

# BEST PRACTICE PRINCIPLES

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## *The Assurance Programme Requirements 2015*

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# PREFACE

This document sets out the detailed requirements of the Diamond Best Practice Principles (BPPs). The Requirements consist of those standards that Sightholders, and or DBABs, their contractors, as well as the De Beers Group and its relevant partners must adhere to in order to demonstrate compliance with the BPPs. It provides definitions, clarification, explicit requirements and performance indicators against which compliance with the BPPs will be assessed and verified, evaluated and reported through the BPP Assurance Programme.

Please note:

These Requirements form part of, and should be read in conjunction with, the BPP Assurance Programme Documentation. The BPP Assurance Programme Documentation also consists of the BPP Manual and the BPP Workbook.

The BPP Assurance Programme Documentation (including these Requirements) should also be read in conjunction with the Supplier of Choice Documentation, of which the BPPs form an integral part.

Both the BPP Assurance Programme Documentation and the Supplier of Choice Documentation are contractually binding on Sightholders and or DBABs.

Failure to comply with the BPPs and/or the BPP Assurance Programme Documentation will constitute a breach of the Supplier of Choice Requirements and will result in appropriate action being taken by De Beers pursuant to that documentation.

Please note that these Requirements may be updated from time to time, as required, by BPPCo.

These Requirements are rooted in the international framework of human rights, which comprises three main items: the Universal Declaration of Human Rights (UN 1948); the labour standards embodied in the Fundamental Conventions of the International Labour Organisation (ILO 1930-1999); and the Rio Declaration on Environment and Development (UN 1992).

These are binding for signatory nation states and are considered to provide the basis of responsible business practices and initiatives, including The Responsible Jewellery Council and The UN Global Compact's Ten Principles.

These Requirements are presented in five parts: Business Responsibilities, Social Responsibilities, Environmental Responsibilities, the Mining Supplement and more General Considerations.

# ABBREVIATIONS

Please refer to the following glossary for definitions of abbreviations that are found in this document.

## **APELL:**

Awareness and Preparedness for Emergencies at the Local Level (APELL), is a programme developed by UNEP in conjunction with governments and industry with the purpose of minimising the occurrence and harmful effects of technological accidents and environmental emergencies.

## **Canada**

Canadian Guidelines with Respect to the Sale and Marketing of Diamonds, Coloured Gemstones and Pearls, revised 2003.

## **CIBJO**

World Jewellery Confederation (CIBJO) 'Blue Book', comprising the Diamond Book, the Gemstone Book and the Pearl Book, 1999 edition.

## **EC Directive**

Refers to the Directive 2001/97/EC of the European Parliament and of the Council of 4 December 2001, Amending Council Directive 91/308/EEC on Prevention of the use of the Financial System for the Purpose of Money Laundering.

## **EITI**

The Extractive Industries Transparency Initiative, a coalition of governments, companies, civil society groups, investors and international organisations with a global standard for transparency in oil, gas and mining.

## **ETI**

The Ethical Trading Initiative Base Code (1998), an auditable code aimed at maintaining ethical operations throughout the supply chain.

## **FATF**

Financial Action Task Force, an inter-governmental body of over 130 nations dedicated to combating all forms of money laundering and terrorism financing.

## **FTC**

US Federal Trade Commission Guides for the Jewelry, Precious Metals and Pewter Industries, 10 April 2001.

## **ICESCR**

International Covenant on Economic, Social and Cultural Rights (1966), a United Nations treaty focusing on developmental rights such as the right to work, the right to join trade unions and the rights to housing and food.

**ILO**

The International Labour Organisation (ILO), a UN specialised agency that formulates international labour standards in the form of Conventions and Recommendations, setting minimum standards of basic labour rights.

**OECD**

Organisation of Economic Co-operation and Development, groups 30 member countries sharing a commitment to democratic government and the market economy, and has relationships with 70 other countries and NGOs/civil society.

**RD**

The Rio Declaration on Environment and Development (1992), an international binding agreement to protect the global environment via a set of defined principles.

**RJC**

Responsible Jewellery Council is an international, not-for-profit organisation established to reinforce consumer confidence in the jewellery industry by advancing responsible business practices throughout the diamond and gold jewellery supply chain.

**TDP**

Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy, 1977 Document (ILO).

**UN Norms**

Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights (2003), which were developed by the UN Sub-Commission on the Promotion and Protection of Human Rights.

Save to the extent expressly stated to the contrary, words and expressions defined in the Supplier of Choice documentation (including, for the avoidance of any doubt, the Manual) shall have the same meaning for the purposes of these Requirements.

For further information regarding the International Laws, Covenants, Regulations and Agreements that provide the legal referencing for the ensuing information, please refer to the following website address: <http://www.business-humanrights.org>, and the Resources Appendix at the end of this document.

# DEFINITIONS

For the purposes of this document and the Best Practice Principles Assurance Programme the following definitions shall apply:

Contractor	An Individual, company or other legal entity that performs services or carries out work for any Sightholder, and or DBAB, or De Beers Group entity, in connection with the prospecting, mining, buying and/or selling, or manufacturing of diamonds or diamond jewellery. This includes Subcontractors and Virtual Contractors.
Core Diamond Worker	An employee directly engaged in processing diamonds within the diamond pipeline
Diamond	A Diamond is a natural mineral consisting essentially of pure carbon crystallised with a cubic structure in the isometric system. Its hardness in the Mohs scale is 10; its specific gravity is approximately 3.52; it has a refractive index of 2.42 and it can be found in many colours.
Facilitation Payment	Facilitation payments are paid to receive preferential treatment for something that the payment receiver is otherwise still required to do.
Gold	Gold is a chemical element with the symbol Au, an atomic number of 79 and a mineral with specific hardness of 2.5-3 on the Mohs scale of hardness. It is a highly sought after precious metal that is generally used for coinage, jewellery and other Arts as well as having a number of industrial applications.
Hazardous Substance	Any material that poses a threat to human Health and/or the Environment
Non-Core Diamond Worker	An employee engaged in non-diamond related work within an entity whose main revenues are derived from diamonds (e.g. cleaners/security guards/canteen staff)
Non-Substantial Contractor	A contractor, as defined above, that generates less than 75% of its revenue from one group entity/company/facility within the De Beers group or a Sightholder group and or a DBAB. De Beers reserves the right to change this threshold in future.
Substantial Contractor	A contractor, as defined above, that generates 75% or more of its revenue from one group entity/company/facility within the De Beers group or a Sightholder group, and or a DBAB. De Beers reserves the right to change this threshold in future.
Simulant	A Diamond simulant is any object or product used to imitate Diamond or some or all of its properties and includes any material which does not meet the requirements specified in the definition of Diamond above.
Synthetic	A synthetic is any object or product that has been either partially or wholly crystallised or re-crystallised due to artificial human intervention such that, with the exception of being non-natural, the product meets the requirements specified in the definition of the word 'Diamond' as defined above.
Treated Diamond	A treated Diamond is any object or product that meets the requirements specified in the definition of the word 'Diamond' as defined above or the word 'Synthetic' as defined above that has been subject to a 'Treatment' as defined below.

Treatment	Treatment means any process, treatment or enhancements changing, interfering with and/or contaminating the natural appearance or composition of a Diamond other than the historically accepted practices of cutting and polishing. In includes colour (and decolourization) Treatment, fracture, filling, laser and irradiation Treatment and coating.
Worker	“Worker” means any individual who undertakes to do or perform personally any work or services for the Sightholder and or DBAB/company/entity/facility and whose status is not that of a client or customer of the Sightholder and or DBAB/company/entity/facility. For the avoidance of doubt this definition shall include contractors and permanent, temporary, seasonal, core diamond workers, non-core diamond workers, full and part-time employees of any status at director, manager and subordinate levels.

