

INTERNATIONAL TIN CODE OF CONDUCT REPORT: Fenix Metals



GENERAL INFORMATION	
Company details	Fenix Metals Sp. z o.o. ul. Strefowa 13, 39-442 Chmielow, Poland
Date of this report	January 2019
Date of previous report	Not Relevant
Report author(s)	Independent External Assessor Supply Chain Standards Manager, International Tin Association Ltd
Report verified by	Natalia Mierzwa
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About our company	<p>Fenix Metals is located in Tarnobrzeg – east Poland – where, as a recycler of secondary materials containing tin and lead, it manufactures pure tin, tin alloys, tin lead and lead alloys. These products are marketed mainly in Europe. The raw materials purchased by Fenix are all secondary materials, being either waste or processed metals created during product manufacturing, and the company does not buy any tin mineral concentrates.</p> <p>Fenix Metals holds ISO 9001, OHSAS 18001 and ISO 1400 standards.</p>
Significant changes from previous report	Not Relevant
Further information and references	<ol style="list-style-type: none"> ISO 9001, OHSAS 18001 and ISO 14001 audit records Online Database of Polish Legislation - http://isap.sejm.gov.pl/



Visual Progress Guide



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PRINCIPLE 1: Maintain legal compliance and develop sound policies to improve practices

STANDARD		RANKING	ADDITIONAL INFORMATION
Overview of Principle Performance		The company conforms to the standard for implementing a formal management system and also keeps up to date all required registrations, licences and other document necessary for legal operation. It also has procedures to prevent bribery and implements a whistleblowing process and has developed and published policies to support legal compliance and improve practices with respect to the Code of Conduct and is implementing relevant training. It is not required to report under the Extractive Industries Transparency Initiative (EITI) as Poland is not an implementing country of the EITI.	
1.1	Policies Companies will develop and publish policies to support legal compliance and improve practices with respect to the expectations of the International Tin Code of Conduct.	Conforming	
1.2	Management system Companies will work towards implementing appropriate management systems to control and monitor relevant aspects of this Principle 1.	Conforming	
1.3	Legal compliance Companies will have and keep up to date all business registrations, licences and other documents necessary to legally carry out business activity and otherwise comply with relevant local laws, including with health and safety and environmental requirements.	Conforming	
1.4	Business integrity Companies will seek to prevent bribery and corruption.	Conforming	
1.5	Transparency Companies will implement the Extractive Industries Transparency Initiative (EITI) if required by national government	Not Relevant	Conformance with the requirement is considered not relevant as Poland is not an implementing country of the EITI at present.
1.6	Whistleblowing 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.	Conforming	
1.7	Training Companies will work towards implementing appropriate and periodic training for employees regarding relevant aspects of this Principle 1 and require onsite contractors to train their workers on aspects relevant to their specific tasks and work areas.	Conforming	



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PRINCIPLE 2: Seek continual improvement of environmental performance

Overview of Principle Performance

The company achieved the ranking of 'Conforming' or 'Third-party verified' in all relevant standards for this principle. It has developed and implemented a third-party verified ISO 14001 environmental management system supported by relevant training to employees and contractors. Its environmental management system covers associated topics, and some, such as waste management, water and air quality undergo further scrutiny by government or third-party monitoring. The company also has a verified approach to biodiversity protection and conforms with the need to understand impacts on protected areas. It has demonstrated a qualitative awareness of the importance of conserving potable water and limits its own overall water consumption to minimise negative impacts on water availability and also understands impacts of discharges to land. It does not use banned substances. The company is below the limit of reporting on greenhouse gases and has a good understanding of the need for reduction in energy usage. Management of tailings, closure and reclamation are not relevant to operations.

