



DRAFT TSM INCLUSIVE AND RESPECTFUL WORKPLACES PROTOCOL FOR PUBLIC COMMENT

The mining sector is committed to advancing equity, diversity, and inclusion, and recognizes that these values are key to safe and respectful workplaces. However, the industry continues to struggle to diversify the mining workforce, address systemic inequities, and create inclusive and respectful work environments. Recognizing the need for a collective, concerted effort to realize the industry's commitment to inclusive and respectful workplaces, the Mining Association of Canada (MAC) is leading the development of a new standard on inclusive and respectful workplaces, as part of the *Towards Sustainable Mining* (TSM) program.

The aim of these draft requirements is to support members in meeting their collective and individual company commitments. TSM has a strong track record of driving industry performance on challenging sustainability issues and provides a good model for setting rigorous standards. TSM criteria are developed on a five-point scale that provides facilities with meaningful and nuanced steps they can take to improve performance, regardless of where on that scale they begin. TSM also offers the opportunity for global impact—the program is already being implemented by ten national associations in key mining jurisdictions, with many others soon to adopt the standard. To learn more about TSM, visit <https://tsminitiative.com/>.

This draft protocol is being developed in collaboration with the Minerals Council of Australia and its members, with the support of other TSM partner associations. MAC has drawn upon the insights of its members, Community of Interest Advisory Panel, and many valued experts and practitioners. MAC encourages anyone with an interest in mining sector workplaces to review the attached draft documents and submit feedback to tsm@mining.ca by September 15. If you are not familiar with the TSM program, please review examples of other TSM protocols before reviewing the attached documents. Canadian versions of all TSM protocols are available [here](#). An anonymized summary of comments and any response will be published on the MAC website once the protocol has been finalized and published, likely in early 2023.

This draft protocol builds on two existing TSM protocols. Already, the *TSM Indigenous and Community Relationships Protocol* sets out requirements for companies to prioritize access to jobs, training, and education for Indigenous rightsholders, and to engage with underrepresented groups. The attached documents expand upon these requirements by prioritizing the involvement of Indigenous rightsholders and other underrepresented individuals in companies' approaches to inclusive and respectful workplaces. The existing *TSM Safety and Health Protocol* focuses on managing risks to physical safety and health in the workplace. The draft protocol proposes additional requirements for physical and psychological safety through the lenses of equity, diversity, inclusion, respect, and accessibility. Following the public comment period, MAC will consider opportunities for integrating any of the proposed criteria in existing protocols.



The following draft documents are included in this package for public comment:

Tab 1 – TSM Framework on Inclusive and Respectful Workplaces

The draft framework reflects collective commitments by TSM-implementing companies related to equity, diversity, and inclusion, and safe and respectful workplaces. The draft protocol (Tab 2) seeks to provide companies with a means to meet and measure their progress towards these commitments. The draft framework is a revised version of [*Canadian Mining: Our Commitment to Equity, Diversity and Inclusion*](#), a statement published by MAC members in November 2020.

Tab 2 – TSM Inclusive and Respectful Workplaces Protocol

The draft protocol includes four performance indicators – one to be implemented at the corporate level and three at the facility level. Each indicator includes criteria at multiple levels of performance. Level A criteria are intended to represent current expectations of good practice. Level AAA should represent leading and emerging expectations for company performance.

Tab 3 – Frequently Asked Questions (FAQs)

This draft document includes proposed responses to the FAQs. The aim of this section is to support protocol interpretation by companies and their external verifiers by providing relevant definitions and guidance. This section also provides links to external resources and expertise that may be of use to companies when implementing protocol requirements.



TAB 1 – Draft TSM Framework on Inclusive and Respectful Workplaces

Equity, diversity, and inclusion are strategic priorities and shared values for the mining sector, contributing to safe and respectful workplaces. We recognize that people are our greatest asset and that an equitable, diverse, and inclusive workforce facilitates effective problem-solving, creativity and innovation. There is no place for inequity, harassment, discrimination, violence, or hatred, in any form, within the mining sector. We are therefore committed to taking company-specific actions in support of the following objectives:

