

SERA CANADA: Draft TERMS OF REFERENCE for the Standards Development Panel

PURPOSE OF THIS DOCUMENT: *These terms of reference are developed by the SERA Standards Development Panel to guide their work through to submission of draft final SERA standards to the SERA Board by December 31, 2012.*

1. CONTEXT

SERA Canada has a mission to develop and finalize a set of social and environmental certification standards for construction materials in Ontario and more broadly across Canada. To this end, SERA Canada released in June of 2011 Consultation Draft Standards which will serve as a starting point for the standards work moving forward.

The SERA Canada Board is now convening a Standards Development Panel (the Panel) to review, revise, field-test and reach consensus on the standards and to recommend a final draft standard to the SERA Board for approval.

The final SERA Standards should apply to all private and crown land aggregate operations. These standards may also be used as part of a national roll-out of SERA's work.

2. GOAL

The goal of the Panel is to, using the SERA consultation draft standards as an overall framework, review, revise if necessary, and make measurable those consultation draft standards and produce an effective and functional final draft standard that establishes credible, practical and measurable requirements for socially and environmentally responsible aggregates. The objective is a standard that sets a high but achievable (ie economically viable) bar for progressive aggregate operators.

The Panel will also be asked to provide comments and feedback to SERA Canada on the design of a credible system to assess performance against the SERA Standards.

The intent is to create a comprehensive set of requirements that are applicable to a variety of operation types, thus ensuring that the standards create consistent expectations across the aggregate industry. The Panel may decide to develop, for a specific subset of operations, certain indicators (consistent with the principles) for which the performance requirements could vary with the scale and intensity of impacts of the aggregate operation seeking certification.

3. BROADER INPUT ON THE CONSULTATION DRAFT

With advice from the Panel, SERA Canada staff will be seeking broader stakeholder and public input on the standards and specific key issues that the Panel is deliberating. SERA-Canada staff will develop the approach to this consultation with the involvement of the Panel. Stakeholder input received will be collated and provided to the Panel to help them inform their deliberations. As the Panel reaches initial consensus on different elements of the standards, it is proposed that SERA seek broader input on those elements and provide the Panel all comments and suggestions received. The results of the field-tests will also be provided to the Panel to help them reach consensus on the final draft standards.

In reaching consensus on the final draft standards to be submitted to the SERA Board for approval, the Panel will be asked to draw upon:

- The Consultation Draft Standards released by SERA Canada on June 1, 2011
- Their own views and experiences and those of the organization(s) that they represent
- Comments and suggestions received from interested external parties.
- Input and recommendations on particular issues that may be solicited by the Panel or SERA staff from various experts
- Technical input on standards wording that is received from BRE-Global or the Rainforest Alliance
- The results of the field-test as summarized by the participating auditors

After considering the inputs described above the Panel will prepare a Final Draft Standard to be recommended to the SERA Board for approval. This draft will be posted for public review for an appropriate period (minimum 60 days) prior to the Board's decision.

4. USE OF WORKING GROUPS AND COMMISSIONED INPUT

The Panel may strike sub-committees or working groups or may engage external experts as needed and as resources are available in order to provide specific information or advice to the Panel, or to recommend solutions to outstanding issues. Subcommittee and working groups could include representatives of specific stakeholder interests and need not be Panel members but should be acceptable to the Panel as a whole. With at least five days notice to SERA staff the Panel may invite specific input and representation before the Panel by specific organizations and stakeholders that are not represented on the Panel.

5. TRANSPARENCY

All input received by SERA and the Panel will normally be considered publicly available, unless there is a specific request to maintain confidentiality.¹

Anonymous input will be considered when it is brought forward via a Panel member or SERA staff member to whom the identity of the author of the input is known.

