

Interview Guides

Interview Guide for Social Investment.....	2
Interview Guide for Labour Issues	4
Interview Guide for Environmental Issues.....	8
Interview Guide for Land Issues.....	10
Interview Guide for Health Issues	13



INTERVIEW GUIDE FOR SOCIAL INVESTMENT

This guide was prepared for meetings and interviews with Sierra Madre Foundation Personnel – Objective: to obtain a better understanding of the Foundation’s work and the Community Development Programmes

Work of the Foundation

1. What community development programmes does the foundation provide:
 - a. What is the focus and objective of each programme (e.g. health, education, literacy, etc.)?
 - b. How many participants / beneficiaries are there for each programme?
 - c. How much does the programme cost?
 - d. How is each programme administered?
 - e. How is each programme evaluated?
 - f. Is there documentation for each programme (strategy, workplan, budget, evaluations, and reports)?
 - g. Does each programme have any specific objectives or indicators in relation to human rights?
 - h. Does each programme include measures to accommodate the needs of women, indigenous peoples or other vulnerable groups?
2. Does the Foundation have over-arching development objectives for the local communities? Has a written strategic management plan (or other policy document) been prepared?
3. If so, how was the plan prepared?
 - a. Research / due diligence on social environment and local needs?
 - b. Consultation with local communities and potential beneficiaries?
 - c. Consultation with local authorities and development agencies?
4. How are participants and beneficiaries of the Foundation’s activities selected?
 - a. Are all activities accessible to all members of the community?
 - b. Are the activities free of charge?
 - c. Are some people not permitted to participate? Why not?
 - d. How does the Foundation inform the community about its activities?
5. What reports does the Foundation provide to the company and to government authorities (including for fiscal or tax purposes)?
6. Does the Foundation undertake activities in partnership with other organizations or service providers? If so, how are the partners chosen and supervised?

7. Does the Foundation provide money or services to local government authorities? If so, what measures are in place to avoid the possibility or appearance of corruption?
8. How are Foundation personnel / staff selected? Have there been any issues involving the personnel or staff of the Foundation?
9. What is the general feedback that the Foundation has about its activities? Have there been any complaints about the Foundation or its activities?

Satisfaction or Concerns of Beneficiaries

10. Describe your participation in the Foundation's activities?
 - a. How did you find out about the activity?
 - b. How were you selected to participate in the activity?
 - c. Did you have to pay to participate?
 - d. What benefit did you receive from your participation?
 - e. Was the activity responsive to your needs?
 - f. Did you have the opportunity to provide feedback about the activity?
 - g. Did you have any complaints?
11. Does the Foundation consult about its development strategies and priorities with the communities and local authorities?
12. Is the Foundation making a positive contribution to the development of the local communities?
13. Does the Foundation make equal contributions in each of the local communities?
14. Does the Foundation ever favour or discriminate against any particular individuals or groups?
15. Are the Foundation's activities undertaken in a culturally-sensitive manner (use of local languages, etc.)?
16. Does the Foundation hire professional staff? Have there been any issues with the staff of the Foundation?
17. Does the Foundation get involved in local politics or governance issues?

INTERVIEW GUIDE FOR LABOUR ISSUES

This guide was prepared for meetings and interviews with Marlin Mine employees and former workers – Objective: to obtain a better understanding of the Mine’s labour policies and practices and other employment related issues.

Hiring, Discipline and Firing

1. What information is required for a job application? Was any of that information of personal nature related to marital status, family responsibilities, number of dependents (DIHR 75)?
2. Was any information required about ideological, political or religious affiliation (DIHR 130 and 276)?
3. Are the employees aware of the company’s disciplinary procedures? What happens when an employee is disciplined (DIHR 104)?
4. Do employees have access to their employment file? Can they have inaccurate information deleted from the file (DIHR 260)?
5. Is discipline and dismissal of employees conducted in a non-discriminatory manner (DIHR 300)?
6. Are dismissed employees (for performance reasons) given advance notice and the opportunity to defend themselves at a fair hearing (DIHR 307)?
7. Are dismissed employees given reasonable notice or monetary compensation in lieu of notice (DIHR 308)?

Health and Safety

8. Does the company eliminate sources of physical and mental exhaustion that can result in poor health or safety (DIHR 138)?
9. Does the company guard its workers against foreseeable dangers in the work place (DIHR 331)?
10. Does the company provide access to first-aid and medical facilities? Are these facilities adequate for any incidents that have occurred (DIHR 151)?
11. Does the company have appropriate measure in place to respond to accidents or emergencies (DIHR 156)?
12. Are there any mechanisms that allow employees to participate in issues relating to occupational health and safety (DIHR 153)?
13. Does the company allow labour inspectors to conduct their functions without interference and does it remedy any deficiencies identified? Can employees raise issues with the MEM representative (DIHR 296)?

