

Mining Association of Canada  
Towards Sustainable Mining

25<sup>th</sup> Meeting of the  
**Community of Interest Advisory Panel**  
**SUMMARY REPORT**

March 9, 2016  
Toronto, ON



**Towards Sustainable Mining**  
Vers le développement minier durable



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# Executive Summary

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The Community of Interest Advisory Panel (COI Panel) is an independent multi-stakeholder group that monitors the Mining Association of Canada's (MAC) Towards Sustainable Mining (TSM) initiative's progress and serves as an external source of knowledge and experience. This executive summary provides a brief account of the meeting held on March 9<sup>th</sup>, 2016 in Toronto, Ontario.

The March 2016 meeting agenda focused on three topics:

- Tailings Management
- Climate Change
- Effectiveness of Community Engagement

These three topics were selected by the Panel and build upon discussions initiated at previous meetings. This year, the Panel stewarded the process and design for both the climate change and community engagement sessions.

## ***Tailings Management***

MAC provided an update on the implementation of the Independent Tailings Management Review Task Force report, and on the work of the TSM Initiative Leaders and Tailings Working Group to address the report's recommendations. The Panel provided advice on two specific recommendations from the Independent Tailings Task Force:

- **Recommendation 6.1** - *Remove Levels C and B and require members that have not achieved Level A in all tailings management Indicators to develop action plans to achieve Level A and identify a reasonable timeframe to complete the action plans.*
- **Recommendation 9.1** - *Bring all aspects of community engagement from the Guides and Indicators into a new single indicator to address Aboriginal and community of interest (COI) engagement. The Indicator should be adaptable to reflect the priorities and concerns of individual communities.*

## ***Climate Change***

The session on climate change included three components:

- 1) *Expert panel on climate change*: Four experts from a variety of fields, including renewable energy startups, nuclear energy, and investment, were invited to share their perspectives on the following question: "As the world shifts away from fossil fuel use and towards a de-carbonized future, from where you sit, what are the most important opportunities for the mining industry?" The panelists shared

interesting trends, opportunities and specific suggestions for how the mining industry might respond.

- 2) *Feedback on MAC's Principles for Climate Change Policy Design:* MAC shared their draft position statement on climate change with the Panel for feedback. The Panel provided specific suggestions and was supportive of MAC tabling an amended version the following day to the MAC Board. With Board approval, the statement was later made public and can be found on the MAC website.
- 3) *Feedback on the COI Panel's draft statement on climate change:* Two Panel members drafted a statement on climate change to encourage MAC and its members to strengthen their existing approach to climate change. They shared this draft statement with the Panel for feedback. Many Panel members agreed that it was important for the Panel to have a statement, but noted that more work was needed to understand clearly its purpose and content. Panel members provided feedback in plenary, as well as in writing. Three additional Panel members agreed to join the task force group to continue this work.

### ***Effectiveness of Community Engagement***

Four Panel members led a session on the effectiveness of community engagement. This task force drafted a short document with examples of effectiveness indicators that MAC members could use. The purpose of the discussion was to determine if this topic was still of interest to Panel members, and if so, how might the task force advance its work. Overall, the Panel agreed that the task force should keep moving with this work, together with industry to ensure it remains relevant. The task force agreed to work closely with the Initiative Leaders to have more industry members review the set of indicators and discuss if/how the indicators can be incorporated in the Aboriginal and Community Outreach protocol and/or related guidance.

### ***Reflections and Closing***

Overall, the meeting met the Panel's expectations and many enjoyed hearing the feedback and comments provided by their peers. In general, a couple of Panel members commented that the increased engagement and momentum from the COI Panel is a testament to its value. Many Panel members found the March meeting agenda too ambitious for what could be reasonably covered during a one day meeting. Consideration should be given as to how the Panel wishes to organize itself to develop outputs, given time and resource constraints.

## Summary of Key Outputs/Results from the March 2016 COI Panel Meeting

- ✓ Input on two recommendations from the Independent Tailings Management Review Task Force
- ✓ Feedback on MAC's Principles for Climate Change Policy Design and support for MAC to table the amended version to the MAC Board
- ✓ Feedback on the Panel's draft climate change statement and increased interest from additional Panel members to join the climate change task force group

## 1. Introduction

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The MAC COI Advisory Panel (“the Panel”) met on March 9<sup>th</sup> 2016 in Toronto, Ontario. The Panel, established in 2004, monitors the TSM initiative’s progress and serves as an external source of knowledge and experience. <sup>1</sup> Its mandate is to:

- Help MAC members and communities of interest improve the industry’s performance
- Foster dialogue between the industry and its communities of interest
- Help achieve the goals of TSM

This report presents a summary of discussions at the March 2016 Panel meeting. Unless indicated, Panel members’ comments are not attributed. While the report captures the discussion and Panel member perspectives, should there be specific decisions and recommendations proposed by the Panel, the approach and results will be described in this report and any dissenting views will be identified and recorded. Meeting presentations were shared with Panel members and this content is not duplicated in the body of this report.

