forms of child labour’ covers:   * + any type of slavery or practices similar to slavery, such as the sale and trafficking of children; debt bondage and serfdom; and forced or compulsory labour (including forced or compulsory recruitment of children for use in armed conflict)   + any activities which sexually exploit children, such as prostitution, pornography or pornographic performances   + any involvement of children in illegal activities, especially the production or trafficking of drugs   Examples of potentially damaging hazardous child labour include:   * working in an unhealthy environment * working excessively long working hours and/or night hours * handling of or any exposure to toxic chemicals * working at dangerous heights * operation of dangerous equipment * work that involves abusive punishment or is exploitative   ASMOs are encouraged to use definitions of hazardous child labour contained in national legislation as a reference. | |

**Implications**: This criterion should be included in ASMO’s monitoring, risk analysis and evaluation of labour relations and working conditions. ASMOs should provide training and awareness raising about this and related criteria to all employers in the production system.

**Q 3.64 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.13 Child labour and child protection: 3.13.4. Remediation of child labour[[76]](#footnote-76)

**Background:** The title of the criterion has been changed to make it clearer. The scope of compliance has been extended to include ASMOs, their members and mining operators in their system of production.

**Rationale:** An ASMO's responsibility extends to the entire production system and covers both current and pre-certification child labour issues. It is important to highlight actions taken to remediate child labour cases in line with the Standard.

Proposed change to requirement (changes highlighted in red):

**3.13.4. Remediation of child labour**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | If you, your members or mining operators in your system of production have in the past employed children under 15 for any type of work, or children under 18 for dangerous and exploitative work, you have ensured that those children have not entered, or have not been at risk of entering, even worse forms of labour including hazardous work, slave-like practices, recruitment into armed conflict, sex work and trafficking for labour purposes and/or illicit activities.  Any actions taken in this regard respects the UN Convention on the Rights of the Child (CRC) protective framework, which means that:   * the best interest of the child is always the top priority * their right to survival and development is respected * you apply them to all children without discrimination * the views of the child are heard and respected * at all moments they are protected from violence |
| **Year 1** |
| **Guidance:** In order to ensure children do not enter the worst forms of labour, you could develop a rights-based remediation policy and programme within a UN CRC protective framework, covering withdrawal of the children and prevention of entry into the worst forms of labour.  This policy and programme should include a clear statement against child labour and remediation approaches to ensure the immediate and continued protection of children. To be able to monitor the risk of child labour, you could consider including a [Youth-Inclusive Community-Based Monitoring and Remediation System on Child Labour](https://fairtradeafrica.net/youth-inclusive-monitoring-and-remediation-programme-yicbmr/)(YICBMR) aimed at improving social protection in households with potentially at-risk children. These projects can include support from expert partner organisations, preferably local ones.  You can check your country’s National Action Plan to Eliminate Child Labour, especially its Hazardous Child Labour Framework, if available.  If you choose to partner with Fairtrade and/or its child rights partners to safely withdraw impacted children found in unconditional worst forms of child labour, you will need a signed Child Protection Policy and Procedure that demonstrates a commitment to adopting a child rights’ approach to protecting impacted children. You and your relevant staff will need to be trained on child rights methodologies, and a Fairtrade contact within your organisation or another representative from senior management should be responsible for the development, ratification, implementation and evaluation of this Child Protection Policy and Procedure. | |

**Implications**: ASMOs should investigate jointly with mine operators to identify any previous cases children assisting or working in their mining operation. If any are found, the ASMO should implement remediate in line with their HREDD.

**Q 3.65 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.13 Child labour and child protection: 3.13.7. Well-being of children[[77]](#footnote-77)

**Background:** The well-being of children and adolescents should be the shared objective of everyone involved in an ASMO’s production system.

**Rationale:** The proposed changes clarify the scope of ASMOs’ responsibilities involving all mining operations in their production system.

Proposed change to requirement (changes highlighted in red):

**3.13.7 Well-being of children**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Dev** | You, your members, workers and mining operators in your system of production **contribute** to the increased well-being of children and young people in your communities through continuous monitoring and remediation of child labour. You enable decent youth employment within the scope of your operations, and you have access to technical training and awareness of socially responsible and environmentally friendly ways of mining. |
| **Year 3** |

**Implications**: ASMOs should incorporate actions for the well-being of children and adolescents as part of their social responsibility programmes.

**Q 3.66 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.14 Freedom of association and collective bargaining: 3.14.1. Right to join a workers’ organisation[[78]](#footnote-78)

**Background:** Within the framework of freedom of association and collective bargaining, workers have the human right to establish or join an organisation of their choice. ASMOs should ensure workers have the freedom to exercise that right; that there is no interference that limits or organisational processes or prevents affiliation to a workers' organisation; and that there is a willingness for dialogue and negotiation.

**Rationale:** The exercise of the right to freedom of association or affiliation to a workers' organisation is not subject to its recognition or non-recognition. It is an individual right and each person should therefore enjoy this freedom based on their own prerogatives and needs (e.g. to express themselves, engage in dialogue, defend common interests or improve working conditions). An individual’s own wishes determine both the exercise of the right and respect for that right. Both workers and employers have the right to form or join organisations of their own choosing. This right is generally recognised in the constitution, laws and regulations of countries.

Proposed change to requirement (changes highlighted in red):

**3.14.1 Right to join a workers’ organisation**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You and your members ensure that all workers are free to join a workers’ organisation of their own choosing, and that workers are free to participate in group negotiations regarding their working conditions. You do not deny these rights in practice. You have not opposed these rights in the last two years. |
| **Year 0** |
| **Guidance**: ‘Workers’ organisation’ is any organisation of workers with the objective of “furthering and defending the interests of workers” (ILO Convention 110, Article 69). If your ASMO has opposed these rights in the last two years, you and your members may still fulfil this requirement if your circumstances have changed substantially - for example through a change of management. | |

**Implications**: ASMOs should ensure that workers have the freedom to exercise their right to join a workers' organisation by respecting workers' decisions and improving dialogue. Once a policy of respect for human rights has been approved and communicated, you should initiate internal capacity building and training for dialogue and communication.

**Q 3.67 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.14 Freedom of association and collective bargaining: 3.14.2. No discrimination against unionised workers[[79]](#footnote-79)

**Background:** Within the framework of freedom of association and collective bargaining, workers have the human right to establish or join an organisation of their choice. ASMOs should ensure workers have the freedom to exercise that right; that there is no interference that limits or organisational processes or prevents affiliation to a workers' organisation; and that there is a willingness for dialogue and negotiation.

**Rationale:** Discriminatory practices are not permitted as they are a barrier to exercising the right to form or join a workers' organisation.

Proposed change to requirement (changes highlighted in red):

**3.14.2 No discrimination against unionised workers**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You, your members, and your mining operators ensure there is no discrimination against workers or their representatives for organising, joining (or not) a workers’ organisation or for participating in the legal activities of a workers’ organisation.  You and your mining operators keep a record of all terminated employment contracts. These records include the reason for termination and indicate whether the dismissed worker was a member of a workers’ organisation. |
| **Year 0** |
| **Guidance:** ‘Discrimination’ means workers are treated differently or suffer any negative repercussions. Indicators of discrimination against workers who form a workers’ organisation or who are trying to form one include: closing production; denying access; making transport difficult; dismissals, terminations, transferring or relocating without good reason; downgrading or demoting workers; denying them the overtime opportunities; and reducing wages, benefits or opportunities for vocational training. | |

**Implications**: ASMOs should have clear procedures for human resources management. All workers in the production system should be aware of the grievance procedure to be used in cases of discrimination based on membership or non-membership of a workers' organisation. ASMOs should fully document the handling of complaints.

ASMOs should provide training for members and employers in their production system to raise awareness of the impact of discriminatory practices and how harmonious working environments contribute to achieving ASMOs' objectives.

ASMOs should keep a file for each worker with their employment information and reasons for termination. This is especially important for workers affiliated to workers' organisations.

**Q 3.68 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.14 Freedom of association and collective bargaining: 3.14.3. Allowing trade union representatives to meet with workers[[80]](#footnote-80)

**Background:** Within the framework of freedom of association and collective bargaining, workers have the human right to establish or join an organisation of their choice. ASMOs should ensure workers have the freedom to exercise that right; that there is no interference that limits or organisational processes or prevents affiliation to a workers' organisation; and that there is a willingness for dialogue and negotiation.

**Rationale:** Workers have the right to access information and make decisions based on that information. If trade unions want to share information with workers and request the space to do so, such meetings should be allowed to happen.

Proposed change to requirement (changes highlighted in red):

**3.14.3. Allowing trade union representatives to meet with workers**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You, your members, and your mining operators **allow** trade unions based outside the organisation to meet workers and to share information. You, your members, and your mining operators **do not interfere** in these meetings. The time and place for these meetings must be agreed in advance. |
| **Year 0** |
| **Guidance:** Non-interference means that workers have the freedom to decide their participation in meetings requested by trade unions or by workers.  External union officials can request meetings if the union is party to a collective bargaining agreement (CBA) at industry or national level.  You or your mining operators should be informed of these meetings in advance. If not, you do not have to allow them. | |

**Implications**: ASMOs should respond positively to requests from trade unions. Access to information is not limited to workers employed by ASMOs but extends to all workers in the production system. Employers other than the ASMO should be clear about the scope of this criterion.

**Q 3.69 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.14 Freedom of association and collective bargaining: 3.14.4. Time for workers’ representatives[[81]](#footnote-81)

**Background:** Within the framework of freedom of association and collective bargaining, workers have the human right to establish or join an organisation of their choice. ASMOs should ensure workers have the freedom to exercise that right; that there is no interference that limits or organisational processes or prevents affiliation to a workers' organisation; and that there is a willingness for dialogue and negotiation.

**Rationale:** Enabling workers' representatives to carry out their functions and democratic processes to take place is one way of ensuring that workers can exercise their right to join a workers' organisation.

Requests from workers' representatives or elected representatives on Occupational Health and Safety Committees for the time, facilities and resources to allow them to perform their duties should be met.

Proposed change to requirement (changes highlighted in red):

**3.14.4 Time for worker’s representatives**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | When requested, you, your members, and your mining operators **provide workers’ representatives** paid time during working hours, facilities and resources for meetings with workers and to effectively carry out their functions. |
| **Year 0** |
| **Guidance:** Workers’ representatives include Occupational Health & Safety Committee members. Representatives and workers are given time for meetings during working hours. When workers’ representatives meet with management these meetings take place during working hours. | |

**Implications**: Compliance is extended to include other employers (mine operators) in the production system. Guidance has been included to reinforce the requirement for ASMOs to give workers' representatives on the Occupational Health and Safety Committee the same treatment to allow them to carry out their duties and responsibilities.

**Q 3.70 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.14 Freedom of association and collective bargaining: 3.14.5. Social dialogue[[82]](#footnote-82)

**Background:** This criterion applies where workers lack the option to join a trade union and have instead decided to form a workers' organisation to defend their rights and interests and to negotiate working conditions. Social dialogue is encouraged in this context as one of the important pillars of decent work (SDG 8).

**Rationale:** The roles of each party are clarified. Workers themselves are unambiguously responsible for forming a workers’ organisation should they so choose. Only workers may decide and take the lead in democratically electing a workers' organisation. ASMOs may not interfere in this process but may, of course, participate in social dialogue with workers' representatives.

Proposed change to requirement (changes highlighted in red):

**3.14.5. Social dialogue**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Dev** | In the absence of a recognised active trade union (whether due to unions being forbidden by law, being managed by government and not members or other reason), then you, your members, and your mining operators support workers who decided to democratically elect a workers’ organisation.  This workers’ organisation will represent workers in their negotiations with you to defend their interests. Regular exchanges will lead to sustained improvements in social dialogue, workplace cooperation and grievance procedures. |
| **Year 3** |
| **Guidance:** ‘Recognised union’ means one which is legally registered. If workers need help in contacting a trade union they can request support from Fairtrade.  Social dialogue is defined by the ILO as all types of negotiation, consultation or information sharing among representatives of governments, employers and workers, or between those of employers and workers on issues of common interest relating to economic and social policy. For more information please contact your Fairtrade producer support team.  Social dialogue can involve two parties – employers and/or employers’ organisations, and workers’ organisations – which “exchange information, consult each other or negotiate together, without government intervention”. Bipartite social dialogue most commonly deals with working conditions and terms of employment as well as the relations between workers and employers. The objective is to improve labour relations and the organisation of the labour process**[[83]](#footnote-83)**. | |

**Implications**: ASMOs should provide social dialogue training for partners and mine operators in the production system so they can fully understand the guidance and build social dialogue with workers. If workers request support for initiating a democratic process leading to the formation of a workers' organisation, you should respond to those requests.

