



The Copper Mark Grievance Mechanism

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1 Objectives

The Copper Mark is the leading assurance framework to promote responsible practices across the copper, molybdenum, nickel and zinc value chains. We work with companies and organisations throughout these metals' value chains to enable them to better understand and meet the increasing demands for independently verified responsible practices, and to contribute positively to sustainable development. Our Vision is a sustainable society, enabled by the responsible production, sourcing, and recycling of metals. We apply robust governance, credible standards and assurance, stakeholder engagement, and leadership strategies to:

- Address past, present, and future critical impacts on people and the environment throughout metal value chains.
- Support circular economy.
- Contribute to positive legacies and a sustainable society.

The Grievance Mechanism is one tool to help achieve these objectives. The objective of this Grievance Mechanism is to ensure that grievances raised with the Copper Mark are handled in a timely, comprehensive, consistent, transparent, and effective manner, in line with the UN Guiding Principles for Business and Human Rights Principle 31: Criteria for ensuring effective non-judicial grievance mechanisms. It is intended to allow Copper Mark stakeholders to raise concerns, have these investigated and provide a remedy, in particular where rights are violated.

This document explains the grievance mechanism, including defining the scope of the types of grievances the Copper Mark will review, the process for the review, and the potential outcomes of the grievance. While this is a voluntary process for complainants to engage with, respondents are required to cooperate with the Grievance Mechanism.

Note that the Copper Mark informs the Board of Directors of any new grievance as soon as practicable, and no later than two business days after receiving the grievance. Subject to managing a conflict of interest, the Board of Directors are updated throughout the implementation of the grievance process.

The Copper Mark Grievance Mechanism does not replace or limit access to judicial and other non-judicial remedies. Where grievances allege or imply criminal liability, these should be addressed through formal police or governmental processes, not through the Copper Mark. Grievances which concern legal disputes fall outside of the remit of the Copper Mark Grievance Mechanism.

The Copper Mark will undertake a regular review of this document to implement lessons learned and ensure alignment with the UN Guiding Principles on Business and Human Rights, and any other relevant legal requirements or developments in best practice, as well as the stated objectives and goals of the Copper Mark.

2 Scope

The Copper Mark Grievance Mechanism is designed to address potential negative impacts that arise with or within the context of the Copper Mark. In agreeing to use the Grievance Mechanism, parties also agree to accept that the decisions made under the Grievance Mechanism are binding to:

- The Copper Mark and the Board of Directors
- Sites that participate in the Copper Mark Assurance Process, approved assessors / assessment firms, employees, contractors and others.

Each party has an opportunity for appeal. Following completion of the appeals process, there is no further opportunity to appeal.

2.1 Types of Grievances

While there may be many different types of potential grievances, the scope of the Copper Mark Grievance Mechanism is representative of the Copper Mark's direct and indirect impact. To that end, two broad types of grievances are admissible:

- **Grievances against the Copper Mark.** Grievances about the implementation of the Copper Mark's policies, procedures and operating processes for which its management and board of directors has direct governance responsibility. This includes grievances against the Copper Mark company, its Board of Directors, staff, contractors and approved assessors.
- **Grievances against a site that participates in the Copper Mark Assurance Process.** Grievances against a site which does not conform with or follow the guidance of all applicable Copper Mark policies, procedures and documents, as amended by The Copper Mark from time to time, including but not limited to: The Copper Mark Criteria, The Copper Mark Criteria Guide, The Copper Mark Assurance Process, and The Copper Mark Claims Guide.

Examples of complaints that can be submitted include but are not limited to:

- Staff has not followed the process to develop a policy / standard / procedure
- Disagreement with a performance determination of one or more criteria of a participating site
- Interpretation and subsequent application of one or more Copper Mark criteria in an assessment
- Conduct of a site participating in the Copper Mark
- Assessor has not followed the Assurance Process in conducting an assessment
- An assessor's conduct, experience, or expertise does not align with their approval
- Misuse of The Copper Mark-related logos and / or claims

Examples of complaints that are not able to be submitted include but are not limited to:

- Complaints concerning personal grievances or private disputes that do not relate to The Copper Mark Assurance Framework
- Complaints that appear to be trivial, vexatious, repetitious or pursued primarily to gain competitive advantage
- Complaints that are merely based on hearsay evidence, save for exceptional circumstances
- Complaints that only recommend changes to the Copper Mark's published standards, scope or procedures (these should be referred to the next scheduled review of the relevant documents)

The Copper Mark may provide alternative pathways for resolution of these types of complaints, as appropriate.