## **A BUSINESS RESPONSIBILITIES**

### **A.1 ETHICAL STANDARDS**

- A.1.1** To maintain and enhance consumer trust in, and the reputation of, the gem diamond industry, De Beers Group of companies are committed to combating dishonesty and fraud in all business transactions. The BPPs require De Beers Sightholders and or DBABs, and their contractors to make identical commitments.
- A.1.2** The De Beers Group is committed to putting in place programmes that monitor the effectiveness of these commitments and to support all workers in that endeavour. The BPPs require De Beers Sightholders and or DBABs, to develop similar programmes to achieve the same outcome.
- A.1.3** All businesses should adhere to national laws. Where no appropriate national laws exist, the appropriate United Nations and/or International Labour Organisation ('ILO') Conventions and Declarations should be followed. Furthermore, where local laws stipulate certain general standards but provide that certain businesses (for example, small businesses) are subject to lower or no set standards, De Beers require compliance with the general standards.
- A.1.4** No practice or conduct must be engaged in that brings the Diamond industry into disrepute, including but not limited to:
- Any activity that results in a material criminal conviction
  - Buying and trading rough Diamonds from areas where this would encourage or support conflict and human suffering
  - Practices which intentionally or recklessly endanger or harm the health and welfare of individuals
  - Non-compliance with international best practice and the related regulatory framework with respect to the environment
  - Any conduct that seeks to deceive, mislead, cheat or delude the consumer including:
  - Any undeclared or misrepresented trade in treated Diamonds, whole or partial synthetics, or simulants;
  - Any trade misrepresenting the colour, clarity, caratage, cut and provenance of a Diamond.

### **A.2 COMMITMENT**

The Group should demonstrate commitment to responsible business practices both internally to employees, and publically to stakeholders.



- A.2.1** A policy is required to demonstrate commitment to responsible business practices for all parts of the business. It should be documented and communicated to employees in addition to being made publically available.
- A.2.2** Senior management should continuously monitor and document the implementation of the policy and procedures along with the performance throughout the business. A formal performance review should be undertaken and documented to identify any gaps that occur between the policy and the business practices. This review should take place frequently throughout the year, potentially as part of the board meetings, and any suggested changes should be either deemed unnecessary or implemented not only in the specific entity but also in any other relevant parts of the business.
- A.2.3** The entity should identify issues relevant to the RJC Code of Practices Member's through their own operations, or, through involvement in community initiatives and communicate their policies or positions along with any actions that were taken or objectives to their stakeholders.

### **A.3 BRIBERY, ANTI-CORRUPTION, FACILITATION PAYMENTS AND GIFTS**

- A.3.1** Entities must implement effective policies and adequate procedures to prohibit involvement in bribery in all business practices and transactions that are carried out by them, or on their behalf by Business Partners. They will not offer, accept or countenance any payments, gifts in kind, hospitality, expenses or promises as such that may compromise the principles of fair competition or constitute an attempt to obtain or retain business for or with, or direct business to, any person; to influence the course of the business or governmental decision-making process.
- A.3.2** Entities will provide systems for the reporting and investigation of allegations of attempted Bribery or inappropriate gifts within their organisation and will apply the appropriate sanctions for Bribery and attempted Bribery in all forms. This will include clear communication to their workers that they will not suffer retaliation for such reports or refusing to pay a bribe or Facilitation Payment even if this action may result in the entity losing business.

Where entities have not yet been able to eliminate Facilitation Payments, they will they will implement appropriate controls to monitor, oversee and fully account for all Facilitation Payments made. They will work to ensure that they are of limited nature and scope, with an ultimate objective to eliminate all Facilitation Payments.

## **A.4 FINANCIAL OFFENCES**

- A.4.1** Compliance is required with national, and where appropriate international, legislation and regulations with respect to money laundering, terrorism financing, bribery, corruption, smuggling, embezzlement, fraud, racketeering, transfer pricing and tax evasion.
- A.4.2** If entities and/or facilities are not included in any other financial accounts (for example, but not limited to, those of a parent company), they will need annual independently audited financial accounts, and will need to demonstrate that the audit was carried out by a properly qualified auditor to international accounting standards and that the appointment of the auditor was free of any bias or influence.
- A.4.3** Financial auditors should be alerted to applicable national legislation imposing special anti-money laundering/ combating the financing of terrorism compliance rules on dealers in precious stones or high value goods.
- A.4.4** Where applicable, entities will need to demonstrate that they have taken appropriate action to comply with:
- All relevant provisions of the USA Patriot Act, specifically including the Regulations for Jewellers and Metal Dealers issued by the U.S. Treasury's Financial Crimes Enforcement Network (FinCEN) in accordance with USA Patriot Act Section 352;
  - The EC Directive on Prevention of the use of the Financial System for the purpose of Money Laundering (EC Directive 2001/97) as transposed into national legislation of Member States of the European Union in which such entities are incorporated or carrying on Diamond-related business.
  - To the extent that the OECD Guidelines for Multinational Enterprises are incorporated into or otherwise reflected in national legislation of countries in which an entity is incorporated or operates; compliance is required with the Guidelines.
- A.4.5** Where applicable, entities will need to demonstrate that they have taken appropriate action to satisfy:
- United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, also known as the 1988 Vienna Convention.
  - The relevant provisions in the FATF 40 Recommendations and 9 Special Recommendations that are applicable to the Designated Non-Financial Business Professions (DNFBP), which includes dealers in precious stones (i.e. diamantaires and jewellers).
  - Entities must apply high standards in the selection, screening and acceptance of suppliers and purchasers of rough and polished diamonds, ensuring anti-money laundering policies and procedures are adopted, mandating due diligence during the selection process, continued transaction monitoring and relevant and appropriate worker training.
- A.4.6** Entities must demonstrate that they are fully informed of all relevant legislation and regulations regarding bribery and facilitation payments in all relevant jurisdictions ensuring policies are developed and clearly explained to the relevant employees.

## **A.5 KIMBERLEY PROCESS AND SYSTEM OF WARRANTIES**

- A.5.1** The definition of ‘Conflict Gem Stone Diamonds’ agreed by the Kimberley Process must be adopted. That definition is as follows:

*‘rough Diamonds used by rebel movements or their allies to finance conflict aimed at undermining legitimate governments, as described in relevant United Nations Security Council (UNSC) resolutions insofar as they remain in effect, or in other similar UNSC resolutions which may be adopted in the future, and as understood and recognised in United Nations General Assembly (UNGA) Resolution 55/56, or in other similar UNGA resolutions which may be adopted in future.’*

- A.5.2** The World Diamond Council proposed system of warranties must be adopted and all buyers and sellers of both rough and polished diamonds must make the following affirmative statement on all invoices:

*‘The Diamonds herein invoiced have been purchased from legitimate sources not involved in funding conflict and in compliance with United Nations resolutions. The seller hereby guarantees that these Diamonds are conflict free, based on personal knowledge, and/or written guarantees provided by the supplier of these Diamonds.’*

- A.5.3** The rules of the Kimberley Process and the requirements of the World Diamond Council shall be effectively communicated to the relevant workers involved in the buying and selling of rough Diamonds and/ or the buying and selling of polished Diamonds and/ or Diamond jewellery.

- A.5.4** In addition, each company trading in rough and polished Diamonds is obliged to keep records of Kimberley Process Certificates and warranty invoices received, and the warranty invoices issued, when buying or selling Diamonds. This flow of certificates and warranties in, and certificates and warranties out, must be audited and reconciled on an annual basis by the company’s/entity’s/facility’s own auditors. If asked by a duly authorised government agency, or Third Party Auditor, these records must be able to prove that the company/entity/facility is in compliance with the Kimberley Process.

## **A.6 PRODUCT SECURITY**

- A.6.1** Entities will establish and implement product security policies and procedures within the premises and during shipment to protect against product theft, damage or substitution

- A.6.2** Entities will prioritise the security and well being of Employees, Visitors and other relevant partners when establishing product security measures to prevent product theft, damage or substitution

- A.6.3** All businesses should ensure that Diamond or Gold Jewellery products sold by Members to end consumers will be compliant with the applicable regulations for product Health and Safety.