**Q 3.71 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.14 Freedom of association and collective bargaining: 3.14.6. Raising awareness about workers’ rights and duties[[84]](#footnote-84)

**Background:** Training on labour rights and duties should not only involve ASMO employees but should be extended to all workers hired by mine operators in the production system. Training also covers supervisors, management and middle management.

**Rationale:** Information and training about labour rights and duties should cover everyone in the production system so they share a common understanding and can conduct their day-to-day activities under the same criteria. Everyone should be able to understand concepts of labour rights and obligations, legal frameworks and good practices governing labour relations and working conditions.

Proposed change to requirement (changes highlighted in red):

**3.14.6. Raising awareness about workers’ rights and duties**

|  |  |
| --- | --- |
| **Applies to:** ASMOs | |
| **Dev** | You, your members, and your mining operators **provide** **training** for workers, supervisors, and managers to improve their awareness of workers’ rights and duties. Training **takes place** during paid working time. |
| **Year 3** |
| **Guidance:** Fairtrade may provide training on workers’ rights and duties for workers and management in order to create common understanding within the system of production. | |

**Implications**: Although a development objective, training and education about labour rights and obligations help foster healthy labour relations. This topic should be included in the annual training programme and allocated appropriate resources.

**Q 3.72 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.15 Conditions of employment: 3.15.1. Contract of employment[[85]](#footnote-85)

**Background:** Formal employment relationships, built on verbal and written agreements which define conditions and remuneration, contribute to economic formalisation and access to international markets. In addition to previous requirement for a legal, written and binding contract, the proposed change now requires all parties, and particularly workers, to be clear about the scope of the contract and the rights and obligations that derive from it.

**Rationale:** The exercise of rights and obligations in the employment relationship is based on clarity, unambiguity and elimination of doubt or interpretation. It is important that the written contract sets out these rights and obligations and thus becomes the key reference point for understanding the employment relationship.

Since rights and benefits, including those relating to employment and social security, derive from the contract, it should be in place and properly understood from the outset. This change proposes it be audited from Year 1 instead of Year 3.

Proposed change to requirement (changes highlighted in red):

**3.15.1 Contract of employment**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | All permanent workers **have** a legally binding written contract of employment. You ensure that workers have a signed copy of their employment contract and that they understand their rights and duties, responsibilities, salary and work schedules as defined in the contract. The contract is verbally explained in a language understood by the worker. |
| **Year 1** |

**Implications**: Prior to signing ASMOs should provide an explanation of the rights and obligations derived from the contract and the conditions under which the work will be carried out. This explanation should be documented at the same time as a worker signs their contract.

ASMOs should provide the worker with the internal work regulations at the same time as the induction session for newly hired workers.

**Q 3.73 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.15 Conditions of employment: 3.15.2. Permanent workers[[86]](#footnote-86)

**Background:** The spirit of the criterion remains the same but clarifies that it covers all permanently employed workers in the production system, not just those employed by ASMOs.

**Rationale:** Clarify that all workers in the production system with permanent employment contracts have the same basic conditions.

Proposed change to requirement (changes highlighted in red):

**3.15.2. Permanent workers**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | **All** regular **work is undertaken** by permanently employed workers of your ASMO, members or mining operators in your system of production.  You do not **use** production, quota or piecework employment as a means to avoid time-bound contracts. |
| **Year 0** |

**Implications**: In assessing both its own labour relations and working conditions and those of other employers in the production system, an ASMO should review how those labour relations are formalised and whether employment contracts exist. Based on this analysis, they should provide training and awareness-raising for employers to improve their contract and information processes.

**Q 3.74 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.15 Conditions of employment: 3.15.6. Atypical working hours

***ASMOs with direct rights and ASM Operator***

**Background:** Working hours in the mining sector may differ from the typical pattern of eight hours per day / 48 hours per week, due to the nature of the work and the distance for some workers between their homes and their work.

In addition, during the Covid pandemic most certified ASMOs changed their working hours to ensure safe working conditions and to minimise infections.

Given this reality, the Standard should recognise that atypical working hours reflect both industry practices and, where applicable, national laws.

**Rationale:** It is important that the Standard reflects the reality of atypical working hours. Working hours should conform to national legislation and time management should not compromise the health and safety of workers. Thus, the Standard also includes references to maximum acceptable working hours and maximum acceptable *average* daily working hours.

New requirement:

**3.15.6. New Atypical working hours**

|  |  |
| --- | --- |
| **Applies to:** ASMO with direct rights, ASM Operator | |
| Core | If your mining operation includes atypical working hours, you ensure compliance with applicable law and industry standards. These atypical working hours are clearly described in your internal labour regulations, and they are approved by the relevant labour authority.  You ensure that the average working hours over a maximum period of three weeks does not exceed eight hours per day.  The maximum working time per day does not exceed 12 hours (including all breaks), and you ensure adequate rest breaks for the nature of the work.  A maximum of 12 working hours per day is possible if agreed in a collective bargaining agreement, or if a risk management process has been carried out and regular health monitoring takes place to minimise health and safety impacts associated with extended working hours. |
| Year 1 |
| **Guidance:** Diverging regulations adapted to the local mining reality are accepted if compensation for overtime and free days is equal to or exceeds the minimum requirement. This Standard also applies to ASMOs with indirect rights if workers are directly or indirectly hired by them for their own operations. | |

**Implications**: ASMOs should keep records of working time, clocking in and out, rest periods and days off. They should be able to show how they calculate average daily working time.

For working hours between eight and 12 hours, there should be a health risk assessment, monitoring and actions to prevent potential impacts from working extended hours.

**Q 3.75 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.15 Conditions of employment: 3.15.6. Atypical working hours

***ASMOs with indirect rights***

**Rationale:** It is important to provide support and guidance for self-employed workers in ASMOs with indirect rights, since they themselves determine and regulate their times and working hours and may therefore not consider average or maximum working hours. ASMOs with indirect rights should ensure that the average working day does not exceed eight hours and that there are adequate rest periods. In addition, they should raise awareness and provide information about occupational health and safety.

New requirement:

**3.15.6. New Atypical working hours**

|  |  |
| --- | --- |
| **Applies to:** ASMOs with indirect rights | |
| **Core** | You and your members are aware of the adverse impacts of atypical working hours (strenuous working hours and no rest days). You create awareness about the impact of working hours on the health and safety of your members, and you collect data about the working time of your members. |
| **Year 3** |
| **Guidance:** The data collected helps you to monitor the average number of working hours which should not exceed eight per day. | |

**Implications**: ASMOs with indirect rights should implement a register to monitor the working time of their members, determine average working hours and put a strategy in place to raise awareness among their members about the health and safety implications of extended working hours and lack of breaks.

**Q 3.76 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.15 Conditions of employment: 3.15.10. Regular and documented payments[[87]](#footnote-87)

**Background:** All workers in ASMO production systems should receive their pay regularly and according to a payment procedure. Each worker should receive a receipt containing all the information necessary for understanding how their pay is calculated. Payments should by default be in cash/bank transfer. Where it is offered, workers should be able to choose if they also receive payment in kind.

**Rationale:** The spirit of the Standard remains. It makes clear that both ASMOs and other employers operating in the production system must pay wages in a structured and documented manner. It also makes clear that if a worker agrees to be paid in kind, there is written and signed consent by the worker and that in-kind payments comply with legislation.

Proposed change to requirement (changes highlighted in red):

**3.15.10 Regular and documented payments**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You, your members and mining operators in your system of production **make** **payments** to **all** workers at regularly scheduled intervals and **document** those payments with a pay slip containing all necessary information.  Payments **are made** in legal tender. Payment in the form of vouchers, coupons or promissory notes is prohibited.  You may make payment in kind only if a worker has given their written consent and only after they have been given the option to be paid in cash/bank transfer. Payments in kind in the form of goods or services **are regulated**, **documented** **and conform to national laws and regulations**.  You ensure workers are not deprived of cash remuneration. |
| **Year 0** |

**Implications**: ASMOs should make available its payment procedures, and those of other employers in the production system, including procedures for subcontractors. They should also establish a monitoring system to ensure that workers have received and understood their pay slips. If payments are made in kind, it is important to have documentation confirming the legality of this practice and that workers have agreed in writing.

**Q 3.77 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.15 Conditions of employment: 3.15.12. Earnings for self-employed miners

**Background:** In ASMOs with indirect rights, members work autonomously and are self-employed. However, in the context of economic formalisation and decent work, it is important to highlight the reality of this group of self-employed workers in terms of income, social protection and working conditions.

Whilst in theory self-employed miners determine their own working conditions, highlighting their situation helps identify areas of improvement to bring them more in line with contracted workers. ASMOs can collectively promote changes that might be difficult to address individually.

**Rationale:** Both contracted and self-employed workers should be able to make a decent living. Being self-employed does not lessen their rights to health and safety at work, rest, adequate working hours, social protection, pensions, medical breaks for illness, parental leave or breastfeeding breaks. ASMOs should be motivated to collectively identify actions which contribute to or influence the exercise of these rights and which ensure decent working conditions.

New requirement:

**3.15.12 New Earnings for self-employed miners**

|  |  |
| --- | --- |
| **Applies to:** ASMOs with indirect rights | |
| **Core** | You have information about the earnings and working conditions of your members as self-employed miners.  You and your members use this information to define strategies and start actions which allow them to enjoy equal or higher incomes, and the same working conditions and social protection, as contracted workers receive for similar jobs. |
| **Year 3** |
| Guidance: This is particularly encouraged in cases where the income from self-employed work is the most important source of livelihood for your members’ families. | |

**Implications**: ASMOs should set an objective to improve the working conditions of their members. They should develop a plan and appoint someone with a background in social work or human management to implement that plan.

**Q 3.78 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.15 Conditions of employment: 3.15.13. Adequate periods of rest[[88]](#footnote-88)

**Background:** Current criteria specify at least one rest day after six consecutive days of work. However, it is important also to include breaks during the daily working day in line with occupational health and safety programmes, such as adequate meal times. This approach should also extend to rest on atypical working days, including adequate daily, nightly and weekly breaks.

**Rationale:** To ensure a strategic approach to rest management, productivity and performance, and to safeguard the health and safety of workers during long periods of work and stays in mining camps (up to three consecutive weeks).

Proposed change to requirement (changes highlighted in red):

**3.15.13. Adequate periods of rest**

|  |  |
| --- | --- |
| **Applies to:** ASMOs with direct rights and ASM Operators | |
| **Core** | **All workers** in your system of production are provided with adequate periods of rest which comply with applicable laws and/or agreements, including:   * appropriate breaks during working hours - especially when the work is strenuous, dangerous or monotonous - to enable workers to recover their vigilance and physical fitness * sufficient breaks for meals * daily or nightly rest * weekly rest |
| **Year 0** |
| **Guidance:** Applicable laws and/or agreements mean local and/or national laws, approvals by inspectorates or collective agreements. | |

**Implications**: ASMOs should have a strategic approach to rest management. Human resources management, the Occupational Health and Safety Committee and production managers should work together to define procedures for adequate rest periods, especially in the case of atypical working hours. Monitoring recording systems should be in place to ensure compliance with schedules and rest breaks.

**Q 3.79 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.15 Conditions of employment: 3.15.14. Adequate periods of rest

**Background:** Current criteria specify at least one rest day after six consecutive days of work. However, it is important also to include breaks during the daily working day in line with occupational health and safety programmes, such as adequate meal times. This approach should also extend to rest on atypical working days, including adequate daily, nightly and weekly breaks.

**Rationale:** Both contracted and self-employed workers should be able to make a decent living. Being self-employed does not lessen their rights to health and safety at work, rest, adequate working hours, social protection, pensions, medical breaks for illness, parental leave or breastfeeding breaks. ASMOs should be motivated to collectively identify actions which contribute to or influence the exercise of these rights and which ensure decent working conditions.

