



## **GAP ANALYSIS TOOL**

### **for alignment with AAMEG Guiding Documentation**

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Welcome to the AAMEG Gap Analysis Tool. The Tool was co-developed by AAMEG and Coffey International Development, with attention to the AAMEG identified Guiding Documentation. It is designed to help member companies identify where they are in alignment with the Guiding Documentation and Where there may be opportunities for improvement.

The Guiding Documentation, which can be found on the AAMEG website, includes:

- *Africa Mining Vision (AMV) 2009;*
- *Action Plan for Implementing the AMV 2012;*
- *Social Responsibility in the Mining and Metals Sector in Developing Countries 2011 (Australian Government);*
- *Summary of Australian Anti-Bribery and Corruption Compliance Obligations 2011 (AAMEG and Clayton Utz);*
- *Guidelines for Multinational Enterprises 2011 (OECD);*
- *Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones 2006 (OECD);*
- *Voluntary Principles on Security and Human Rights 2000;*
- *Equator Principles 2006;*
- *Extractive Industries Transparency Initiative 2002;*
- *UN Convention Against Bribery 2004.*

Whilst the Gap Analysis is targeted more towards mining companies, much of it is also relevant to service companies operating in African countries.

## I. COMMITMENT TO AAMEG DOCUMENTATION

- Has the Managing Director / President / CEO issued a public statement on behalf of the board and management affirming a commitment to the Guiding Documentation as a prerequisite for AAMEG membership?**

Evidence:

- Statement to this effect in the company's public disclosure documents (news release, quarterly report and annual report);
  - Acknowledgement of AAMEG and acceptance of its Guiding Documentation published on the company's website;
  - Inclusion of AAMEG logo on company's web site (the AAMEG logo is available for download on the AAMEG website).
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- Has the company assigned responsibility, for the application of the AAMEG Guiding Documentation to company policies and practices, to a member of its senior management team?**

Evidence:

- Terms of reference for the responsibility developed and included in senior manager's KPIs;
- Written notice to management and the board of assignment of responsibility to the nominated senior manager;
- Regular reporting by senior manager to the board and management;
- AAMEG informed of the name of responsible manager.

### **NOTES:**

*You may wish to make notes for your own reference.*

## II. CORPORATE GOVERNANCE AND ETHICAL BUSINESS CONDUCT

- Has the company developed publicly available policies concerning corporate governance and ethical business conduct?**
- Do the company's policies concerning corporate governance and ethical business conduct conform to international standards?**

Do the policies affirm commitment to any of the following voluntary guidelines?

- Social Responsibility in the Mining and Metals Sector in Developing Countries 2011;
- AAMEG/Clayton Utz Summary of Anti-Bribery and Corruption Compliance Obligations 2011;
- Guidelines for Multinational Enterprises 2011;
- Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones 2006;
- Equator Principles 2003;
- Voluntary Principles on Security and Human Rights 2000;
- Extractive Industries Transparency Initiative 2002.

Do the policies cover:

- Appropriate interaction with the local, regional and national governments of the host country and compliance with local laws and regulations?
  - Appropriate interaction with the traditional leaders?
  - Ensuring suppliers comply with host country laws and regulations in dealings with the company?
  - Ensuring contracts established with local parties, in locations with little competition, conform to international costing standards?
  - The management of social, environmental, human rights and reputational risks typically associated with mining industry activities in African countries?
  - Community and civil society consultations on matters concerning the potential impact of the company's exploration, mining and processing operations and related activities?
- Has the company developed structures and processes for the implementation of the above policies including:**
    - Timely communication strategies to stakeholders;
    - Establishing grievance mechanisms to ensure stakeholder concerns are addressed promptly and transparently and in a culturally sensitive manner.
  - In the past twelve months has the company conducted ongoing education and training in corporate governance and ethical business conduct for:**
    - Senior Management;
    - Site Management;
    - Operational and Technical Staff.
  - Has the company developed a framework for monitoring its performance and publicly reporting to stakeholders on an annual basis on its progress in implementing and maintaining policies and practices concerning good corporate governance and ethical business conduct?**

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### III. ANTI-BRIBERY AND CORRUPTION

- Has the company developed publicly available policies concerning anti-bribery and corruption?**
- Do the company's policies on anti-bribery and corruption conform to international standards?**

Do the policies affirm commitment to any of the following voluntary guidelines?

- OECD Guidelines for Multinational Enterprises 2011;
- Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones 2006;
- Clayton Utz: Summary of Anti-bribery and Corruption Compliance Obligations 2011;
- Extractive Industries Transparency Initiative 2002.

