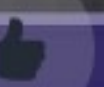
The background is a collage of four images: top-left shows rough, dark rocks; top-right shows large, rectangular gold bars; bottom-left shows a row of wind turbines; bottom-right shows a close-up of a metallic, circular surface with concentric rings.

9 November 2020

Workshop Access to Remedy in the extractives sector



Compliance with competition law

As participants of this meeting, we need to be mindful of competition law and rules.

This implies, inter alia, that we:

- can exchange and discuss publicly available information with each other, as well as not commercially sensitive information, but
- are not allowed to discuss or exchange commercially sensitive information with each other.

Please inform the moderator of this meeting if you know or think that a subject being discussed concerns commercially sensitive information.

Commercially sensitive information = strategic information that takes away the insecurity about a competitor's or competitors' future actions/market conduct. Examples of that type of information are:

- Prices and pricing elements (e.g. current prices, rebates, refunds, calculation methods).
- Price strategies or planned price changes (increase /decline).
- Other trading conditions.
- Cost structures, profit margins, capacity and output.
- Plans on future business, investment, mergers/take overs, product, marketing/advertisement.
- Purchasing or bidding plans and other commercial strategies.
- Sales volumes or numbers, sales quota and market shares.
- Propriety technical developments.
- Individual dealings with customers or suppliers including the status or content of (yearly) negotiations.

Meeting guide

1. Active participation is encouraged
2. Are you NOT talking? Turn mute ON.
3. KISS! (Keep It Short & Simple).
4. Is your internet connection slow? Turn video OFF.
5. Other problems? Leave and re-enter the meeting QUIETLY.
6. Do you have a question/remark? Leave your name in the chat box, the moderator will give you the floor.



How to use Mentimeter?