- 1. Strengthen equity, diversity, and inclusion in all aspects of workplace culture, policies, procedures, and practices.*
- 2. Seek to identify, acknowledge, and mitigate conscious and unconscious bias, as well as individual and systemic prejudice and discrimination in all its forms.*
- 3. Bolster efforts to increase representation of individuals who are underrepresented in the mining industry, including, among others, women, youth, Indigenous peoples, racialized persons, newcomers, persons with disabilities, neurodiverse individuals, and individuals of diverse gender identities and sexual orientations. Efforts to increase representation of these individuals apply across the mining sector workforce, leadership, supply chain, and boards of directors.*
- 4. Provide leadership and share effective and proven tools, resources, practices, and lessons learned.*
- 5. Enhance reporting on objectives, actions, and performance.*

We also commit to comply with all relevant laws and regulations wherever we operate. Together, we aim for a mining workforce that reflects the diversity of the countries and communities where we operate and demonstrates a culture of belonging and inclusion—where everyone is safe, respected, valued, and empowered to excel.



TAB 2 – Draft TSM Inclusive and Respectful Workplaces Protocol

INDICATOR 1: LEADERSHIP AND STRATEGY (CORPORATE CRITERIA)

Purpose: To confirm that the corporate office has engagement processes for developing a corporate strategy for inclusive and respectful workplaces.

LEVEL B

1. There is an action plan to meet all Level A requirements.

LEVEL A

1. A corporate strategy is developed that reflects the company's commitment to the *TSM Framework on Inclusive and Respectful Workplaces*. People with a wide range of perspectives and experiences, including from relevant labour or worker groups, and individuals who are underrepresented in the mining industry, are engaged in developing the strategy. The strategy includes:
 - a. Evidence-based, internal objectives supported by action plans.
 - b. A process for annual management review of the strategy and progress towards internal objectives, with results reported to the board.
 - c. Communication of the strategy to workers and, where relevant, to external communities of interest.
 - d. Clear roles, responsibilities, accountabilities, and resources for management related to inclusive and respectful workplaces.
 - e. Management training or awareness programs related to inclusive and respectful workplaces, with these programs made available to the board.
2. Management ensures that the board is aware of the corporate strategy and provides updates on progress towards implementation.
3. There is a process to report to the board and management any serious incidents of unsafe, harmful, or disrespectful behaviour from across the company, including regular status updates to the point of resolution and any post-incident, trauma-informed restorative action.

LEVEL AA

1. The strategy developed at Level A is implemented.
2. Workers receive updates on implementation of the corporate strategy and metrics related to serious incidents of unsafe, harmful, or disrespectful behaviour from across the company.
3. There are clear roles, responsibilities, accountabilities, and resources for the board related to inclusive and respectful workplaces.
 - a. Public objectives are set for diverse board and management recruitment, retention, and engagement, with public reporting on progress towards these objectives.
 - b. Inclusive and respectful workplaces are a substantive focus of the board, demonstrated by relevant board actions or activities.



LEVEL AAA

1. There is an independent review of workplace culture at least every three years, with the scope of the review aligned with the corporate strategy and based on priorities identified by management and workers.
 - a. The results of the independent review are used to inform further engagement and updates to the corporate strategy.
2. There is public reporting on implementation of the corporate strategy and metrics related to serious incidents of unsafe, harmful, or disrespectful behaviour from across the company.
3. Objectives for diverse board and management recruitment, retention and engagement set at Level AA are met and reported publicly, along with plans for continual improvement.
4. There is an independent review of board and management competency related to inclusive and respectful workplaces.

INDICATOR 2: EQUITY, DIVERSITY, AND INCLUSION (FACILITY CRITERIA)

Purpose: To confirm that the facility has engagement processes for designing policies and processes that foster a workplace culture of equity, diversity, and inclusion.

LEVEL B

1. There is an action plan to meet all Level A requirements.

LEVEL A

1. Policies and processes are developed to foster a workplace culture of equity, diversity, and inclusion. People with a wide range of perspectives and experiences, including from relevant labour or worker groups, and individuals who are underrepresented in the mining industry, are engaged in developing these policies and processes. This includes:
 - a. Clear roles, responsibilities, accountabilities, and resources to promote shared responsibility for equity, diversity, and inclusion.
 - b. Review of existing policies and processes, including hiring and advancement processes, to identify biases or barriers to equity and inclusion.
 - c. Analysis of any inequities in worker compensation and benefits.
 - d. An approach to workplace communications that is accessible, inclusive, and culturally appropriate.
2. Training or awareness programs related to equity, diversity, and inclusion are available to all workers and management.
3. Where there are priority employment or business opportunity agreements for members of designated communities, the facility and community collaboratively establish a process to confirm priority status.