New requirement:

**3.15.14. New Adequate periods of rest**

|  |  |
| --- | --- |
| **Applies to:** ASMOs with indirect rights | |
| **Core** | You promote among your members the practice of adequate periods of rest. As a minimum, these should include:  • appropriate breaks during working hours - especially when the work is strenuous, dangerous or monotonous - to enable your members to recover their vigilance and physical fitness  • sufficient breaks for meals  • one weekly rest day |
| **Year 1** |
| Guidance: You can create awareness among your members by asking them about their practices and informing them about the importance of breaks for their health. | |

**Implications**: ASMOs should conduct training and awareness-raising among their members, collect information about how they manage working and rest times, and consider establishing an Occupational Health and Safety Committee to address rest practices among other things.

**Q 3.80 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.15 Conditions of employment: 3.15.15. Sick leave, parental leave, social security and other benefits[[89]](#footnote-89)

**Background:** The criterion is changed to better reflect the importance of workers in the production system being covered by social insurance for sickness, parental and annual leave. Non-monetary benefits such as medical care, pre-natal and post-natal check-ups, breastfeeding areas etc should at minimum correspond to legal requirements.

**Rationale:** To close the interpretation gap and to emphasise the importance of workers being enrolled in social security or similar systems, depending national legislation.

Proposed change to requirement (changes highlighted in red):

**3.15.15. Sick leave, parental leave, social security and other benefits**

|  |  |
| --- | --- |
| **Applies to:** ASMOs with direct rights and ASM Operators | |
| **Core** | Social security provisions (including sick leave, annual leave and parental leave) and non-monetary benefits **are set at the same level or higher** than national laws, sector CBA regulations where they exist or agreements signed between the workers' organisation and the employer, whichever is the most favourable for the worker. |
| **Year 1** |

**Implications**: all ASMO workers should be enrolled into the social insurance or other insurance determined by national legislation. ASMOs should keep a record of each worker that proves they are covered for sickness, maternity and other benefits to at least the same as the social security system.

**Q 3.81 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.15 Conditions of employment: 3.15.16. Sick leave, maternity leave, social security, and other benefits

## *ASMOs with indirect rights*

**Background:** Self-employed workers in the production system should have access to social protection for sickness, parental and annual leave. Social insurance and social protection alternatives for the self-employed should be promoted by ASMOs and incorporated over time. In their absence, however, it is in ASMOs’ interests to safeguard the welfare of its members and the conditions under which they work.

**Rationale:** ASMO members should collaborate not only to maximise market access but to promote positive changes in their working conditions and to get better access to social benefits than they could as individuals.

New requirement:

**3.15.16 New Sick leave, parental leave, social security and other benefits**

|  |  |
| --- | --- |
| **Applies to:** ASMOs with indirect rights | |
| **Dev** | Together with your members, you create the conditions to ensure better social protection for your members as self-employed miners. If your ASMO hires workers, you apply the provisions of 3.15.15 |
| **Year 3** |
| **Guidance:** you can start by designing and implementing strategies to achieve coverage of sick leave, annual leave, parental leave, social security provisions and non-monetary benefits based on national law. | |

**Implications**: ASMOs should research and analysis the existence (or non-existence) of individual social security cover among its members, investigate individual and/or collective alternative social security models, and work to establish the best one.

**Q 3.82 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.15 Conditions of employment: 3.15.21. Accidents, disease and disasters[[90]](#footnote-90)

**Background:** Formal labour relations require all workers to be covered by occupational risk insurance. In the absence of insurance against accidents, occupational diseases, disasters, pandemics etc, ASMOs are urged to provide cover.

**Rationale:** No worker should be unprotected in cases of accidents or illnesses arising from work. Access to insurance should be understood as a right, not a benefit. Insurance cover against medical and/or economic shocks should be assured by the ASMO, not depend on the solidarity of the group.

Where possible, an ASMO could provide similar support for miners in its production system who are not directly employed by it.

Proposed change to requirement (changes highlighted in red):

**3.15.21. Accidents, disease and disasters**

|  |  |
| --- | --- |
| **Applies to:** ASMOs with direct rights and ASM Operators | |
| **Core** | You provide a social security protection system for workers directly employed by you to cover them against accidents, occupational disease, pandemics or disasters.  You set up a fund or collection system to support miners not covered by your social security system in case they are affected by accidents, occupational disease, pandemics or disasters. |
| **Year 1** |
| Guidance: If you hire your workers through a contractor, you ensure that the contractor complies with this requirement.  Benefits are based on national regulations, or in their absence, on ILO Convention C121 (Employment Injury Benefits Convention, 1964). | |

**Implications**: All workers employed directly or indirectly by an ASMO must be covered by insurance against illness, accidents, pandemics or disasters, and this information must be made available. For certified ASMOs there are no implications, since workers must by law be covered by mining sector occupational risk insurance in addition to social insurance.

ASMOs should establish a fund to support miners affected by accidents, occupational diseases or disasters who are not covered by a social security system.

**Q 3.83 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.15 Conditions of employment: 3.15.22. Social security system

***ASMOs with direct rights and ASM Operators***

**Background:** Formal labour relations require all workers to be covered by a social security system. National social security legislation usually covers healthcare, sickness cash benefits, parental benefits, pensions, survivors’ benefits, accidents at work, occupational diseases, family benefit and unemployment benefit.

ASMOs are urged to provide high risk occupational activity insurance cover for miners who do not already have it.

**Rationale:** This criterion emphasises an ASMO’s responsibility towards both directly and indirectly employed workers. It adds responsibility for workers’ social security protection to other employers in the production system and encourages them to establish a fund to provide occupational risk insurance for workers not covered by a social security scheme.

New requirement:

**3.15.22 New Social Security System**

|  |  |
| --- | --- |
| **Applies to:** ASMOs with direct rights and ASM Operators | |
| **Core** | You ensure that mining operators in your system of production have implemented a social security protection system for the workers directly employed by them in case they are affected by accidents, occupational disease, pandemics or disasters.  You set up a fund or collection system to support miners working in their units, who are not covered by the social security system, in the event of accidents, occupational disease or disaster. |
| **Year 3** |
| Guidance: If mining operators hire their workers through a contractor, they ensure the contractor complies with this requirement.  Benefits are based on national regulations, or in their absence, on ILO Convention C121 (Employment Injury Benefits Convention, 1964). | |

**Implications**: ASMOs should, as part of their analysis of working conditions of workers employed by mining operators in the production system, include information about who is belongs to a social security scheme with cover against accidents, occupational diseases and disasters.

ASMOs should work with other employers in the production system to provide training about labour rights and obligations – particularly regarding social security and occupational risk insurance - and push employers to establish a fund in line with this criterion.

ASMOs should check that all workers in the production system are covered by a social security scheme.

**Q 3.84 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.15 Conditions of employment: 3.15.22. Social security system

***ASMOs with indirect rights***

**Background:** Unlike directly employed workers, self-employed miners who are members of an ASMO with indirect rights need a different type of intervention to ensure that they enjoy protection similar to that of contracted workers. This should be part of an ASMO's strategy to formalise and improve its members’ working conditions.

**Rationale:** Self-employed members/workers require decent working conditions. It is important they have access to social security schemes for self-employed people. If no such schemes exist, ASMOs should look for alternatives which, as a minimum, provide access to health services and pensions, as well as cover against accidents, occupational diseases, pandemics or disasters.

New requirement:

**3.15.22 New Social Security System**

|  |  |
| --- | --- |
| **Applies to:** ASMOs with indirect rights | |
| **Core** | In the absence of a social security protection system for your workers, members/self-employed miners, you promote options for access to social protection schemes which cover against accidents, occupational disease or disaster.  You and your members set up a fund or collection system to support workers and members who are not protected by a social security scheme. |
| **Year 3** |
| Guidance: You research different options for access to basic social protection. You may consider group social protection insurance which members can join depending on their needs and financial circumstances.. | |

**Implications**: ASMOs should collect detailed information from their members, to identify who has insurance cover and if it includes occupational risk insurance. ASMOs should investigate alternatives for self-employed workers which should be communicated to members so that they can decide on what works best for them. ASMOs should set up a financial fund for members who are victims of accidents at work or occupational diseases.

**Q 3.85 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.15 Conditions of employment: 3.15.24. Reparation to widow(er)s and heirs[[91]](#footnote-91)

**Background:** The current Standard is very general and the definition of reparation is subject to wide interpretation.

**Rationale:** Workers’ social security schemes and occupational risk insurance generally include compensation and protection for widow(er)s and/or dependants. In the absence of such protection (for example, if the minimum number of contributions have not been made), ASMOs assume responsibility for providing compensation to the widow(er) comparable to that to which they would have been entitled under a social security scheme.

Proposed change to requirement (changes highlighted in red):

**3.15.24. Reparation to widow(er)s and heirs**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | In the event of the death of a worker, you provide a rent or monthly economic contribution to their widow(er) if they are not already covered by social security protection. The rent should be at least 50 percent of the wage previously earned by the worker. |
| **Year 3** |

**Implications**: There are no major implications. The proposed change clarifies the concept of reparation and establishes a minimum indicator of an ASMO’s responsibility.

**Q 3.86 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.15 Conditions of employment: 3.15.24. Mining camps

**Background:** ASMOs which operate atypical working hours must provide on-site accommodation. It is important these mining camps have rules to ensure decent living conditions which respect local legislation.

**Rationale:** To safeguard the health and safety of both members and workers who operate in the production system and who are required to live in a mining camp for a certain period. Ensure that the need to stay in a mining camp is justified, and that the camp meets basic conditions and minimum standards that can be subject to audit.

New requirement:

**3.15.25 New Mining camps**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You provide on-site workforce accommodation in a mining camp in the following circumstances:   * + work is located a long way from centres of population or far from workers’ homes   + the nature of the job requires the worker to be available at short notice   + preventing disease or poor health   If you provide on-site workforce accommodation in a mining camp, the structure of the buildings must be safe and provide for decency, privacy, security and hygiene. The mining camp must ensure:   * separate beds for each worker (shift workers do not rotate the use of the same bed) * separate accommodation for women and men * an adequate supply of clean water, * adequate drainage and separate sanitary conveniences for women and men * a reasonable number of toilets and bathing facilities with clean water per number of users, separate for women and men * adequate ventilation and, where appropriate, heating * common dining rooms, canteens, rest and recreation rooms and health facilities, where not otherwise available nearby or in the community * appropriate protection against heat, cold, damp, noise, fire, disease-carrying animals and especially insects. |
| **Year 3** |
| **Guidance:** Mining camps must be established in accordance with national laws and regulations. You may also refer to ILO R115 - Workers' Housing Recommendation, 1961 (No. 115).  Benchmarks for workers’ accommodation can be found in the [EBRD standards](https://www.ebrd.com/downloads/about/sustainability/Workers_accomodation.pdf). | |

**Implications**: ASMOs should justify the need for a mining camp and be authorised to do so.

ASMOs should check to determine that it complies as a minimum with the Standard, and if improvements are needed, implement a work and investment plan.

**Q 3.87 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.16 Occupational Health and Safety: 3.16.1. Internal occupational health and safety regulations

**Background:** Effective management of an ASMO’s occupational health and safety system requires a strategy to regulate policies and procedures, usually in line with national and local legislation.

**Rationale:** As a key element of formalisation, occupational health and safety actions in an ASMO’s production system must be structured and framed in relevant legislation.

New requirement:

**3.16.1. New Internal occupational health and safety regulations**

|  |  |
| --- | --- |
| **Applies to:** ASMOs with direct rights and ASM Operators | |
| **Core** | You have developed internal occupational health and safety regulations in line with national laws and approved by your members. They are implemented in your system of production. |
| **Year 1** |

**Implications**: The internal regulations and occupational health and safety management tools will be subject to audit. If they do not already have one, ASMOs should develop this strategy and communicate it to members, mine operators and workers in the production system.

