



**CODE OF CONDUCT  
RESOLUTION PROCEDURE**



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## Contact

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## Version

This is Version 2 of the Resolution Procedure updated to align with other procedural documents of the Code relating to assurance.

## 1. Introduction

The purpose of this Resolution Procedure is to outline how stakeholder concerns relating to the International Tin Association (ITA) Code of Conduct can be raised and how they will be managed. The Code is based on the expectations of continuous and progressive improvement in a manner responsive to addressing issues through mitigative action. ITA aims to ensure the fair, timely and objective resolution of concerns through this collaborative problem-solving arrangement, aimed at reaching solutions that address stakeholders' concerns as necessary and appropriate.

This document is disseminated to ITA member companies as well as being available on the internet. ITA reserves the right to revise this procedure and document from time-to-time.

## 2. Scope

Any stakeholder may complain against the conduct of parties who have roles or responsibilities related to the standards and/or implementation of the Code, including the following;

- ITA staff and/or management
- Activities of ITA members described in Code reports
- Third-party assessor(s) for the Code
- Audit and/or assurance firms approved by ITA
- Other parties, for example making inappropriate reference to the Code

Stakeholders may complain about actions or decisions related to the above that they feel are not reasonable or have not been carried out in a fair manner. Concerns must be submitted within six months of the time of the event that is the subject of the concern.

Activities of ITA, ITA members, or third-parties associated with the Code which are not directly related to or reported under the Code are out-of-scope of this Resolution Procedure. ITA reserves the right to not proceed with the Resolution Procedure if concerns raised are determined to be out-of-scope, either at the time of submission or subsequently.

Stakeholders must not use this Resolution Procedure for making false allegations including against competitors or others with vexatious purpose such as directly or indirectly affecting their business or reputation. Disclosures which are considered to have ulterior motives related to financial gain, competition, or are false and malicious statements deliberately injurious to a person or a body's reputation will be dismissed. Action may be considered by ITA against any party who is found to have deliberately raised a false concern or to otherwise have deliberately abused this Resolution Procedure.

Any issue or dispute which is, or has been the subject of legal action, or is, or has been considered by any other grievance or whistleblowing procedure, will be considered out of scope.

## 3. Grievances vs whistleblowing

For the purposes of this Resolution Procedure grievances are considered to be complaints by affected stakeholders (which may be personal grievances), while whistleblowing reports are considered to be information, which may be provided anonymously, of potential wrongdoing (which may not affect the whistleblower directly).

This Resolution Procedure describes different methods to voice concerns and/or report possible wrongdoing without the fear of reprisal, discrimination or disadvantage to the person disclosing, irrespective of the type of concern, or whether or not the disclosure results in action. Both grievances and whistleblowing may relate to parties or activities within the scope of this resolution procedure.

Personal grievances cannot be made anonymously, are not covered by whistleblowing and should be reported under Code grievances. However, it is not necessary for stakeholders to determine whether their concern is a grievance or a whistleblowing report since ITA will consider that upon receipt of the submission.

ITA expects that stakeholders seek to resolve concerns at the lowest and least formal levels, with submission of a formal grievance being the option of last resort.

#### 4. How to raise concerns

The stakeholder raising the concern is termed the 'complainant' and the subject of the concern is termed the 'respondent'. ITA provides three primary ways for a complainant to report grievances or to whistleblow;

- write to the Supply Chain Standards Manager, International Tin Association Ltd, Unit 3, Curo Park, Frogmore, St. Albans, Hertfordshire, AL2 2DD, UK; or
- e-mail us at [tincode.grievance@internationaltin.org](mailto:tincode.grievance@internationaltin.org) ; or
- e-mail us at [tincode.whistleblowing@internationaltin.org](mailto:tincode.whistleblowing@internationaltin.org)

The complainant may also select any other recipient at ITA for the disclosure at any level of seniority but must clearly indicate to the recipient that the disclosure must be managed in accordance with this Resolution Procedure. Either male or female recipients may be requested by the complainant to receive disclosures.

Concerns are expected to be submitted in English. While ITA will endeavour to make an initial evaluation of concerns submitted in official national languages of ITA members, concerns will be managed by ITA in English and if relevant, according to English law.

Complainants are encouraged to provide as much detail as possible on their concern at the outset. Supporting evidence should be provided to enhance ITA understanding of the concern and likelihood of further action and resolution. Evidence should include verifiable information, records, observations, personal knowledge, and/or statements of fact which may be qualitative or quantitative. For specific events, dates, times, locations and similar details are important. Copies of any original documents, not the originals, should be submitted.

Complainants should be aware and acknowledge that information on the concerns, along with supporting evidence, will be provided by ITA to the respondent other than in cases of whistleblowing where the complainant wishes to remain anonymous, see Section 5 regarding 'Confidentiality'. Whistleblowers are encouraged to provide their contact information to enable the follow up investigator to clarify any information or evidence provided, however this is not a requirement.

## 5. Confidentiality and protection of whistleblowers

The Code is committed to supporting whistleblowers who wish to disclose evidence of wrongdoing within the scope of this Resolution Procedure. ITA is committed to ensure that appropriate and secure channels are available and accessible to whistleblowers to communicate their information and to ensure that the identity of whistleblowers are protected during and after the whistleblowing process. Complete anonymity may be maintained by the complainant by submitting a concern via post although this may limit follow-up.

Whistleblowers who disclose information in good faith, with reasonable grounds, and without the hope of personal gain will be protected irrespective of the quality of the evidence provided or the outcome of any review undertaken. There are no circumstances in which any payment or favour will be provided in return for information. Any request for payment or favour by a whistleblower will compromise the credibility of a disclosure.