LEVEL AA

1. Policies and processes are implemented that aim to:



- a. Mitigate potential for bias in hiring, performance management, skills development opportunities, and advancement processes.
 - b. Achieve a workforce that reflects local demographics and provide economic, employment, and training opportunities for local rightsholders and members of underrepresented groups.
 - c. If workers are recruited from outside of local communities, promote diverse representation consistent with national demographics.
 - d. Provide pathways to improve diverse representation at different levels of the organization and across different employment fields.
2. Guidelines are implemented for workplace design and culture that prioritize equity, diversity, inclusion, safety, and accessibility.
 3. The facility engages with suppliers and service providers to promote equity, diversity, and inclusion.
 4. The facility addresses inequities in worker compensation and benefits identified at Level A.
 5. There is an internal review of the engagement strategies, implementation, outcomes, and effectiveness of policies and processes at Level A and Level AA, with results of the review reported internally.

LEVEL AAA

1. There is an independent review of the engagement strategies, implementation, outcomes, and effectiveness of policies and processes at Level A and Level AA, with results of the review reported publicly.
2. There are processes in place to ensure that workers and management participate in training or awareness programs related to equity, diversity, and inclusion.
3. The facility asks suppliers and service providers to adopt policies or commitments related to equity, diversity, and inclusion.

INDICATOR 3: SAFE AND RESPECTFUL WORKPLACES (FACILITY CRITERIA)

Purpose: To confirm that the facility has engagement processes for developing policies and processes that foster physical and psychological safety and respect in the workplace; and has trauma-informed processes to respond to incidents of unsafe, harmful, or disrespectful behaviour.

LEVEL B

1. There is an action plan to meet all Level A requirements.

LEVEL A

1. Physical and psychological risks to equity, diversity, inclusion, safety, respect, and accessibility are identified, and measures to address these risks are developed and implemented. People with a wide range of perspectives and experiences, including from relevant labour or worker groups, and individuals who are underrepresented in the mining industry, are engaged in these processes.



2. Workers and contractors participate in regularly scheduled training or awareness programs to mitigate harmful and disrespectful behaviours in the workplace and to learn about effective internal and external mechanisms to address such issues.
3. There are trauma-informed processes to respond to incidents of unsafe, harmful, or disrespectful behaviour in the workplace. These include:
 - a. Training and resources to support informal incident resolution among coworkers, with the aim of fostering a workplace culture of continual improvement and learning related to safety and respect.
 - b. A prompt, confidential, and impartial response mechanism for concerns, complaints, or suggestions that require support or investigation beyond informal incident resolution processes.
4. A publicly available policy prohibits threats of, and the use of, undignified disciplinary practices; and the facility applies this policy to any employment or recruitment agencies that it engages.

LEVEL AA

1. The facility collaborates with relevant communities of interest to review its trauma-informed response processes at Level A and, if appropriate, to develop alternative mechanisms.
2. The facility engages with its suppliers and service providers to promote safe and respectful workplaces.
3. There is an internal review of the engagement strategies, implementation, outcomes, and effectiveness of policies and processes at Level A and Level AA, with results of the review reported internally.

LEVEL AAA

1. The facility collaborates with relevant communities of interest to promote safe and respectful behaviour in community settings.
2. The facility asks its suppliers and service providers to adopt policies or commitments related to safe and respectful workplaces.
3. There is an independent review of the engagement strategies, implementation, outcomes, and effectiveness of policies and processes at Level A and Level AA, with results of the review reported publicly.

INDICATOR 4: MONITORING, PERFORMANCE, AND REPORTING (FACILITY CRITERIA)

Purpose: To confirm that the facility has engagement processes for data collection and reporting on inclusive and respectful workplaces.

LEVEL B

1. There is an action plan to meet all Level A requirements.

LEVEL A

1. Parameters and approaches are developed for data collection and reporting on equity,



diversity, and inclusion. People with a wide range of perspectives and experiences, including from relevant labour or worker groups, and individuals who are underrepresented in the mining industry, are engaged in developing these parameters and approaches.