STANDARD		RANKING	ADDITIONAL INFORMATION
2.1	Management system Companies will work towards implementing an environmental management system that utilises the mitigation hierarchy (avoid, minimise, mitigate, compensate) to control and monitor relevant aspects of this Principle 2.	Third-Party Verified	
2.2	Water quality Companies will seek to understand and manage discharges to surface waters and groundwater in order to minimise negative impacts on water quality.	Third-Party Verified	
2.3	Water consumption and availability Companies will seek to reduce water consumption in their operations in order to minimise negative impacts on water availability.	Conforming	
2.4	Land and soil quality Companies will seek to understand and manage discharges to land in order to minimise negative impacts on land and soil quality.	Conforming	
2.5	Air quality Companies will seek to understand and manage discharges to air in order to minimise negative impacts on air quality.	Third-Party Verified	
2.6	Greenhouse gases Companies emitting more than 25,000 tonnes of CO ₂ -equivalent will seek to understand direct and indirect greenhouse emissions and consider economic reduction initiatives appropriate to the nature and scale of operations.	Not Relevant	Conformance with the requirement is considered not relevant as the company's emissions are below the threshold for reporting of 25,000 tonnes per annum.
2.7	Energy consumption Companies will seek to identify technically and financially feasible measures for reducing the direct and indirect consumption of energy per unit of production or increasing the share from renewable sources.	Conforming	
2.8	Tailings management Companies will store or dispose of tailings in a manner that minimises the risk of impacts to the environment and human health.	Not Relevant	Tailings from mineral processing activities are not relevant to recycling facilities and therefore this requirement does not apply.



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2.9	Hazardous waste management Wherever possible companies will avoid the generation of hazardous wastes; where this is not possible companies will manage and dispose of wastes in a manner that minimises negative impacts on human health and the environment.	Third-Party Verified	
2.10	Non-hazardous and inert waste management Wherever possible companies will minimise the production of non-hazardous and inert wastes and consider reuse and recycling options before disposing of them in an appropriate manner.	Third-Party Verified	
2.11	Banned substances Companies will not use substances that are banned under international convention or local laws.	Conforming	
2.12	Biodiversity protection Companies will seek to understand potential impacts on biodiversity and avoid activities that significantly modify or degrade critical natural habitats through an appropriate action plan.	Third-Party Verified	
2.13	Protected areas Companies will respect legally protected areas in accordance with local laws, and will seek to understand and manage potential impacts of operations on adjacent zones.	Conforming	
2.14	Closure and reclamation Companies will allocate adequate financial resources to enable implementation of closure and rehabilitation of operations in accordance with local requirements and expectations of key stakeholders.	Not Relevant	Conformance with the requirement is considered not relevant as closure and rehabilitation plans do not apply to non-mining operations and facilities.
2.15	Training Companies will work towards implementing appropriate and periodic training for employees regarding relevant aspects of this Principle 2 and require onsite contractors to train their workers on aspects relevant to their specific tasks and work areas.	Conforming	



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PRINCIPLE 3: Seek continual improvement of health and safety performance			
Overview of Principle Performance		The company achieved the highest achievable ranking of 'Third-party verified' for all the standards for this principle. The OHSAS accreditation demonstrates it has in place a robust system to maintain and continually improve health and safety for staff, contractors and visitors to its sites through implementing management systems, safe working practices, incident investigation and follow-up. Appropriate training is also in place for workers and visitors, and required by contractors.	
STANDARD		RANKING	ADDITIONAL INFORMATION
3.1	Health and safety management systems Companies will work towards implementing a management system to monitor and control relevant aspects of this Principle 3.	Third-Party Verified	
3.2	Safe working practices Companies will maintain safe and healthy working conditions by implementing measures that minimise and seek to eliminate workplace fatalities, injuries and occupational diseases amongst employees, contractors and visitors.	Third-Party Verified	
3.3	Incident investigations Companies will document reportable health and safety incidents using a transparent and inclusive procedure that allows affected workers and local communities to provide input.	Third-Party Verified	
3.4	Incident follow up Following a reportable health and safety incident, companies will define and implement corrective actions in a timely fashion and monitor the effectiveness of such actions.	Third-Party Verified	
3.5	Training Companies will provide appropriate and periodic training for employees regarding relevant aspects of this Principle 3, require onsite contractors to train their workers on aspects relevant to their specific tasks and work areas, and provide appropriate briefings to visitors to company facilities.	Third-Party Verified	