## 2. Summary of Action Items

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Below is a summary of action items arising from the COI Panel meetings. Action items are reported until complete. Action items throughout the report are underlined.

ACTION ITEMS					
#	ITEM	LINK TO REPORT	RESPONSIBLE	TIMELINE	STATUS (as of August 2015)
#7 October -14	Provide written feedback to MAC on key lessons learned from the site visits across Canada over the last four years	12	Panel	Winter 2015	Complete Shared in March meeting binder
#1 October -15	Suggestion to develop a case study to share with the public on how MAC has moved to address concerns raised by the Mount Polley incident at an industry level and the process it has taken to understand the challenge and improve the industry’s performance.	8.1	MAC	TBC	Complete
#1 March -16	MAC will provide a visual (graphic) of recommendation 9.1 from the Independent Tailings Task Force regarding the options for how to include community engagement requirements in the TSM protocols	4.3	MAC	Spring 2016	In progress

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<sup>1</sup> For more information on MAC’s COI Panel, visit: <http://www.mining.ca/site/index.php/en/towards-sustainable-mining/community-of-interest-advisory-panel.html>

ACTION ITEMS					
#	ITEM	LINK TO REPORT	RESPONSIBLE	TIMELINE	STATUS <small>(as of August 2015)</small>
# 2 March – 16	MAC will provide an updated version of their statement on climate change	5.2	MAC	April 2016	Complete
#3 March - 16	The Climate Change task force group will review the comments provided by the Panel and will draft a second version of the statement	5.3	Climate Change task force group	TBC	In progress
#4 March – 16	The Effectiveness of Community Engagement task force group will share their work with the MAC Initiative Leaders (ILs) to see how it might be incorporated into TSM	6	Effectiveness of Community Engagement task force group  ILs	TBC	In progress

### 3. Overview of the Meeting

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#### 3.1. Meeting Objectives

The objectives of the March meeting were related to the three key themes, including:

- **Tailings:**
  - To discuss the implementation of the Independent Tailings Management Review Task Force report, which was presented to the MAC Board of Directors in November.
  - For MAC to provide the Panel with an update on the work of the TSM Initiative Leaders and Tailings Working Group to address the report's recommendations.
  - For the Panel to ask questions and provide input on the implementation of the recommendations.
- **Climate change**
  - To engage in a discussion with climate change experts on how the mining industry can remain competitive as the world shifts away from high carbon energy.
  - For MAC to update the Panel on its work in this area and seek feedback on the draft position statement.
  - For the Panel to develop a draft Panel Statement on climate change that will be finalized subsequent to the March meeting.
- **Effectiveness of community engagement**
  - For this task force group to share their thinking with the entire panel and collect initial feedback to determine whether this project should be

advanced and, if so, how it should be advanced to the point of developing a recommendation to MAC.

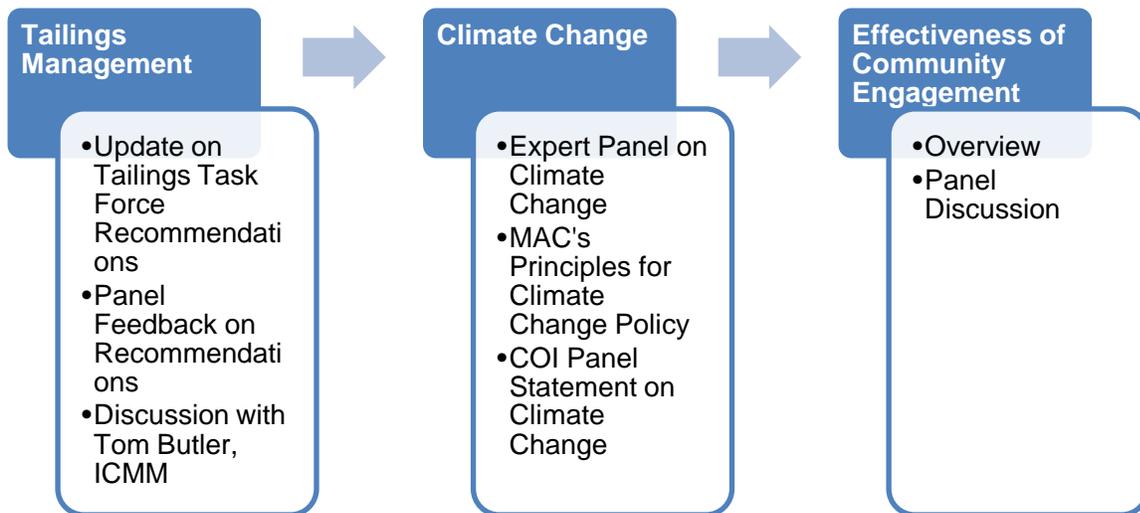
### 3.2. Overview of the Agenda

The Panel was heavily involved in not only the agenda setting process, but with running various sessions throughout the day. The Panel has taken a more proactive role on pushing forward new ideas of interest through self-organized task force groups. The Panel currently has two of these groups:

- 1) Climate Change (Led by Nathan Lemphers and Joy Kennedy)
- 2) Effectiveness of Community Engagement (Led by Luc Zandvliet, Alan Penn, Theresa Hollett, Peter Read and with Ben Chalmer's involvement)

(Note: Additional Panel members have joined these groups since the March meeting).

Both sessions in the afternoon were led by these Panel members, with facilitation support from Stratos.



**Figure 1: Agenda topics for March 2016 COI Panel Meeting**

### 3.3. Meeting Attendance

Attendees are listed in the Appendix. The following should be noted:

- This was the first meeting for three new Panel members:
  - Tim Johnston (Community/Economic Development category)
  - Chief Dave Walkem (Community/Economic Development category)
  - Maya Stano (Expert category)
- Chief Earl Klyne, Doug Olthuis and Philip Oxhorn were unable to attend

- This was Alan Young's last meeting as a Panel member
- Corey McPhee stepped in for Mark Travers (Vale industry representative)
- Observers and guests who attended various sessions through the day, included:
  - Tom Butler, President ICMM (joined for part of the tailings discussion)
  - Mark Rowlinson from the USW (joined for the climate change discussion)
  - Adriana Maria Eftimie from the IFC (joined for part of the community engagement section)

## 4. Tailings Management

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The Panel has had an increased interest in how industry is working towards improving tailings management since the Mount Polley incident in 2014<sup>2</sup>. Tailings management was the focus of the Panel meeting in March 2015 and was again one of the focus areas for the Post Verification Reviews conducted at the fall meeting held in Saskatchewan. The objective of this agenda item was to discuss the implementation of the Independent Tailings Management Review Task Force report and for MAC to provide the Panel with an update on the work to incorporate the report's recommendations into TSM.

### 4.1. An Update on the Tailings Task Force Recommendations

In March 2015, MAC's Board of Directors commissioned an independent task force to review TSM's Tailings Management Protocol and MAC's tailings guides. The Task Force included engineering and tailings experts, and civil society and First Nations representatives. In November 2015, the final report of the Independent Tailings Management Review Task Force Report was presented to the MAC Board of Directors. The report includes 29 recommendations, some as "priority recommendations," the remainder as "others" deemed less urgent or critical.

Throughout 2015, in parallel to the work of the Independent Tailings Task Force, the MAC Tailings Working Group conducted a review of the tailings management component of TSM, with emphasis on the Tailings Guide, the OMS Guide and the Audit

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<sup>2</sup> Additional resources on Mount Polley and MAC's response can be found here:

- [MAC's Independent TSM Tailings Review Task Force](#)
- [Mount Polley Independent Expert Investigation and Review Report](#)

Guide. There was a high degree of convergence between the Task Force's recommendations and the outcomes of the Tailings Working Group review.

Mike Davies (Teck), the Chair of MAC's Tailings Working Group provided an update on the Tailings Task Force recommendations. In brief, MAC expects to have completed its work to revise the Tailings Guide and protocol in 2017, though many components will be implemented sooner.

#### 4.2. Panel Q&A on Tailings

Key themes from the discussion included:

- *Importance of emergency/crisis response at the community level*
  - The tailings dam failure at Samarco (Joint venture between Vale and BHP Billiton) in Brazil in November 2015 had many panelists discussing the importance of crisis response at the community level. With this incident in mind, the Panel engaged in discussion about how to strengthen response systems, including community warning systems. Table top scenarios and early warning signals that can alert the whole community are important for ensuring companies and communities are prepared in the event of a tailings failure or other crisis.
- *Taking a risk-based approach*
  - Taking a risk-based approach to tailings management is important, but as one industry member noted, the traditional approach to assessing consequence and likelihood is not enough. "Catastrophic" risks with low probability but extreme consequence should be isolated and assessed separately.
  - One industry member explained that it is increasingly more difficult to raise capital, in part, because of perceived higher risks in the industry compounded by increasing unpredictability caused by climate change concerns.
  - There was interest in the Independent Task Force's recommendations in "Bringing high risk closed facilities into TSM". There are hundreds of these sites in Canada and MAC has started looking at how to establish risk-based thresholds to bring higher risk closed sites into TSM. The National Orphaned/Abandoned Mines Initiative (NOAMI) has also done some work assessing technical risks at closed sites that may be useful.
- *Climate change*