Do the policies cover:

- Defining the boundary between facilitation payments and bribery?
  - A record keeping procedure concerning facilitation payments; cash or unusual payments; per diems; and discretionary payments to government officials, traditional leaders or related entities?
  - A requirement that third parties (suppliers, contractors & consultants) act in accordance with the company's anti bribery and corruption policies when dealing with the company?
  - Does the company's code of business conduct target anti-corruption issues?
- Has the company developed a Whistleblower policy?**
  - Has the company developed structures and processes for the implementation of policies concerning bribery and corruption, and transparency of payments to Government?**
  - In the past twelve months has the company conducted ongoing education and training in the prevention of bribery and corruption for:**
    - Senior Management;
    - Site Management;
    - Operational and Technical Staff;
    - Suppliers, contractors and consultants.
  - Has the company developed a framework for monitoring its performance and publicly reporting to stakeholders on an annual basis on its progress in implementing and maintaining policies and practices concerning the prevention of bribery and corruption and transparency of payments for Government?**

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## IV. HUMAN RIGHTS

**Has the company developed publicly available policies concerning human rights?**

**Do the company's policies on human rights conform to international standards?**

Do the policies affirm commitment to any of the following voluntary guidelines?

- OECD Guidelines for Multinational Enterprises 2011;*
- Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones 2006;*
- Voluntary Principles on Security and Human Rights 2000;*
- Equator Principles 2003.*

**Are the company's policies consistent with its human rights obligations?**

- Does the company acknowledge that it has international human rights obligations even when such obligations are not reflected in the policies and regulatory framework of the host country?
- Are the company's employment policies consistent with international human rights obligations in respect of: employees' rights, conditions, wages and benefits; children and discrimination?
- Are the company's procurement/supplier policies consistent with human rights obligations?
- Is the company's policy on artisanal mining consistent with its human rights obligations?
- Do the company's policies on security address interactions between security contractors and state security forces as part of the company's international human rights obligations?

**Has the company mapped the intersection of mining operations with human rights risks?**

- Does mine management undertake a human rights risk assessment in the country of operations?
- Does each mine site have a security plan that ensures respect for human rights and fundamental freedoms?

**In the past twelve months has the company conducted ongoing education and training in human rights for:**

- Senior Management;
- Site Management;
- Operational and Technical Staff;
- Suppliers, contractors and consultants.

**Has the company developed a framework for monitoring its performance and publicly reporting to stakeholders on an annual basis on its progress in implementing and maintaining policies and practices concerning human rights?**

**NOTES:**

## V. SOCIAL INVESTMENT

- Has the company developed publicly available policies concerning social responsibility /investment?**
- Do the company's policies on social responsibility / investment conform to international standards?**

Do the policies affirm commitment to any of the following voluntary guidelines?

- OECD Guidelines for Multinational Enterprises 2011;*
- Equator Principles 2003.*

Do the policies:

- Establish high standards for community and civil society consultations?
  - Address issues relating to traditional land use?
  - Provide for grievance mechanisms concerning social impacts of exploration, mining, processing and other related activities?
  - Aim to maximise opportunities for local economic development and local content?
  - Provide for corporate social investment?
- In the past twelve months has the company conducted ongoing education and training in social obligations and Corporate Social Investment strategies for:**
    - Senior Management;
    - Site Management;
    - Operational and Technical Staff;
    - Suppliers, contractors and consultants.
- Has the company developed a framework for monitoring its performance and publicly reporting to stakeholders on an annual basis on its progress in implementing and maintaining policies and practices concerning Corporate Social Responsibility / Investment?**

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## VI. ENVIRONMENTAL RESPONSIBILITY

- Has the company developed publicly available policies concerning environmental responsibility?**
- Do the company's policies on environmental responsibility conform to international standards?**

Do the policies affirm commitment to any of the following voluntary guidelines?

- OECD Guidelines for Multinational Enterprises 2011;*
- Equator Principles 2003.*
  
- Has the company developed structures and processes for the implementation of the above policies concerning environmental responsibility?**
  
- In the past twelve months has the company conducted ongoing education and training in environmental responsibility for:**
  - Senior Management;
  - Site Management;
  - Operational and Technical Staff;
  - Suppliers, contractors and consultants.
  
- Has the company developed a framework for monitoring its performance and publicly reporting to stakeholders on an annual basis on its progress in implementing and maintaining policies and practices concerning environmental responsibility?**

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