

# LBMA ASM TOOLKIT

## PROGRESSIVE IMPROVEMENT

The following are the progressive improvement requirements in the ASM Toolkit, and then in each instance a proposed further definition of what is required under progressive improvement.

Entities implementing the LBMA Toolkit should at all times respect and follow the law of the jurisdiction in which they are situated. Where a country's legal requirements go further than those outlined in the Toolkit, entities must meet those legal requirements.

What follows mostly relates to mining entities. In many instances it is indicated that it is a mining entity's responsibility to perform some tasks. This can refer to a mining association, co-operative, or company – whatever the entity it is that is mining the site.

It may well be beyond the mining entity's capacity on its own to devise and implement the mitigation plans called for in this document. Offtakers, which maybe processing plants/aggregators/intermediate refiners, or GDL refiners, must evaluate their own capacity to contribute. If, between them, the mining entity and its offtaking processing plant/aggregator/intermediate refiner or GDL refiner lack the capacity to address progressive improvement and minimum requirement issues, that will call into question the viability of the mining entity as a responsible source for a GDL refiner.

### **1.3 Do they need to obtain an environmental license to operate the mine? If yes, on what date was an application submitted to relevant authorities? Has an environmental license been awarded to mine owners?**

The mining entity has twelve months to launch the application process for an environmental license. Thereafter, the offtaker requires evidence of significant movement in this process.

### **1.4 If operation assessed used mercury, what is the regulatory environment regarding mercury? Has the country signed the Minamata convention? What is the country's strategy to phase out mercury? Does the ASM supplier (cooperative or IR) have a mercury reduction plan in development or in place? What is the plan, and its timeline for implementation?**

The mining entity and/or offtaker have twelve months to design and begin implementing a mercury reduction/elimination plan. Thereafter, the offtaker requires evidence of significant movement in this process.

### **2.8 Does it have a supply chain policy in place? Does this policy explicitly reference OECD Annex II risks? What due diligence process does it rely on when sourcing from ASM suppliers?**

The offtaker has twelve months to produce a supply chain policy that explicitly references OECD Annex II risks.<sup>1</sup> The offtaker also has twelve months to initiate design and then begin implementation

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<sup>1</sup> Annex II risks are: any forms of torture, cruel, inhuman, and degrading treatment; any forms of forced or compulsory labour; the worst forms of child labour; other gross human rights violations and abuses such as  
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of a due diligence process. Thereafter, the offtaker requires evidence of significant movement in this process.

**2.9 Is the offtaker recognized or accredited by an OECD aligned assurance scheme? If not, are they in the process of making an application for accreditation?**

If it has not already done so, the offtaker has twelve months to assess whether it is appropriate for it to apply for accreditation to an OECD-aligned assurance scheme. If the answer is yes, it has a further twelve months to begin the application process. Thereafter, the offtaking GDL refiner requires evidence of significant movement in this process.

**3.8 For the mining site assessed, what is the legal status of the mining title (license mining received, mining licensed filed to the authorities but not yet received back) and describe steps to finalize the process to be fully legalized. Confirm who has the legal title of the land being exploited. Is the land owned by a private entity or customary/hereditary ownership? Do non-legal miners have a legitimate right to mine the area? Does a grievance mechanism exist for managing land disputes?**

If it has not already done so, and in accordance with national law, the mining entity must begin the process of applying for full legalisation within twelve months. Thereafter, it must provide evidence of significant movement in the application process.

**3.9 Obtain documentation (licence, mining license filing, etc) and explain what steps have been taken to be/to become legalized. When is the licence expected to be received? Why the licence has not yet been received.**

The mining entity must provide these answers to the offtaker within twelve months.

**3.12 Have authorities with regulatory oversight visited the mining site? If yes when was the last visit? What is the result of the visit by the authorities?**

The mining entity must provide these answers to the offtaker within twelve months. If authorities with regulatory oversight have not visited the mining site, the mine site must within the twelve months also invite a visit by the authorities. Thereafter, the mine site must keep the offtaker informed of progress.

**3.18 Does the mine site have tunnels? Provide a description (height, width, structure, water on the ground, etc.)**

The mining entity must initiate the process providing the descriptions within twelve months. Thereafter, it must provide evidence of significant movement in this process.

**3.19 Describe security in the tunnels (alarm, electricity, air circulation, emergency exit, etc.)**

The mining entity must initiate the process of finding answers to these questions within twelve months. Thereafter, it must provide evidence of significant movement in this process.

**3.22 Does the mining entity provide training to its employees?**

Within twelve months, the mining entity must begin to design and implement a training programme. Thereafter, it must provide evidence of significant movement in this process.

**3.23 How do you structure your open pit to mitigate the risk of landslide?**

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widespread sexual violence; war crimes or other serious violations of international humanitarian law, crimes against humanity or genocide; direct or indirect support to non-state armed groups; bribery and fraud; money laundering; tax evasion.



The mining entity must start finding answers to these questions within twelve months. Thereafter, it must provide evidence of significant movement in this process.