- Understanding the geography and geology is critical for ensuring that the site is stable for the life of the facility. More work might need to be done on this, considering the impact of climate change. One Panel member noted how his own tolerance for risk has changed due to accelerating climate change and its unpredictability. An industry member commented that they have experts that solely look at the effects of climate change (including effects on permafrost) to try and stay on top of the trends.
- Since climate change is hard to predict, one Panel member noted that resilience is where the thinking and planning is going, and that cities are doing a lot of work in this area that may be applicable to the mining industry.
- *Role of government*
  - Problems can arise in the gaps between regulation and industry guidance as the delineation of responsibilities between the two has not always been clear. Understanding these relationships is critical.
- *Community engagement and transparency*
  - One Panel member suggested that taking a risk-based approach is tied closely to a greater commitment around transparency and engagement. It is important to bring communities in earlier to understand their vulnerabilities and priorities and, in some cases, opening up the decision-making process to those who might be impacted.
  - Tailings is a complicated concept and communities need to be able to express their concerns. This may be particularly challenging if there is a change in ownership over the life of the mine.
- *Integration of global and national initiatives related to tailings management*
  - Post Mt. Polley and Samarco, there are currently a number of other initiatives related to tailings management. Panel members wondered if groups are collaborating internationally on this topic to share information and collaborate on identifying best practices. It was noted that there is some integration happening on this front. For instance, the BC Government is looking to TSM as part of their code review and that MAC is working to coordinate with the International Council on Mining and Metals.

#### **4.3. Panel Feedback on Specific Recommendations**

During the meeting, MAC sought advice from the Panel on two specific recommendations from the Independent Tailings Task Force:

**Recommendation 9.1:** *Bring all aspects of community engagement from the Guides and Indicators into a new single indicator in the tailings management protocol to address Aboriginal and community of interest (COI) engagement.*

MAC is exploring whether to move these criteria to a single indicator in the tailings management protocol or revise the Aboriginal and community outreach protocol to address issue specific criteria from all the protocols and was looking for feedback from the Panel on these options.

**Recommendation 6.1:** *Remove Levels C and B and require members that have not achieved Level A in all tailings management Indicators to develop action plans to achieve Level A and identify a reasonable timeframe to complete the action plans.*

MAC is already working on building in the reporting of action plans to achieve Level A but wanted to hear perspectives from the Panel on whether or not levels C and B should be removed.

#### *Feedback on Recommendation 9.1*

Overall, the Panel felt that it was important to have clear criteria on community engagement related to tailings management within TSM. Overall, the panel Had concerns with the option to move issue specific criteria to the Aboriginal and community outreach protocol and preferred the option of a sixth indicator. MAC agreed to develop a document more clearly articulating what these two options would look like to gather additional feedback from the COI Panel.

Specific comments:

- Reasons for having an indicator on community engagement in the Tailings Management protocol:
  - Sends a clear signal to those involved in tailings design, construction and operation that community engagement is important and that they have a role to play in community engagement efforts related to tailings.
  - This approach puts the accountability for engagement on the technical side.
  - This would allow the indicator to be more specific to tailings. Too often communities are confused by issues related to tailings management as

these discussions cover multiple topics including water management, waste rock, overburden, dry stacking, etc. Having an indicator specific to community engagement in the tailings protocol will help raise awareness and understanding of these issues and target outreach to those specifically affected by tailings issues.

- Considerations:
  - It is important to build capacity both at the community level and within the company. Not all company representatives understand how to engage with the community. This could backfire if technical personnel are put in the position of engaging with communities without knowing how to do it properly.
  - Whatever happens, it will be important not to dilute the Aboriginal and Community Outreach protocol and keep it focused on establishing good engagement mechanisms.
  - It will be important to cross-reference indicators to avoid duplication.
  - The current approach is that the Aboriginal and Community Outreach Protocol focuses on how to do community engagement while the application and verification of consultation and engagement on specific issues is addressed in the other protocols. Changing this would risk overwhelming the Aboriginal and Community Outreach Protocol
  - Would it be possible to replicate the indicators so that community engagement shows up in the Tailings Management protocol and the Aboriginal and Community Outreach protocol? It would be the same data but would force people to see the importance of it.

#### *Feedback on Recommendation 6.1*

Overall, the Panel felt that TSM is there to raise the bar. From a community perspective, a Level C is not good enough. Level A should continuously change to keep up with best practices.