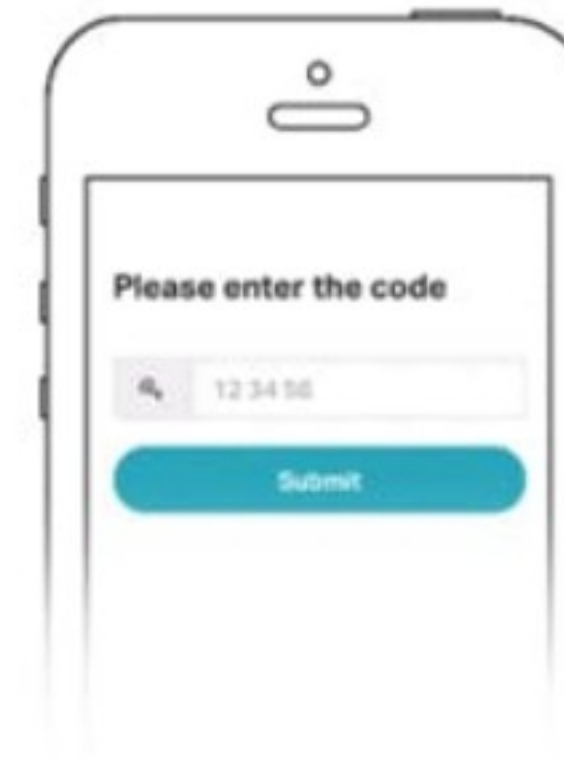
1

Grab your phone

www.menti.com

2

Go to www.menti.com

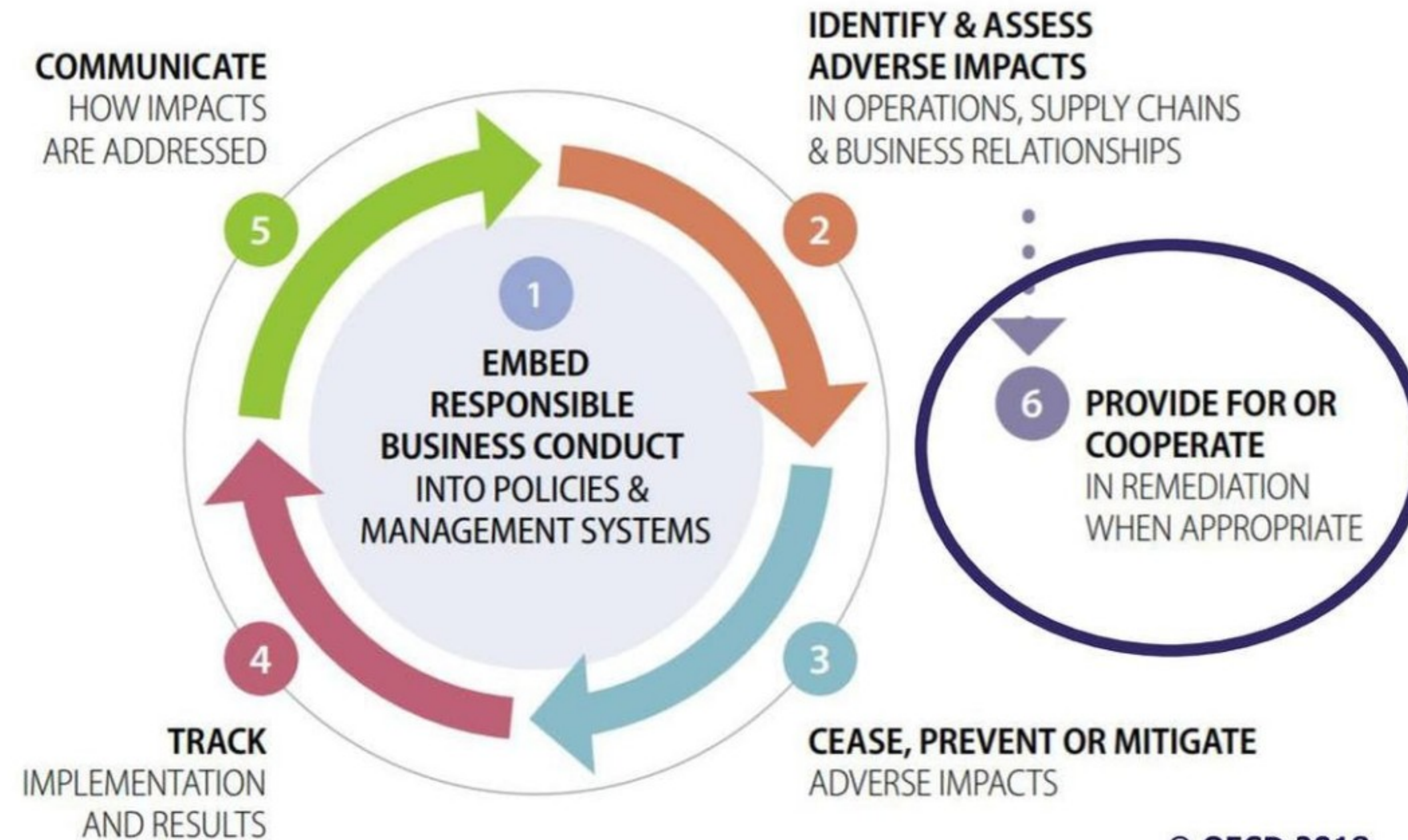


3

Enter the code and vote!

Background & context of extractives sector workshop

FIGURE 1. DUE DILIGENCE PROCESS & SUPPORTING MEASURES



© OECD 2018

Objectives | extractives sector workshop

- To share and discuss ways for putting the access to remedy expectation into practice in the extractives sector
- To share lessons, emerging and good practices for enabling remediation
- To discuss how different stakeholders (e.g. NGOs, companies, government, trade unions) in the RBC Agreements can collaborate to close the remedy gap

Your questions

What are the legal provisions in place? How can an individual actor "apply" for remedy?

How often does a remedy really help?

I would like to hear practical examples of individual and collective actions to effective access to remedy.

How can access to remedy work for small-scale miners employed in the informal sector, which are unable to trace their gold to any market player beyond the local traders? Is it possible to create some form of access to remedy without supply chain transparency?

What does access to remedy means/contains and how can we help companies to fulfil their obligations in this regard.

What are practical examples of rolling out access to remedy to the wider group (all) suppliers and not only strategic suppliers?

Company level implications; US experience under Dodd Frank; options under the new EU Due Diligence legislation

What should be expected from sector agreement regarding the facilitation of access to remedy?

How do you best identify adverse impact and how can you measure the results after remedy.

How do we make sure that remedy goes beyond monetary compensation into actual practices that redress the impacts but also prevent them from happening in the future

Will those who've experienced harm be consulted in the development of effective remedy mechanisms and get easier access to relevant company documentation?

Will those who've experienced harm be consulted in the development of effective remedy mechanisms and get easier access to relevant company documentation

What are possibilities for an industry overarching AtR mechanism? And what are developments outside NL in this field?

The responsibility of business partners to companies in "high risk" countries when it comes to access to remedy.

How can we let the backbenchers participate. We have frontrunners, but how do we get the backbenchers active

Easy access to remedy as possible ... how?

Programme extractives sector workshop

Themes	Contributor
Welcome, background and context	Manuella Appiah
Remedying adverse impacts in the extractive sector: Normative standards and civil society perspectives	Joseph Wilde
Three steps for upstream companies to enable Access to Remedy	Vittoria Franchini
Fairphone's ways of working together to drive positive change	Tirza Voss
The role and contribution of other stakeholders	All participants