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PRINCIPLE 4: Seek continual improvement in labour practices

Overview of Principle Performance

The company conforms with the requirements of this principle through compliance with strict Polish labour laws and the implementation of a formal labour management system. The law prohibits the employment of minors under the age of 16 and provides specific requirements when persons between the age of 16 and 18 are employed. There is also high presence and activity of trade unions resulting from the provisions of the Polish Act on collective labour agreements. Standards on discrimination, remuneration, forced labour and working hours are also addressed.

STANDARD		RANKING	ADDITIONAL INFORMATION
4.1	Labour management systems Companies will work towards implementing a labour management system to control and monitor relevant aspects of this Principle 4.	Conforming	
4.2	Discrimination Companies will not make employment decisions based on gender, race, nationality, ethnic, social and indigenous origin, religion or belief, disability, age or sexual orientation unless clearly necessary due to inherent characteristics of the job.	Conforming	
4.3	Remuneration Companies will ensure workers receive fair remuneration for standard and overtime hours worked that meets or exceeds the local legal minimum plus any applicable statutory benefits and provide equal pay for work of equal value.	Conforming	
4.4	Forced labour Companies will not use or support slavery, servitude, forced or compulsory labour.	Conforming	
4.5	Child labour – worst forms Companies will not engage in the worst forms of child labour as defined by Article 3 of ILO Convention No. 182 including that which is likely to harm the health, safety or morals of children.	Conforming	
4.6	Child labour – other forms Companies may employ children of minimum age 14 years, or older as defined by local laws, to undertake non-hazardous, light work that does constrain their ability to gain an education.	Conforming	
4.7	Working hours Companies will comply with local laws and ensure that workers undertake overtime on a voluntary basis and have at least one day of rest for every 7-day period or as prescribed by local laws (whichever is higher).	Conforming	
4.8	Freedom of association and collective bargaining Companies will engage with workers on freedom of association and collective bargaining as permitted by local laws.	Conforming	
4.9	Training Companies will provide appropriate and periodic training for employees regarding relevant aspects of this Principle 4 and require onsite contractors to train their workers on aspects relevant to their specific tasks and work areas.	Conforming	



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PRINCIPLE 5: Engage with stakeholders using a participatory approach

Overview of Principle Performance

The company conforms to the standard to identify stakeholders and plan engagement according to their characteristics and interests, and, is progressing with establishing and implementing a systematic approach to existing stakeholder management. It has also established a conforming grievance mechanism to receive and follow up on stakeholder concerns and trains employees and contractors on stakeholder engagement.

STANDARD		RANKING	ADDITIONAL INFORMATION
5.1	Stakeholder management Companies will work towards implementing a systematic approach to stakeholder management to control and monitor relevant aspects of this Principle 5.	Progressing	The company manages some aspects related to stakeholder issues, but to improve its rating the company could implement a formal stakeholder management system to further enhance its control and monitoring activities.
5.2	Stakeholder mapping and engagement Companies will seek to identify and record the characteristics and interests of stakeholders affected by, or with the potential to affect, company activities, and plan a participatory approach to engagement including disadvantaged and vulnerable groups.	Conforming	
5.3	Grievance mechanism 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.	Conforming	
5.4	Training Companies will provide appropriate and periodic training for employees regarding relevant aspects of this Principle 5 and require onsite contractors to train their workers on aspects relevant to their specific tasks and work areas.	Conforming	

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PRINCIPLE 6: Manage negative impacts on, and contribute to development of, local communities and indigenous peoples

Overview of Principle Performance

The company moved to its plant in Tarnobrzeg Poland in 2004 and notes that there is no need for additional land beyond the current property boundary, hence there could be no need in the foreseeable future for resettlement of communities. Several other standards are also not relevant to the context of company operations. The company does conform with expectations to implement a systematic approach to community management implementing measures that conform with expectations to manage impacts on community health and safety, and to consult with local communities to respond to their views. The company has also implemented conforming measures to identify the development needs of communities and contribute to their economic development. Further training of employees and by contractors on matters relating to local communities could be beneficial.