#### Specific feedback:

- Many Panel members felt that Level C was not good enough. It could be considered as an “F” from a community perspective.
- In response it was noted that MAC is committed to continuous improvement in scores and uses a soft probation period to allow members to move to Level A by the time of their first verification. When members have stayed at Levels C and B for too long, MAC has taken action to try and collectively improve performance.

- The TSM system is there to raise the bar. MAC needs to ensure that Level A is still good practice. Some Panel members felt that Level A should be more robust, perhaps pulling from other initiatives such as IRMA.
- MAC noted that the recommended changes to the Tailings Management Protocol will strengthen all levels.

#### 4.4. Meeting with ICMM's Tom Butler

The International Council on Mining and Metal (ICMM)'s CEO, Tom Butler joined the meeting to provide an overview of ICMM's current global review of tailings storage facility standards and critical controls.

Summary of discussion:

- *Intended outcome of tailings review*
  - Tom explained that he did not know what the final product would look like as it depends on what gaps will be identified. If there are major gaps in best practices, ICMM could develop a new position statement, or it could issue a set of recommendations.
- *Scope of assessment: Inclusion of regulators and community engagement?*
  - Issues such as the competency of the regulators will not be included in the review as assessing the regulatory system across a number of different countries would be too complicated.
  - Best practices on how to discuss tailings with communities and prepare communities in the event of a disaster such as Samarco is critical. It is also important to involve communities as companies consider post-closure management.
  - One person commented that ICMM's review panel includes experts with mainly a technical background. A few Panel members suggested that they might want to include others in the review, noting the value in getting COI perspectives.
- *Impact of ownership and knowledge transition between consultants/companies*
  - How companies retain knowledge related to tailings is critical as there have been challenges in the past where a company changes ownership or a new consulting company comes in or there is a change to the Engineer of Record and knowledge is not transferred appropriately.
- *Integration and knowledge sharing of lessons learned*
  - Considering MAC's work on tailings review and others happening around the world, there were some concerns that there might be overlap. ICMM is using all publicly available information, and MAC agreed to share its work in progress on changes to its tailings protocol and guides.

- *ICMM's reflections on climate change and the Paris Agreement*
  - ICMM supports a consistent approach to carbon pricing and campaigned for a global price on carbon in Paris.

## 5. Climate Change

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Climate change has been an ongoing topic of interest for the Panel. In October 2015, Nathan Lemphers and Joy Kennedy led an introductory discussion on climate change. The Panel engaged in a 'blue sky' thinking exercise to challenge and encourage MAC and its members to take a more holistic and long-term approach to climate change, as understood by COI Panel members. Panel members also had the opportunity to learn about current and future innovations by MAC members to address climate change. The Panel agreed to continue focusing on climate change for this March 2016 meeting. Set in the context of a new federal government with renewed commitments to addressing climate change, including the creation of a national action plan with the provinces and territories and the adoption of the historic Paris Agreement, Nathan and Joy again led the session on climate change. It involved three components:

- 1) Expert Panel on Climate Change
- 2) Discussion on MAC's statement on Climate Change
- 3) Discussion on the COI Panel's draft statement on Climate Change

### 5.1. Expert Panel on Climate Change

The following experts were invited to speak to the Panel:

- James Larsen, Director of Business Development at The Advanced Energy Centre (part of the MaRS Discovery District)
- Nicolas Seguin, Business Development at TUGLIQ Energy Co.
- Toby Heaps, CEO and Co-Founder of Corporate Knights and CK Capital
- Steve Coupland, Director of Environmental Affairs at the Canadian Nuclear Association

Each panelist was asked to share his views on the following question:

***As the world shifts away from fossil fuel use, and towards a de-carbonized future, from where you sit, what are the most important opportunities for the mining industry?***

### *James Larsen*

Energy consumption at mining operations is fossil fuel intensive. He described three opportunities for the mining industry:

1. *Energy efficiency technology*: This is low hanging fruit. Some examples include Clear Blue Technology's engine control systems which help operators make use of vehicles more efficiently, and MetaFLO, a company that helps turn liquid waste into a manageable solid at the site.
2. *Microgrids & renewables*: Energy generation represents a huge opportunity for the mining industry. Microgrids can be used at the mine site level. The CAPEX of renewables is more economical than diesel but diesel allows for flexibility in production, making companies more inclined to use these traditional fuels. Nevertheless, there are now ways to achieve that flexibility with renewables.
3. *Radical change opportunities*: When companies start looking outside the box there are opportunities to couple different technologies. There are also interesting geopolitical changes affecting the viability of renewables such as Chile's shift to low cost renewables.