2. The facility collects and publishes initial baseline data and conducts ongoing monitoring and analysis. This includes:
 - a. Data on gender, age groups, and other relevant indicators of demographic diversity (except in jurisdictions that prohibit collection of such data).
 - b. Some information on the number and types of issues reported to the facility's response mechanism.

LEVEL AA

1. The facility collects and publishes more detailed baseline data and conducts ongoing monitoring and analysis. This includes:
 - a. Qualitative and quantitative metrics and measures of equity, diversity, and inclusion.
 - b. Anonymized information on the response, resolution, and remediation of issues reported to the facility's response mechanism
2. Where worker information or feedback is requested as part of the data collection process, in compliance with any relevant data privacy laws, there is clear communication to workers of:
 - a. The purpose for which the worker information or feedback will be used.
 - b. The confidential and voluntary nature of worker participation in the process.
 - c. Processes to protect worker anonymity when analyzing and communicating results.
 - d. Safe and ethical storage, and intended use, of any data collected.
3. The facility sets evidence-based performance objectives, or applies performance objectives set at the corporate level, related to inclusive and respectful workplaces. These include:
 - a. Collaboration with local rights-holding communities and underrepresented groups to set objectives for employment of individuals from those communities.
 - b. Action plans developed to achieve performance objectives.
 - c. Demonstration of progress towards performance objectives and internal reporting on this progress.

LEVEL AAA

1. There is public reporting on progress towards the performance objectives set at Level AA.



TAB 3 – Draft Frequently Asked Questions

What are some key terms related to inclusive and respectful workplaces?

The Canadian Centre for Diversity and Inclusion has published a glossary that may be useful for companies looking to understand key terms related to inclusive and respectful workplaces. The glossary includes terms related to inclusion, diversity, equity, and accessibility, as well as terms on topics like age, gender, physical ability, race, and more.

Canadian Centre for Diversity and Inclusion. 2022. *Glossary of Terms: A reference tool*. <https://ccdi.ca/glossary-of-terms/>

Other useful resources include:

The University of British Columbia. n.d. *Equity & Inclusion Glossary of Terms*. <https://equity.ubc.ca/resources/equity-inclusion-glossary-of-terms/>

Canadian Race Relations Foundation. 2015. *CRRF Glossary of Terms*. <https://www.crrf-fcrr.ca/en/resources/glossary-a-terms-en-qb-1>

Government of Canada. 2022. *Guide on Equity, Diversity and Inclusion Terminology*. <https://www.noslangues-ourlangues.gc.ca/en/publications/equite-diversite-inclusion-equity-diversity-inclusion-eng>

What is an ‘annual management review’?

Annual management reviews are intended to ensure continual improvement by evaluating the effectiveness of the strategies, processes, and policies in place and the status of actions from the previous management review. The management review process should identify opportunities for improvement, describe associated action plans, and identify and evaluate the potential significance of changes since the previous review. The review should also provide a summary of any significant performance issues identified, including compliance with legal requirements, conformance with other standards, policies and commitments, and the status of corrective actions.

What is an ‘independent review’?

Broadly speaking, an independent review is commentary, advice and recommendations that are independent, objective, and expert in nature and meant to assist in identifying, understanding, and managing risks. The intention or spirit of the term ‘independent’ is that the reviewer should not be directly involved in the design or operation of the facility. Where potential conflict of interest exists, such conflicts should be identified and declared. For example, it is acceptable to have an independent reviewer who is employed by the same company, provided the intent of ‘independent’ is met. This is further reinforced by maintaining a clear understanding that an independent reviewer may need to abstain from a discussion or withhold an opinion when a conflict of interest may apply. This flexibility allows the independent review process to maximize the use of appropriately qualified reviewers, understanding that there may be a limited pool of such qualified individuals available.

An independent review of workplace culture involves an expert who is tasked with identifying ongoing strengths, opportunities, and challenges to inclusive and respectful workplaces. The



reviewer independently validates improvements in quantitative and qualitative measures over time and provides recommendations to strengthen workplace culture. The scope of this review should be defined based on priorities identified through engagement processes with management and workers. Any findings or recommendations resulting from the review should inform further engagement and updates to the corporate strategy.

Can corporate requirements and reporting be used to meet criteria at the facility level?

Corporate requirements can be used to meet criteria at the facility level if the facility can demonstrate that relevant corporate policies or processes are implemented by the facility. Corporate reporting can be used to meet facility-level reporting requirements if information is disaggregated by facility.