Joseph Wilde
SOMO



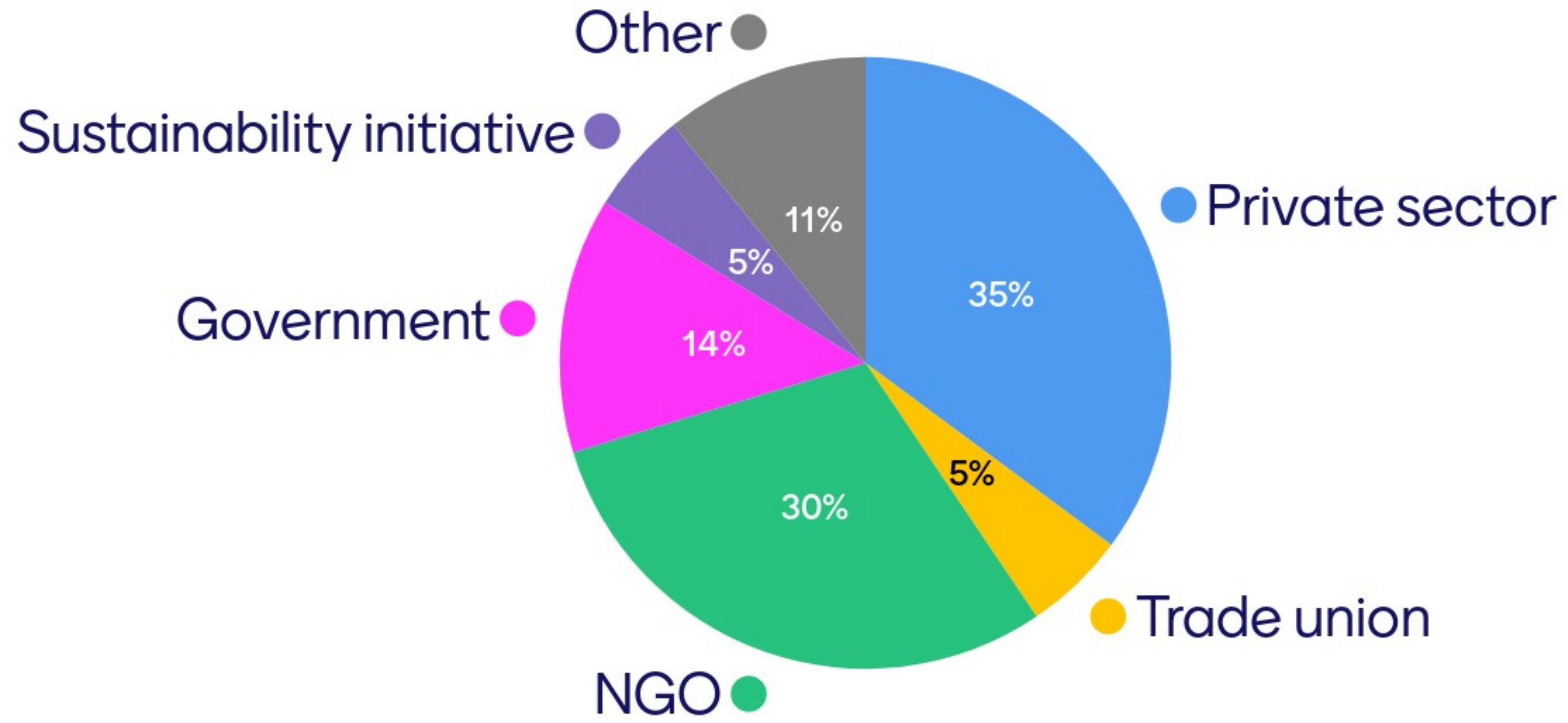
Vittoria Franchini
Kumi Consulting



Tirza Voss
Fairphone



Which types of organisations are represented in the audience today?