Hours of Work and Breaks

14. Does the company respect the national legislation about hours of work, overtime and holidays?
15. Are employees credited or compensated for unused holidays upon their termination or departure from the company (DIHR 326)?
16. Does the company prohibit arrangements that allow workers to violate overtime or do without holiday leave (DIHR 327)?

Harassment, Discrimination or Intimidation

17. Do the managers or supervisors mistreat the employees, physically or psychologically? If so, what happened (DIHR 85)?
18. Do managers, supervisors or other employees ever make degrading remarks about the employees? What sort of remarks? If so, what happened (DIHR 103 and 123)?
19. Have there been incidents of sexual harassment at the mine site? What happened? What measures were taken to deal with any incidents (DIHR 102)?
20. Does the company make it clear that physical, psychological, sexual or verbal abuse is not tolerated by anybody (DIHR 149)?
21. Does the company do anything to discourage freedom of expression, particularly about labour issues or political debates about issues relating to the company (DIHR 122 and 130)?
22. Are the employees free to discuss whatever they want during their breaks (DIHR 124)?
23. Do any employees get singled-out, discriminated against or disciplined for their opinions (DIHR 130)?
24. Do managers protect employees if they are suffering discrimination or harassment from other employees (DIHR 277)?
25. Does the company refrain from discriminating against employees on the basis of organizational affiliation (DIHR 244)?
26. Does the company respect the right of employees to freedom of association and peaceful assembly (DIHR 247)?
27. Does the company attempt to restrict the political activities of employees outside the workplace (DIHR 279)?
28. Does the company attempt to influence the vote of employees (DIHR 275)?
29. Does the company allow employees adequate leave in order to vote (DIHR 282)?
30. Does the company allow political activities to take place at the Mine; if so, can all political parties participate (DIHR 278)?
31. Can employees take leave to take part in the governing processes of the community (DIHR 281)?
32. Can employees exercise their labour rights and report violations to the proper authorities without fear of retaliation (DIHR 302)?

Security Guards

33. How do the employees interact with the security guards? Do they feel that the security guards treat them respectfully and in a non-threatening manner (DIHR 83)?
34. Have there been any incidents of abuse of employees (or others) by the security guards? Was there any investigation of the incident and/or disciplinary measures (DIHR 83)?
35. Do the security guards ever retain I.D. cards or other personal documents in order to restrict employees from leaving or entering the mine site (DIHR 116)?
36. Do the company and security guards refrain from monitoring employees (for non work-related matters such as political or religious association) (DIHR 253)?
37. Are body searches used on the mine site? If so, how are they conducted (DIHR 254)?
38. Does the company and security guards use security cameras at the mine site? Are private areas (toilets / showers / changing rooms) also filmed (DIHR 258)?
39. Are employees aware of other monitoring practices (DIHR 259)?
40. Is information collected by the company or security forces ever given to the government or 3rd parties (for non-justifiable reasons) (DIHR 267)?

Labour Association / Grievance Procedures

41. If trade unions do not exist, does the company allow alternative measures for employees to gather independently and discuss work-related issues (DIHR 245)?
42. Does the company recognize the right to negotiate collectively (DIHR 246)?
43. Is there any formal grievance process for employees to make complaints to the company about their work for:
 - a. health/safety issues;
 - b. environmental issues;
 - c. inter-personal conflict with employees or managers;
 - d. wage/benefit issues; etc.) (DIHR 84, 152 and 332)?
44. If not, how are complaints dealt with at the mine site?
45. Does the company consult the employees and provide information on matters of mutual concern (DIHR 330)?

Indigenous Peoples Issues

46. Does the company take employment decisions (hiring, promotion, discipline) on the basis of whether an employee is indigenous or not (DIHR 228)?
47. Do indigenous employees have any particular concerns about their indigenous culture being compatible with the company and its policies?

Women's issues

48. Apart from maternity leave, pregnancy or sexual harassment (covered in other questions above), are there any special concerns that women employees have about their work or the company?

Disabled People

49. Does the company provide reasonable accommodations to provide disabled applicants or workers with equal treatment and opportunities to work (DIHR 301)?

INTERVIEW GUIDE FOR ENVIRONMENTAL ISSUES

These are general questions to address the environmental concerns and perceptions of stakeholders of the Marlin Mine. More detailed questions for environmental experts or authorities can be found in the DIHR questions in the Human Rights worksheet #3.