## **A.7 DISCLOSURE**

### **FULL DISCLOSURE:**

- A.7.1** Full disclosure is the complete and total release of material information about Gold, a Diamond or other stone and the material steps it has undergone prior to sale to the purchaser. The vendor must make all reasonable efforts to ensure this information is disclosed at all times during the selling process. Full disclosure of all material facts must take place whether or not the information is specifically requested and regardless of the effect on the value of the item being sold.
- A.7.2** Full disclosure, by the vendor to the purchaser, must take place when offered for sale, such that:
- Full verbal disclosure must clearly take place prior to the completion of sale;
  - Full written disclosure must be conspicuously included on each bill of sale or receipt in plain language and readily understandable to the purchaser. Written disclosure should normally be in English and any relevant local language;
  - Disclosure must be immediately preceding or succeeding the description of the Diamond and/or Gold and must be equally conspicuous to that description.

### **MISUSES OF TERMINOLOGY:**

- A.7.3** It is contrary to the purposes of these Requirements:
- To make any representation that does not conform in all respects to these Requirements in the selling, advertising or distribution of any Gold, Diamond, treated Diamond, synthetic or Simulant defined in these Requirements;
  - To make any misleading or deceptive statement, representation or illustration relating to origin, formation, production, condition, quality or fineness of any Gold, Diamond, treated Diamond, Synthetic or Simulant defined in these Requirements.
- A.7.4** Representation includes illustrations, descriptions, expressions, words, figures, depictions or symbols shown in a manner that may reasonably be regarded as relating to the substance.
- A.7.5** Selling includes offering for sale, exposing for sale, displaying in such a manner as to lead to a reasonable belief that the product so displayed is intended for sale. For avoidance of doubt this includes the accepted industry practice of ‘memo’, the practice of consigning goods, normally polished, to clients for pre-arranged periods for potential sale.
- A.7.6** Advertising includes directly or indirectly promoting the sale or use of a product.

### **DIAMOND**

- A.7.7** The unqualified word ‘Diamond’ must not be used to describe or identify any object or product not meeting the definition in the Definitions section above.

## **SYNTHETICS**

- A.7.8** The fact that a stone is wholly or partially Synthetic must be disclosed at all times.
- A.7.9** A Synthetic must only and always be disclosed as ‘Synthetic’, ‘man-made’, ‘lab created’ or ‘artificial’ and the description must be equally as conspicuous and immediately preceding the word ‘Diamond’.
- A.7.10** Any terms that are designed to disguise the fact that a stone is Synthetic or that mislead the consumer in any way must not be used. For example the term ‘cultured Diamond’ must not be used to describe a Synthetic.
- A.7.11** Names of firms, manufacturers or trademarks are not to be used as descriptors for Synthetics, unless such names are clearly succeeded by the terms ‘Synthetic’, ‘man-made’ or ‘artificial’, as above. For example, a business trading as Acme may describe its synthetics as ‘Acme Synthetics’ but not as ‘Acme Diamonds’.

## **TREATED DIAMOND**

- A.7.12** Treatment means any process, treatment or enhancement changing, interfering with and/or contaminating the natural appearance or composition of a Diamond other than the historically accepted practices of cutting and polishing. It includes colour (and decolourisation) Treatment, fracture filling, laser and irradiation Treatment and coating.
- A.7.13** The fact that a Diamond has been Treated must be disclosed at all times.
- A.7.14** A Treated Diamond must be disclosed as either ‘Treated’ or with specific reference to the particular Treatment and the description must be equally conspicuous as and immediately preceding the word(s) ‘Diamond’ or ‘Synthetic’, as the case may be.
- A.7.15** A description of the type of Treatment and the methods used to achieve the treatment must always accompany the Diamond.
- A.7.16** Any term that is designed to disguise that Treatment has occurred, or to imply that a Treatment is part of the normal polishing process or that misleads the consumer in any way should not be used. For example the term ‘improved’ must not be used to describe a Treated Diamond.
- A.7.17** Any significant effect on the Diamond’s value caused by the Treatment must be disclosed.
- A.7.18** Any special care requirements that the Treatment creates must be disclosed.
- A.7.19** Names of firms, manufacturers or trademarks are not to be used in connection with Treated Diamonds, unless such names are clearly succeeded by the word ‘Treated’ as defined in this section or are otherwise equally conspicuously and prominently disclosed as treated. For example, a Diamond business trading as Acme may describe its Treated Diamonds as ‘Acme Treated Diamonds’ or ‘Acme Diamonds, treated by HPHT’ but not as ‘Acme Diamonds’.

## **DIAMOND SIMULANT**

- A.7.20** Diamond Simulant must always be disclosed either as the mineral or compound that it is or as a 'Diamond simulant', 'imitation Diamond' or 'fake Diamond'. The unqualified word 'Diamond' must never be used with Diamond Simulants.
- A.7.21** Names of firms, manufacturers or trademarks are not to be used in connection with Diamond Simulants, unless such names are clearly succeeded by the terms as defined in this section. For example, a business trading as Acme may describe its Diamond Simulants as 'Acme Cubic Zirconia' or 'Acme Diamond Simulants' but not as 'Acme Diamonds'.

## **REAL, GENUINE AND NATURAL**

- A.7.22** The words 'real', 'genuine' and 'natural' must not be used to describe:
- Any Synthetic (see Definitions);
- A.7.23** The words 'real' and 'genuine' must not be used to describe:
- Any Treated Diamond (see Definitions);
  - Any diamond Simulant (see Definitions);
- A.7.24** The word 'natural' must not be used to describe any diamond Simulant if the Simulant is not a naturally occurring mineral or compound.

## **BRILLIANT, BRILLIANT CUT AND FULL CUT**

- A.7.25** The words 'Brilliant', 'Brilliant Cut' and 'Full Cut' must only be used to describe a round diamond that has at least 32 facets plus the table above the girdle and at least 24 facets below it.

## **GOLD**

- A.7.26** All gold jewellery products must comply with relevant local, national and global trading standards and applicable legislation
- A.7.27** All gold used in products must be accurately described in terms of fineness
- A.7.28** Where any Gold Quality marks are applied to items, this must be in conformance with relevant legislation both in terms of the information provided and the manner of its application. For example the Mark must be authorized to be applied and accurately indicate the quality of the gold