**Q 3.88 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.16 Occupational Health and Safety: 3.16.2. Internal occupational health and safety regulations (ASMOs with indirect rights)

**Background:** Formalisation generally includes requirements for occupational health and safety practices. In ASMOs with indirect rights, responsibility for implementing them (for example, the purchase and use of PPE) lies with self-employed miners. However it is also important for ASMOs to comply with their legal obligations and to be proactive in promoting health and safety among their members.

**Rationale:** ASMOs with indirect rights should develop and maintain a culture of prevention and care for their members. Whilst they may not have direct responsibility for self-employed workers, it is important to ensure decent working conditions including effective occupational health and safety. They should raise awareness, provide training and encourage self-evaluation to prevent risks and create safe working environments.

New requirement:

**3.16.2. New Internal occupational health and safety regulations**

|  |  |
| --- | --- |
| **Applies to:** ASMOs with indirect rights | |
| **Core** | You develop an occupational health and safety code of conduct and checklist for your system of production. Your members approve the code of conduct and use the check list to address safety and health at their mining site. |
| **Year 1** |
| Guidance: The checklist helps create awareness among your members to identify changes which may be needed. | |

**Implications**: ASMOs and their members should jointly develop and agree occupational health and safety regulations in line relevant national legislation and the criteria in this Standard. These regulations should be subject to periodic review and monitoring.

**Q 3.89 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.16 Occupational Health and Safety: 3.16.3. Occupational Health and Safety Committee[[92]](#footnote-92)

**Background:** It is important to establish a committee which reflects all actors in the labour relationship and which takes the lead in identifying and preventing risks. The committee should be a bipartite institution with established responsibilities and the right conditions to develop its activities.

**Rationale:** The criterion provides a more detailed description of the formation, responsibilities and support required by the occupational health and safety committee and highlights the importance of a management approach. The proposed new text reflects the legal norms in many countries, but could also be used in the formation of the occupational health and safety committee in the absence of any such legislation.

Proposed change to requirement (changes highlighted in red):

**3.16.3. Occupational Health and Safety Committee**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You **have** a committee in place to make decisions and implement actions concerning health and safety at the workplace.  The occupational health and safety committee is established according to the legal provisions of your country. The committee comprises both worker and employer representatives. It meets regularly and whenever necessary to discuss all aspects of health and safety.  You provide the safety and health committee with the facilities, training and assistance necessary to perform its functions, including providing committee members with all necessary safety and health information. |
| **Year 0** |
| **Guidance:** The committee should represent the different groups and actors in your system of production (including workers, self-employed miners and women collectors). It assesses health and safety risks and incidents, and develops measures to improve health and safety throughout the system of production. | |

**Implications**: The proposed text aligns the Standard with the legal norms in many countries and should be used in the formation of the occupational health and safety committee. In the absence of relevant legislation, ASMOs should incorporate the committee using the terms proposed in the criterion.

**Q 3.90 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.16 Occupational Health and Safety: 3.16.4. Mining map[[93]](#footnote-93)

**Background:** The proposed criterion clarifies the scope of the mining map by including a requirement that the mining map reflects the whole production system and incorporates geographic coordinates.

**Rationale:** Close the interpretation gap and give more clarity.

Proposed change to requirement (changes highlighted in red):

**3.16.4. Mining map**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You **have** a mining map covering all mining and processing operations and their geolocation-coordinates in your system of production. |
| **Year 0** |

**Implications**: There are no implications, as the added text clarifies the scope of the mining map.

**Q 3.91 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.16 Occupational Health and Safety: 3.16.5. Hazard identification

**Background:** The Standard introduces the concept of preventative occupational health and safety management. Mitigating health and safety risks and hazards starts by identifying them before taking planning and taking action to eliminate or reduce them.

**Rationale:** The only way to prevent risk is to have proper hazard identification *before* taking action.

New requirement:

**3.16.5. New Hazard Identification**

|  |  |
| --- | --- |
| **Applies to:** ASMOs with direct rights and ASM Operators | |
| **Core** | You identify the hazards and assess the risks in your system of production and take prevention and protection measures in line with national laws and regulations. These measures include:  - eliminating or mitigating the hazard  - controlling the risk at source  - minimising the risk by safe work systems  - providing personal protective equipment (PPE) |
| **Year 0** |
| Guidance: Hazards include, *inter alia*, the risk of falling and mine collapse, confined spaces, carbon monoxide and silica dust exposure. | |

**Implications**: The person responsible for occupational health and safety and the occupational health and safety committee should identify risks and hazards, define probabilities of occurrence and impact, and draw up a risk mitigation, control and prevention plan for any risks identified.

There are no implications in countries with existing occupational health and safety legislation, except that plans will now be subject to audit. In countries where no such legislation exists, ASMOs should ask for support.

**Q 3.92 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.16 Occupational Health and Safety: 3.16.6. Hazard identification

***ASMOs with indirect rights***

**Background:** Preventative occupational health and safety management is also important for ASMOs with indirect rights. These ASMOs should have information about the different working conditions in which its members operate and about the potential risks and hazards they face. Armed with this information, ASMOs can take action to prevent risks and address hazards.

**Rationale:** Promote a culture of risk prevention with members/self-employed workers at its centre and which takes account of their specific mining activities. Protect the occupational health and safety of ASMO members.

New requirement:

**3.16.6. New Hazard Identification**

|  |  |
| --- | --- |
| **Applies to:** ASMOs with indirect rights | |
| **Core** | Your organisation understands the status of occupational health and safety in your system of production and among your members. You identify the most common hazards and risks. With this information you develop programmes to promote healthy and safe working conditions.  You provide your members with a simple form to report accidents and diseases. |
| **Year 1** |

**Implications**: ASMOs should raise awareness and provide training for its members. Members and self-employed workers should actively participate in developing tools for the committee to identify risks and hazards throughout the production. ASMOs should promote risk prevention plans and encourage members to implement them with the support of the committee.

**Q 3.93Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.16 Occupational Health and Safety: 3.16.7. Mining accidents and dangerous occurrences

***ASMOs with direct rights and ASM Operators***

**Background:** The Standard introduces the concept of preventative occupational health and safety management. Mitigating health and safety risks and hazards starts by identifying them before taking planning and taking action to eliminate or reduce them.

**Rationale:** If potential risks and hazards are identified, there is an action or contingency plan to deal with accidents or dangerous situations. The criterion includes the minimum expected of this plan and the need to record incidents and accidents in order to improve prevention measures in the future.

New requirement:

**3.16.7 New. Mining accidents and dangerous occurrences**

|  |  |
| --- | --- |
| **Applies to:** ASMOs with direct rights and ASM Operators | |
| **Core** | If an accident or dangerous incident takes place in your system of production, you follow national laws and regulations. You evacuate and ensure treatment of injured mineworkers and take immediate action to prevent further danger arising from the event.  You investigate the cause and take preventive actions to avoid similar events in the future. |
| **Year 1** |
| **Guidance:** The result of the investigation is recorded in a book provided for that purpose and the occupational health and safety committee is notified about the event. | |

**Implications**: ASMOs should have procedures and records to ensure the transparency of the occupational health and safety management system, including substantiated records of incidents and accidents with details of follow-up actions. These reports should generally be made available to the labour authority.

Based on these incident and accident reports, ASMOs should take preventative action, and update risk maps and risk management plans.

**Q 3.94 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.16 Occupational Health and Safety: 3.16.7. Mining accidents and dangerous occurrences

***ASMOs with indirect rights***

**Background:** Preventative occupational health and safety management is also important for ASMOs with indirect rights. These ASMOs should have information about the different working conditions in which its members operate and about the potential risks and hazards they face. Armed with this information, ASMOs can take action to prevent risks and address hazards.

**Rationale:** ASMOs with indirect rights have a responsibility to improve the working conditions of the members and to introduce positive changes to mining practices. They should ensure permanent monitoring and participation of their members in matters of health and safety management - including records of incidents and accidents and any actions taken – which can then be used to strengthen preventive and care measures.

New requirement:

**3.16.7 New. Mining accidents and dangerous occurrences**

|  |  |
| --- | --- |
| **Applies to:** ASMOs with indirect rights | |
| **Core** | If an accident or dangerous incident takes place in your system of production, you follow national laws and regulations. You evacuate and ensure treatment of injured mineworkers and take immediate action to prevent further danger arising from the event.  You maintain a record of mining accidents or dangerous incidents reported by your members, including information about any actions taken by the miner. |
| **Year 1** |
| Guidance: This information is recorded in a book provided for that purpose to help you to identify training or other services for your members to prevent similar events in the future. | |

**Implications**: ASMOs should devise a means for each member to record incidents and accidents and to alert to potential hazards.

ASMOs, through the occupational health and safety committee, should implement a monitoring and follow-up system for members.

**Q 3.95 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.16 Occupational Health and Safety: 3.16.10. Health, welfare and hygiene of workers

**Background:** In addition to identifying and mitigating risks, occupational health and safety management should ensure the physical and mental health of miners in the production system. This criterion adds focus on actions for the care, health and well-being of people.

**Rationale:** To highlight the additional need for preventive actions linked to health risks and to safeguard the health and well-being of miners in the production system.

New requirement:

**3.16.10. New Health, welfare and hygiene of workers**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You, your members and mining operators in your system of production implement measures to ensure the appropriate health care, welfare and hygiene of workers.  Those measures are appropriate to the nature of the mine, the number of miners and size of the operations. |
| **Year 3** |
| Guidance: Measures might include periodic health examinations; canteens providing nutritious meals; adequate facilities at the mine site for the changing, storage, laundering and drying of clothes; sufficient and suitable toilets, showers, washbasins and laundry facilities; and adequate, properly maintained supplies of clean drinking water in suitable places. | |

**Implications**: ASMOs should carry out an assessment, appropriate their size and nature, of current conditions in relation to health care, welfare and hygiene. Based on this assessment, they should create a plan to ensure the physical, mental health, welfare and hygiene of workers is not only maintained, but improved. ASMOs should invest the resources necessary to implement the plan.

**Q 3.96 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.16 Occupational Health and Safety: 3.16.11. Personal Protective Equipment[[94]](#footnote-94)

**Background:** PPE is necessary to prevent accidents and protect the health of miners. It should be appropriate for each particular activity, location and risks. The proposed changes extend the need for PPE to *all* miners and make it clear this is the responsibility of the ASMO. Even ASMOs with indirect rights must ensure that all miners in their production system have the appropriate PPE.

**Rationale:** Ensuring safe conditions is the responsibility of the entire production system - members, workers, mine operators, advisors and visitors. PPE is not a benefit – ASMOs must provide it and miners must use it properly.

The obligations of ASMOs with indirect rights depend on exactly what sort of PPE is needed, its quality and how it is rotated among users. They should provide free PPE to members/self-employed workers who lack the money to buy it.

Proposed change to requirement (changes highlighted in red):

**3.16.11 Personal Protective Equipment**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You **ensure** that all workers and miners entering operational areas of your system of production are provided with PPE appropriate to the type and location of the mine and the work to be carried out. This equipment must be paid for by the employer.  ASMOs with indirect rights ensure that all miners wear appropriate PPE. You provide the PPE to members who cannot afford it for themselves. |
| **Year 0** |
| **Guidance:** This applies as well to everyone entering in workplaces in your System of Production.  Items of PPE provided should comply with the relevant national standards and criteria approved or recognized by the competent authority.  PPE should be examined periodically by the user to ensure that it is in good condition and replaced or repaired, as necessary, by the employer at no cost to the user. | |

**Implications**: All ASMOs should review their PPE procedures to ensure it meets the needs of the people who use it. ASMOs should manage the inventory and the timely replacement of PPE.

ASMOs with indirect rights should encourage mutual support for members without the financial capacity to purchase PPE.

**Q 3.97 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.16 Occupational Health and safety: 3.16.12 Personal protective equipment (PPE) for toxic substances handling [[95]](#footnote-95)

**Background:** Responsible management of cyanide and mercury with a stringent risk management system should avoid impacts on people and the environment, and prevent injury or damage.

Elements have been added to the criteria to emphasise the importance of protecting the health of workers handling either mercury or cyanide, to ensure they have the necessary PPE, that used PPE is treated correctly, and that neither equipment nor work clothes are taken to workers' homes or dwellings.