Community Environmental Concerns and Perceptions

1. Are there concerns from the local communities about the environmental impacts Marlin Mine? What are the specific concerns (in detail) in relation to:
 - a. Humans (employees / members of community)
 - b. Wildlife
 - c. Water
 - d. Land (including crops and forests)
2. Does the interviewee has personal knowledge or experience with the environmental impacts related to the following (if not, could they provide their source of information):
 - a. Water pollution
 - b. Changes in the water usage patterns (DIHR 28)
 - c. Dust or other air-borne contaminants
 - d. Land pollution and impact on food
 - e. Chemicals at the mine
 - f. Transportation of hazardous materials (DIHR 164)
 - g. Noise from the mining operations
3. Are you aware of NGO, media or other reports about the environmental impacts of the Marline Mine?
4. Were you consulted by the NGOs or media when they prepared the report?
5. Are their reports accurate and consistent with your understanding of the environmental impacts?

Company Consultation and Communications

6. Did the company consult with you or other members of the community about the environmental concerns (including the use of hazardous chemicals) before the Mine was developed (DIHR 163, 167 and 168)?
7. Are you aware of the environmental monitoring, reporting or complaints procedures that the company has put in place? If so, do you believe the processes to be credible?

8. Since the Mine opened, have you been in contact with the company personnel or public authorities to discuss environmental concerns (DIHR 167 and 168)?
9. If so, was any remedial action undertaken to address your concerns (DIHR 168)?
10. Are you aware of the measures in place at the mine to prevent or reduce environmental impacts?
11. In your opinion, are these measures in conformity with national standards and adequate to address the risks (DIHR 166 and 169)?
12. Are you aware if the company has a plan and procedures to prevent environmental emergencies or industrial accidents that would affect the community? Were you consulted about such a plan in its preparation (DIHR 165)?
13. Do you know what will happen to the environment when the Mine closes?
14. Are you aware of the government's regulation and monitoring of the environment, specifically in relation to the Mine? Do you believe the government's monitoring to be effective?

INTERVIEW GUIDE FOR LAND ISSUES

These are general questions to address the concerns and perceptions of stakeholders of the Marlin Mine in relation to land issues.

Due Diligence and Consultation

1. Are you aware of any investigation, research or due diligence that the company conducted prior to acquiring the land? (DIHR 215) If so, did the company investigate the following:
 - a. Historical and current land title (DIHR 213 and 214)
 - b. Historical and current land uses (DIHR 26, DIHR 35)
 - c. Customary use by and cultural significance of land to indigenous peoples (DIHR 131, 219, 229, 230)
 - d. Future land use after the closure of the mine (DIHR 52)?
2. Did the company consult with stakeholders (including communities and municipal authorities) about the proposed land acquisition and resettlement plans? (DIHR 215, 217 and 119) If so, how were the consultations organized:
 - a. Who represented the company in the consultations and negotiations?
 - b. Were the consultations open to all interested stakeholders or community members or were they with specific individuals?
 - c. Were any special efforts taken to consult with indigenous leaders and to accommodate indigenous decision-making processes?
 - d. Were any special efforts taken to consult with women (DIHR 25)?
 - e. Were any special efforts taken to consult with informal land users?
 - f. How much advance notice and background information was provided for the consultations?
 - g. What was the scope of the consultation? Did it cover the full range of potential impacts of the mine at all phases of operation from land acquisition to mine closure / remediation)?
 - h. Did the company consult with you or other members of the community about the environmental concerns (including the use of hazardous chemicals) before the mine was developed (DIHR 163, 167 and 168)?
 - i. What feedback was provided to the company through the consultation process?
 - j. Did the company modify its land acquisition, resettlement and project development plans as a result of the feedback received through the consultation process (DIHR 36)?
 - k. Did the company respect the promises it made to stakeholders throughout the consultation process?
3. Did the company enter into any formal agreements with communities (as opposed to with individual land-owners) about land acquisition or resettlement?

4. How did the company negotiate agreements for land purchase / resettlement with individual land-owners?
 - a. Was the price offered fair in relation to the value of the land?
 - b. Was the price offered equitable in relation to other parcels of land purchased?
 - c. Was there any pressure exerted by the company to make the sale?
5. Where did the people who sold their land go? How does their new land compare with their old land? Did the company assist with the selection and purchase of new lands?
6. How has the move / relocation affected the individuals / families, in terms of their well-being and living standards?

Environmental Concerns and Perceptions

N.B. These are mostly the same questions as for the environmental issues, but which can also be posed in the context of concerns about the land.