Any follow up required with the whistleblower who has provided contact information will be through the original recipient of that information who will remain the only person with knowledge of the whistleblower's identity. The identity of the whistleblower, if shown on any submitted documents, will be redacted by ITA before being provided to the respondent.

An exception to the above will be necessary if the source is required to be disclosed as part of a legal process under the relevant laws. In these cases, effort will be made to protect the source from retaliation in collaboration with the relevant authorities, and in conformity with national and international procedures that may apply.

Victimisation or harassment of whistleblowers by member companies and/or staff will be recorded in subsequent Code reports and employment status (when concerns are raised by ITA staff members) will not be affected by raising a concern.

## 6. Acknowledgment and initial review

Documentation and communications relating to all concerns will be maintained in a record management system of ITA to the extent allowable when considering data protection, confidentiality and protection of whistleblowers (section 5).

ITA will acknowledge the receipt of the concern within 10 working days. If it is evident that the concern is out-of-scope or inadmissible ITA will inform the complainant of that fact and the reasons.

If the concern appears to be within the scope of this Resolution Procedure ITA will proceed with an initial review of the information received and may request further corroboration, details or evidence, including regarding whether the concern has already been raised through other mechanisms. As previously stated, ITA expects stakeholders to make good faith efforts to resolve concerns at the lowest and least formal levels and may request evidence of previous efforts made by the complainant in that respect such as bilateral discussions, ombudsman, or mediation.

If the concern is admissible, ITA will determine the next appropriate steps, provide information to the complainant about those steps, and explain when an outcome may be expected.

The respondent will be informed of the concern at the earliest opportunity whether or not the concern is admissible.

Due to the sensitivities involved, ITA will keep the process confidential until an outcome has been reached.

## 7. Collaboration with other mechanisms

The Code anticipates that ITA members will have and implement their own company whistleblowing and grievance procedures. Code reports of ITA members will include comment on;

### Code **standard** 1.6

*“Companies will develop and implement whistleblowing procedures to enable employees and stakeholders to report concerns related to company activities, including relevant expectations of the Code of Conduct”.*

### Code **standard** 5.3

*“Companies will establish an appropriate grievance mechanism to receive, and facilitate resolution of, concerns raised by individuals, workers, communities, or civil society organisations regarding company activities”.*

Issues which ITA believes can be resolved through existing member company processes will be referred by ITA to those processes.

ITA is also aware of and/or works with other initiatives relating to mining and mineral trading practices which have grievance, complaints and/or whistleblowing mechanisms in place. ITA may refer concerns raised through our procedure to other initiatives if that is considered the appropriate course of action.

Concerns relating to audit or assurance firms may be addressed directly with the assurance firms if a complaint. The assurance firm is required to manage complaints in addition to recording where the company being audited does not agree with the assurance conclusion. Note that assurance firms are generally not required to have a whistleblowing procedure but must have a complaint’s handling process.

If, following the initial review, concerns are referred to other parties by ITA, ITA will request information on progress and resolution from those parties on a regular basis and will inform the complainant of the outcome.

## 8. Investigating an admissible concern

The handling process for admissible concerns will vary according to the type of concern (nature of the issue and/or the respondent), as well as the level of seriousness of the concern (for example, if potentially leading to immediate harm or a legal issue).

Following acceptance of the concern as admissible the respondent will be further notified of that. Relevant information that is not considered anonymous or sensitive will be provided for their review and a written response requested within a specific timescale. The timescale will be reasonable and depend on the seriousness, amount of information involved, complexity of the concern, as well as any other factors such as language issues.

On receiving the respondent’s comments ITA will further review such and may contact either or both the respondent and/or complainant for additional information. Other information on the situation may also be sought from other stakeholders or public reports taking into account the extent of confidentiality required as well as the seriousness of the concern. ITA will then proceed to contact the respondent for a second time to request a final response. This process will not be repeated further since ITA is primarily seeking to identify key issues and agree progressive improvements rather than engage in lengthy investigations and disputes.

In line with ITA aims to address concerns at the most informal appropriate level, concerns will be managed by the Supply Chain Standards Manager. If the concerns relate to the activities of ITA staff, or contractors these may be escalated in the hierarchy of ITA management, and ultimately further to the ITA Board (if no conflict of interest is present). Senior management of ITA will be made aware of concerns relating to ITA member companies as appropriate.

## 9. Outcomes of the procedure

If relating to member companies ITA will endeavour to indicate the level of seriousness of the concern in relation to the expectations of Code ratings. If relating to ITA itself or other parties a level will also be allocated to enable public reporting of aggregated data.

If the outcome of this procedure indicates processes or actions of respondents could be improved, lessons learnt will be recorded and actioned if possible. In the case of ITA member companies ITA may request that the concern is considered in the company improvement plan. If improvements are planned the concern will be considered resolved.

Possible outcomes of the procedure include;

- Dismissed (found to be inadmissible)
- Not upheld (found to be inaccurate or unfounded)
- Resolved (through improvement actions or plans)
- Not resolved (if there is no commitment to improve)

The Supply Chain Standards Manager will inform the complainant of the outcome in an official response (unless the complainant is anonymous). The timeframe for the response depends on the many factors but is envisaged to be between 4 to 24 weeks from the date of communication of admissibility.

## 10. Public reporting

ITA will provide public information on the total number of concerns and the aggregated type, seriousness and outcomes resulting from this resolution procedure. This reporting may also include additional descriptions of key lessons learnt. Reporting will ensure that commercial and confidential information is not revealed.