**3.24 What are the PPE equipment for underground mine or open pit?**

The mining entity has twelve months to provide an answer. Thereafter, where there are deficiencies, it must demonstrate evidence of significant improvement in PPE provision.

**3.25 Do they give employee training about health and safety/security etc. (if relevant)?**

The mining entity has twelve months to provide an answer. Thereafter, where there are deficiencies, it must demonstrate evidence of significant improvement in employee training on health and safety/security.

**3.26 How the mine ensures that all technical machinery and equipment is safe for use and workers are trained appropriately?**

The mining entity has twelve months to provide an answer. Thereafter, where deficiencies are identified, it must demonstrate evidence of significant improvement.

**3.28 Do they have a record of serious injuries/deaths over the last twelve months? List the types of serious injuries.**

The mining entity has twelve months to provide an answer. Thereafter, where deficiencies are identified, it must demonstrate evidence of significant improvement in record keeping.

**3.29 What lessons were learned from these injuries/accidents?**

The mining entity has twelve months to provide an answer. Thereafter it must demonstrate significant evidence of improvement in learning from injuries and accidents, including evidence of practices to mitigate that risk.

**3.31 What method of gold processing is used (list any chemicals used)? How are chemicals sourced/stored/used/neutralised?**

The mining entity has twelve months to provide an answer. Thereafter it must demonstrate evidence of improvement in sourcing/storing/using/neutralising chemicals.

**3.33 If the use of mercury is legal and present at the mine site, what plans are there for phasing out its use? Does the mine have plans to find safe alternatives to mercury? By when does the mining operation plan to be mercury free?**

The mining entity has twelve months to provide answers to the oftaker. It must also during this period design and begin to implement a mercury reduction/replacement plan. Thereafter it must demonstrate evidence of significant improvement in implementing this plan.

**3.35 How is the mercury used and recycled? Is the mercury used in a contained manner?**

The mining entity has twelve months to provide answers to the oftaker. It must also during this period design and begin to implement a mercury reduction/replacement plan. Thereafter it must demonstrate evidence of significant improvement in implementing this plan.

**3.36 Are staff using mercury trained to understand the risk of this chemical and are they using proper PPE when using it?**



The mining entity has twelve months to provide answers to the offtaker. It must also during this period design and begin to implement a mercury reduction/replacement plan that includes training. Thereafter it must demonstrate evidence of significant improvement in implementing this plan.

### **3.40 Is the private security force screened and trained in the UN Voluntary Principles?**

The mining entity has twelve months to provide answers to the offtaker. It must also during this period design and begin to implement a security force screening and training plan. Thereafter it must demonstrate evidence of significant improvement in implementing this plan.

### **4.2 Are you aware of evidence that there are children under 15 years old on site? What are their activities?**

The mining entity has twelve months to provide answers to the offtaker.

### **4.3 Describe the measures taken to ensure that no children are illegally (in accordance with national law) working on the mine site.**

The mining entity has twelve months to provide answers to the offtaker. During that period, the mine site must also design and begin to implement a plan to ensure that no children are illegally working there. Thereafter it must demonstrate evidence of significant improvement in implementing this plan.

### **5.1 How the impact of the environment is minimised on the mine site and on the surrounding communities, including emissions to air, soil and water?**

The mining entity has twelve months to provide answers to the offtaker. During that period, if it does not have one already, the mine site must also design and begin to implement a plan to improve environmental management. Thereafter it must demonstrate evidence of significant improvement in implementing this plan.

### **5.2 What is their awareness level about waste management?**

The mining entity has twelve months to provide answers to the offtaker. Where deficiencies are identified, and if it does not have one already, the mine site must also design and begin to implement a plan to improve waste management. Thereafter it must demonstrate evidence of significant improvement in implementing this plan.

### **5.5 Describe the activities carried out by women on site. Would pregnant women have different treatment in order to avoid doing hazardous activity?**

The mining entity has twelve months to provide answers to the offtaker. Where issues are identified concerning pregnant women and mine work, the mine site must design and begin to implement a plan to address them. Thereafter it must demonstrate evidence of significant improvement in implementing this plan.

### **5.6 What are the processes regarding fair working hours, number of shifts, holidays, discrimination, harassment, fair remuneration, freedom of association/collective bargaining?**

The mining entity or offtaker has twelve months to provide answers to the subsequent offtaker. Where deficiencies are identified concerning these issues, the mine site/offtakers must design and begin to implement a plan to address them. Thereafter it must demonstrate evidence of significant improvement in implementing this plan.

### **5.8 Where do they stand regarding good organisational governance (maintaining records, formalisation of policies, not tolerate corruption/bribery, address grievances etc)? Rate governance status between 1 (no clue of concept) to 10 (formalised).**



The mining entity or offtaker has twelve months to provide answers to the subsequent offtaker. This entity must use these to generate an estimation of the governance status of the mine site. Based on deficiencies and issues identified, the mine site offtaker must devise and begin to implement a plan within a further twelve months. Subsequent to this, the mining entity offtaker must demonstrate evidence of significant improvement in implementing this plan.