



ALLIANCE FOR RESPONSIBLE MINING ARM

STANDARDS COMPLAINTS PROCEDURES

against the procedures of setting social and environmental standards related to artisanal and small-scale mining and the supply chain of its products

Version 2.0, May 1, 2017

Supersedes version 1.0 (2012) of ARM Standards Complaints Procedures

Contact for comments: standards@responsiblemines.org

Further information and downloads: www.responsiblemines.org

The Alliance for Responsible Mining (ARM) is an independent, global-scale, pioneering initiative established in 2004 to enhance equity and wellbeing in artisanal and small-scale mining (ASM) communities through improved social, environmental and labour practices, good governance and the implementation of ecosystem restoration practices. ARM is committed to social justice and environmental responsibility as the values driving the transformation of ASM.

ARM's vision is for artisanal and small-scale mining to become a formalized, organized and profitable activity that uses efficient technologies, and is socially and environmentally responsible. It is a vision of a sector that increasingly develops within a framework of good governance, legality, participation and respect for diversity and that increases its contribution to the generation of decent work, local development, poverty reduction and social peace in our nations, driven by a growing consumer demand for sustainable minerals and ethical jewelry.

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1. INTRODUCTION

The Alliance for Responsible Mining (ARM) develops, as part of its mission, **voluntary social and environmental standards related to responsible artisanal and small-scale mining (ASM) and the downstream value chain of its products** (ARM Standards).

ARM Standards may be developed by ARM as sole standard setter or by ARM in cooperation and partnership with other standard setting organizations or build upon other compatible standard setter's standards with due authorization. The term ARM Standards refers to all existing and all eventual future standards developed by ARM (i.e. currently the Standard Zero, the Fairmined Standard, and the Market Entry Standard)

The purpose of this document is to describe the procedures for dealing with complaints, raised by any stakeholder, against the procedures of developing, reviewing and implementing ARM Standards. These complaints procedures seek to ensure the credibility of all ARM Standards, by incorporating the values of transparency, participation and fairness into the processes for their development, and through alignment with international best practice for standards development.¹

This document shall be available publicly and free of charges in electronic format for download at the ARM website. For distribution as hard- or soft-copies through other media, ARM may charge at cost.

Comments or suggestions regarding this complaints procedure may be submitted at any time by email to standards@responsiblemines.org, or in writing to the postal address of ARM published at the ARM website <http://responsiblemines.org>. Comments and suggestions will be taken into account at the next revision of the procedures.

The complaints procedures shall be revised periodically, at least every four years, or in shorter intervals if considered appropriate by ARM in order to comply with its mission and to increase stakeholder confidence and commitment.

2. GROUNDS FOR COMPLAINTS

ARM Standards strive for consensus among all involved stakeholder groups along the supply chain from mine to market. The aspired highest level of consensus is unanimity, but in case that unanimity cannot be reached, the ARM standard setting procedures allow for majority-based decisions, ensuring through consultation processes, the balanced composition of Standard Committee(s), and minority rights during decision making that decisions reflect the best possible democratic consensus. Opinions in opposition to the content of an ARM Standard are therefore not subject to complaints, but may be presented at any time as comments and feedback on the ARM Standard, and shall be taken into account by ARM during the next revision process.

Complaints may be presented:

¹ The procedures outlined in this document aim for compatibility with the "ISEAL Code of Good Practice for Setting Social and Environmental Standards" but do not claim any compliance with the ISEAL Standard-setting code.

- against ARM's standard-setting procedures in general, claiming that the procedures do not follow generally accepted best practice for setting voluntary social and environmental standards.²
- against a specific procedure followed during standards-setting of a particular ARM Standard, claiming that the process did not adhere to the ARM's standard-setting procedures and the departure from the procedure is not duly justified.
- if the complainant believes to have verifiable arguments sustaining that the objected general or specific procedure negatively affects or gives undue advantage to a stakeholder or group of thereof.

If no stakeholder results or may result positively or negatively affected, a comment or suggestion should be presented to ARM, instead of a complaint.

3. PROCEDURE FOR COMPLAINTS

3.1 Presentation of a complaint

Any relevant stakeholders can submit a complaint against the setting of an ARM Standard to standards@responsiblemines.org.

The complaint shall contain at least:

- Full name and institutional affiliation if applicable
- Contact details
- Description of the alleged non-compliance of the ARM standard-setting procedures with generally accepted best practice, or description of the specific standard-setting process steps departing from the ARM standard-setting procedures without due justification.
- Arguments on how the objected procedure affects stakeholder(s) of the ARM Standard
- If applicable, a suggestion for improvement of the ARM standard-setting procedures, or a request for actions to be taken by ARM to mitigate the impact on the affected stakeholder(s)
- A reference to these complaints procedures

3.2 First instance

On reception of a complaint ARM shall confirm receipt to the complainant within 10 days, indicating the staff tasked as personal point of contact.

The Standard Coordinator shall evaluate whether the complaint is valid, addressing a procedural issue.