**Rationale:** Protect the health of workers, and detail the minimum actions required for this purpose.

Proposed change to requirement (changes highlighted in red):

**3.16.12 Personal protective equipment (PPE) for toxic substances handling[[96]](#footnote-96)**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | Miners and workers handling mercury and/or cyanide use adequate PPE such as respirators, gloves, clothes etc.). You ensure that contaminated PPE and clothes are kept at the work site, and you provide training to ensure adequate handling and disposal. |
| **Year 0** |

**Implications**: ASMOs should have a procedure for handling PPE and ensure that work clothes are cleaned safely in appropriate facilities.

**Q 3.98 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.16 Occupational Health and Safety: 3.16.13. Health and safety training[[97]](#footnote-97)

**Background:** Accessing information and sharing knowledge is important for effective occupational health and safety management. Prevention starts with awareness of different activities, how they are performed and the necessary measures for safe working. This includes an understanding of internal regulations, procedures, duties, rights, risk maps, evacuation routes, first aid and warning signs.

**Rationale:** The criterion extends training beyond risk to a much deeper understanding of health and safety at work. Training is extended to include everyone in the production system. Access to information and improved health and safety awareness also helps reduce the number of incidents and accidents.

The obligations of ASMOs with indirect rights depend on exactly what sort of PPE is needed, its quality and how it is rotated among users. They should provide free PPE to members/self-employed workers who lack the money to buy it.

Proposed change to requirement (changes highlighted in red):

**3.16.13. Health and safety training**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You **provide easily understood health and safety training for** all miners and workers.  You instruct your miners and workers about any risks associated with the tasks assigned to them.  You implement activities to promote personal health and wellness. |
| **Year 1** |
| Guidance: You provide basic training and ensure that training is repeated regularly. | |

**Implications**: ASMOs should implement an annual occupational health and safety training and information programme covering the topics described in the criteria, to be carried out throughout the year.

Job descriptions and inductions should include a description of occupational health and safety measures and basic instructions to prevent risks related to the job.

**Q 3.99 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 3.16 Occupational Health and Safety: 3.16.14. Medical checks[[98]](#footnote-98)

**Background:** The proposed changes make clear that the criterion applies to every person working in an ASMO’s production system. It does not change the spirit of the Standard.

Additional guidelines are added around information and data management. This helps identify preventive actions for specifically mining-related health problems.

**Rationale:** The guide adds elements that could be incorporated in miners’ health and well-being risk prevention strategies.

Proposed change to requirement (changes highlighted in red):

**3.16.14. Medical checks**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You **offer** regular medical checks to all miners and workers in your system of production. Medical records must be kept and held confidential by the medical practitioner. Personal medical information is not to be disclosed to the employer without consent from the employee. |
| **Year 3** |
| **Guidance:** Medical checks should pay particular attention to potential silica dust-related illnesses.  You should keep data to identify prevalent health problems – including those resulting from exposure outside the mine - with the aim of improving preventative health programmes. The medical practitioner can be asked to report to the directors and make suggestions for preventive measures. Medical assistance can be extended to family or community members. | |

**Implications**: The proposed text makes it clear that *everyone* in the system of production should benefit from preventive health checks. There are no other implications because the spirit of the criterion has not changed. Guidance has been added to provide advice on using data to help design preventive actions and draw attention to health problems.

**Q 3.100 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

# Topic 4. Business and Development

## 4.1 Development Potential: 4.1.1 Fairtrade Premium Committee

**ASMOs with direct rights and with indirect rights**

**Background:** ASMOs with direct rights and indirect rights have widely differing production systems. These in turn are part of internal supply chains which reflect the particular extraction and processing operations of individual ASMOs, their mining operators and external suppliers. This complexity means Fairtrade supply chains must be identified and distinguished from non-Fairtrade ones.

The Fairtrade Premium Committee (FPC) acts on behalf of all miners and workers in the production system. Decisions about the use of the Premium are taken by the General Assembly, with the FPC responsible for implementing, managing, monitoring, analysing and evaluating them. The FPC should be in continuous communication with the ASMO Board of Directors and should reflect the common interests of all those in the Fairtrade supply chain.

**Rationale:** FPC members should not only be democratically elected but should be prepared to participate and contribute their time and expertise to ensure the committee meets its objectives. Committee members have a common understanding of Fairtrade’s objectives, Premium and Theory of Change, and should contribute to the FPC’s shared vision of change. ASMOs should invest in building the FPC’s capacity and skills so it can better manage social projects.

The proposed change tightens the description of the FPC as a technical and management body for implementing the Fairtrade Premium Development Plan. It clarifies ‘responsible decision making’ in the context of planning and implementation.

Proposed change to requirement (changes highlighted in red):

**4.1.1. Fairtrade Premium Committee**

|  |  |
| --- | --- |
| **Applies to:** ASMOs with direct rights and ASMOs with indirect rights | |
| **Core** | You must create a **Fairtrade Premium Committee (FPC)** with representatives elected from of all types of artisanal and small-scale miners registered as part of the internal Fairtrade supply chain in your system of production. The number and gender of FPC members reflect the **social composition of the internal Fairtrade supply chain**.  You create the FPC to manage the Fairtrade Premium for the benefit of all members, mining operators and workers in the system of production. The FPC assess the needs and sets the priorities for the Fairtrade Premium Development Plan. |
| **Year 0** |
| **Guidance:** The FPC is independent of the ASMO board. However, members of the ASMO board may be elected as members of the FPC. The FPC may invite representatives of the community to attend meetings where projects related to community are discussed to present their views and needs.  FPC members are trained and supported to carry out their responsibilities. Capacity building begins in year 0 of certification to ensure that FPC members have enough basic knowledge to assume their functions. Support and training are provided by Fairtrade staff and consultants. | |

**Implications**: ASMOs should review their current structure and analyse whether the number and gender of FPC members reflect the social composition of internal Fairtrade supply chains.

**Q 4.1 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 4.1 Development Potential: 4.1.1 Fairtrade Premium Committee

**ASM Operators**

**Background:** Due to their small numbers, ASM Operators do not have a General Assembly. Therefore, FPCs in ASM Operators are responsible for both deciding Premium use and investment *and* planning and implementing the Fairtrade Premium Development Plan. The composition of the FPC is the same as the other ASMOs, but it takes on this additional democratic function.

**Rationale:** Fairtrade principles require that decisions regarding use and investment of the Fairtrade Premium be taken democratically. As the FPC in ASM Operators represents all the different actors (owners, workers, mine operators) in the production, it assumes this decision making function on behalf of the groups they represent.

New requirement:

**4.1.1 New Fairtrade Premium Committee**

|  |  |
| --- | --- |
| **Applies to:** ASM Operators | |
| **Core** | You create a **Fairtrade Premium Committee (FPC)** with elected representatives of all different types of artisanal and small-scale miners registered as part of the internal Fairtrade supply chain in your system of production. The number and gender of FPC members reflect the **social composition of the internal Fairtrade supply chain**.  The FPC is responsible for taking decisions about using the Fairtrade Premium for the benefit of all members, mining operators and workers in your system of production. It sets the priorities for the Fairtrade Premium Development Plan. |
| **Year 0** |
| Guidance: The FPC is independent from the ASM Operator board. However, one member of the board of the ASM Operator should be designated by members as a representative on the FPC. The majority of the representatives in the FPC will reflect the composition of the internal Fairtrade supply chain at the time the election is carried out.  FPC members are trained and supported to carry out their responsibilities. Capacity building begins in year 0 of certification to ensure that FPC members have enough basic knowledge to assume their functions once Premium money has been received. Support and training are provided by Fairtrade staff and consultants. | |

**Implications**: The owners or partners of an ASM Operator do not make decisions about Premium use. They should accept decisions made by the FPC and facilitate the election processes of workers and mine operators (if any).

**Q 4.2 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 4.1 Development Potential: 4.1.2 Internal rules of the Fairtrade Premium Committee

***ASMOs with direct rights and indirect rights***

**Background:** The current Standard requires internal rules to be democratically agreed, but does not specify the role of the General Assembly in this process. Given that management of the Fairtrade Premium is a new concept for ASMOs, it is important to be clear about the democratic process for agreeing internal rules.

**Rationale:** Additional text in the guidance sectionconfirms that approval of internal rules, and any subsequent changes to them, is the responsibility of the General Assembly.

Proposed change to requirement (changes highlighted in red):

**4.1.2. Internal rules of the Fairtrade Premium Committee**

|  |  |
| --- | --- |
| **Applies to:** ASMOs with direct rights and ASMOs with indirect rights | |
| **Core** | The FPC **develops** **internal** rules which are approved by the ASMO General Assembly. Internal rules do not discriminate, ensure continuity and are based on a democratic process. They include elements such as the aims and composition of the FPC; the process for electing FPC members; frequency of meetings; criteria for selecting Fairtrade Premium Projects; documentation and reports to be delivered; and the person responsible for finances. |
| **Year 0** |
| **Guidance:** The internal rules set out the activities and responsibilities of the FPC as administrator of Fairtrade Premium money. The rules ensure continuity, for example through rolling elections in which a proportion of seats are up for renewal every two or three years.  The internal rules and any amendments to them must be approved by the General Assembly before they are implemented.  The directors and the General Assembly have the right to request amendments to the internal rules from the FPC, should they have a demonstrable negative structural, financial or social impact on your ASMO. | |

**Implications**: There are no implications for ASMOs whose FPC rules of procedure were approved and minuted by the General Assembly. If the FPC rules of procedure were debated and approved by the Board of Directors or by the FPC, they should be included on the agenda of a General Assembly for approval.

**Q 4.3 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 4.1 Development Potential: 4.1.2 Internal rules of the Fairtrade Premium Committee

***ASM Operators***

**Background:** In the absence of a General Assembly, the FPC collectively defines its own internal rules which are then communicated to the Board of Directors/Management of the ASM Operator. The content and nature of the rules are the same as those in other ASMOs.

**Rationale:** Maintain the FPC’s spirit of democracy and participation by making it responsible for developing the rules for carrying out its activities.

Proposed change to requirement (changes highlighted in red):

**4.1.2 New Internal rules of the Fairtrade Premium Committee**

|  |  |
| --- | --- |
| **Applies to:** ASM Operators | |
| **Core** | The FPC **develops** its **internal** rules and communicates them to the board of directors. The rules do not discriminate, ensure continuity and are based on a democratic process. They include elements such as the aims and composition of the FPC; the process for electing FPC members; frequency of meetings; criteria for selecting Fairtrade Premium Projects; documentation and reports to be delivered; and the person responsible for finances. |
| **Year 0** |
| Guidance: The rules ensure continuity, for example through rolling elections in which a proportion of seats are up for renewal every two or three years.  You have the right to request from the FPC amendments to the proposed internal rules, should these have a demonstrable negative structural, financial or social impact on your ASM.  You provide the FPC with logistical and administrative support, particularly in the management of Premium funds, project management and reporting. | |

**Implications**: The FPC is responsible for developing the rules under which it will carry out its activities and should identify the best ways to engage with the different groups it represents.

**Q 4.4 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 4.1 Development Potential: 4.1.3 Purpose and use of the Fairtrade Premium

**Background:** Organisational models in artisanal and small-scale mining differ widely. In recent years ASMOs have been certified as legally established organisations such as cooperatives and societies. As a result, Fairtrade is helping to influence profound changes in the sector. However, thus far certification has not been available for mining operations which lack the minimum numbers required for a cooperative.

The proposed new criterion applies the democratic principles of Fairtrade Premium management to ASM Operators which lack a General Assembly. It covers how the Fairtrade Premium is allocated to different groups (partners/owners, workers, mining operators) and how to identify the particular needs of those groups. It also clarifies the roles of the FPC and ASM Operator in deciding which projects should be funded.

**Rationale:** To ensure that all miners in the production system benefit from Premium investments. In the absence of a General Assembly, to ensure each group gets its fair allocation and a say in deciding which projects to fund. The new criterion also specifies the minimum or maximum that can be invested autonomously.