STANDARD		RANKING	ADDITIONAL INFORMATION
6.1	Community and indigenous people management Companies will consider implementing a systematic approach to the management of community and indigenous peoples issues to control and monitor relevant aspects of this Principle 6.	Conforming	
6.2	Community health and safety Companies will seek to implement practical and reasonable measures with the goal of eliminating potential negative health and safety impacts on local communities.	Conforming	
6.3	Consultation Companies will plan a process of consultation that enables local communities and indigenous peoples to express their views on risks, impacts and mitigation measures, and allows the company to consider and respond to them.	Conforming	
6.4	Free, prior and informed consent (FPIC) Companies will seek the FPIC of indigenous peoples where their lands, access to natural resources or cultural heritage may be impacted by company activities.	Not Relevant	No communities are located near to or impacted by the company's operations.
6.5	Land rights, use and access Companies will seek to anticipate and avoid or minimise adverse impacts on land rights, land use and access to land and compensate for any significant residual impacts.	Not Relevant	The lands, access to natural resources or cultural heritage of local peoples have not and are not negatively impacted by the company's operations and activities.
6.6	Physical displacement (resettlement) Companies will seek to avoid or minimise involuntary resettlement and take appropriate measures to mitigate adverse impacts on displaced persons.	Not Relevant	The company's operations and activities have not resulted / are not resulting in involuntary resettlement.
6.7	Economic displacement (livelihoods) Companies will financially compensate economically displaced people as required by local laws and plan a livelihoods restoration programme to ensure that there is no net negative impact on their livelihoods.	Not Relevant	The company's operations and activities have not resulted / are not resulting in economic displacement.
6.8	Local economic development Companies will seek to contribute to the economic development of local communities and indigenous peoples.	Conforming	
6.9	Natural resource use and availability Companies will seek to minimise negative impacts on access to and availability of natural resources by local communities and indigenous people.	Not Relevant	The company's operations and activities have not had / are not having negative impacts on access to and availability of natural resources by local communities.

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6.10	<p>Cultural heritage protection Companies will anticipate and wherever possible avoid adverse impacts on cultural heritage; when avoidance is not possible, companies will minimize, mitigate and/or compensate for such impacts.</p>	Not Relevant	The company's operations and activities have not had / are not having negative impacts on cultural heritage (this information might be presented in environmental and social impact assessments for the company's operations and activities).
6.11	<p>Training Companies will provide appropriate and periodic training for employees regarding aspects of this Principle 6 relevant to interactions with local communities and indigenous people that may occur during the course of their work. Companies will require onsite contractors to undertake the same training when relevant to their specific role.</p>	Progressing	To improve its rating the company could demonstrate that induction and refresher training of employees extends to local community issues (as defined in the Tin Code of Conduct, Principle 6) and that such training is also required for contractors.



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PRINCIPLE 7: Avoid contributing to serious human rights abuses and conflict