The Panel will respond to input received in the form of a Final Draft Standard to be recommended to the SERA Board for approval, together with a report summarizing the inputs received and how they were addressed. Both the Final Draft Standard as well as the accompanying report will be publicly available on SERA Canada's website (www.seracanada.ca) for an appropriate period (minimum 60-days) prior to the Board's consideration. All individuals and organizations who provided input will be notified of the availability of this information by SERA staff.

SERA staff will provide high-level written summaries of the Panel's discussions (without attribution) and, once approved by the Panel, will post these on SERA's website. Subjects deemed confidential by the Panel will be removed from these summaries prior to their posting at the Panel's request.

6. ACCOUNTABILITY

Panel members are appointed by the SERA Board and the Panel is accountable to the Board. The Panel will be supported by SERA Canada staff, who will have primary responsibility for coordinating, moving the project forward and providing facilitation support as needed.

7. REPRESENTATION

Panel members² participate in their individual capacity as experts, and are not formally mandated to represent a particular organization or sector. However, they are expected to bring their own and their organization's perspectives, knowledge and experience to the process in order to ensure that the resulting standard adequately reflects the diverse perspectives that are key to meeting SERA's Mission and the Panel's terms of reference.

8. ATTRIBUTES OF PANEL MEMBERS

Panel members should be aligned to SERA's Mission as well as the spirit of openness, transparency and fairness as contained in these Terms of Reference.

¹ This will be done in a manner that respects current confidentiality laws and in a manner consistent with current best practices.

² From herein this document, reference to Panel members should be interpreted as meaning 'Panel members and their proxies'

They should be committed to achieving consensus³ without compromise to their personal and professional values. They are expected to do this in a non-partisan spirit of collaboration and consensus seeking. Their individual professional credentials should be such that the broader community of people interested in responsible aggregate extraction values their contribution and leadership.

9. PANEL BALANCE

In appointing the Panel members the Board will ensure that the Panel as a whole includes a reasonable balance of the following attributes:

- a) Members who have experience and credibility among key constituents in Ontario including industry, First Nations organizations, non-governmental organizations and, community and public interests; and
- b) Consideration of achieving balanced representation; for example participation of women, across-province geographical distribution, etc.

10. ROLE OF GOVERNMENTS

The Government of Ontario is invited to nominate an observer to fully participate in all aspects of the Panel's work. Governmental participants will not be expected to formally signal their endorsement of the draft standard, although, if they have significant concerns about specific aspects of the standard, they will have the opportunity to raise these concerns at the table and, if they feel they are not adequately addressed in the final draft standard, to have these concerns included in the final report to the Board which will be made public. Municipal governments may participate as either full members or observers depending upon their wishes.

11. OBSERVERS

The Board and the Panel may invite observers whose responsibility is to support the Panel, but who do not participate in consensus decision-making.

12. CONSENSUS

The Panel will strive to achieve consensus on key decisions pertaining to the Standard. Consensus is characterized as general support and the absence of sustained objection by the members in attendance.

If, after repeatedly trying to achieve consensus and being unable to, the Panel may decide to vote on an issue. A vote shall occur if two-thirds of eligible votes at that meeting are cast in favour of voting. Support for a voted-on decision will require that all Panel members be polled (either in person or electronically) and that two-thirds of votes are cast in favour at the following meeting. A summary of the discussion leading to the vote will be sent to the Panel for consideration at least one week prior to the next meeting.

In reaching consensus, it is understood that Panel members may indicate support for a particular element of the standard but that support may be

³ This will be done in the manner outlined in section 12 of these terms of reference.

contingent upon successful resolution of another element of the standard. In making a decision to recommend the final draft standard to the SERA Canada board for approval, Panel members will be asked if, on the whole, they feel the final draft standards strike an appropriate balance and, despite the possibility that every single element of the document may not be to their liking, and are they willing to support the overall standard as a whole.

13. MEETING QUORUM

Quorum to hold a meeting shall be deemed to exist when 2/3 of the Panel is present.