2.2 Complainants

The complainant is the party submitting a grievance and may be an individual, a group, or a coalition of groups. The Copper Mark accepts grievances from any organisations, representatives of organizations, or individuals who believe they are affected or potentially affected or otherwise hold a stake in the outcome of the grievance.

Such organisations or individuals may include, but are not limited to:

- A site participating in the Copper Mark or worker, group of workers, or representative of workers of a site participating in the Copper Mark
- A Copper Mark approved assessor or independent reviewer
- Supply chain actor, including clients or buyers of material from Copper Mark sites
- Community groups or members (potentially) impacted by a Copper Mark Participant's site
- Environmental, human rights, or development civil society organisations monitoring the effects of copper production
- Indigenous Peoples' representatives within the area of influence of a Copper Mark Participant

3 Guiding Principles

The Copper Mark Grievance Mechanism aligns with the United Nations Guiding Principles on Business and Human Rights, and especially Principles 13, 30 and 31¹. The Copper Mark Grievance Mechanism is publicly accessible and designed to deal with grievances in a manner that is timely, comprehensive, predictable, consistent, transparent and effective.

¹ https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

- Any person or groups of people may submit a grievance and participate in the processes of the Copper Mark Grievance mechanism, regardless of race, ethnicity, sex, gender, age, sexual orientation, religion or political opinion.
- Issues between parties should be escalated internally to, and resolved at, the most appropriate level of management.
- Communication is to be open and fluid and parties should have adequate notice to respond and participate in the process.
- Communication is to be timely and decision-making is to be as expeditious as possible.
- Information arising within the context of the grievance will be held as confidential, except as noted in the section on reporting.
- Protection from retaliation for complainants is in place.
- Anonymity, where requested, is preserved.
- Investigators / members of the Panel of Experts are to declare any actual or potential conflicts of interest in accordance with the [Copper Mark's Business Integrity policy](#), be unbiased, and act without prejudice and in good faith.
- The process is to be conducted in a way that is fair to all the parties involved, including reasonable access to sources of information, advice and expertise.
- Wherever possible, parties should be entitled to enquire about and respond to the evidence of the other party.
- Decisions should take into account relevant considerations and mitigating circumstances. Information provided should be within the scope of the grievance.
- Disassociation by the Copper Mark of any party should only be contemplated after attempts to correct a grievance and all avenues for resolution have been exhausted.

3.1 Retaliation

The Copper Mark will not take any action to retaliate, discriminate, threaten, or otherwise cause adverse impacts to a complainant who lawfully files a grievance and provides relevant information.

Where adverse impacts to the complainant are caused by other parties as a result of filing the grievance, The Copper Mark may help to identify support services available to the complainant, such as mental or physical health counselling, legal services, or social services.

3.2 Anonymity

A complainant seeking anonymity must declare this at the time of filing a formal grievance. The complainant should be aware that depending on what information they choose to share with the Copper Mark, they might ultimately be identifiable from certain information, which is shared with the respondent, although every effort will be made to ensure identifying information is not shared through redaction and other means. However, this may significantly limit what can be shared and therefore the respondent's ability to respond completely to the grievance.

While every effort will be made to consider a grievance on the basis of information provided, ultimately it might not be possible for a grievance to be admissible if the complainant does not consent to certain information being shared with the respondent.

3.3 Confidentiality

Where necessary to protect the privacy and integrity of the parties involved, the Copper Mark may keep the grievance and subsequent actions and decisions confidential, unless legally obligated to be disclosed.

Parties that submit grievances and request anonymity will not be identified in presentations of grievances to the Copper Mark Board of Directors.

4 Filing a Grievance

4.1 Prior Action

A core principle of this Grievance Mechanism is that where possible, grievances are best handled between the disputing parties who have direct control over the issue.

A complainant should first make all reasonable attempts to resolve the grievance directly with the respondent and to give the respondent an opportunity to respond to and / or address the grievance. The complainant should attempt to resolve the grievance at the most appropriate decision-making management level.

Prior action is not expected where the complainant has a reasonable fear of retaliation or in cases where further delay can worsen the situation / adverse impacts for rightsholders. Prior action is not intended to inhibit access to the Copper Mark Grievance Mechanism.

4.2 Submitting a Grievance

Information on the Copper Mark Grievance Mechanism and how to submit a grievance is available on the [Copper Mark website](#).