Overview of Principle Performance	The company has implemented a systematic approach to human rights and security management through compliance with Polish / EU laws and conforms to expectations for those standards. The company does not source minerals since it is a secondary processor which is able to recognise and verify secondary material types and the standard on responsible sourcing is therefore not relevant. The company is RMAP compliant with evidence of secondary inputs and throughput mass balance third-party verified although metals reasonably assumed to be recycled are excluded from the scope of OECD due diligence. It undertakes a wide range of training activities for its employees and contractors including training on human rights.
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STANDARD		RANKING	ADDITIONAL INFORMATION
7.1	Human rights management Companies will work towards implementing a systematic approach to human rights management to control and monitor relevant aspects of this Principle 7.	Conforming	
7.2	Use of private or state security personnel Companies using direct or contracted workers to provide security will be guided by the Voluntary Principles on Security and Human Rights and by applicable local law.	Conforming	
7.3	Responsible sourcing Companies will evaluate potential risks when sourcing minerals and seek to avoid purchases that may support conflict or human rights abuses according to international expectations and laws.	Not Relevant	Conformance with the requirement is considered to be not relevant as the company does not source minerals. The company is RMAP compliant with evidence of secondary inputs and throughput mass balance third-party verified although metals reasonably assumed to be recycled are excluded from the scope of OECD due diligence.
7.4	Training Companies will provide appropriate and periodic training for employees regarding relevant aspects of this Principle 7 and require onsite contractors to train their workers on aspects relevant to their specific tasks and work areas.	Conforming	



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PRINCIPLE 8: Seek to positively influence practices of suppliers of materials, goods and services

Overview of Principle Performance	The company does not source minerals since it is a secondary processor which is able to recognise and verify secondary material types and the standards relating to influencing large and small mineral suppliers are therefore not relevant. The company evaluates the legal status of major suppliers of secondary materials and has established a third-party verified system to request suppliers meet or work towards relevant principles of this code.
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STANDARD		RANKING	ADDITIONAL INFORMATION
8.1	Suppliers of ASM produced minerals, general Companies will request suppliers declare that they will work towards understanding their supply chain and communicating through suppliers the objectives of International Tin's Code, information and guidance to encourage improvements.	Not Relevant	Conformance with the requirement is considered to be not relevant as the company does not source minerals from external parties.
8.2	Principle 1 ASM minerals (compliance and policies) Suppliers will be requested to communicate the importance of formalisation and potential opportunities to engage in practical projects encouraging formalisation of ASM as appropriate (based on feedback) to the production area.	Not Relevant	Conformance with the requirement is considered to be not relevant as the company does not source minerals from external parties.
8.3	Principle 2 ASM minerals (environment) Suppliers will be requested to communicate guidance on managing environmental impacts as well as potential opportunities to engage in practical projects encouraging implementation by ASM as appropriate to the production area.	Not Relevant	Conformance with the requirement is considered to be not relevant as the company does not source minerals from external parties.
8.4	Principle 3 ASM minerals (health and safety) Suppliers will be requested to communicate guidance on managing health and safety impacts as well as potential opportunities to engage in practical projects encouraging implementation by ASM as appropriate to the production area.	Not Relevant	Conformance with the requirement is considered to be not relevant as the company does not source minerals from external parties.
8.5	Principle 4 ASM minerals (labour) Suppliers will be requested to communicate guidance to raise awareness regarding concerns over forced or compulsory labour, and the worst forms of child labour as well as potential opportunities to engage in practical projects encouraging implementation by ASM as appropriate to the production area.	Not Relevant	Conformance with the requirement is considered to be not relevant as the company does not source minerals from external parties.
8.6	Principle 6 ASM minerals (communities) Suppliers will be requested to communicate guidance on negotiating with local communities and indigenous peoples regarding access to land.	Not Relevant	Conformance with the requirement is considered to be not relevant as the company does not source minerals from external parties.
8.7	Principle 7 ASM minerals (human rights and conflict) Suppliers will be requested to communicate guidance to raise awareness regarding concerns over serious human rights abuses and conflict, as well as potential opportunities to engage in practical projects encouraging implementation by ASM as appropriate to the production area.	Not Relevant	Conformance with the requirement is considered to be not relevant as the company does not source minerals from external parties.
8.8	Suppliers of LSM produced minerals Companies will request major suppliers meet or work towards principles of this Code of Conduct.	Not Relevant	Conformance with the requirement is considered to be not relevant as the company does not source minerals from external parties.
8.9	Suppliers of secondary materials Companies will implement a system to check major suppliers are legally operating and request suppliers meet or work towards principles of this Code of Conduct.	Third-Party Verified	
8.10	Suppliers of goods and services Companies will request major suppliers meet or work towards principles of this Code of Conduct.	Third-Party Verified	