New requirement:

**4.1.3. New Purpose and use of the Fairtrade Premium**

|  |  |
| --- | --- |
| **Applies to:** ASM Operators | |
| **Core** | Premium money is used for the economic, social and environmental improvement of the system of production and for the socio-economic development and wellbeing of workers, families and communities.   * A minimum 40 percent of the Premium is used for economic, social and environmental ASM development projects. The ASM Operator is responsible for identifying, prioritising and implementing such projects, and must include the needs of other operations in the system of production. * A minimum 30 percent of the Premium is used for projects which improve the working conditions, occupational health and safety and wellbeing of all workers. The FPC is responsible to identifying and prioritising such projects, while the ASM Operator is responsible for implementing them. * A maximum 30 percent of the Premium is used for projects for the socio-economic development and wellbeing of miners’ families and communities. The FPC is responsible for identifying, prioritising and implementing such projects. |
| **Year 0** |
| **Guidance:** examples of Premium projects in the system of production:   * Economic and/or production (e.g. increasing gold recovery, new technology to reduce mercury use). * Occupational health and safety (e.g. better PPE, workplace safety and risk prevention measures and training, infrastructure, services in mining camps). * Working conditions (e.g. salary increases, reductions in working hours, social security protection). * Environmental protection (e.g. reducing mercury, fuel and water use, mine closure) * Socio-economic developments (e.g. alternative income generation, micro-credit programmes). * Wellbeing of workers (e.g. housing improvements, health and safety improvements, access to medical assistance, education for children).   Premium for economic and/or production, occupational health and safety, working conditions and environmental protection may be accumulated to finance large investments in the organisation and its mining operators. | |

**Implications**: Based on the minimum/maximum criteria, the FPC should discuss and decide the scope of the projects, and their potential for impact in line with the aims of the Fairtrade Premium. Decisions about the use of the Premium do not lie solely with the ASM Operator and its needs, and will require meetings and analysis to inform the annual plan. ASM Operators should comply with decisions taken by the FPC, particularly when the time comes to allocate resources to implement the project.

**Q 4.5 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 4.1 Development Potential: 4.1.5 Approval by system of production assembly

**Background:** In the absence of a General Assembly it is important that ASM members/owners, workers and mining operators can come together in one space to express their opinions, exchange ideas on the identified needs and decide on the appropriate use of the Premium and the internal rules relating to the FPC.

Whilst not a formal General Assembly, this collective meeting or assembly brings workers, mining operators and ASM Operators members/owners together to reflect and agree the Fairtrade Premium Development Plan, the FPC and its internal rules.

**Rationale:** The FPC in an ASM Operator has wider decision-making powers which are independent of the ASM members/owners. However, FPC members are democratically elected by miners, members, workers and mining operators (if they exist), which is why collective meetings should follow the *principles* of an assembly.

New requirement:

**4.1.5 New Approval by system of production assembly**

|  |  |
| --- | --- |
| **Applies to:** ASM Operators | |
| **Core** | Decisions concerning the Fairtrade Premium Development Plan and the internal rules of the FPC are approved by an assembly of ASM operator members/owners, workers and mining operators from the internal Fairtrade supply chain in your system of production.  There is one joint Fairtrade Premium Development Plan. During the assembly:   * ASM Operator members/owners decide on projects in the Fairtrade Premium Development Plan relating to economic and/or production; occupational health and safety; working conditions; and environmental protection, for every group in the system of production. * Mining operators and workers decide on projects in the Fairtrade Premium Development Plan relating to the socio-economic development and wellbeing of the miners, families and communities, to be implemented under the responsibility of the ASM operator. |
| **Year 1** |
| **Guidance:** In larger workforces the internal rules may allow delegates to the system of production assembly, with each group of workers and mining operators represented according to their numbers.  The internal rules of the Fairtrade Premium Committee include a clear description of the development of this assembly and its rules. | |

**Implications**: Members/owners of an ASM Operator alone should not decide on Premium use. Mine workers and mine operators should also have the opportunity to collectively decide how their part of the Premium is used. The proposed change introduces a new dynamic linked to the management of the Fairtrade Premium to ensure the discussion and approval of the annual development plan. Incorporating, explaining and owning this model could require additional internal resources, especially time.

**Q 4.6 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 4.1 Development Potential: 4.1.6 Needs assessment[[99]](#footnote-99)

***ASMOs with direct rights and indirect rights***

**Background:** The FPC, with the support of the ASMO, is responsible for identifying and assessing needs relating to the Fairtrade Premium.

**Rationale:** This criterion clarifies that ASMOs should support the FPC to develop and carry out needs assessments.

Proposed change to requirement (changes highlighted in red):

**4.1.6 Needs assessment**

|  |  |
| --- | --- |
| **Applies to:** AMSOs with direct rights and ASMOs with indirect rights | |
| **Core** | With your support, the FPC **carries out** a needs assessment of the environmental, social and economic sustainable development of the organisation and the community, and how the Fairtrade Premium can help promote it. |
| **Year 1** |

**Implications**: There is no implication.

**Q 4.7 Do you agree with the proposed change?**

**Please tick only one box**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 4.1 Development Potential: 4.1.6 Needs assessment

***ASM Operators***

**Background:** The FPC in an ASM Operator is responsible for identifying and assessing the needs of workers, mine operators, their families and communities. The needs of the ASM Operator itself is identified and assessed by its members/owners.

**Rationale:** The role of an FPC in an ASM Operator does not include identifying and assessing the development needs of the ASM Operator. Its focus is on the development and well-being of miners in the production system, their families and community. This role is reflected in the minimum and maximum percentage Premium allocation per group.

New requirement:

**4.1.6 Needs assessment**

|  |  |
| --- | --- |
| **Applies to:** ASM Operators | |
| **Core 1** | With your support, the FPC carries out a needs assessment regarding the socio-economic and wellbeing development of miners in your system of production, their families and community. This assessment constitutes the base line for deciding how the Fairtrade Premium can help to promote development. |

**Implications**: The criterion closes potential interpretation gaps and provides guidance in the context of ASM Operator.

**Q 4.8 Do you agree with the proposed change?**

**Please tick only one box**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 4.1 Development Potential: 4.1.7 Making decisions about the Fairtrade Development Plan[[100]](#footnote-100)

**Background:** There are no changes regarding the FPC’s decision-making responsibilities. However, once the Fairtrade Development Plan has been formulated by the FPC, it is presented to the Board of Directors, which submits it for approval to the General Assembly. The Board is responsible for convening the General Assembly and organising its agenda.

**Rationale:** Close interpretation gaps regarding the respective responsibilities of the FPC and the General Assembly. ASM Operators are provided with additional guidance about legal responsibility for the financial management of the Premium.

Proposed change to requirement (changes highlighted in red):

**4.1.7. Decision making on Fairtrade Premium Development Plan**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| Core | The FPC **defines** the priorities of the Fairtrade Premium Development Plan based on an evaluation of the needs assessment (see requirement 4.1.6).  The FPC formulates and proposes the Fairtrade Premium Development Plan to the Board of Directors for approval by the General Assembly. |
| **Year 1** |
| **Guidance:** The Fairtrade Premium Development Plan proposed by the Premium Committee is democratically approved by the General Assembly. The General Assembly approves the Fairtrade Premium Development Plan and assumes legal responsibility for its implementation.  In ASM Operators the Fairtrade Premium Development Plan is approved by the system of production assembly (see 4.1.5). Once approved, the ASM Operator assumes legal responsibility for its implementation. | |

**Implications**: There are no implications, the texts introduced are intended to bring more clarity.

**Q 4.9 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 4.1 Development Potential: 4.1.8 Fairtrade Premium Development Plan[[101]](#footnote-101)

**Background:** FPCs are responsible for formulating and implementing the Fairtrade Premium Development Plan, and ASMOs should support the FPC to meet this objective. The proposed change clarifies the scope of the FPC’s responsibility.

**Rationale:** Close any interpretation gaps, highlight the importance of the FPC in managing the Premium, and clarify the support that must be provided to the FPC by the Board of Directors and/or ASMO management in order to fulfil its objectives.

Proposed change to requirement (changes highlighted in red):

**4.1.8. Fairtrade Premium Development Plan**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You support your FPC in the development of the Fairtrade Premium Development Plan. You **plan** and document at least one activity to promote the progress of your business, organisation, members, mining operators, workers, community and/or environment. The plan is called the Fairtrade Premium Development Plan and includes:   * a description of the activity (what you plan to do) * the objective(s) of the activity (why you plan to do it) * the timeline of the activity (by when you plan to do it) * responsibilities (who will be in charge of doing it) * the budget of the activity (how much you plan to spend)   The plan is based on your evaluation of the needs assessment carried out by the FPC (see requirement 4.1.6). |
| **Year 1** |
| **Guidance:** Planning, implementing and evaluating the plan will stimulate and increase the participation of members in your own organisation. It is good practice to plan activities that respond to the needs of your organisation, members, workers and communities.  Your organisation has the right to choose any activities that your members agree on and are important for your particular situation, aspirations and priorities. Upon your request, Fairtrade can provide the List of Ideas for the Fairtrade Premium Development Plan which includes activities that have been successful in other organisations. This list is for guidance only, and you are encouraged to develop your own activities.  The Fairtrade Premium Development Plan proposed by the FPC is democratically approved by the General Assembly (or, in the case of ASM Operators, by the system of production assembly). The General Assembly approves the Fairtrade Premium Development Plan, and you are legally responsible for implementing it. | |

**Implications**: The scope of the FPC’s responsibilities is much clearer. In ASMOs where the Board of Directors currently design and implement the plan, this responsibility must be transferred to the committee. Capacity building and training in project planning must be provided.

**Q 4.10 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 4.1 Development Potential: 4.1.10 Reporting[[102]](#footnote-102)

**Background:** The Fairtrade Premium aims to create positive change where it is needed. It is important to evaluate if the expected changes are achieved. ASMOs report and document the results achieved and present them in a way that can be understood.

It is in Fairtrade's interest to aggregate information about Premium use for analysis in relation to the Theory of Change and the overall Fairtrade strategy, as well as for communication purposes.

**Rationale:** The Premium influences positive change for miners, families and communities, and helps strengthen ASMOs. Monitoring and evaluating Premium use helps ASMOs in their decision-making processes and helps Fairtrade assess the impact of Premium investment on people and organisations. Timely Premium reporting improves the communication and visibility of these changes.

Proposed change to requirement (changes highlighted in red):

**4.1.10. Reporting**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You write the annual Fairtrade Premium Development plan **report** and you document the project results. With your support, the FPC presents the results of the Fairtrade Premium Development Plan to the General Assembly every year. You document this presentation. The report must answer the following questions:   * + - Were the actions carried out (yes/no)? If not, why not?     - When?     - How much did they cost?     - Was the objective achieved or is further action needed?   You send the report and the project documentation to reporting@fairtrade.gold within 10 working days of the General Assembly. |
| **Year 1** |
| **Guidance:** This requirement aims to support you and your members to self-monitor your own performance against the original plan and evaluate its success. There can be several reasons why a plan was not carried out as originally envisaged or why it to reach its objectives. Your members, workers and mining operators need to be informed about this.  For larger Premium amounts involving multiple projects, the FPC may recommend employing administrative staff paid by the Premium.  ASM Operators should support the FPC to present the results of the Fairtrade Premium Development Plan to the system of production assembly every year. | |

**Implications**: FPCs should systematically prepare up-to-date Fairtrade Premium investment reports for approval by the General Assembly. Once approved, ASMOs should share these reports with Fairtrade.

**Q 4.11 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 4.1 Development Potential: 4.1.11 Fairtrade Premium bank account[[103]](#footnote-103)

**Background:** Financial risks relating to ASMOs often make it extremely challenging for them to open a bank account. It can be even harder to open a separate account with different signatures and governance.

**Rationale:** The legal responsibility for managing the Premium lies with the ASMO. A separate account for the exclusive management of Fairtrade Premium should require the signature of an FPC member – but this may not be possible, depending on the banking laws and regulations in any given country. Where this is the case, alternative guidance has been provided.

Proposed change to requirement (changes highlighted in red):

**4.1.11. Fairtrade Premium bank account**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You **have** a separate bank account for managing the Fairtrade Premium. |
| **Year 1** |
| Guidance: if bank regulations and national money laundry laws permit, you have a double signature procedure in place: one signatory from the FPC and one from the ASMO. | |

**Implications**: Previously, one of the signatories registered with the bank had to be a member of the FPC in order to meet the criteria. This requirement has been removed, but should still be the preferred option.