Parties filing a formal grievance are asked to provide the following information:

- Basic information about the complainant/complainant's organization except when submitting an anonymous grievance
- Basic information about the respondent/respondent's organization

- Details about the grievance (including details of all relevant stakeholders and a detailed summary of the issues)
- Evidence to support the grievance (this includes verifiable factual information, records, observations, personal knowledge and/or statements of fact, which can be qualitative or quantitative).
- Expected outcomes, including alternative outcome options to assist with reaching a resolution of the grievance. If all other information is provided, the Copper Mark may accept the grievance and work with the complainant on this point.

The Copper Mark may return incomplete complaints, with an explanation of what is needed to constitute a complete submission that can then be further processed.

Grievances may be submitted in the local language of the complainant.

6 Grievance Process

The flowchart below provides an overview of the Copper Mark grievance processes. Each of the numbered boxes is discussed further below.

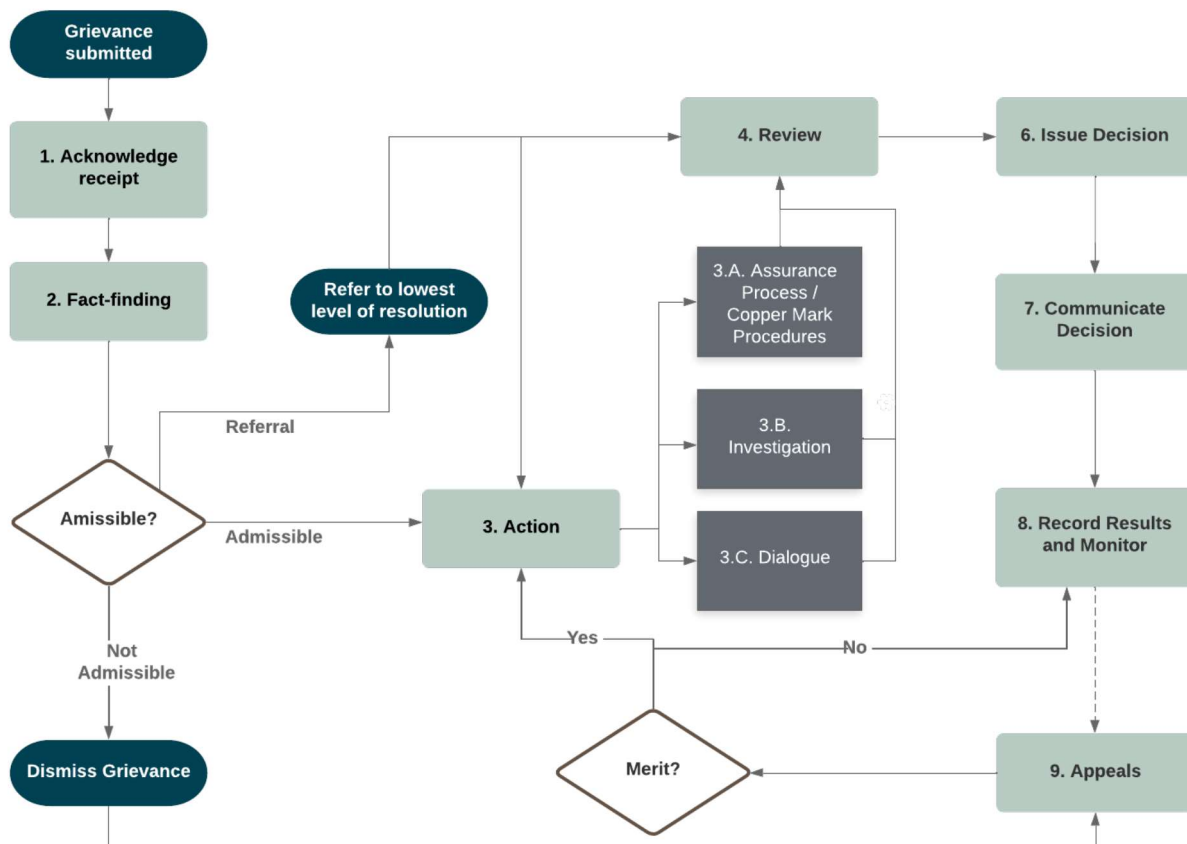


Figure 1: Grievance Process Flow

6.1 Acknowledge Receipt

The Copper Mark will acknowledge receipt of the grievance to the complainant within 10 business days. The Copper Mark will log the grievance and save all relevant materials in a secure and confidential manner.