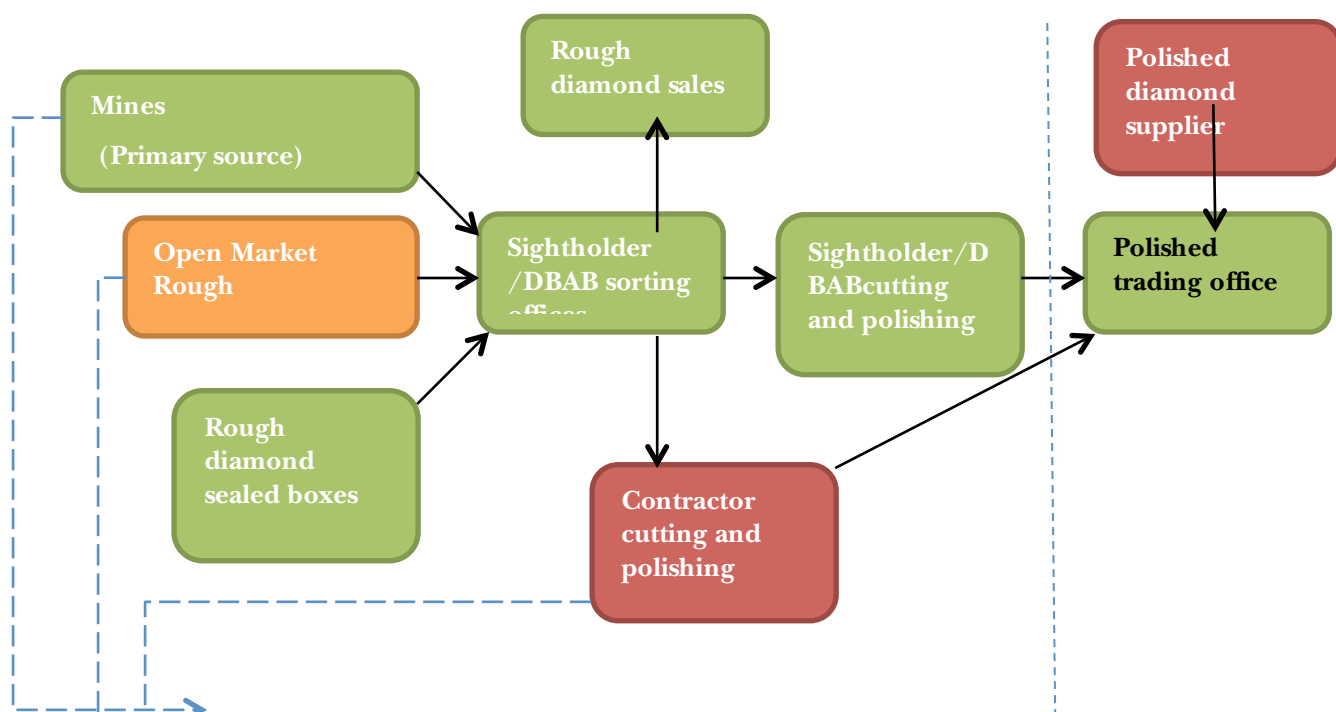
## **SUPPLY CHAIN SYSTEMS**

- A.7.29** Factory controls must be implemented. These should contain effective and detailed policies, procedures, security, monitoring and training to avoid “switching” on the factory floor. For more information, please refer to the Product security section (A.5) of the BPP Requirements.
- A.7.30** A Pipeline Risk Assessment must be created for the Sightholder Group and or DBAB. The longer the pipeline the greater the risk, creating increased opportunity for undisclosed synthetics to be exchanged for natural diamonds or added into parcels intended for clients. It is a requirement that all Sightholders and or DBABs map out their diamond pipeline and identify the areas that are at risk of contamination.
- A.7.31** Once identified, all contamination points must be assessed and labelled low, medium or high risk.

The diagram below further illustrates the how to conduct your Pipeline Risk Assessment and establish the level of risk.

### ROUGH PIPELINE

### POLISHED PIPELINE



- **LOW RISK:** if Sightholders and or DBABs are buying rough directly from primary sources, they can be confident that the mined parcels are natural diamonds; therefore no further action is required.
- **MEDIUM RISK:** buying rough from the open market is a medium risk contamination point. Unprocessed Synthetic diamonds are easily identified with the naked eye and so this contamination point could be rightly addressed through policy, procedure and training. For example in this case, the procedure could require that 'all members of the rough purchasing team are trained in identifying the different characteristics between unprocessed synthetic diamonds and rough natural diamonds'. Buying Polished diamonds from the open market could also be medium risk if your supplier has auditable systems in place to ensure that his contamination points are effectively addressed.
- **HIGH RISK:** (this is the only level of risk where testing goods is a requirement) Polished diamonds coming in to a Sightholder and or DBAB's pipeline from an external source may be considered high risk contamination points. For cases like these, stronger procedures are required to protect your pipeline; these must include a form of testing. Testing could be in house or through the use of external testing platforms and depending on the sizes, ranges could be conducted through sample testing. Please see the Disclosure Practice Note for more guidance and to determine sample sizing.



**A.7.32** Policies, procedures and training programmes should be established to address each identified contamination points, procedures should include testing for high risk areas.

**A.7.33** As per the guidance of the World Federation of Diamond Bourses (WFDB) and the WFDB Charter, the following assurances should be given on all invoices and memos:

- “The diamonds herein invoiced are exclusively of natural origin and untreated based on personal knowledge and/or written guarantees provided by the supplier of these diamonds.”
- The diamonds herein on memo are exclusively of natural origin and untreated based on personal knowledge and/or written, guarantees provided by the supplier of these diamonds.”

Stronger assurances should be given on invoices where all goods are either still in their natural rough form or are able to be fully tested prior to sale; the following text is proposed for these cases:

- “On behalf of [Sightholder/DBAB name], and with its full authority, I declare by way of this written assurance that the diamonds [invoiced/sent by memo] and contained herein are exclusively natural diamonds meaning that the referenced [parcel/box] contains no synthetic diamonds or diamonds that have been treated.”

**A.7.34** Established policies procedures and training programmes must be reviewed from time to time to address evolving disclosure risks.

*For further guidance please refer to the Standard Guidance on Disclosure and the Disclosure Practice Note documents available on the SMART system .*

## **A.8 SUPPLY CHAIN MANAGEMENT / BEST ENDEAVOURS**

- A.8.1** Programmes and/or procedures, including risk assessments, should be established to address compliance with the BPPs by Substantial contractors and sub-contractors that are directly involved in the mining, handling, manufacture and sale (or purchase as applicable) of Gold, Diamonds and/or Diamond or Gold jewellery
- A.8.2** Companies/Entities/Facilities will need to demonstrate that they have taken appropriate action to satisfy the requirement to use Best Endeavours to ensure the commitment of non-Substantial contractors to comply with the BPPs (the Best Endeavours Requirement).
- A.8.3** Such actions must include providing relevant Contractor entities with a copy of the BPPs as well as information on the practical implementation of the BPPs (for example, copies of the BPP Requirements and the BPP Workbook). Other appropriate actions could include, but are not limited to:
- Offering contractor entities assistance on the implementation of the BPPs;
  - Obtaining a contractual undertaking from the relevant contractor entity that it will comply with and implement the BPPs, including an undertaking by the entity to carry out Assessments and report the results of such Assessments to the Sightholder and or DBAB;
  - If appropriate, and with the consent of the contractor entity, carrying out Third Party Assessments of the contractor entity at intervals and a basis to be agreed between the parties.
- A.8.4** Each relevant company/entity/facility will need to provide written evidence of the actions it has taken to satisfy the Best Endeavours Requirement.
- A.8.5** Each relevant company/entity/facility will have access to the results of their Substantial contractors' verification visits and if required, must be able to demonstrate working actively to assist in implementing any required corrective action.

## **A.9 PROVENANCE CLAIMS**

- A.9.1** Companies/Entities/Facilities will need to confirm if they make claims or statements to consumers or other businesses on practices in their supply chain and the origin or source of Diamonds, Synthetics, Gold and/or Platinum through the use of descriptions or symbols. Advertising, marketing and other sales-related documentation should be used to establish if this section is relevant.
- A.9.2** Each relevant Company/Entity/Facility will need to provide documented policies/procedures or requirements to validate the Provenance Claim(s).
- A.9.3** Each relevant Company/Entity/Facility shall maintain appropriate record keeping procedures, and verify that the criteria or requirements are met.
- A.9.4** A manager should be responsible for ascertaining which employees require training on the Provenance Claim(s), these employees respond to product enquiries and should be aware of their accountabilities demonstrating a full understanding of the Provenance Claim(s) made. All documentation related to training shall be maintained, including but not limited to: written procedure, training materials and training register.
- A.9.5** Interested parties should have access to a complaints or grievance mechanism.

## A.10 GRADING AND APPRAISAL

**Diamond Grading** –Defining the characteristics of a diamond i.e. cut, colour, clarity and carat weight

**Appraising** - Providing an estimation of monetary value using the composition, identity, characteristics and qualities of a diamond or piece of jewellery.

Grading and Appraisal reports can be used for insurance purposes and could impact the consumer's decision to purchase diamonds and/or jewellery. It is therefore imperative that the content of the reports are transparent, accurate and do not mislead the consumer.

- A.10.1** If independent Diamond Grading Reports are generated by the entity, a content review should take place to ensure that all reports explicitly state whether or not the assessment includes the detection of synthetics and/or treatments. A system should be put in place to ensure that the correct disclosure is included in all grading reports.
- A.10.2** The relevant legislative requirements and professional standards should be taken into account when independent Appraisal Reports are generated. The name of the consumer for whom the report is intended and a statement of the purpose of the Appraisal should be included when these reports are generated for end-consumers.
- A.10.3** Any Diamond Grading Reports or Appraisal Reports created for end consumers that could be interpreted as being independent should disclose any relevant vested interests in the sale of the jewellery product held by the grader or appraiser. A vested interest would be defined as any situation where the content of the report enables the entity to obtain direct or indirect commercial or financial gain. Policies and procedures should be in place to ensure full disclosure is provided in any grading or appraisal report.
- A.10.4** Any Appraisal documentation generated by the entity should not be represented as 'independent', and it must be readily apparent to the customer. Systems and processes in place for entities using Independent Appraisal Reports in selling Diamonds/ Diamond Jewellery to ensure compliance with legislative requirements and international standards concerning misleading representations and deceptive marketing practices. The reason for a difference between the sale price and independent Appraisal must be included in writing in the Independent Appraisal Report when selling diamonds or diamond jewellery.
- A.10.5** The Jeweller's Vigilante Committee's Appraisal Task Force Recommended Minimum Guidelines for Insurance Replacement Costs Estimate Documentation for Jewellers should be studied by appraisers and retailers who provide insurance replacement cost estimates, in particular those working in the United States.