14. CONFIDENTIALITY

The Panel are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed. This means that all comments and points of view expressed by Panel members are 'without attribution' and without prejudice and that panel members will only provide general summaries of issues and the discussions without attributing anything to an individual Panel member or the organization they represent.

Panel members are also free to request that specific comments, where confidentiality is required, will not be shared with anyone outside of the Panel.

15. MEETING PREPARATION AND FOLLOW UP

SERA staff will provide a draft agenda at least one week in advance of the next scheduled Panel meeting. Staff will make every effort to provide other relevant background and/or meeting materials as soon as possible.

Staff will send Panel members a meeting record including action items that clearly identify the responsibilities of Panel members. Staff will also commit to working with Panel members to assist in completing these action items.

16. DECISION BY THE SERA BOARD

In deciding to officially approve the final SERA Standard for Ontario, the Board will consider the following:

- a) The recommendation from the Panel;
- b) Copies of all inputs received;
- c) A report from the Panel on how input was addressed, which may include comments from Government observers as well as from any dissenting Panel members;
- d) All comments received during the Final Review period;
- e) An evaluation by SERA Canada staff of any comments received during the final review period, including whether the issue raised has been previously addressed by the Panel.
- f) The transparency and inclusiveness of the consultation process used by SERA Canada and the Panel

The role of the SERA Board in reviewing the final draft standard by the SERA Board is not to 'second guess' or redo/undo the work of the Panel but rather to satisfy itself that good internal discussion and external consultation processes were followed consistent with these terms of reference and that the final draft standards, on the whole, adequately reflect the diversity of input received and discussions of the Panel. The SERA Board retains the ability to refer work back to the Panel for further clarification.

17. CONFLICTS OF INTEREST

It is presumed that in order to contribute effectively to the development of this standard all Panel members have an interest in the outcome, and this is an understood and accepted part of the decision-making process. A material conflict of interest arises only when the Panel is making a decision that could result in SERA Canada directly providing personal material benefit to a Panel member (such as a consultancy contract). Panel members must declare any potential conflict of interest as soon as the potential becomes apparent and the Panel will take suitable steps to avoid an actual or perceived conflict of interest.

18. ROLE OF THE CHAIR

This position's role is first and foremost to serve as a neutral and effective Chair of the Panel's regular meetings including:

- Helping the Panel reach consensus decisions with clear follow-up and next steps identified;
- Providing advice to SERA staff to ensure that appropriate issues are addressed at and between Panel meetings;
- Review and provide direction on meeting agendas

The Chair of the Panel is appointed by the SERA Board and will be a non-voting member

19. PARTICIPATION

Panel members may designate a proxy to represent their views at the table should they be unable to participate in a particular meeting. It is each Panel member's responsibility to ensure that their proxy is kept up-to-date with the progress of the Panel's work and that their proxy can adequately represent that Panel member's point of view. Individuals appointed as proxy for Panel members are expected to act on the Panel member's behalf, and as such abide by these terms of reference.

Panel members (or their Proxies) are expected to participate in all meetings and conference calls of the Panel, and/or any sub-committees that they voluntarily agree to participate in. Failure to participate in three consecutive meetings (either in-person, via teleconference or proxy) will cause the Board to review the member's participation on the Panel and consider possible replacement or removal.

When a Panel member is sending a proxy to a meeting or a call, that member will give advance notice to staff as to who the proxy will be and when they are attending.

TIMELINE

The Panel will strive to meet the following timeline, while recognizing that circumstances may require review and revision of this timeline:

The Panel will strive to meet present its final draft standards to the SERA Board for approval along with a staff report summarizing process, discussions and dissenting opinions no later than December 31, 2012.

20. COMPLETION OF THE PANEL'S WORK

The Panel will have completed its work when the Final Draft Standard has been accepted by the SERA Board, and the Panel will be dissolved at that time. If significant issues are raised during the period of time that the Final Draft Standard is available for review the Board may decide to convene a group to offer further advice to the Board.