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PRINCIPLE 9: Encourage the understanding, and safe and appropriate use of tin products

Overview of Principle Performance

Through its membership of International Tin Association, and the REACH consortium, the company conforms with the expectation to support the development of improved understanding of the properties and potential effects of tin on humans and the environment. It also supports research and innovation to promote the safe, appropriate and efficient use of tin. The company was able to provide evidence of occasionally communicating accurate public information on tin to the tin industry and its users with no noted breaches in data protection law.

STANDARD		RANKING	ADDITIONAL INFORMATION
9.1	Understanding potential impacts of tin Companies will seek to advance the understanding of the properties of tin and any potential effects on human health and the environment through sound science and data.	Conforming	
9.2	Encouraging safe and appropriate use Companies will support research, innovation and collaboration that promotes safe and efficient production, use and recycling of tin, including to ensure regulatory compliance and efficient use of energy and natural resources	Conforming	
9.3	Communicating appropriate information Companies will communicate accurate information on impacts and use of its products, to workers, users in the value chain and wider stakeholders, accounting for the need for appropriate confidentiality.	Conforming	



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PRINCIPLE 10: Work towards reporting against the International Tin Code of Conduct

Overview of Principle Performance	The management and staff of Fenix Metals have taken ownership of reporting on the Code and there is a clear commitment to providing evidence on conformance and making continued progress with the standards of the Code. They proactively worked with the Independent External Assessor and the International Tin Association to develop this first company report on the Code.
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STANDARD		RANKING	ADDITIONAL INFORMATION
10.1	Policy Review Companies will review published policies at least annually to reflect any changes to company expectations in relation to standard 1.1	Conforming	
10.2	Communicating reporting information Companies will agree to the publication of a report of activities against the Principles and Standards of the Code.	Conforming	
10.3	Management Review Companies will ensure the above public information related to the Code is approved by senior responsible management	Conforming	



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Appendix A – Description of Code reporting

Evidence review process: The assessment of conformance with the Principles and Standards relies on detailed evaluation of documentary evidence and discussion with the company to ensure a full understanding of progress. ITA encourages members to provide maximum available information, and collates this into an evidence dossier for submission to the Independent Assessor. During a period of feedback and consultation the company may submit further evidence to clarify or add to the information originally provided in order to improve accuracy. The Independent Assessor then determines the final ranking and agrees the text included in this report.

The Independent Assessor: ITA engages an expert to make the assessment of evidence separately and independently from the views of the ITA or its members. The independent assessor for this pilot reporting is a consulting firm with more than 25 years’ experience working on environmental and social issues and impacts in the natural resource sector. It specialises in analysis, prevention and management of environmental and social issues in the oil and gas, mining and aggregates industries worldwide and is familiar with large scale and artisanal mining, and acts as auditor and/or advisor to other commodity standards initiatives such as Bettercoal.

Reporting guide: The ‘visual progress guide’ on the title page is a general representation of the proportion of rankings overall.

Not Relevant	The Standard is not appropriate or does not apply to the company.
Third-party verified	Company activity has been verified by a third party recognised qualified body, for example during audit or inspection.
Conforming	Company activity is formally documented and implemented with evidence of conformance with the Standard.
Progressing	Company activity is documented but may benefit from formalisation in a procedure or expansion to the Standard.
Informal	Company activity is underway but may benefit from being documented more formally to the Standard.
Inadequate	There is insufficient evidence available to achieve other rankings.

Additional Information: In the reporting format, details of ‘Additional Information’ is not included for ‘Conforming’ and ‘Third-party Verified’ standards, but is provided in the case of other rankings as a useful guide to show progress.