6.2 Fact-finding

The Copper Mark will appoint an independent third-party to conduct the initial fact-finding in relation to the grievance (the “Responsible Person”).

The Responsible Person will engage with the parties to conduct an initial review of the facts, including seeking a response from the respondent.

In some circumstances, the Copper Mark may decide that it is appropriate to convene a process that would allow similar grievances to be grouped and addressed together.

Based on the information provided, the Responsible Person will first determine if grievance is admissible.

Fact-finding will be completed within a reasonable amount of time after the initial filing of the grievance.

Admissible

A grievance will be admissible if:

- It is within the scope of the Copper Mark Grievance Mechanism (see Section 2 Scope above);
- It is not eligible for referral or referral has been completed (see below);
- Events on which it is based occurred within the 5 years prior to the complaint;
- It is not a legal matter required to be handled through the legal system.
- It is not vexatious or appears to have been generated to gain a competitive advantage;
- It is supported by objective evidence (such as verifiable factual information, records, observations, personal knowledge and/or statements of fact, which can be qualitative or quantitative). Save for exceptional circumstances, grievances cannot be investigated where they are based on hearsay alone.

Admissible grievances will move to Step 3 Action.

Referral

In line with section 4.1 above on prior action, the Responsible Person may refer the grievance to the lowest level of resolution possible. This allows the individuals or entities with the most knowledge of the subject of the grievance to engage in the process.

Examples of referral include but are not limited to:

| Topic | Lowest level of resolution |
|---|---|
| Staff has not followed the process to develop a policy / standard / procedure | Discuss directly with the Copper Mark staff |
| Disagreement with a performance determination of one or more criteria of a participating site | Assessor who conducted the assessment |

| | |
|--|--|
| Interpretation and subsequent application of one or more Copper Mark criteria in an assessment | Assessor who conducted the assessment |
| Conduct of a site participating in the Copper Mark | The site in question |
| Assessor has not followed the Assurance Process in conducting an assessment | Assessor who conducted the assessment / assessment firm |
| An assessor's conduct, experience, or expertise does not align with their approval | The Copper Mark staff |
| Misuse of The Copper Mark-related logos and / or claims | The Copper Mark staff and / or the site misusing logos and / or claims |

Referred grievances will be reviewed by the Copper Mark under Step 4 Review.

Not admissible

A grievance will be dismissed and subsequently closed if it does not meet the requirements laid out under “admissible” or “referral” above.

Process

The Copper Mark will inform the complainant of the admissibility decision within 10 business days from when it acknowledged receipt of the grievance. The decision may be “admissible,” “referral,” or “not admissible” as appropriate.

Where an admissible grievance involves a third party, the Copper Mark will also inform that party about the grievance at this time, unless there is fear of retaliation by the complainant.

If a grievance is deemed inadmissible, the grievance will be dismissed. Complainants may appeal a dismissed grievance through the appeals process discussed below.

6.3 Action

Below are the three courses of action that can result from the initial fact-finding of an admissible grievance:

A. Through the Course of the Assurance Process or Other Copper Mark Procedures

Grievances may be addressed through the normal course of the Copper Mark's business operations such as through the Assurance Process, standard-setting procedure, workgroup meetings, the Advisory Council or Board meetings. The Copper Mark staff should ensure that grievances are addressed appropriately in the normal course of the Copper Mark's business operations, which may include, for example, an off-cycle independent site assessment of a site participating in the Assurance Framework.

B. Investigation

The Copper Mark will appoint a third-party investigator to determine the facts, clarify the circumstances, or otherwise further examine the grievance to reach a decision. The investigator may be the Responsible Person, the Copper Mark staff, representatives from the Copper Mark governance bodies, a Copper Mark approved assessor/assessment firm or another independent third-party individual or firm.

The investigation will be conducted by an individual(s) or organization(s) free of bias and any perceived or actual conflict of interest. A copy of The Copper Mark Conflict of Interests policy can be viewed [here](#).

The investigator will report the facts surrounding the grievance by reviewing evidence from all parties. Evidence may be in the form of documents, remote interviews or correspondence and site visits or assessments. Such assessments would be carried out separately from the Assurance Process.

The parties and The Copper Mark shall provide to the investigator the means, resources and authority necessary to execute the investigation in a timely, comprehensive, consistent, transparent, and effective manner.

The investigator will provide the Responsible Person with a written report of the findings.

C. Dialogue

This is the preferred course of action. Where grievances can best be resolved through dialogue between the parties, The Copper Mark will initiate such a process. Both parties must agree to participate in and accept the results of the dialogue.