### *Nicolas Seguin*

TUGLIQ's mission is to deliver the best energy solutions to remote locations, particularly in Canada's north, through diversification and maximum use of cost-effective renewable energy technologies and small-scale Liquid Natural Gas (LNG). Nicolas explained that opportunities for clean energy in remote locations have always been there, but the drivers have changed and it has become cost competitive. TUGLIQ can deliver clean energy at a very competitive cost compared to diesel generated power. They have been able to capture and store wind power successfully as shown at Glencore's Raglan mine. Even though the cost is decreasing for renewables, they are not on a level playing field with fossil fuels considering the subsidies provided and externalities associated with fossil fuels. Part of his job is to dispel myths concerning renewables and make it easier for operators to choose renewable sources of energy, in part by de-risking them.

### *Toby Heaps*

COP 21 in Paris was a significant event, which signalled that we are aiming for a zero net carbon world. This will require a recalibration to renewables from fossil fuel, which will mark a shift in capital. We are already starting to see this in the investment world. Investors representing \$3.4 trillion have taken their money out of fossil fuel-based companies. The mining industry has a role to play in the shift to renewables.

### *Steve Coupland*

Reducing GHGs will not be simple or cheap. Various tools are needed and nuclear is one of them. Nuclear generation is growing in places like China and India, and the United Arab Emirates are looking to build nuclear generation. Ontario's decision to close its coal generation stations led to the restart of units at Bruce Nuclear Generating Station and Pickering. When nuclear is compared to fossil fuels, 2.5 billion tonnes of emissions are avoided. Canada has an opportunity to decrease emissions substantially through the use of hydro and nuclear. Mining companies can decrease their GHG through increased electrification. A price on carbon will help with the transition. The nuclear industry is also working on developing small-scale reactors (5MW) to help power off-grid sites but none are ready for deployment at this point. In general, the single, largest reduction in GHG emissions in Ontario occurred because the province increased its use of nuclear power. To reduce GHG emission in the future, nuclear needs to be seen as a viable option.

## **Summary of Panel discussion**

### *Interest and challenges with divestment of fossil fuels*

- Although divestment from fossil fuels was touted by Mr. Heaps as a signal and opportunity for the shift towards renewable energy, one Panel member commented that the challenge with divestments is that other investors (often those who do not have the same concerns with environmental or social issues) buy in. Nothing changes with how a company operates except for the fact that shareholders with concerns no longer have a seat at the table.
- Large-scale renewable energy projects can also have significant environmental and social impacts and should be evaluated similar to other large scale projects (e.g., should undergo an environmental assessment like any other industry).
- *Providing clean, stable and affordable electricity to remote communities*
  - Many First Nations and other remote communities rely on costly oil and diesel for heating and power. In some cases, these communities have difficulties accessing stable and affordable electricity to the point that it is an issue related to quality of life (e.g., access to clean water and required goods and services). The government, but perhaps also companies with operations nearby, have an obligation to support these communities.
  - Microgrids might provide an important opportunity for helping these community lower their dependence on fossil fuels.
- *Market appetite to buy more environmentally-friendly metal*

- Consumers are demanding more ethically-made products and some Panel members wondered if there was a market for creating a “green like” system for mining products that have been produced with green energy. While this would be a challenge for the mining industry as it is based on commodities, it has been done in other industries such as forestry.
- James suggested a systems-change framework for considering technology uptake. Three factors apply: policy, technology solution and market’s capacity to absorb.

## 5.2. MAC’s Principles for Climate Change Policy Design

Over the last several months, MAC’s Climate Change Task Force was working to develop a MAC position statement on climate change. Brendan Marshall, Senior Director, Economic and Northern Affairs MAC updated the Panel on its work in this area and asked the Panel for feedback on the draft position statement.

The Panel had some specific suggestions such as:

- Revisit the opening sentence
- Using the proper vernacular (climate change, climate adaptation)
- Careful with the word “predictable, gradual, and flexible” considering that climate change is not predictable nor gradual
- From a labour perspective, ensuring a “just transition” is important
- Be consistent and clear with the language used – avoid ambiguity

The Panel was supportive of MAC tabling an amended version the following day to the MAC Board. With Board approval, the statement was later made public and can be found on the MAC website. (See Press Release from April 13, 2016:

<http://mining.ca/news-events/press-releases/mining-industry-supports-carbon-price-address-climate-change>)

## 5.3. COI Panel’s Statement on Climate Change

Advising and encouraging MAC and its members to improve and raise the bar for social, environmental, and economic performance are among the key objectives of the COI Panel. In this spirit, a panel statement on climate change, drafted by Nathan and Joy, was presented that encourages MAC and its members to strengthen their existing approach to climate change. This is the first time the Panel has undertaken to seek consensus and publish a statement outside of the annual statement for the TSM Progress Report.