What should a company consider when developing a strategy for inclusive and respectful workplaces?

The *TSM Framework on Inclusive and Respectful Workplaces* provides a collective set of commitments to which companies should refer when developing a corporate strategy. Through engagement and analysis, companies should seek to identify gaps and opportunities, set objectives, and develop action plans.

Important guidance on developing a corporate strategy is available from:

The Centre for Global Inclusion. 2021. *Global Diversity, Equity & Inclusion Benchmarks: Standards for Organizations Around the World*. <https://centreforglobalinclusion.org/what-we-do/the-gdeib/>

Canadian Centre for Diversity and Inclusion. 2014. *Locking in your leadership: Toolkit for developing a diversity and inclusion strategy*. <https://ccdi.ca/media/2079/20200130-locking-in-your-leadership-toolkit-for-developing-a-di-strategy.pdf>

The University of British Columbia. 2022. *Activating Inclusion Toolkit: Equity, Diversity, and Inclusion through Systems Change*. https://equity3.sites.olt.ubc.ca/files/2022/04/Toolkit_EDISystemsChange.pdf

Women in Mining Canada. n.d. *A Toolkit & Action Plan for Canada's Mining Employers*. <https://members.wimcanada.org/courses/welcoming-to-women-an-action-plan-for-canadas-mining-employers/>

The Mining Industry Human Resources (MiHR) also offers a [Gender Equity in Mining](#) program that supports companies in identifying, analyzing, setting objectives for, and changing processes. It is a year-long program that builds networks of like-minded mining companies or sites who collaborate to learn from one another, share successes and challenges, and offer mutual support to remove unintended barriers to gender inclusion.

Which groups are underrepresented in the mining sector?

Different groups are likely to be underrepresented in different national and local contexts. In these contexts, different groups or populations that may experience varying degrees of vulnerability or marginalization. These may include, among others, women, youth, Indigenous peoples, racialized persons, newcomers, persons with disabilities, neurodiverse individuals,



and individuals of diverse gender identities and sexual orientations. Companies are encouraged to review available workforce and demographic data and collaborate with workers and relevant communities of interest to identify underrepresented groups in their respective local and national contexts.

How can a company effectively engage individuals and groups with a wide range of perspectives and experiences, including individuals who are underrepresented in the mining industry?

In developing strategies and designing policies and processes at Level A, corporate offices and facilities are required to engage people with a wide range of perspectives and experiences, including from relevant labour or worker groups, and with a particular focus on individuals from groups that tend to be underrepresented in the mining industry. The intent of this criterion is to ensure that companies promote shared responsibility for inclusive and respectful workplaces by engaging with people both internal and external to the company. Engagement with external communities of interest is of particular importance if a company's internal worker base includes a limited number of individuals from underrepresented groups.

Companies should plan inclusive and accessible engagement processes that provide opportunities for all people, particularly individuals belonging to underrepresented groups or populations that may be at heightened risk of vulnerability or marginalization. While not all individuals or groups will participate in these processes, the company should demonstrate that these engagement opportunities are available.

To facilitate participation from a wide range of people, the company should consider creating space for engagement during regular working hours and treat worker involvement in these processes as part of regular business activities—not an additional volunteer responsibility. Participation may be encouraged through inclusive planning but should remain voluntary. Using mixed strategies that facilitate discussion (e.g., focus groups) as well as opportunities for anonymous or confidential input (e.g., surveys) may also be helpful. To foster meaningful participation, engagement processes may, for example:

- use clear language
- use a neutral facilitator
- integrate different approaches to support dialogue, listening, and creative thinking
- establish or refer to 'rules of engagement' (e.g., respect, valuing diversity)

How can board competency related to inclusive and respectful workplaces be assessed?

Independent experts engaged to assess board competency may use a variety of methodologies. For example:

- annual self-reflection exercises using questionnaires
- a facilitated reflection session with the board
- verification that baseline training has been completed
- demonstration of how inclusion and respect are considered in decision-making



processes

What are ‘serious incidents of unsafe, harmful, or disrespectful behaviour’?

There are many examples of unsafe, harmful, or disrespectful behaviours, which may impact physical or psychological health. These may include, but are not limited to, behaviours like harassment, discrimination, violence, bullying, or microaggressions.