The dialogue will be facilitated by the Responsible Person or a facilitator.

6.4 Review

Each referral and / or course of action will result in a review and ultimately inform the decision for the grievance:

- Grievances that are referred will be reviewed by the Responsible Person to understand if they have been resolved or require action in accordance with Step 3 Action.
- Grievances that go through A. Through the Course of the Assurance Process or Other Copper Mark Procedures will be decided by the appropriate body within the Copper Mark structure (i.e. through the Assessment Process, working group, Advisory Council, or Board of Directors).

This body will review the grievance, supporting evidence, fact-finding information, staff recommendations, and other appropriate information. This body should report back to the Responsible Person in order to inform the decision.

- Grievances that go through B. Investigation will be reviewed by the Responsible Person. The Responsible Person will use the investigator's written report from the investigation to inform the decision.
- Grievances that go through C. Dialogue will not require further review unless the dialogue fails to result in resolution of the grievance. The Responsible Person will record the result of the dialogue.

An ad-hoc Panel of Experts will review and issue a decision on the grievance in three circumstances:

- The Responsible Person is unable to make a decision based on the investigation
- Dialogue fails to result in resolution of the grievance
- One of the parties appeals the decision, discussed in the appeals section below

In these cases, the Panel of Experts will carry out a fresh review of the grievance and all corresponding documentation received to date.

The Panel of Experts consists of the Executive Director (or a member of the Board of Directors where the Executive Director is the subject of the grievance), Copper Mark legal counsel, and an independent expert agreed upon by the complainant and the respondent.

In the event that the parties cannot agree, the Board of Directors will appoint the independent expert. Care will be taken to ensure these individuals are not involved in the earlier stages of considering the grievance to avoid any actual or potential issues of fairness or independence.

6.5 Issue Decision

The Copper Mark Grievance Mechanism supports a spirit of resolution and continual improvement. While there are a range of potential outcomes, the Copper Mark will encourage voluntary dialogue as well as corrective or improvement action where rights have been violated.

Based on the review, the Copper Mark may issue a decision to:

- Dismiss the grievance
- Require an improvement plan / corrective action
- Encourage / provide a remedy to be determined in consultation with the complainant taking into account the limitations on the Copper Mark's ability to enforce compliance
- Require the respondent to remove the Copper Mark logo, and/or remove any claim about its association with the Copper Mark (i.e., remove The Copper Mark or other issued "marks")
- Suspend or disassociate and remove the Copper Mark Participant, approved assessor or assessment firm from the Copper Mark Assurance Framework
- If not identified when considering whether the grievance is admissible, recommend that the complainant considers raising the grievance to another body that is better sited to handle the complaint, for example local ombudsman or legal tribunal. Where possible the Copper Mark may offer in-kind support such as facilitating contact to community-based or civil society groups to avoid a burden to access.

The Copper Mark will share the decision and inform the parties of their right to appeal the decision. The grievance may be considered resolved at this point.

6.6 Communicate Decision

The Copper Mark will issue a written response to the parties within 10 business days of issuing the decision. The written response will detail the process taken to come to the decision, the involvement of other parties in the decision (such as appointed third parties or the ad-hoc Panel), the date of the decision and other information related to the grievance that the Copper Mark considers relevant. The decision may be translated into local language as appropriate.

6.7 Record Results and Monitor

The Copper Mark will monitor the situation related to the grievance, in collaboration with the complainant and the respondent, where applicable, to ensure any agreements reached between the parties is implemented. The Copper Mark will apply an appropriate format for monitoring that might include, but is not limited to, a formal review of the situation after six months or a year, request for formal status updates from the parties, or ad hoc outreach and engagement of the parties by the Copper Mark. In the case of a Copper Mark Participant, monitoring may be integrated in the Copper Mark Assurance Process, in-particular Step 4 (Improvement Plan) and Step 5 (Re-assessment). If so, this will be explained to the Copper Mark Participant when the decision is communicated in the written response.

The Copper Mark will document and save records of the formal submitted grievance, the process followed to resolve the grievance, all decisions made in relation to the

grievance resolution process, any transactions between the parties and all other written materials for a period of 5 years unless there is a legal or regulatory requirement to retain the information for a longer period.

The Copper Mark will present a summary of all grievances and their subsequent actions to the Copper Mark board of directors on a quarterly basis. The Copper Mark will publicly report annually an aggregated summary of grievances including appropriate metrics and with due consideration to confidentiality.