## **B SOCIAL RESPONSIBILITIES**

### **B.1 EMPLOYMENT**

**B.1.1** De Beers is committed to the pursuance of the provision of the highest standards of employment conditions. The BPPs require Sightholders and or DBABs and their applicable contractors to make identical commitments.

**B.1.2** All businesses should pay particular regard to the following elements:

- All workers will be employed in accordance with applicable law.
- The work performed should be based on recognised employment relationships. Obligations to Workers should not be avoided by the use of alternative hiring arrangements, such as apprenticeship schemes where there is little or no attempt at imparting skills.
- Payment and remuneration details shall be agreed before commencement of employment and documentary evidence to confirm contractual agreements shall be supplied by the employer.
- Payments to workers will be made on a regular and pre-agreed schedule, by bank transfer cash or cheque and will be accompanied by an understandable wage slip detailing all payments and deductions.
- Businesses should keep appropriate records such as working hours, payslips, benefits etc.
- Wages and benefits paid for a standard working week shall at least be paid at a minimum national legal standard and these should be adequate to cover basic needs and provide some discretionary income. These provisions constitute minimum and not maximum standards and this should not prevent companies from exceeding these standards.
- There should be no limitations placed on the disposal of income by Workers, nor coercion to make use of company/entity/facility stores or services where these exist. In the case that partial payment of wages in the form of allowances has been agreed and appropriately negotiated on behalf of the Worker, these allowances should be for the personal use of the Worker and his/her family and the value attributed to such allowance should be fair and reasonable.
- Working hours (including overtime), holidays and rest intervals shall comply with national legislation regulations. Workers shall be entitled to be provided with at least one day off for every seven-day period.
- If Workers operate on a shift or rotational working period basis, such as 12 days on followed by two days off, Workers shall be entitled to be provided with the equivalent amount of time to at least one day off for every seven-day period.
- Employers should ensure that Workers do not work in excess of the national limit of hours per week on a regular basis. Overtime should be voluntary, should not be demanded on a regular basis and should always be compensated in compliance with national legislation
- Religious festivals should be respected.
- Where Workers are provided with housing, medical care or food, these should be of a good standard and the principles of respect and equality for the dignity of individuals and their families should be applied.

- When required, recognition should be given to the existence, membership and lawful activities (consistent with recognised international good practice and norms) of worker representative bodies, and worker representatives should be given access to carry out their responsibilities/functions and businesses should not act in any way that undermines this principle.
- Where the right to freedom of association and collective bargaining is restricted under law, no steps should be taken to hinder the development of parallel means of free association and collective bargaining.
- Where collective bargaining agreements exist the agreed terms will be adhered to.
- Arbitrary dismissal procedures for individuals should be avoided and in the event of major changes in operations reasonable notice of such changes to the appropriate authorities and representatives should be made in order to minimise adverse employment effects.
- Information regarding employment needs and working practices and conditions should be provided according to national law in order for meaningful negotiations to occur between worker representatives and the business enterprise.

## **B.2 HEALTH & SAFETY**

- B.2.1** The De Beers Group of companies is committed to the pursuance of the highest standards of health and safety, and the provision of a safe and healthy working environment for individuals in accordance with the national minimum requirements of the relevant countries and with due consideration to the international standards set out in ILO Conventions.
- B.2.2** The following provisions constitute minimum and not maximum standards and should not prevent companies from exceeding these standards. Furthermore, where local laws relating to the provision of proper working conditions and employment and working practices stipulate certain general standards but provide that certain businesses (for example, small businesses) are subject to lower or no set standards, De Beers requires compliance with these general standards.
- B.2.3** General responsibility for health and safety should be assigned to a management representative and a clear description be made available of the formal agreements and communications between employer and Worker representatives on issues related to health and safety.
- B.2.4** Investigation of work-related accidents (and diseases), fatalities and record keeping of incidents, their causes and subsequent remedial action, should be undertaken to prevent repetition.
- B.2.5** Co-operating fully with Workers' representatives for health and safety and appropriate safety authorities to provide on-going programmes of improvements and solutions to potential hazards is encouraged and the company should provide a mechanism for workers to raise and discuss Health & Safety issues with management.
- B.2.6** Policies and/or procedures should be established to ensure that workers are not under the influence of, or abusing, drugs, alcohol and/ or illegal substances.

**B.2.7**

There should be evidence of compliance with national laws on health and safety and with the following requirements:

- Clear information in both written and oral forms and in languages that are familiar to Workers should be provided about health and safety standards relevant to Workers' activities and based on best practice standards from across the industry. Special hazards, tasks or conditions of work should be highlighted together with the relevant measures and procedures provided, including any relevant training, to protect individuals.
- Appropriate procedures for dealing with emergencies and accidents should be clearly available; personal protective clothing (with instructions) should be provided as appropriate and free of charge to the workers, and first aid equipment must be regularly checked and updated and in compliance with national law. Appropriate training in first aid should be given to nominated individuals in the workplace. Workers should receive regular health and safety training and information which should be repeated for new or reassigned Workers.
- Businesses should have policies actively to prevent accidents or injury by minimising as far as is practicable the possible causes of hazards. Monitoring the working environment and health of Workers exposed to hazards should be undertaken regularly.
- Workers have the right and responsibility to remove themselves from work situations in which reasonable concern over imminent and serious danger to life or health is apparent or where hazards are uncontrolled and to bring these situations to the attention of those in imminent risk and to the management. They should not be subjected to any consequences as a result of this action nor should they be required to return to their work environment as long as the hazardous situation continues.
- The safe number of Workers per room should be established in factories so that it is not injurious to the health of the Workers whilst working and is safe in the event that emergency evacuation procedures or regular safety drills need to be implemented. This should in any event at least conform to national legislation. Such action should not prejudice remuneration or employment.
- There must be provision of adequate means of escape for use in cases of emergency (these must be clearly marked). This includes provision of adequate gangways in relation to the number of workers and spacing between machines and equipment shall not be such that means of escape are hindered.
- Emergency evacuation procedures should be communicated to all workers and be regularly tested for effectiveness.
- All workplaces shall be adequately constructed to meet accepted national building regulations (including flooring, ceilings, staircases, communal or shared areas, etc.).
- Appropriate lighting should be provided for the task to be performed and this should include provision of emergency lighting.
- All electrical wiring shall be installed and checked to meet national electrical wiring and safety regulation; all loose wires and open electrical switchgear and fuse boards should be made safe.
- All equipment shall be installed to a high quality of electrical and mechanical safety, free from any health hazard.
- All machinery must only be used with adequate safeguards as per legislative requirements; for example, laser machine doors should be interlocked and fitted to safeguard operatives and those working in the vicinity from exposed or reflected beams when in operation.

- Use and disposal of chemicals (and other waste) must be effectively controlled and evidence of operational procedures and adequate and safe facilities for disposal and/or neutralising of used chemicals (and other waste) prior to disposal shall be displayed.
- Suitable and sufficient first aid provisions and appliances including fire-fighting equipment shall be available in all workplaces and these shall be accompanied by instructions understandable to all workers.
- Suitable and sufficient fire alarms and other fire safety devices shall be installed in all workplaces.
- Of particular importance will be the provision of a working environment with acceptable working conditions appropriate to the tasks performed with regard to noise, heat, cleanliness, air quality and ventilation. This will include:
  - Extraction or appropriate ventilation of dust from bruting machines and around polishing wheels to minimise exposure to airborne particles. In practice this requires that Diamond impregnated scaifes must be cobalt free;
  - Extraction and neutralisation of chemical fumes in the context of the environmental policy;
  - All chemicals and cleaning materials shall be adequately and appropriately labelled and stored;
  - Decibel levels, temperatures and air quality will be compliant with national legislation;
  - Provision of adequate hygienic washing and toilet facilities commensurate with the number and gender of staff employed;
  - Provision of drinking water and sanitary facilities for food storage;
  - Evidence of routine daily cleaning of premises.