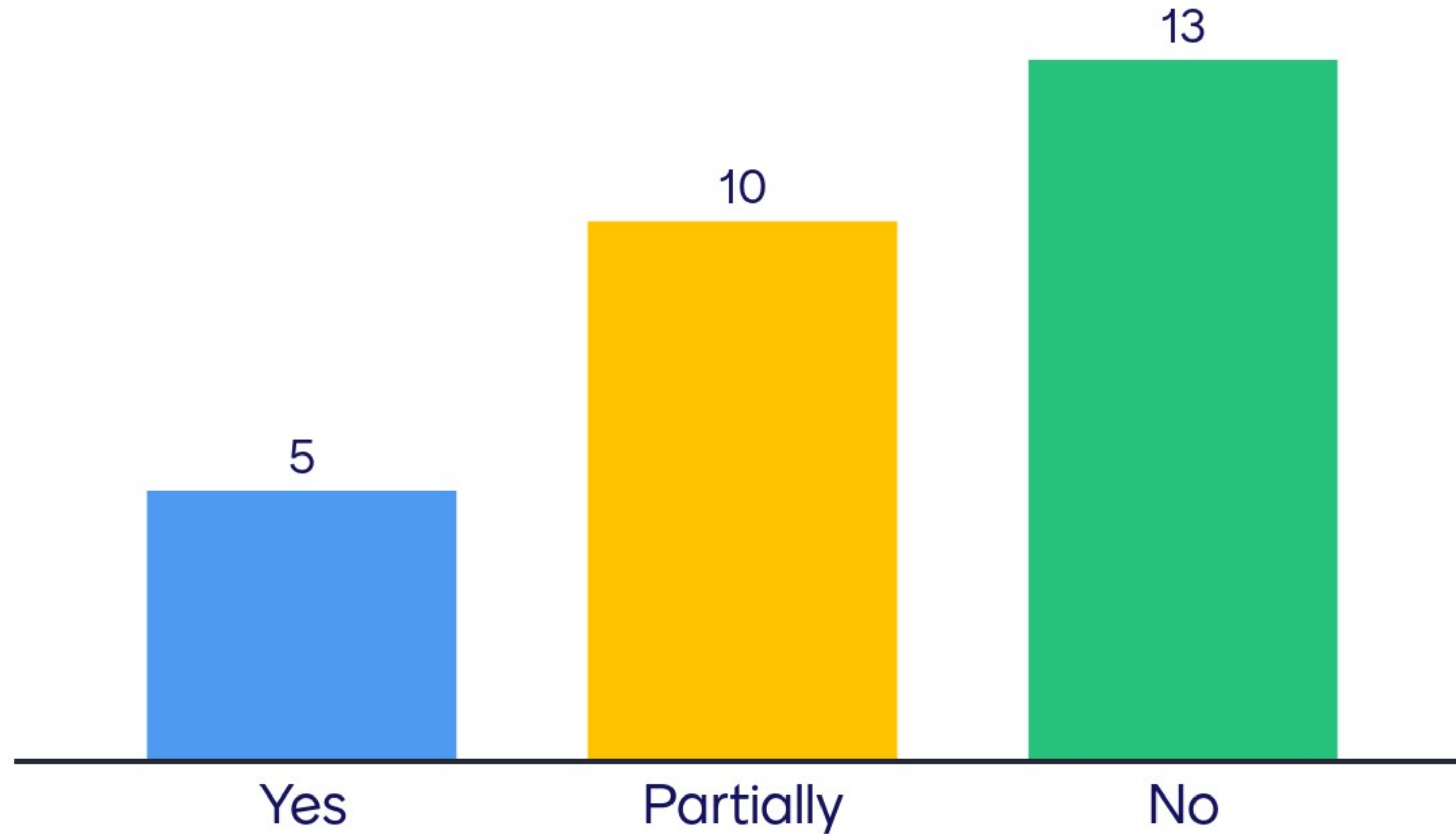
Unpaid workers in SMV's supply chain

The company SMW is a distributor of semi-manufactured metals and gold products (*halffabricaten*) in Belgium and the Netherlands. SMV has 500 workers in both countries. SMV has been informed by a credible international NGO that its tier 3 supplier Ground Ltd in Latin America owes about 20 miners 6 months worth of wages. SMV has been unaware of the situation until now and believes it did not cause or contribute to this impact. SMW however, does not have an RBC supplier code of conduct. The mine workers are demanding back pay.