6.9 Appeal

Appeals should be filed within 20 business days of the Copper Mark decision or dismissal is communicated. The appellant must submit justification for a re-consideration of the decision based on:

- Procedural appeal: The Copper Mark Grievance Mechanism was not followed and therefore the grievance should be reconsidered.
- Substantive appeal: additional information or evidence is available for consideration together with an explanation of why this information was not available when the grievance was originally considered.

The Copper Mark has 10 business days to determine if the appeal has merit.

If the appeal is admissible, the grievance process will begin again, this time with the Panel of Experts as the group that determines the course of action and makes a final decision. The Panel of Experts shall review the original grievance and all corresponding documentation. The Panel of Experts may also consider additional evidence. If so, the Panel of Expert will give the other party an opportunity to respond to the additional evidence. The Panel of Experts must agree unanimously on the decision.

7 Costs of the Grievance Process

The Copper Mark aims to keep the costs of the grievance process as low as possible for all parties. While the Copper Mark's internal staff costs will be absorbed by the Copper Mark, external costs can also arise. Such external costs might include those related to undertaking an investigation into the nature of the grievance, commissioning independent expertise, legal fees, or an appeal process through an ad-hoc Panel of Experts.

The Copper Mark may cover all reasonable costs where costs would prohibit the complainant from utilizing the Grievance Mechanism, for example when the complainant is an individual, community group, or civil society organization.

Such costs may include but are not limited to costs associated with a third-party investigator, mediator, or facilitator, travel and accommodations for in-person facilitated dialogues, or translation of official documents.

8 Use of Copper Mark Logo and Claims

At any point in the grievance process, the Copper Mark may require that use of the Copper Mark logo, claim about its association with the Copper Mark or any other public affiliation with the Copper Mark be suspended while investigations and resolutions continue.

9 Personal Data

As part of considering and managing a grievance, the Copper Mark will be collecting personal data (which may include special category or sensitive data). This will be processed in accordance with the Copper Mark's Privacy Notice.

10 Legal Disclaimer

The processes outlined in this mechanism are not intended to replace, contravene or otherwise alter the requirements of any applicable international, national, state or local governmental statutes, laws, regulations, ordinances, or other requirements.

11 Glossary

Complainant: the party submitting a grievance.

Grievance: widely understood to be a perceived injustice, which may be based on law, contract, explicit or implicit promises, customary practice, or general notions of fairness². The term “grievance” for this document is intended to have similar meaning as the terms “complaint,” “dispute,” “challenge,” “conflict,” and any similar term connoting an issue or potential/actual adverse impact that the complainant does not feel have been properly addressed or remedied through prior action or dissatisfaction with some aspect of The Copper Mark.

Grievance Mechanism: Formal complaint process that can be used confidentially or anonymously by individuals, workers, communities and/or civil society organizations that are being negatively affected by certain business activities and operations.

Investigator: Copper Mark staff, representatives from the Copper Mark governance bodies, an independent third-party individual or firm, or a Copper Mark approved assessor / assessment firm appointed by the Copper Mark to carry out an investigation of the facts of the grievance.

Panel of Experts: The panel of experts consists of the Executive Director (or a member of the Board of Directors where the Executive Director is the subject of the grievance), Copper Mark legal counsel, and an independent expert agreed upon by the complainant and the respondent. In the event that the parties cannot agree, the Board of Directors will appoint the independent expert.

Parties: the entities participating in the grievance mechanism including the complainant, the respondent, and the Copper Mark.

Prior Action: reasonable attempts between the parties to resolve the grievance before it is submitted to the Copper Mark.

Respondent: the party who is the subject of the grievance.

Responsible Person: an independent person or persons who conducts the initial fact-finding, proposes the next step, and reviews decisions after action and referral to inform the grievance decision.

Stakeholder: An individual or organization that has an interest in or is likely to affect or be affected by a Participant’s activities. Stakeholders can be individuals, interest groups, government agencies or corporate entities. They may include politicians, commercial and industrial enterprises, labour unions, academics, religious groups, national social and environmental groups, public sector agencies, the media and communities.

The Copper Mark: The Copper Mark is the trading name of the U.K incorporated not-for-profit company that owns and governs the trademark-protected certification mark and logo also known as “The Copper Mark.”

² https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf Principle 25, page 27

12 Reference Documents

- [ASI Complaints Mechanism, Version 1.0, November 2015](#)
- [RSPO's Dispute Settlement Facility \(DSF\)](#)
- [United Nations Guiding Principles on Business and Human Rights](#)