

ICMM complaint(s) hearing procedure

This procedure describes how ICMM deals with any complaints that a company member is in breach of a membership standard or requirement¹ or any other allegation that a member company has engaged in inappropriate behaviour².

1. Complaints are only considered when they are made in writing. If ICMM's President or a member of Council receives a verbal complaint, the President tries to resolve it through discussion or if this is not possible, requests that the complaint be made in writing.
2. Upon receipt of a written complaint ICMM then acknowledges this and forwards the complaint to the company concerned. Responsibility for resolution of the complaint then lies with the company, although ICMM is kept informed of progress by being provided with copies of relevant correspondence. In cases where the complaint is resolved by interaction between the company and the complainant, ICMM is informed of this outcome by the company and then writes to the complainant seeking confirmation.
3. In cases where it is not possible for a complaint to be resolved in the manner described in clause 2, ICMM is responsible for dealing with the complaint and this is undertaken as described below provided Council decides that an investigation of the complaint is appropriate and in ICMM's interests. There is no automatic obligation to investigate all complaints received.
4. Upon receipt of a complaint, the President contacts the complainant and the affected member/s requesting that relevant details be provided. Complaints are only considered when sufficient information is provided to establish, prima facie, that a breach of an ICMM standard could have occurred.
5. If a complaint is only verbal or the written submission is generalised or superficial, the President acknowledges receipt of the correspondence and informs the complainant that no further action will be taken unless written information is provided about the specific member standard that may have been breached.
6. In cases where the complaint is received by an individual or organization external to ICMM, the President³ prepares a report which is provided to the affected company member for comment.

¹ These are ICMM's public reporting and assurance requirements, plus formally adopted position statements that bind company members to specified procedures or actions.

² "Inappropriate behaviour" is any activity by a member company that could, in the Council's considered opinion, adversely affect ICMM's standing and credibility, taking into account ICMM's mandate as a leadership organization committed to fostering good practice in sustainable development.

³ At its discretion the Council may appoint an appropriately qualified independent person to act as an ombudsman to hear the complaint and report to Council. Upon receipt of a written complaint ICMM then acknowledges this and forwards the complaint to the company concerned. Responsibility for resolution of the complaint then lies with the company, although ICMM is kept informed of progress by being provided with copies of relevant correspondence. In cases where the complaint is resolved by interaction between the company and the complainant, ICMM is informed of this outcome by the company and then writes to the complainant seeking confirmation.

ICMM complaint(s) hearing procedure (cont)

- a The President considers any response from the member and prepares a report for the Council's Administration Committee and a copy of this report is provided to the affected member.
 - b The Administration Committee considers the report and determines the appropriate response. Where the Committee believes that the issue should be able to be resolved by a full explanation of the circumstances to the complainant, the President discusses the issue with the complainant and then provides a written response to the complainant and the affected member.
 - c Where the Administration Committee considers that a serious breach of standard could have occurred, a report is prepared by the President for Council. The Council then considers the report and any representations by the affected member, determines the appropriate response and the President informs the complainant and member of this in writing.
7. If a complaint is received by a member company or association about another member, the President forms a committee with three members of Council who are independent of the matter to hear the complaint. In cases where it is not possible for a complaint to be resolved in the manner described in clause 2, ICMM is responsible for dealing with the complaint and this is undertaken as described below. The committee seeks a written submission from the complainant, refers this to the affected member and then considers any written response. The committee then prepares a draft report which is provided to both the complainant and the affected member, and seeks final written responses. The committee then assesses the matter and makes recommendations to Council. The Council determines the matter.
 8. If a breach by a member is determined to have occurred, Council will decide what sanction or condition (if any) would be appropriate in the circumstances. In doing this Council will take into account Section 12.1.2 of ICMM's BY-laws which allow members to request a meeting of Council to consider any proposed suspension or termination of a member.
 9. In all the cases the Council is informed of any complaints and how they have been dealt with.