7. Are there concerns from the local communities about the environmental impacts of the Marlin Mine on the land?
8. Does the interviewee has personal knowledge or experience with the environmental impacts related to the following (if not, ask what is their source of information):
 - a. Water pollution
 - b. Changes in the water usage patterns (DIHR 28)
 - c. Dust or other air-borne contaminants
 - d. Land pollution and impact on food
9. Are you aware of NGO, media or other reports about the environmental impacts of the Marline Mine?
10. Were you consulted by the NGOs or media when they prepared the report?
11. Are their reports accurate and consistent with your understanding of the environmental impacts?
12. Are you aware of the environmental monitoring, reporting or complaints procedures that the company has put in place? If so, do you believe the processes to be credible?
13. Since the mine opened, have you been in contact with the company personnel or public authorities to discuss environmental concerns (DIHR 167 and 168)?
14. If so, was any remedial action undertaken to address your concerns? (DIHR 168)?
15. Are you aware of the measures in place at the mine to prevent or reduce environmental impacts?
16. In your opinion, are these measures in conformity with national standards and adequate to address the risks (DIHR 166 and 169)?
17. Are you aware if the company has a plan and procedures to prevent environmental emergencies or industrial accidents that would affect the community? Were you consulted about such a plan in its preparation (DIHR 165)?
18. Do you know what will happen to the environment when the mine closes?
19. Are you aware of the government's regulation and monitoring of the environment, specifically in relation to the mine? Do you believe the government's monitoring to be effective?

INTERVIEW GUIDE FOR HEALTH ISSUES

These are general questions for health practitioners to address the health concerns and perceptions of stakeholders of the Marlin Mine.

Community Health Concerns

1. Are there health concerns from the local communities and mine employees about the Marlin Mine? What are the specific concerns related to health?
2. Upon examination, have you found evidence of any serious or minor health impact of the Marlin Mine in individual cases?
3. If so, what was the diagnosis? How was the condition treated?
4. Are there any long-term impacts of any health condition identified or treated?
5. Do you have knowledge and information about specific concerns or impacts related to the following:
 - a. Water pollution
 - b. Dust or other air-borne contaminants
 - c. Land pollution and impact on food
 - d. Exposure to chemicals by employees at the mine
 - e. Other injuries at the mine
 - f. Transportation of hazardous materials
6. Are you aware of NGO and media reports about health impacts of the Marline Mine? Were you or other health care professionals consulted by the NGOs or media? Are their reports accurate and consistent with your professional observations and opinions?

Company Communications

7. Did the company consult with you or other health care professionals about potential health concerns (including the use of hazardous chemicals) before the mine was developed (DIHR 167 and 168)?
8. Since the mine opened, have you been in contact with the company personnel or any national authorities to discuss health concerns (DIHR 167 and 168)?
9. If so, was any remedial action undertaken to address your concerns (DIHR 168)?
10. Are you aware of the measures in place at the mine to prevent or reduce health impacts? In your opinion, are these measures in conformity with national standards and adequate to address the risks (DIHR 169)?
11. Are you aware if the company has a plan and procedures to prevent health emergencies or industrial accidents that would affect the community? Were you consulted about such a plan in its preparation (DIHR 165)?

Employee Health and Safety

N.B. These questions will be more pertinent for the health practitioners at the company facilities.

12. Are there any health risks that could affect the reproductive capacity of male, female or unborn children at the mine? What does the company do to address such risks (DIHR 67)?
13. Does the company eliminate sources of physical and mental exhaustion that can result in poor health or safety (DIHR 138)?
14. Does the company guard its workers against foreseeable dangers in the work place (DIHR 331)?
15. Are company vehicles safe? Are vehicles used for transporting workers safe (DIHR 139)?
16. Are special measures taken to help employees deal with the health problems associated with night work (DIHR 150)?
17. Do company drivers comply with good safety practices? Are there incentives that would encourage drivers to violate safety standards or rest policies (DIHR 323 and 324)?
18. Does the company provide access to first-aid and medical facilities? Are these facilities adequate for any incidents that have occurred (DIHR 151)?
19. Does the company have appropriate measures in place to respond to accidents or emergencies (DIHR 156)?
20. Are there any mechanisms that allow employees to participate in issues relating to occupational health and safety (DIHR 153)?
21. Does the company monitor its equipment and working environment for potential health or safety dangers (DIHR 154)?
22. Does the company provide protective equipment and clothing (DIHR 157)?
23. Are employees exposed to hazardous substances provided with medical examinations and health services (DIHR 155)?
24. Does the company provide information and explain the risks of the equipment and chemicals at the mine (DIHR 158)?
25. Are the employees provided with a written set of health and safety standards (DIHR 160)?
26. Are health records of the employees kept confidential? Is medical information obtained through tests or examinations ever used against employees (DIHR 264 and 265)?
27. Does the company allow labour inspectors to conduct their functions without interference and does it remedy any deficiencies identified? Can employees raise issues with the MEM representative (DIHR 296)?