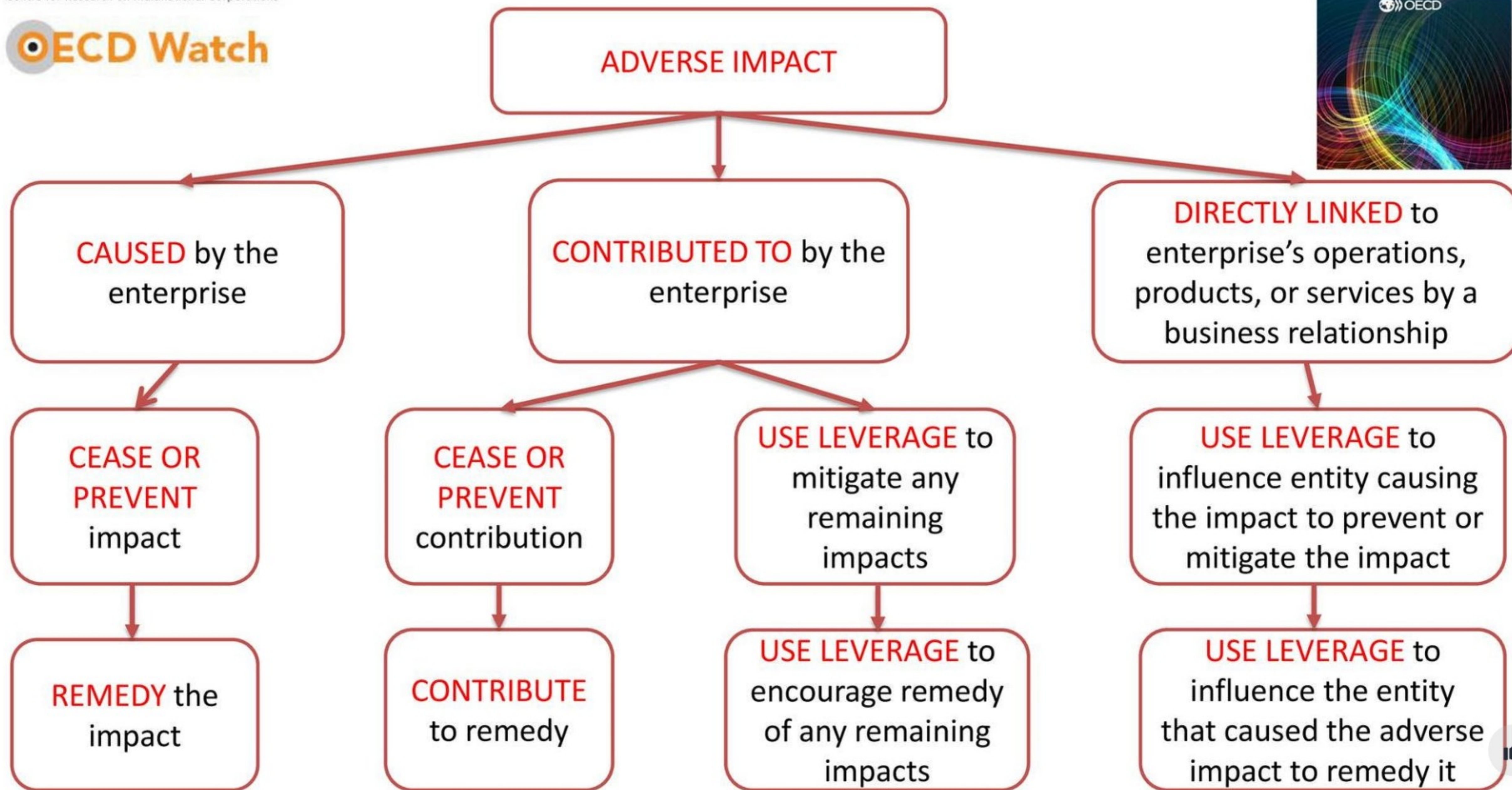
Statement

Despite not knowing about or causing or contributing to the harm, SMV is required by the OECD Guidelines and UNGPs to financially contribute to the worker's demand.

SMV is required by the OECD Guidelines to financially contribute to the workers demand.