Feedback from the Panel members included:

- *Clarity on the purpose and audience of the statement*
  - There was some confusion around the Panel about the purpose of the statement. Is it to be prescriptive or advisory? What is the connection to TSM? Is there an expectation that the protocols will change as a result of this statement? If so, what would be expected of industry members? Or, is the statement meant to be a reasonable position statement coming from the Panel to demonstrate where it wants MAC's companies to be? If companies align, great. If not, this can act as a benchmarking tool to assess performance against societal expectations.
- *Consider a title change*
  - Changing the title to a “white paper” or “concept paper” might be more appropriate and less formal than a Panel “statement”.
- *Clarity and consistency on language*
  - Some of the language was considered technical and ‘heavy’ and a few people noted that they could provide suggestions on how to improve the flow and language.
- *Specific comments related to the content*
  - One Panel member made it clear that northern and remote communities are being affected by climate change now – and suggested changing the language “...will be among the first and hardest hit to “...are being the first and hardest hit”.
  - Other specific comments related to the importance of including a section on supply chain and the potential need for section on how it relates to the international dimension.
- *Connection to the Annual Panel Statement*
  - Some Panel members wondered if there was potential to link this statement with the annual Panel Statement published in the TSM Progress Report.

Panel members agreed that it was important for the Panel to have a statement but noted that more work was needed to understand clearly its purpose and content. Panel members provided feedback in plenary, as well as in writing. Three additional Panel members agreed to join the task force group: Dan Benoit, Maya Stano and Dave Walkem. The task force agreed to work on a second draft of the statement and share with the Panel.

## 6. Effectiveness of Community Engagement

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Effectiveness of engagement is an issue that has been discussed during previous COI Panel meetings, not only in relation to the specific Aboriginal and Community Outreach protocol but also in relation to other protocols. The Panel-led task force for this topic (Luc Zandvliet, Peter Read, Theresa Hollett, and Alan Penn) wanted the Panel's views on the need to consider more systematically the effectiveness of systems created along the lines of the Aboriginal and Community Outreach Protocol. The purpose of the discussion was to determine if this topic was still of interest to Panel members, and if so, how and what might the task force group recommend to the MAC Board on this topic.

As a first step, the task force drafted a short document with examples of effectiveness indicators that MAC members could use both to demonstrate performance to an external audience, as well as a tool to increase rigour in the engagement approach. At this point, it was envisioned that this document will take the form of advice from the Panel to MAC members rather than a formal MAC document.

Specific comments included:

- *Split the Aboriginal from the non-Aboriginal COI in this type of work*
  - Aboriginal and non-Aboriginal COI are different, with varied interests and relationships. It was suggested that it may be useful to consider them distinctly when doing this type of work.
- *Evolution of management systems*
  - Many Panel members agreed that understanding effectiveness of TSM is critical. Management systems are now mature and MAC needs to test the systems' effectiveness.
- *Engaging with communities*
  - Community engagement is a two-way street between companies and communities. There are significant capacity issues to engage at the community levels.
- *Specific suggestions to language*
  - The language on the list of indicators could be improved.
- *Connection to the Aboriginal and Community Outreach*
  - The indicators suggested by the task force are beneficial, but it is important to note that the Aboriginal and Community Outreach protocol has specific requirements, particularly at the higher levels, that check for effectiveness (e.g., verifiers are expected to check that companies have specific documents in place etc.)

- *Caution about unintended consequences when measuring*
  - Need to be careful when using leading and lagging indicators to measure performance across an industry. (e.g., If number of grievances goes down, does that mean less conflict or less interest and a breakdown of a relationship?)

Overall, the Panel agreed that the task force should keep moving with this work. Industry input is required to ensure that it remains relevant. Moving forward, the task force will work with Shirley Neault, Chair of MAC's Initiative Leaders to have more industry members review the set of indicators and discuss if/how the indicators can be incorporated in the Aboriginal and Community Outreach protocol and related guidance (e.g., consider if it could be used as a tool for the verifiers).

## **7. Closing and Meeting Evaluation**

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Due to time constraints, we did not conduct a final roundtable. The Panel meeting closed with some updates on Panel business including working group updates and the dates for the October meeting.

The written meeting evaluations<sup>3</sup> provided the following feedback.

Overall, the meeting met the expectations of the Panel members. A couple of Panel members commented that MAC should be pleased with the overall composition of the Panel and the strong level of engagement and momentum from the COI Panel – “while this can be uncomfortable sometimes, this is a testament to the value of the Panel”.

On the positive side, one Panel member noted that the sessions were rich in content and targeted in their approach, and another member noted that all topics on the agenda were covered and everyone had the opportunity to speak. One Panel member noted that “for my first meeting, it was extremely beneficial to meet the other Panel members in person and get a better sense of the dynamics of the room and people.” In general, Panel members enjoy hearing from their peers. “As always, the insightful comments by the Panel members are welcomed and provide excellent ideas for continual improvement.”