**Q 4.12 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 4.1 Development Potential: 4.1.13 Bank account records[[104]](#footnote-104)

**Background:** The Premium should be used in accordance with the Fairtrade Premium Development Plan and the accounting records should reflect this.

**Rationale:** Close the interpretation gap and ensure the FPC has sufficient information to monitor the plan’s implementation and budgets.

Proposed change to requirement (changes highlighted in red):

**4.1.13. Bank account records**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | All **books** relating to the Fairtrade Premium bank account are available **to all FPC members**. You are able to prove that the Fairtrade Premium is used in line with the relevant rules and the Fairtrade Premium Development Plan. |
| **Year 1** |

**Implications**: Those responsible for accounts should use the accounting books to link expenditure to the relevant projects described in the Fairtrade Premium Development Plan. They should produce an expenditure report provides the FPC with information about budget implementation.

**Q 4.13 Do you agree with the proposed change?**

**Please tick one box only**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 4.1 Development Potential: 4.1.14 Financial audit of the Fairtrade Premium

**Background:** External oversight of the Fairtrade Development Plan is important for transparency, accountability and preventing money laundering and corruption, particularly where large sums of Premium money are involved.

**Rationale:** ASMOs which receive USD 150,000 or more in Fairtrade Premium a year are involved in multiple economic transactions, including money flows from abroad which could attract the attention of anti-money laundering authorities. An external audit not only provides ASMOs with security, but will help them comply with laws and regulations.

New requirement:

**4.1.14.New Financial audit of the Fairtrade Premium**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | If, in the last year, the Fairtrade Premium was equal to or more than USD 150,000, you contract an external financial auditor to audit your Fairtrade Premium accounts based on the use defined in the Fairtrade Premium Development Plan |
| **Year 1** |
| **Guidance:** The auditor should be approved by the relevant authorities to carry out tax and related financial audits.  This requirement aims to confirm that the Fairtrade Premium has been properly managed. Organisations receiving Premium below USD 150,000 can opt for best practice and contract a financial company to audit their Fairtrade Premium. | |

**Implications**: ASMOs that have received USD 150,000 or more in Premium in the last accounting year should contract the services of a third-party auditing firm to review books relating to the Premium. If an ASMO conducts an annual external audit, it must include a specific request for recommendations relating financial management of the Fairtrade Premium in the Terms of Reference of the FPC.

**Q 4.14 Do you agree with the proposed change?**

**Please tick only one box**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 4.2 Democracy, Participation and Transparency: 4.2.2 Following rules and regulations[[105]](#footnote-105)

**Background:** The spirit of the standard remains unchanged. The title is changed to be consistent with the text and additional examples of the rules to be followed are included.

**Rationale:** To bring more clarity to the criterion.

Proposed change to requirement (changes highlighted in red):

**4.2.2. Following rules and regulations**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | **You follow** your own rules and regulations such as your constitution, by-laws and internal policies (including those relating to elections, decision making, membership processes, board term limits and, if applicable, a delegate system for the General Assembly). |
| **Year 0** |

**Implications**: There are no implications because in practice this addition was implicit.

**Q 4.15 Do you agree with the proposed change?**

**Please tick only one box**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 4.2 Democracy, Participation and Transparency: 4.2.4 General Assembly minutes[[106]](#footnote-106)

**Background:** The role and responsibility of the Secretary to prepare the minutes is clarified.

**Rationale:** To bring more clarity to the criterion.

Proposed change to requirement (changes highlighted in red):

**4.2.4. General Assembly minutes**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | Minutes of the General Assembly **are taken by the Secretary,** and **signed** by the President of the Board and at least one other member. The minutes **include** a list of participants at the General Assembly. |
| **Year 0** |

**Implications**: There is a clear assignment of responsibilities to the member os board during the general assembly.

**Q 4.16 Do you agree with the proposed change?**

**Please tick only one box**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 4.2 Democracy, Participation and Transparency: 4.2.7 Sharing audit results with members

**Background:** Fairtrade Standards are important for the successful realisation of the global strategy and Theory of Change. It is important that all ASMO members willingly embrace this Standard and understand its importance for continuous improvement. This includes a collective commitment to improve if any non-compliances are identified during audits. The FPC has direct responsibility for compliance with criteria relating to the Premium and for closing any gaps resulting from an audit.

**Rationale:** Collective commitment to implement the Standard and to close compliance gaps. This includes sharing relevant audit results with the FPC to ensure that they are proactive in proposing and implementing corrective actions.

New requirement:

**4.2.7 New Sharing audit results with members**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You share audit results with your members/owners and with the FPC following each audit, in a format and language accessible to them. |
| **Year 3** |
| **Guidance:** ‘audit results’ includes an explanation or summary of non-compliances identified by the certification body in their Closing Report, and the corrective measures proposed by you and accepted by the certification body. The result can be shared in the General Assembly, in other meetings or through other channels (e.g. verbally, in written form, bulletin, newsletter, app, etc.). This is an opportunity for members to be more aware and involved in the certification process. | |

**Implications**: After receiving confirmation of non-conformities by the certification body, and with the support of the Fairtrade Officer, ASMOs should prepare a summary that can be easily shared and understood by its members. The Fairtrade Officer should also organise a documented meeting, report non-compliances back to the FPC and discuss corrective measures.

**Q 4.17 Do you agree with the proposed change?**

**Please tick only one box**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 4.2 Democracy, Participation and Transparency: 4.2.13 Communication to the community[[107]](#footnote-107)

**Background:** The proposed change emphasises what and how you are expected to communicate to the community in relation to Fairtrade, with a focus on awareness raising about Fairtrade principles.

**Rationale:** Mining communities are diverse and can involve large populations with different stakeholders and interests. It is important that messages about Fairtrade are communicated to as many people as possible in order to create a wide understanding of Fairtrade, its principles and benefits.

Proposed change to requirement (changes highlighted in red):

**4.2.13. Communication to the community**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You communicate to the community to ensure they are informed about Fairtrade, its principles, and its benefits, relevant activities of the ASMO, that impact the community. |
| **Year 0** |

**Implications**: ASMOs should develop an effective communications strategy to promote the principles and benefits of Fairtrade. The strategy could include open meetings, publications, news media or social media. ASMOs should ask the local Fairtrade representative for information to help them formulate messages.

**Q 4.18 Do you agree with the proposed change?**

**Please tick only one box**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 4.3 Non-discrimination: 4.3.2 Gender policy

**Background:** Fairtrade helps challenge the gender gap and supports women to stake their claim and succeed on their own terms. Fairtrade Standards are designed to prevent gender inequality, increase women’s leadership and support women and girls to access the benefits of Fairtrade.

**Rationale:** To close gender gaps, improve women’s participation and leadership and create the space for them to exercise their rights with equal opportunities.

New requirement:

**4.3.2. New Gender Policy**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Core** | You develop and implement a gender policy. You ensure the members and mining operators in your system of production are aware of this policy and its contents. You ensure that women are involved in the development and implementation of the policy. |
| **Year 1** |
| **Guidance:** Gender equality is the concept that all human beings are free to develop their personal abilities and make choices without the limitations set by stereotypes, rigid gender roles or prejudices. Fairtrade supports women to make strategic life choices which were previously denied to them.  The general aim of the policy is to promote gender equality. In particular, it aims to increase women's active and equal participation in Fairtrade and to create more opportunities for women and girls to access the equitable benefits of Fairtrade.  In line with best practice, the policy includes a statement from the organisation committing to women’s autonomy and gender  Equality; the purpose of the policy and its scope; actions to make it known such as awareness raising and training activities; and its implementation and monitoring.  The policy should include the promotion of participation of women in ASMOs, Boards, leadership positions and other structures within the organisation; measures against sexual harassment; a grievance mechanism for addressing complaints; a whistleblowing policy; and the collection and use of gender disaggregated data (members, training and awareness training sessions, management and supervisory positions, Board members).  In line with best practice, you should invest in projects and programmes focusing exclusively on women’s needs and which reduce the burden of care and work on women as this frees up time for them to participate in meetings.  The policy can also be linked to broader anti-discrimination policies covering, for example, ethnicity, age or other groups (e.g. young people, workers, families). | |

**Implications**: ASMOs should convene women, and provide and promote training and awareness-raising leading to an agreed policy. The policy should translate into effective actions to close gender gaps and create spaces and opportunities for both men and women to develop their potential.

**Q 4.19 Do you agree with the proposed change?**

**Please tick only one box**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 4.3 Non-discrimination: 4.3.3 Equal representation of women[[108]](#footnote-108)

**Background:** It is important not only that women are represented by women on different ASMO bodies such as the Board, committees or commissions, but that women representatives feel the right conditions are in place for their active participation.

**Rationale:** Women should be able to perform the role for which they were elected. ASMOs are expected, as part of the gender policy, to create the platform and conditions for women to be able to participate actively and equally.

Proposed change to requirement (changes highlighted in red):

**4.3.3. Equal representation of women**

|  |  |
| --- | --- |
| **Applies to:** All ASMOs | |
| **Dev** | Appropriate measures **are** taken to ensure equal representation and active participation of women in the ASMO. |
| **Year 3** |

**Implications**: ASMOs should review their internal structures and determine whether women are properly represented. If not, they should make the necessary reforms to internal rules and internal practices. If there women are elected but not actively participating, ASMOs should analyse the reasons why and take measures to change them. ASMOs should meet with women and implement measures to help them participate actively.

**Q 4.20 Do you agree with the proposed change?**

**Please tick only one box**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 4.5. Pricing: 4.5.1. Price fixing

**Background:** Fairtrade Minimum Prices and Premiums for Fairtrade products are listed in the pricing database, which is published on the Fairtrade website. This reference is now included in the standard.

**Rationale:** The change aligns the Standard to Fairtrade practices and procedures. In addition, it closes any potential interpretation loopholes regarding the definition of minimum price.

Proposed change to requirement (changes highlighted in red):

**4.5.1. Price fixing**

|  |  |
| --- | --- |
| **Applies to:** Fairtrade payers | |
| **Core** | You pay the ASMO (or conveyor, if applicable) at least the Fairtrade Minimum Price for the Fairtrade product, as defined in the Fairtrade pricing database.  The price is based on the LBMA or LPPM fixing for pure gold, silver and platinum content. |
| **Year 0** |
| **Guidance:** Fairtrade Minimum Prices are listed in the [pricing database published on the Fairtrade website](https://www.fairtrade.net/standards/price-and%20premium-info.html).  Fairtrade Minimum Prices are set at the level of the ASMO, not at the level of the individual miners or mining operators. | |

**Implications**: There are no implications. The proposed changes simply clarify the minimum price which an ASMO should receive. The information is public and is published on the Fairtrade website.

**Q 4.21 Do you agree with the proposed change?**

**Please tick only one box**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 4.5. Pricing: 4.5.2. Payment steps

**Background:** There is no single way to negotiate payment and pricing of precious metals. Considerations could include price fixings on certain volumes over several months, depending on the cash flow needs of an ASMO; variations in the gold exchange price; and the management of future expectations.

It is therefore important for the criteria to cover how contracts are agreed, and how the price, volumes and form of payment are fixed. These agreements can change over time as commercial relationships strengthen and trust is built.

However, it is also important to start a new business relationship using certain common, basic practices. These have been incorporated into the revised Standard.

**Rationale:** Toreflect how payments are determined and include lessons from certified ASMOs as references for those who are starting the export and negotiation process. The proposed new text incorporates good starting point practice.

Proposed change to requirement (changes highlighted in red):

**4.5.2. Payments steps**

|  |  |
| --- | --- |
| **Applies to:** Traders | |
| **Core** | The relevant assay, price fixing and payment steps are defined in the contractual agreement between ASMO and buyer (requirement 2.4.7).  For gold and other precious metals, the price and Fairtrade Premium payment is made in accordance with good business practice unless agreed otherwise.  You make a down payment of the agreed price, based on the purity determined by the ASMO, no later than the next business day after you receive the shipment. You make the final payment of the price and the payment of the total Fairtrade Premium no later than the next business day after assay.  For all Fairtrade precious metals, conveyors ensure that payment to the miners is made no later than one business day after receipt of payment from the Fairtrade payer. |
| **Year 0** |
| Guidance: Good practice in well-established business relationships means down payment of the price is made one business day after the shipment has left the point of export in the mining country. | |

**Implications**: No implications are identified. The contract is incorporated as a reference point and good practice is suggested as a means to initiate the negotiation process.