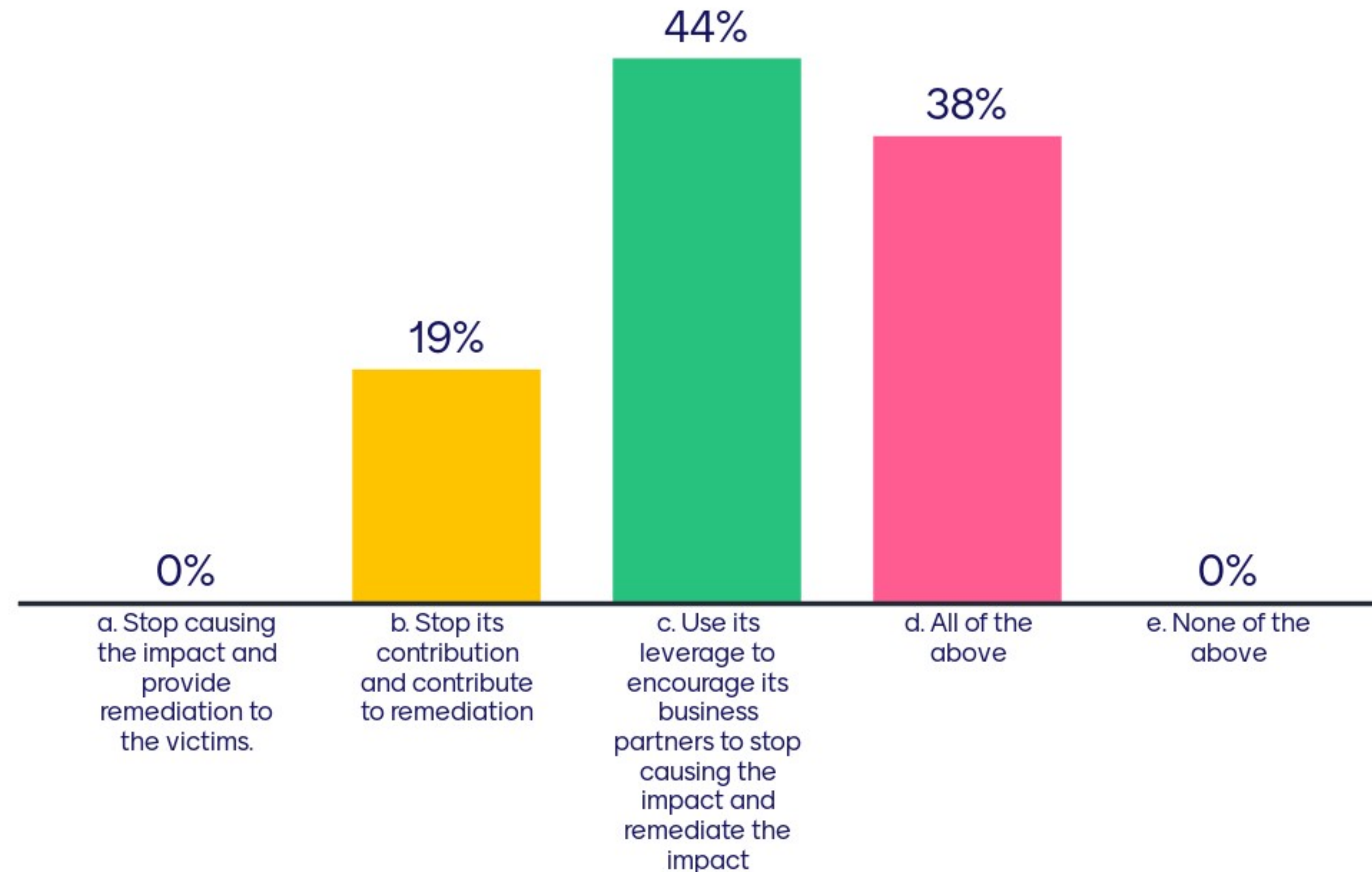


Remedy responsibility



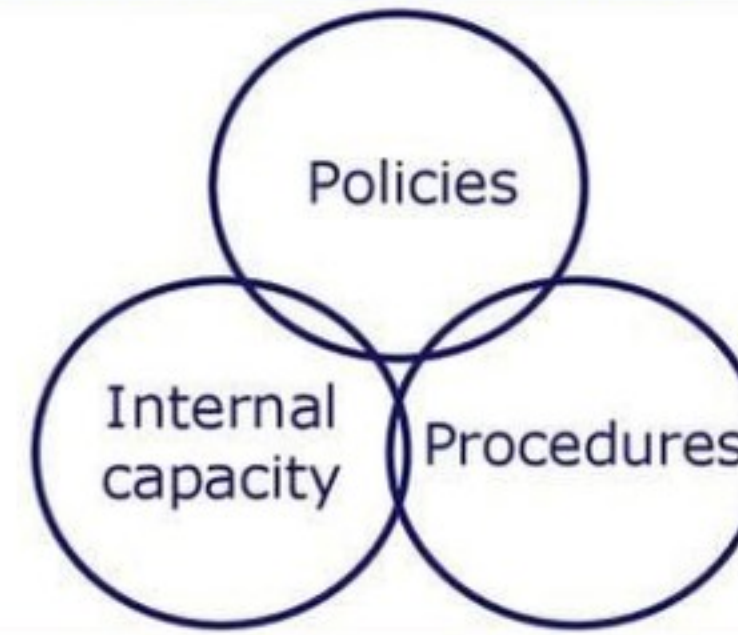


If a company is considered to have contributed to an adverse impact in the extractive sector, what it is expected to do?