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<sup>3</sup> Six Panel members completed the evaluation form and one Panel member provided feedback in writing after the meeting.

Several Panel members commented that the meeting agenda was too ambitious for one day. Some noticed that the sessions felt rushed and the enthusiasm dropped towards the end of the day. One Panel member suggested that the March meeting be made into a two-day meeting, while another member noted that the pressures associated with one-day meetings are a factor, which the Panel will need to consider in the future. They suggested longer meetings and additional teleconference calls between meetings to improve continuity and focus on key issues of interest. A teleconference call after the meeting, as one person suggested, would help evaluate discussions with some hindsight and focus on ‘take away’ messages for MAC and Panel members.

Regarding the session on tailings management, one Panel member enjoyed the tailings discussion in particular as it provided follow up to earlier discussions and provided food for thought with regard to other aspects of TSM. Another Panel member explained how he felt that the Panel missed an opportunity to respond to the Mount Polley incident with a reasonably sophisticated and well-informed analysis of the incident itself – and its policy implications in different regions.

Three Panel members commented on the climate change session. One felt that the session on the COI Panel’s climate change statement did not get the attention it deserved, which led to a missed opportunity to develop a robust COI Panel opinion statement, which would have been the first of its kind. He stated, “I have not yet seen any concrete actions or changes that were the result of COI Panel discussion, which is a bit disheartening as we run the risk of becoming a talk shop.” Another member noted that he found it difficult to subscribe to the COI Panel’s statements on climate change as he felt that the contents needed to be dissected carefully in order to assess both feasibility and relevance, explaining that additional information is needed, particularly from industry to pursue this topic.

One person commented that he was pleased that the Panel as a whole supported the work of the task force on effectiveness of community engagement. However, he cautioned that “for this initiative to bear fruit, it will require serious work by Panel members who are in a position to and are willing to volunteer their time”, keeping in mind the practical limits that can be expected of Panel members.

In general, Panel members felt that the organization, facilitation and meeting materials were well done. Specific comments included:

- “It would be good to start the next session with a reminder of what the COI Panel is about again, what mandate we have, and how we can use that. Some of the new members of the group seemed a bit confused and with the turn-over it would be good to ‘anchor’ ourselves each time.” (Note: The objectives of the Panel are

shared at the beginning of each meeting but this is a good reminder to remind everyone of the mandate of the Panel).

- “Our facilitators are always good. The biggest lack is adherence to timelines but this is usually due to the good and active discussions.”
- “Stick closer to the agreed return time following breaks.”
- “I really appreciate the efforts of those involved in the coordination and hosting of the event. No small task given the number of panel members and logistics needed to bring us all together.”
- “(Some of) the prep documents came in a bit late and some documents (e.g. climate change statement) were either changed or, in the case of the MAC climate change statement, we were asked for an opinion on the spot. I felt that the request to endorse this statement on the spot could have been handled better.”
- “We should discuss the COI structure and modus operandi in between meetings. Apart from informal sub group meetings, it seems worthwhile to put some thinking into an updated structure that can keep the momentum generated by the meetings.”

## Appendix A: List of Participants

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### TSM Community of Interest (COI) Advisory Panel 2016 Membership List

COI Panel Category	Name
Social NGO including faith based groups	Joy Kennedy
Media/ communications	Claudine Renauld
Aboriginal people	Dan Benoit
	Chief Earl Klyne*
	Theresa Hollett
Environment	Nathan Lemphers
	(Vacant)
International development	Philip Oxhorn*
Economic / community development	Chief David Walkem
	Tim Johnston
Finance/investment	Stephen Kibsey
Labour/workplace	Doug Olthuis*
Expert	Alan Penn
	Luc Zandvliet
	Maya Stano
Industry representatives	Mark Travers (Corey McPhee in place)
	Scott Yarrow
	Pierre Gratton
	Peter Read
	Mark Wiseman

\* Regrets

Additional Attendees	Organization
Presenters / Guests	
Tom Butler	CEO, ICMM
Adriana Maria Eftimie	International Finance Corporation
James Larsen	The Advanced Energy Centre (part of the MaRS Discovery District)
Nicolas Seguin	TUGLIQ Energy Co.
Toby Heaps	Corporate Knights and CK Capital
Steve Coupland	Canadian Nuclear Association
Observers	
Shirley Neault	Hudbay Minerals
Mark Rowlinson	United Steel Workers
Organizers	
Ben Chalmers	Mining Association of Canada
Tara Shea	
Michael van Aanhout	Stratos
Jane Porter	