**Q 4.22 Do you agree with the proposed change?**

**Please tick only one box**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 4.5. Pricing: 4.5.3. Fairtrade Premium

**Background:** Fairtrade Minimum Prices and Premiums are listed in the pricing database published on the Fairtrade website. This reference is now included in the Standard.

**Rationale:** The proposed change aligns the Standard with Fairtrade practices and procedures. It also makes clear that the Premium relates to the precious metal contained in the doré bar, which is defined by the assay during the refining process.

Proposed change to requirement (changes highlighted in red):

**4.5.3. Fairtrade Premium**

|  |  |
| --- | --- |
| **Applies to:** Fairtrade Payers | |
| **Core** | The value of the Fairtrade Premium for precious metals is listed in the pricing database, which is published on the Fairtrade website.  The Fairtrade Premium of the raw or doré bar is calculated on the purity content defined by the assay. |
| **Year 0** |

**Implications**: The values are refer to the pricing database to allow faster review of prices and premium values..

**Q 4.23 Do you agree with the proposed change?**

**Please tick only one box**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 4.5. Pricing: 4.5.4. Fairtrade Ecological Premium

**Background:** Fairtrade Minimum Prices and Premiums are listed in the pricing database published on the Fairtrade website. This reference is now included in the Standard.

**Rationale:** The proposed change aligns the Standard with Fairtrade practices and procedures. It makes also clear that the Fairtrade Ecological Premium is in addition to the regular Fairtrade Premium.

Proposed change to requirement (changes highlighted in red):

**4.5.4. Fairtrade Ecological Premium**

|  |  |
| --- | --- |
| **Applies to:** Traders | |
| **Core** | The value of the Fairtrade Ecological Premium for certified ecological precious metals is listed in the pricing database, which is published on the Fairtrade website.  The Fairtrade Ecological Premium is paid in addition to the regular Fairtrade Premium. |

**Implications**: Clarification how the Fairtrade Ecological Premium is added to the value of the precious metal. Meaning that the prices is Fairtrade Minimum Price + Fairtrade Premium + Fairtrade Ecological Premium

**Q 4.24 Do you agree with the proposed change?**

**Please tick only one box**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

**Changing the Fairtrade Ecological Premium**

**Rationale:** The proposal changes the Fairtrade Ecological Premium for Gold from a percentage (10 percent of LBMA) to a fixed amount (USD 2,000.00 per kg of pure gold). The Ecological Premium is in addition to the regular Fairtrade Premium, making at the moment of this review a total of USD 4,000.00 of Fairtrade Premium per kg of pure gold sold as Fairtrade Ecological Gold.

**Implication:** A stable Fairtrade Ecological Premium that the market can absorb supports more sales of Eco Fairtrade gold and reduces Premium volatility caused by fluctuating gold prices. It facilitates a clear communication to the consumer about the high amount paid as Ecological premium and ensures clarity about the premium to be accredited when Eco Gold is recycled.

**Q 4.25 Do you agree with the proposed change?**

**Please tick only one box**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

## 4.5. Pricing: 4.5.5. Fairtrade Premium payments

**Background:** The Fairtrade Premium and the Fairtrade Ecological Premium can only be calculated once the refinery determines the pure precious metal content through laboratory analysis. This information is included in the final settlement payment, including the Premium.

**Rationale:** Closing gaps in interpretation, clarifying what was previously understood but not made explicit.

Proposed change to requirement (changes highlighted in red):

**4.5.5. Fairtrade Premium payments**

|  |  |
| --- | --- |
| **Applies to:** Traders | |
| **Core** | **Fairtrade** Premium payments (Fairtrade Premium and Fairtrade Ecological Premium) **are made** to the ASMO after assay and the calculation of the total weight of pure metal. |
| **Year 0** |

**Implications**: There are no implications because it makes explicit what actually happens in practice.

**Q 4.26 Do you agree with the proposed change?**

**Please tick only one box**

Strongly agree

Partially agree (*please use the box below to specify which parts you do or don’t agree with*)

Disagree

Not relevant to me / I don’t know

**Please explain your rationale here:**

1. Former criteria 1.1.1 [↑](#footnote-ref-1)
2. Former criteria 3.1.5 [↑](#footnote-ref-2)
3. Former criteria 1.1.3 [↑](#footnote-ref-3)
4. Former criteria 1.1.4 [↑](#footnote-ref-4)
5. Former criteria 1.1.4 [↑](#footnote-ref-5)
6. Former criteria 1.1.5 [↑](#footnote-ref-6)
7. Former criteria 4.2.2 [↑](#footnote-ref-7)
8. Former criteria 1.3.1 [↑](#footnote-ref-8)
9. Former criteria 1.3.6 [↑](#footnote-ref-9)
10. Former criteria 2.1.1 [↑](#footnote-ref-10)
11. Former criteria 2.1.4 [↑](#footnote-ref-11)
12. Former criteria 2.1.2 [↑](#footnote-ref-12)
13. Former criteria 2.1.3 [↑](#footnote-ref-13)
14. Former criteria 2.1.5 [↑](#footnote-ref-14)
15. Former criteria 2.1.6 [↑](#footnote-ref-15)
16. Former criteria 2.1.7 [↑](#footnote-ref-16)
17. Former criteria 2.1.9 [↑](#footnote-ref-17)
18. Former criteria 2.2.1 [↑](#footnote-ref-18)
19. Former criteria 2.2.3 [↑](#footnote-ref-19)
20. Former criteria 2.2.4 [↑](#footnote-ref-20)
21. Former criteria 2.2.5 [↑](#footnote-ref-21)
22. Former criteria 2.3.1 [↑](#footnote-ref-22)
23. Former criteria 2.3.4 [↑](#footnote-ref-23)
24. <https://hiik.de/conflict-barometer/current-version/?lang=en> [↑](#footnote-ref-24)
25. <https://www.securitycouncilreport.org/un_documents_type/security-council-resolutions/?ctype=Peacekeeping&cbtype=peacekeeping> [↑](#footnote-ref-25)
26. Former criteria 2.3.6 [↑](#footnote-ref-26)
27. Former criteria 2.3.7 [↑](#footnote-ref-27)
28. Former criteria 2.3.10 [↑](#footnote-ref-28)
29. Former criteria 2.3.8 [↑](#footnote-ref-29)
30. Former criteria 2.3.12 [↑](#footnote-ref-30)
31. Former criteria 2.3.13 [↑](#footnote-ref-31)
32. Former criteria 2.3.14 [↑](#footnote-ref-32)
33. Former criteria 2.3.9 [↑](#footnote-ref-33)
34. Former criteria 3.1.6 [↑](#footnote-ref-34)
35. Former criteria 2.3.16 [↑](#footnote-ref-35)
36. Former criteria 2.4.3 [↑](#footnote-ref-36)
37. Former criteria 3.1.2 [↑](#footnote-ref-37)
38. Former criteria 3.1.3 [↑](#footnote-ref-38)
39. Former criteria 1.3.8 [↑](#footnote-ref-39)
40. Former criteria 1.3.9 [↑](#footnote-ref-40)
41. <https://files.fairtrade.net/publications/Fairtrade_HREDD-guide-for-plantations_EN.pdf> [↑](#footnote-ref-41)
42. Former criteria 1.3.10 [↑](#footnote-ref-42)
43. In accordance with the OECD DDG for responsible supply Chain of minerals from Conflict-Affected and High-Risk Areas [↑](#footnote-ref-43)
44. Former criteria 1.3.3 [↑](#footnote-ref-44)
45. The grievance procedure is aligned with the UNDP’s (specially non state grievance mechanisms) for industry, multi stakeholder and other collaborative initiatives [↑](#footnote-ref-45)
46. Former criteria 1.3.4 [↑](#footnote-ref-46)
47. Former criteria 1.3.11 [↑](#footnote-ref-47)
48. Former criteria 1.3.12 [↑](#footnote-ref-48)
49. Former criteria 3.2.21 [↑](#footnote-ref-49)
50. Former criteria 3.2.24 [↑](#footnote-ref-50)
51. Former criteria 3.2.34 [↑](#footnote-ref-51)
52. Former criteria 3.2.22 [↑](#footnote-ref-52)
53. Former criteria 3.2.31 [↑](#footnote-ref-53)
54. Former criteria 3.2.7 [↑](#footnote-ref-54)
55. Former criteria 3.2.2 [↑](#footnote-ref-55)
56. Former criteria 3.2.6 [↑](#footnote-ref-56)
57. Former criteria 3.2.14 [↑](#footnote-ref-57)
58. Former criteria 3.2.8 [↑](#footnote-ref-58)
59. Former criteria 3.2.18 [↑](#footnote-ref-59)
60. Former criteria 3.2.11 [↑](#footnote-ref-60)
61. Former criteria 3.2.19 [↑](#footnote-ref-61)
62. Former criteria 3.2.16 [↑](#footnote-ref-62)
63. Former criteria 3.2.29 [↑](#footnote-ref-63)
64. Former criteria 3.2.30 [↑](#footnote-ref-64)
65. Former criteria 3.3.2 [↑](#footnote-ref-65)
66. Former criteria 3.3.2 [↑](#footnote-ref-66)
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68. Former criteria 3.3.7 [↑](#footnote-ref-68)
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71. Former criteria 3.3.10 [↑](#footnote-ref-71)
72. Former criteria 3.3.11 [↑](#footnote-ref-72)
73. Former criteria 3.12.3 [↑](#footnote-ref-73)
74. Former cirteria 3.3.15 [↑](#footnote-ref-74)
75. Former criteria 3.3.16 [↑](#footnote-ref-75)
76. Fromer criteria 3.3.17 [↑](#footnote-ref-76)
77. Former criteria 3.3.21 [↑](#footnote-ref-77)
78. Former criteria 3.3.22 [↑](#footnote-ref-78)
79. Former criteria 3.3.24 [↑](#footnote-ref-79)
80. Former criteria 3.3.23 [↑](#footnote-ref-80)
81. Former criteria 3.3.26 [↑](#footnote-ref-81)
82. Former criteria 3.3.25 [↑](#footnote-ref-82)
83. https://www.ilo.org/global/topics/workers-and-employers-organizations-tripartism-and-social-dialogue/lang--en/index.htm [↑](#footnote-ref-83)
84. Former criteria 3.3.27 [↑](#footnote-ref-84)
85. Former criteria 3.3.32 [↑](#footnote-ref-85)
86. Former criteria 3.3.30 [↑](#footnote-ref-86)
87. Former criteria 3.3.28 [↑](#footnote-ref-87)
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89. Former criteria 3.3.34 [↑](#footnote-ref-89)
90. Former criteria 3.3.44 [↑](#footnote-ref-90)
91. Former criteria 3.3.46 [↑](#footnote-ref-91)
92. Former criteria 3.3.50 [↑](#footnote-ref-92)
93. Former criteria 3.3.51 [↑](#footnote-ref-93)
94. Former criteria 3.3.47 [↑](#footnote-ref-94)
95. Former criteria 3.3.47 [↑](#footnote-ref-95)
96. Former criteria 3.2.3 [↑](#footnote-ref-96)
97. Former criteria 3.3.54 [↑](#footnote-ref-97)
98. Former criteria 3.3.55 [↑](#footnote-ref-98)
99. Former criteria 4.1.4 [↑](#footnote-ref-99)
100. Former criteria 4.1.6 [↑](#footnote-ref-100)
101. Former criteria 4.1.5 [↑](#footnote-ref-101)
102. Former criteria 4.1.8 [↑](#footnote-ref-102)
103. Former criteria 4.1.10 [↑](#footnote-ref-103)
104. Former criteria 4.1.11 [↑](#footnote-ref-104)
105. Former criteria 4.2.5 [↑](#footnote-ref-105)
106. Former criteria 4.2.13 [↑](#footnote-ref-106)
107. Former criteria 4.2.9 [↑](#footnote-ref-107)
108. Former criteria 4.3.4 [↑](#footnote-ref-108)