**B.2.8** All Diamond-impregnated scaifes used for cutting and polishing should be guaranteed as cobalt-free by the supplier.

## **B.3 NON-DISCRIMINATION AND DISCIPLINARY PRACTICES**

- B.3.1** Discrimination can mean distinction, exclusion or preference; and, therefore, policies and procedures should be documented clearly to take account of issues relating to the hiring, discharge, pay, promotion and training of Workers. No Worker should be discriminated against on the basis of race, caste, national origin, religion, age, disability, physical appearance, gender, marital status, sexual orientation, membership of Worker representative bodies or political affiliation or any criteria that are unlawful at any level of the organisation including the corporate governance body.
- B.3.2** Workers should have the right to express their grievances or concerns without suffering any prejudice or retribution and to have that grievance or concern examined according to written and appropriate procedures.
- B.3.3** Discrimination and disciplinary appeal procedures should be established and effectively communicated to all employees.
- B.3.4** Deductions from wages as a disciplinary measure shall not be permitted nor shall deductions not provided for by national law be permitted without the express permission of the Worker concerned.
- B.3.5** Deductions will not be made without following due process, for example, deductions such as pension contributions etc are allowed but deductions due to equipment requirements or being required to purchase personal protective equipment are not. Deductions must not result in the workers being paid below minimum wage.

## **B.4 CHILD LABOUR**

- B.4.1** The definition of ‘child labour’ set out in the United Nations International Labour Organisation Minimum Age Convention (138), and as set out below, must be adopted.

*‘A child is defined as any person less than 15 years of age unless local minimum age law stipulates a higher age for work or mandatory schooling, in which case the higher age shall apply. Child labour is therefore any work by a child younger than this age and any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, moral or social development.’*

- B.4.2** The following requirements must be met:
- Subject to the paragraph immediately below, the minimum age for admission to employment in any occupation shall not be less than 15 years or the age of completion of minimum compulsory schooling, whichever is greater;
  - Notwithstanding the paragraph above, companies operating in countries whose economy and educational facilities are insufficiently developed may, after consultation with the governments and workers involved, initially specify a minimum age of 14;
  - The minimum age for admission to employment, which by its nature or circumstances, (for example if it takes place at night or in hazardous conditions), is likely to jeopardise the health, safety or morals of young persons, shall not be less than 18 years;
  - Vocational training, technical education or work done in schools is allowed where such work is carried out in accordance with conditions prescribed by the competent authority, and where it is an integral part of: a course of education or training for which a school or training institution is primarily responsible; a programme of training mainly or entirely in an undertaking, in which the programme has been



approved by the competent authority; or a programme of guidance or orientation designed to facilitate the choice of an occupation or of a line of training;

- Policies and programmes of action must be developed to provide for the transition of any child found to be performing child labour to enable him or her to attend and remain in quality education or vocational training until no longer a child. Such programmes must also assess the impact of this transition on the social and economic situation of the child and his or her family and include measures for the provision of suitable alternative opportunities;
- If any children are present in the workforce, policies and procedures must be developed to ensure that the child's combined hours of daily transportation, school and work time do not exceed 10 hours per day, and to ensure that no child is employed during school hours;
- Policies and/or procedures in respect of child labour shall be effectively communicated to personnel and other interested parties.

## **B.5 FORCED LABOUR**

Human trafficking is the movement of an individual across international borders or within a country and can result in forced labour. Companies will be held accountable if they source goods and/or use services provided by exploited workers. Relationships with third party recruitment agencies should be monitored as they expose a Group/Company/Facility to the risk of human trafficking.

- B.5.1** The Universal Declaration of Human Rights states 'no-one shall be held in slavery or servitude' and ILO Convention 29 defines forced or compulsory labour as 'all work or service which is exacted from any person under the menace of any penalty and for which said person has not offered himself voluntarily...'. This requirement and definition must be adhered to at all times.
- B.5.2** The selection and recruitment of workers must be carried out to industry-wide standards and there should be no forced, bonded or involuntary prison labour.
- B.5.3** Workers should not be required to lodge deposits or identity papers with their employers and they should be free to leave their employer after reasonable notice at which point all necessary documentation and assistance should be given to them.
- B.5.4** Where the facility operates hostels for Workers, these workers (and their dependants, as applicable) should have reasonable freedom of movement within the accommodation and to come and go.
- B.5.5** Risks of human trafficking within the company, from direct suppliers and through recruitment agencies, shall be assessed and addressed during the selection and recruitment process.
- B.5.6** The entity shall have processes to identify human trafficking activities internally and/or within third party recruitment agencies employed by the entity.

## **B.6 HUMAN RIGHTS**

- B.6.1** Each Worker shall be treated with equality, respect and dignity.
- B.6.2** Consideration of human rights performance should be a factor in any investment decision as well as the selection of suppliers/contractors.
- B.6.3** No Worker should be subject to direct or indirect physical, sexual, racial, religious, psychological, verbal or any other discriminatory form of harassment or abuse, nor subject to intimidation or degrading treatment.
- B.6.4** Entities will only use armed security personnel when there is no acceptable alternative to manage Risk or to ensure the personal Safety of Employees, Contractors and Visitors to the Facility.
- B.6.5** Policies and procedures for security personnel will be established to ensure respect for the human rights and dignity of all people and to ensure the use of the minimum force proportionate to the threat.
- B.6.6** Security personnel should receive training on policies and/or procedures concerning all aspects of human rights relevant to operations.
- B.6.7** A policy commitment should be created to respect Human Rights and observe the UN guiding Principles on Business and Human Rights. The entity should undertake a Human Rights risk assessment and due diligence process, including assessing actual and potential human rights impacts, integrating and acting upon the findings, tracking responses and communicating how impacts are addressed. The entity should have a policy in place to verify as to whether they are sourcing Diamonds (or Gold or Platinum) directly or indirectly from Conflict-Affected Areas. If the entity is sourcing from a Conflict-Affected Area, a Human Rights diligence process shall be undertaken to assess the heightened risks of Human Rights impacts.
- B.6.8** In instances where entities have identified that they have caused or contributed to adverse Human Rights impacts, the Entity must provide for or cooperate in legitimate processes to enable the remediation of these impacts. Identified risks should be addressed through implementing systems to manage and mitigate risks of causing or contributing to Conflict and adverse Human Rights impacts

## **B.7 SOURCING FROM ARTISANAL AND SMALL-SCALE MINING**

Artisanal and Small-Scale Mining refers to labour intensive mining, using minimal technology and financial resources. Sourcing from Artisanal Small Scale Mining producers could aid impoverished families and communities through providing employment. However, it also has a detrimental impact on the environment along with other issues such as health and safety, and forced/child labour.

- B.7.1** The entity should perform a risk assessment or undertake due diligence in order to review the heightened risks associated with sourcing from Artisanal and Small Scale Mines.
- B.7.2** The entity should use best endeavours to reduce or avoid risks outlined in the due diligence or risk assessment.
- B.7.3** An action plan should be developed and steps taken to address the risks identified to ensure that contribution to conflict is being avoided.

## **C ENVIRONMENTAL RESPONSIBILITIES**

Please note that this section has been developed to be applicable to all types of operation and as such different elements may apply depending on the scope of activities. The overriding objective is to ensure that key risk areas are covered and that the appropriate levels of controls are in place to manage potential effects of operations.