Three steps for upstream companies to enable Access to Remedy

1. Implement strong management system foundations



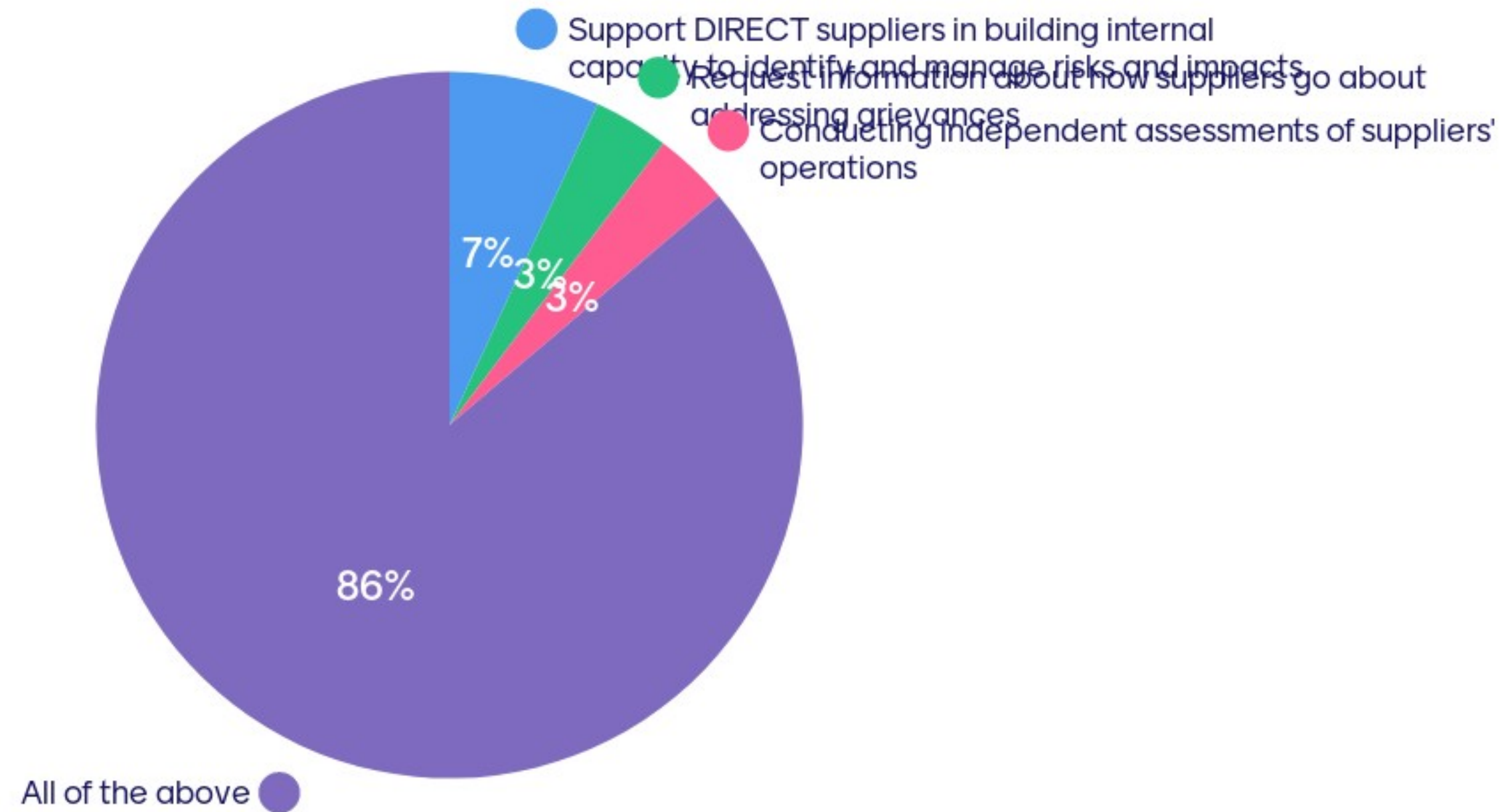
2. Mitigate risks from the outset



3. Engage and consult key stakeholders



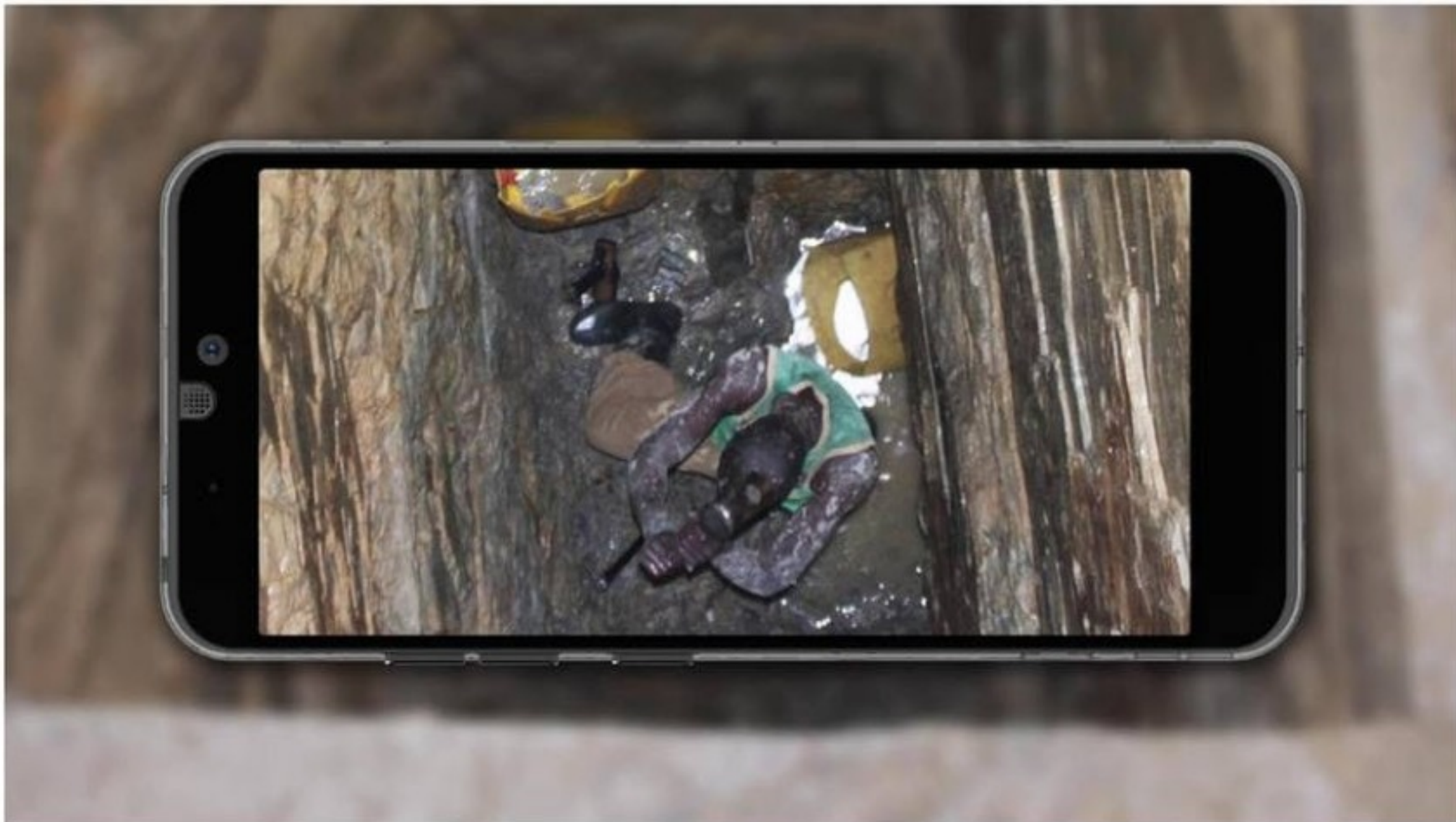
What can downstream companies do to ensure their suppliers upstream are taking the right steps to provide adequate access to a grievance mechanism?