If the complaint is not valid (e.g. the complaint refers to the content of a Standard, or does not affect any stakeholder) the Standards Coordinator shall reject the complaint, but file it as comment and feedback for the next revision cycle of the ARM Standard or the ARM standard-setting procedures.

² "Generally accepted best practice" refers to the "ISEAL Code of Good Practice for Setting Social and Environmental Standards"

If the complaint is valid, the Standard Coordinator shall analyze to what extent the objected procedure affects stakeholder(s) of the ARM Standard, and what type of action is required in consequence. Action may be

- an amendment to ARM's standard-setting procedures (article 1 of standard-setting procedures)
- an administrative maintenance of the ARM Standard (article 3.6 of standard-setting procedures)
- an abbreviated process to reaffirm the ARM Standard with minor amendments (article 3.2 of standard-setting procedures), or
- a full revision (article 3.2 of standard-setting procedures),
- further research on the issue raised or other action, suitable for the purpose,
- and in all cases the timeframe for decision making,

Depending on competent decision levels, further decision making may be required. Reasonable timeframes should be:

- by the Standards Coordinator within 30 days after reception of the complaint,
- by the Executive Director within 60 days after reception of the complaint,
- by the Board of Directors within 90 days after reception of the complaint.

The decision on acceptance or rejection, as well as eventual timeframes for further decision-making, shall be communicated to the complainant within 30 days, indicating the rationale behind the decision.

According to the above timeframes, the complainant shall be informed on further decisions regarding action to be taken. The Standard Committee shall be informed on the complaint at its next ordinary meeting, or earlier if deemed appropriate.

The complainant may accept the decision(s). In this case the complaint has concluded.

3.3 Pursuit in second instance

If the complainant is not satisfied with the decision, the complainant may pursue the complaint, and approach the Executive Director, as second instance. In decision-making, the Executive Director shall seek guidance from the Board of Directors, and where applicable from members of the involved Standard Committee.

Procedure, decisions and timelines in second instance are similar to the complaints procedure in first instance, with the difference that decisions are made by the Executive Director.

The complainant and the Standard Committee shall be informed on decisions accordingly.

The complainant may accept the decision(s). In this case the complaint has concluded.

3.4 Appeals in third and ultimate instance

If the complainant is not satisfied with the decision, the complainant may pursue the complaint, and approach the Board of Directors of ARM, as third and ultimate instance.

Point of contact to the Board of Directors is the Board's Executive Committee, which decides according to its own procedures whether a complaint can be evaluated by the Executive Committee or needs to be presented to the plenary of the Board.

For that purpose the complainant shall:

- amend the complaint in consideration of the reasons for rejection in first and second instance, in particular if rejection in first and second instance were based on the appreciation that the complaint refers to the content of an ARM Standard and not to a procedural issue.
- provide evidence how the objected procedure negatively affects or gives undue advantage to a stakeholder or group of thereof
- present the appeal to the Board's Executive Committee with copy to the Executive Director of ARM

On reception of an appeal, the Executive Director shall confirm receipt to the complainant within 10 working days, indicating the envisaged timeframe for convening the Board's Executive Committee.

The Board's Executive Committee shall convene and address the complaint according to the Board of Directors procedures. The complainant shall be invited to at least one meeting of the Board's Executive Committee and be given the opportunity to personally present and sustain the complaint. Equally, the Standards Coordinator and Executive Director shall be invited to present the rationale for decisions in first and second instance.

The Board's Executive Committee shall consider all arguments and evidence, and shall decide within 15 working days on how to address the complaint and inform the complainant on its decision.

If within the period of the 15 working days, the Board's Executive Committee considers necessary to convene the plenary of the Board. The Board's Executive Committee shall issue a recommendation to the plenary, and inform the Standard Committee (if applicable), the Executive Director and the complainant.

The Board of Directors shall decide within 15 working days on how to address the recommendation of the Board's Executive Committee and inform the complainant on its decision.

A synopsis of the complaint shall be published on the ARM website. Simultaneously, the Board's response shall be published on the ARM website within 10 days.

The decision of the Board of Directors is final and no further appeal is possible.

4. PUBLIC STATEMENTS

While a complaints process (including pursuit in second instance and appeals in third instance) is ongoing, both parties (ARM and the complainant) shall abstain from making public statements or engage in public campaigning related to the topic of the complaint, unless both parties agree in writing on involving the public.

The embargo on public comments ends automatically at concluding an appeal in third instance at the moment when the Board of Director's response is published on the ARM website.

5. DOCUMENTATION

All records (electronic copies and paper copies) related to a complaint shall be kept for as long as the objected ARM Standard or ARM Standards developed through the objected standard-setting procedure remain the current version, but at least five years.



Referenced documents:

ISEAL Code of Good Practice: Setting Social and Environmental Standards v 6.0.

<http://www.isealalliance.org/online-community/resources/iseal-standard-setting-code>

Note: This document was prepared using the ISEAL code as guidance and uses partly wording “borrowed” from the code. However, ARM makes explicitly no claims regarding ISEAL compliance of the procedures at the moment of adopting this procedure document, but may apply for external evaluation of ISEAL compliance at a later moment.