### **C.1 BEST ENVIRONMENTAL PRACTICE AND THE REGULATORY FRAMEWORK**

- C.1.1** In pursuance of the highest standards of environmental care and protection, commitments will be guided by international law and best practice voluntary norms on the following:
- Manage all issues of environment policy as integral parts of company/entity/facility business and planning.
  - Develop appropriate environment policies and programmes, monitor their consistent implementation by accountable and adequately resourced personnel, and ensure that these policies and programmes are communicated to all employees.
  - Foster awareness of shared responsibility and accountability for the environment among workers through a communication programme which embraces interaction and co-operation with all stakeholders.
  - Eliminate the use of chemicals and Hazardous Substances subject to international bans due to their high toxicity to living organisms, environmental persistence, potential for bioaccumulation, or potential for depletion of the ozone layer and employ alternatives to other Hazardous Substances used in production processes wherever technically and economically viable.
  - Manage wastes, emissions, dust and the use of potentially harmful substances so as to prevent pollution.
  - Conduct regular environmental audits to evaluate compliance and effectiveness of the environment policy of the business and report the outcomes annually to the supervisory board/management of the company/entity/facility.
  - Alternatives to hazardous substances used in business processes will be sought and employed where technically and economically viable.

## **D MINING**

### **D.1 EXTRACTIVE INDUSTRIES TRANSPARENCY INITIATIVE:**

- D.1.1** Mining facilities must demonstrate commitment and support to the implementation of the Extractive Industries Transparency Initiative (EITI)

### **D.2 HEALTH & SAFETY EMERGENCY PROCEDURES:**

- D.2.1** Mining facilities will develop and maintain emergency response plans, in collaboration with potentially affected communities, workers and their representatives, and relevant agencies, pursuant to guidance provided by UNEP on Awareness and Preparedness for Emergencies at the Local Level (APELL) for Mining.

### **D.3 BIODIVERSITY**

- D.3.1** Entities with mining operations will:
- Design, construct, maintain and monitor tailing facilities and waste rock facilities to ensure structural stability, control discharge, and protect the surrounding environment and local communities.
  - Not use riverine tailings disposal at new facilities.
  - Not use marine or lake tailings or waste rock disposal for land-based mining facilities, unless:
  - A thorough environmental and social analysis of alternatives, using scientifically valid data, was conducted that showed that marine or lake tailings disposal creates fewer environmental and social impacts and risks than a land-based tailing facility,
  - Conduct scientific studies demonstrating that there are no significant adverse effects on coastal resources
  - There is long-term impact monitoring, including for cumulative impacts, and a provision made for a mitigation plan.
- D.3.2** Carry out physical and geochemical characterisations of mining wastes so as to identify and manage potential impacts arising from acid rock drainage and metal leaching
- D.3.3** Protect the surrounding environment and local communities from potential impacts of acidification, metal leaching, loss of containment or contamination during the mine's operation and post-closure.

- D.3.4** Entities with mining facilities will not explore or mine in World Heritage Sites and ensure that their activities do not impact directly on adjacent World Heritage Sites.
- D.3.5** Entities will have a process to identify legally designated protected areas, comply with all requirements relating to these and ensure that all decisions concerning exploration, development, operation and closure take account of the impact on these areas.
- D.3.6** Entities will not undertake any activity that will, or is likely to, lead to the extinction of a species listed by the IUCN as threatened with extinction, or create adverse impacts on habitat critical to supporting their survival.
- D.3.7** Entities with mining facilities will assess potential environmental impacts on land, water, air and biodiversity when planning any developments or expansions, exploration programmes and mining projects and implement action plans to deliver measurable diversity benefits proportionately to the level of any impacts.
- D.3.8** Entities shall identify Key Biodiversity Areas affected by their operations and:
- Use the mitigation hierarchy to avoid, minimise, rehabilitate or offset impacts on biodiversity and ecosystem services
  - Implement action plans to deliver measurable biodiversity benefits that are at least commensurate with the level of adverse impacts, and ideally provide net positive impact
  - In areas of Critical Habitat, ensure that there are no measurable adverse impacts on the criteria for which the habitat was designated or on the ecological processes supporting those criteria
- D.3.9** Entities carrying out exploration or mining activities in deep-sea areas shall ensure there is sufficient scientific knowledge of potential impacts of these activities, and implement controls to mitigate adverse impacts.

## **D.4 MINE CLOSURE PLANNING**

- D.4.1** Entities with mining facilities will prepare and regularly review a mine closure plan in relation to each mining facility and ensure that adequate capacity and resources , including financial provisions, are available to meet closure and rehabilitation requirements.
- D.4.2** There must be regular engagement with local stakeholders in relation to each mining facility including Indigenous peoples, communities, ASM, employees and regulators, regarding mine closure and rehabilitation plans.
- D.4.3** Land disturbed or occupied by mining facilities shall be rehabilitated with the objective of establishing a sustainable native ecosystem or other post-mining land use developed through engagement with key stakeholders in the mine closure planning process.

## **D.5 SUSTAINABILITY REPORTING**

- D.5.1** Entities with mining facilities will report annually on their sustainability performance using the Global Reporting Initiative (GRI) Guidelines and GRI Mining and Metals Sector Supplement.
- D.5.2** The reports must have external assurance as defined by the GRI.

## **D.6 INDIGENOUS PEOPLES**

- D.6.1** Mining Facilities will respect the rights of Indigenous Peoples as articulated and defined in applicable provincial, national and international laws and their social, cultural, environmental and economic interests, including their connection with lands and waters.
- D.6.2** Mining Facilities will seek to obtain broad-based support of affected Indigenous Peoples and to have this support formally documented, including partnerships and/or programs to provide benefits and mitigate impacts.
- D.6.3** New Mining Facilities, or significant changes to existing Mining Facilities, shall, as described in International Finance Corporation (IFC) Performance Standard 7, work to obtain the Free, Prior and Informed Consent (FPIC) of affected Indigenous Peoples during the planning and approval stages, through a process that strives to be consistent their traditional decision-making processes, while respecting internationally recognised human rights and based on good faith negotiations.
- D.6.4** The Mining Facility shall implement policies or procedures to ensure respect for the rights of Indigenous Peoples, conduct an impact assessment on the potential impact of the business on Indigenous Peoples and establish programs to mitigate negative impacts and provide benefits to Indigenous Peoples.
- D.6.5** The facility shall document the mutually accepted process between the Facility and the affected Indigenous Peoples, and any relevant government authorities, and shall evidence the agreement between the parties as the outcome of the negotiations.
- D.6.6** Obtaining Free Prior and Informed Consent could be associated with any of the following circumstances:
- D.6.7** Artisanal and Small-scale Mining (ASM) producers should be explicitly addressed in training of private security personnel. In some countries, the term Indigenous may be controversial, and local terms may be used which are broadly equivalent, such as tribal peoples, aboriginal people, first peoples, native people. In other situations, Indigenous Peoples may not be recognised by the State.
- D.6.8** Entities shall apply the principles of FPIC to groups that exhibit the commonly accepted characteristics of Indigenous Peoples, including:
- Self-identification as members of a distinct indigenous cultural group and recognition of this identity by others
  - Collective attachment to geographically distinct habituate or ancestral territories in the project area and to the natural resources in these habitats and territories
  - Customary cultural, economic, social or political institutions that are separate from those of the dominant society or culture
  - A distinct language or dialect, often different from the official language/s of the country or region in which they reside.

- D.6.9** Impact Benefit Agreements are considered a suitable FPIC process where they are carried out in good-faith and with the informed consultation and participation of Indigenous People.

## **D.7 ARTISANAL AND SMALL-SCALE MINING**

- D.7.1** Mining Facilities will, as appropriate, participate in initiatives, including multi-stakeholder initiatives, which enable the professionalisation and formalisation of artisanal and small-scale mining (ASM), where it occurs within their areas of operation.
- D.7.2** Where artisanal and small scale mining operates on or around a Mining Facility, the entity will engage directly with them as part of their Social and Environmental Impact Assessment and community engagement processes.