FAIRPHONE

Ways of Working Together

We care for people & planet
and focus on driving positive impact



Is your organization currently directly involved and investing in a project/partnership that prevents harm there and focuses on driving improvements?



Q&A

1 questions
0 upvotes

The background of the slide is a close-up, high-angle shot of several interlocking golden gears. The gears are made of a polished metal, likely brass or gold, and are arranged in a way that creates a sense of depth and complexity. The lighting is dramatic, with strong highlights and shadows that emphasize the mechanical nature of the gears.

The role of other stakeholders in enabling remediation

Introduction

- Extractives sector Agreements and access to remedy
 - Own sector level grievance mechanism to address alleged violations in supply chains
 - Commitment to using the NCP process as a mechanism for addressing grievances
 - Requirement that companies join (existing) or establish (own) grievance mechanism

Guiding questions

- In which ways can the 4 multi-stakeholder sector Agreements work together to enable remediation for possible harm caused further up in the supply chains?
- Which actions can be taken here that will have a meaningful impact on those harmed there?

Case about the role of collaboration in access to remedy

SMV is a member of the largest industry association in the Netherlands (with more than 1200 members), and is also a party to the Metals Sector RBC Agreement. According to reports, about 20% of the members of the Dutch industry association can be linked to Ground Ltd in their supply chains. Apparently, Ground Ltd also supplies natural stones to Flemish companies who are also members of the TruStone Initiative. A number of the Trade Unions in both agreements are active in the community where Ground Ltd operates. The Dutch government also has close ties with the country where Ground Ltd is situated.

Which actions could be taken HERE (downstream end) collectively that will have meaningful impact on those harmed THERE?

clarify handling process
communication
establish legal framework
trade union link
cso-companies cooperation
working together projects
share best practice
link csos and companies
collective engagement
lobby
information to the public
multi-actor approach
due diligence cooperation
customers impact
raise awareness mechanism
share cases handled
systemic approach
to upstream region

Indicate one action you would like your organisation to take in the next three months in relation to access to remedy

Have a lot of the activities in place already, however need to communicate it differently and more transparent externally.

Show what we do on that

Collect evidence on possible harm and impact

Raise awareness with partner trade unions about existing remediation mechanisms

Review existing policies

Bring together private and public stakeholders with society to address challenges and solutions for the elimination of child labour.

Organize solidarity, emphasize due diligence

At the moment we are doing an evaluation and endline of a multistakeholder project in ASM gold mining which can give us new insights for new action.

Advise client in steel industry on stepping up grievance mechanism and explore possibilities around remediation.

Indicate one action you would like your organisation to take in the next three months in relation to access to remedy

raise awareness on remedy beyond financial compensation

Due diligence review of access to remedy procedure Implemented af sites

Using their collective leverage to start one engagement trajectory to improve access to remedy in a shared supply chain.

Indicate one action you would like an RBC Agreement to take in the next three months in relation to access to remedy

Facilitate best practice examples in smaller cases....

Assist companies to learn more about the possibilities and their responsibility

Strong communication with other Agreements in order to cooperate where possible

More participants from both the branche and citycouncils etc for TruStone

Make it concrete, step-by-step: how can companies establish a grievance mechanism, and what does a policy / strategy on how to deal with grievances look like?

Natural stone: Raise awareness with companies about expectations Access to remedy and due diligence They should undertake on land rights

provide guidance on the role that downstream companies have on this regard, make sure they all have grievance mechanisms in place

Share more bottom-up approaches and how companies can play their role.

The background is a collage of four images: top-left shows rough, grey rocks; top-right shows a close-up of yellow, textured material; bottom-left shows several wind turbines with yellow blades and blue towers; bottom-right shows a close-up of a metallic, brushed surface with a circular pattern.

Thank you for your participation

Wrap up & closing