## **D.8 COMMUNITY ENGAGEMENT AND DEVELOPMENT:**

- D.8.1** Entities will seek to support the development of the communities in which they operate through support of community initiatives.
- D.8.2** Entities with mining facilities will have appropriate policies, skills, resources and systems to manage early and on-going engagement with affected communities and in particular:
- Identification of affected communities and other related stakeholders in relation to project risks, impacts and phase of development, including significant changes to existing facilities
  - undertake early and ongoing engagement with affected communities and stakeholders throughout the project's lifecycle, including post-closure monitoring
  - Establish effective communication measures to disseminate relevant project information and receive feedback in an inclusive, culturally-appropriate and rights-compatible manner
  - ensure the interests and development aspirations of affected communities are considered in major mining decisions in the project's lifecycle
  - through informed consultation, considering the interests and development aspirations of affected communities, seek broad community support for proposals in major mining decisions in the project's life cycle
  - carry out engagement in an inclusive, equitable, culturally appropriate and rights-compatible manner
  - avoid or otherwise minimise involuntary resettlement. Where resettlement is unavoidable, its implementation should be consistent with International Finance Corporation (IFC) Performance Standard 5
  - ensure that rights-compatible complaints and grievance mechanisms are made available and communicated to affected communities
  - maintain records of grievances raised, investigation processes and outcomes

## **D.9 IMPACT ASSESSMENT**

- D.9.1** An environmental and social impact assessment must be undertaken with the full engagement of affected communities and stakeholders for exploration and new mining facilities or significant changes to operations at existing facilities which take account of human rights, gender and conflict and include environmental and social management plans.
- D.9.2** Entities will prepare and update plans for managing environment risk and potential emergencies and ensure that the burden of negative environmental consequences will not fall on vulnerable racial, ethnic and socio-economic groups.

## **D.10 SECURITY GUARDS**

- D.10.1** Entities with Mining Facilities will ensure that security risk assessments are conducted and that security personnel receive training and operate in accordance with the Voluntary Principles on Security and Human Rights (2000).
- D.10.2** The human rights of any Artisanal and Small-scale Mining (ASM) producers should be explicitly addressed in the training of private security personnel.

## **D.11 MERCURY**

- D.11.1** Where Mercury is contained in saleable products, by-products or emissions, the company/entity/facility shall adopt management practices that are at minimum in accordance with legal requirements to control and, where feasible, reduce mercury emissions using best available techniques or best environmental practices that take into account technical and economic considerations.
- D.11.2** For entities that use mercury in their mining and processing activities, the entity shall eliminate whole ore-amalgamation, open burning of amalgam or processed amalgam, and burning of amalgam in residential areas, and cyanide leaching in sediment, ore or tailings to which mercury has been added without first removing the mercury
- D.11.3** Where mercury is being used in ASM activities, controls should be in place to prevent exposure to anyone under the age of 18 year and pregnant women, and the Entity sourcing from ASM producers shall take steps to control, reduce, and where feasible eliminate, the use of mercury and mercury compounds from such mining and processing activities.



# FURTHER INFORMATION AND USEFUL LINKS

## A. BUSINESS RESPONSIBILITIES

- Transparency International; [www.transparency.org/](http://www.transparency.org/)
- OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (1997);  
[www.oecd.org/document/21/0,3343,en\\_2649\\_34859\\_2017813\\_1\\_1\\_1\\_1,00.html](http://www.oecd.org/document/21/0,3343,en_2649_34859_2017813_1_1_1_1,00.html)
- UN Global Compact – Principle 10 on Anti-Corruption (2004)  
[www.unglobalcompact.org/AboutTheGC/TheTenPrinciples/anti-corruption.html](http://www.unglobalcompact.org/AboutTheGC/TheTenPrinciples/anti-corruption.html)
- UN Convention against Corruption (2003) ;  
[www.unodc.org/unodc/en/corruption/index.html](http://www.unodc.org/unodc/en/corruption/index.html)
- Publish What You Pay – aimed at natural resource extraction companies;  
[www.publishwhatyoupay.org](http://www.publishwhatyoupay.org)
- World Economic Forum – Partnering against Corruption;  
[www.weforum.org/en/initiatives/paci/index.htm](http://www.weforum.org/en/initiatives/paci/index.htm)
- Financial Action Task Force (FATF) – an international policy making organisation established to counter criminal use of financial systems [www.fatf-gafi.org](http://www.fatf-gafi.org)
- World Bank Group – Anti-Money Laundering and Combating the Financing of Terrorism [www1.worldbank.org/finance/html/amlcft/index.htm](http://www1.worldbank.org/finance/html/amlcft/index.htm)
- UN Global Programme against Money Laundering  
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[www.acmer.uq.edu.au/](http://www.acmer.uq.edu.au/)
- Acid Drainage Technology Initiative (ADTI) Metal Mining Initiative  
[www.unr.edu/mines/adti](http://www.unr.edu/mines/adti)
- Partnership for Acid Drainage Remediation in Europe (PADRE)  
[www.padre.imwa.info](http://www.padre.imwa.info)
- South African Water Research Commission (WRC of South Africa) [www.wrc.org.za](http://www.wrc.org.za)
- Minerals Council of Australia – Enduring Value Guidance document  
[www.minerals.org.au/\\_data/assets/pdf\\_file/0005/19832/EV\\_GuidanceForImplementation\\_July2005.pdf](http://www.minerals.org.au/_data/assets/pdf_file/0005/19832/EV_GuidanceForImplementation_July2005.pdf)
- Convention for Biological Diversity [www.cbd.int/](http://www.cbd.int/)
- World Heritage Areas – UNESCO [www.whc.unesco.org/en/list](http://www.whc.unesco.org/en/list)
- Convention on Wetlands of International Importance – Ramsar Convention  
[www.ramsar.org](http://www.ramsar.org)
- The Integrated Biodiversity Assessment Tool <http://ibatforbusiness.org/ibat/>
- Global Biodiversity Information Facility <http://www.gbif.org/>
- IFC Performance Standard 6 – Biodiversity Conservation and Sustainable Natural Resource Management:  
[www.ifc.org/ifcext/sustainability.nsf/AttachmentsByTitle/pol\\_PerformanceStandards2006\\_PS6/\\$FILE/PS\\_6\\_BiodivConservation.pdf](http://www.ifc.org/ifcext/sustainability.nsf/AttachmentsByTitle/pol_PerformanceStandards2006_PS6/$FILE/PS_6_BiodivConservation.pdf)
- IU CN – Identification and Gap Analysis of Key Biodiversity Areas (2007)  
<http://data.iucn.org/dbtw-wpd/edocs/PAG-015.pdf>
- IU CN – Guidelines for Applying Protected Area Categories  
<http://data.iucn.org/dbtw-wpd/edocs/PAPS-016.pdf>
- IU CN Red List of Threatened Species <http://www.iucnredlist.org/>
- IU CN-ICMM Dialogue  
[www.iucn.org/about/work/programmes/business/bbp\\_our\\_work/bbp\\_mining/](http://www.iucn.org/about/work/programmes/business/bbp_our_work/bbp_mining/)
- [www.icmm.com/page/1672/iucn-icmm-dialogue](http://www.icmm.com/page/1672/iucn-icmm-dialogue)
- ICMM Position Statement – Mining and Protected Areas  
[www.icmm.com/document/43](http://www.icmm.com/document/43)
- ICMM “Good practice guidance for mining and biodiversity”  
[www.icmm.com/page/1182/good-practice-guidance-for-mining-and-biodiversity](http://www.icmm.com/page/1182/good-practice-guidance-for-mining-and-biodiversity)
- ICMM Mine Closure Toolkit [www.icmm.com/page/758/our-work/projects/articles/integrated-mine-closure](http://www.icmm.com/page/758/our-work/projects/articles/integrated-mine-closure)



## RESOURCE APPENDIX

The following sources have been used to develop the BPP Requirements and are also useful reference resources:

- Background paper for ICEM World Conference for the Diamond, Gem, Ornament and Jewellery Production Section, Bangkok 23–25 November 2001
- CANADA D – Misuses of Terminology
- CIBJO Diamond Books
- Diamond Best Practice Principles Leaflet
- ETI
- FTC section 23.
- ICESCR
- ILO Conventions
- ILO Declaration on Fundamental Principles and Rights at Work
- ILO Recommendation No. 129 on Communications within the Undertaking (1967)
- Indian Factories Act (1948, amended 1987)
- Kimberley Process Certification Scheme, section 1
- RD
- TDP
- UN Norms
- World Diamond Council, Essential Guide to Implementing the Kimberley Process