Serious incidents of unsafe, harmful, or disrespectful behaviour should be defined through engagement with workers and relevant communities of interest. These may include behaviours that pose immediate physical or psychological safety risks to workers, such as sexual violence, physical aggression, or threats of such acts.

For additional reading, see:

Mental Health Commission of Canada. 2019. *The National Standard for Psychological Health and Safety in the Workplace*. https://www.mentalhealthcommission.ca/wp-content/uploads/drupal/2019-03/C4HC%20Toolkit_Asset%2036_ATP-HC_EN.pdf

Mining Industry Human Resources Council. 2022. *[Forthcoming work on sexual harassment legislative frameworks]*

What kinds of objectives can a company set for board and management recruitment, retention, and engagement?

There are a range of evidence-based objectives that a company can set for board and management recruitment, retention, and engagement. These might include quantitative objectives (e.g., diverse representation; compensation equity; retention rates for individuals from underrepresented groups) or qualitative objectives (e.g., reported feelings of belonging, inclusion, or engagement assessed via regular surveys or interview). A company may also set process-related objectives (e.g., implementing a policy that all candidate pools meet certain diverse representation requirements).

What are some useful frameworks to promote board accountability for inclusive and respectful workplaces?

An important way to improve accountability is through enhanced reporting to the board on key metrics related to inclusive and respectful workplaces. For example, the Minerals Council of Australia (MCA) has developed an industry toolkit with metrics on sexual harassment that can be reported as part of safety reporting, providing more complete information on both physical and psychological safety in the workplace.

Minerals Council of Australia. 2021. *Respect@Work: Board reporting framework*. https://www.minerals.org.au/sites/default/files/Respect%40Work_Guidance%20-%20Board%20reporting%20framework.pdf

What kinds of systems and practices to promote inclusive and respectful workplaces can be implemented at the corporate office?

Companies are strongly encouraged to implement the facility-level requirements in Indicators 2, 3, and 4 of this protocol at corporate offices.



What types of training or awareness programs related to equity, diversity, and inclusion are relevant for workers and management?

Facilities may consider a wide range of training or awareness programs and formats related to equity, diversity, and inclusion. For example, programs related to:

- discrimination
- harassment
- cross-cultural awareness
- conscious and unconscious bias
- microaggressions
- mental health
- anti-racism and anti-oppression
- power and privilege
- harassment and violence, including sexual and gender-based acts

Facilities should identify and prioritize training needs through engagement with workers and other relevant communities of interest. Facilities can also identify training needs through the results of internal or external reviews, or analysis of issues reported through worker response mechanisms. Training requirements should be embedded in onboarding processes and on an ongoing basis.

Examples of relevant training programs include:

Mining Industry Human Resources Council. 2022. *Indigenous Awareness Training*. <https://mihrc.ca/inclusion-diversity/indigenous-awareness-training/>

Mining Industry Human Resources Council. 2022. *Intercultural Awareness Training*. <https://mihrc.ca/inclusion-diversity/intercultural-awareness-training/>

How can a facility identify biases or barriers to equity and inclusion in its existing policies and processes?

There are many types of reviews or analyses that can be conducted to identify biases or barriers to equity and inclusion in existing policies and processes. Some examples include:

- reviews of procurement processes
- surveys of worker perception of fair treatment
- efforts to ensure equitable access to information about available jobs
- resources and supports for training and development opportunities

What kinds of training opportunities can facilities provide for local rightsholders and underrepresented groups?

Facilities may provide direct or indirect training opportunities for local rightsholders and



underrepresented groups, with the aim of supporting their hiring and advancement within the organization. The facility is responsible for working with its communities of interest to define and identify relevant local rightsholders and underrepresented groups. For example, a facility could:

- provide on-the-job training to an individual or cohort of individuals
- organize and fund training sessions or programs administered by a third party
- provide scholarships or other forms of financial support for advanced training at colleges or universities.

In Canada, the Mining Industry Human Resources Council (MiHR) has work readiness training program for Indigenous peoples that teaches skills using industry examples, tools, documents and traditional Indigenous teaching methods and mediums. More information on the program is available here: <https://mihr.ca/standards-training-recognition/mining-essentials-work-readiness-training-for-indigenous-people/>

What are some considerations for physical infrastructure and equipment that prioritize safety, inclusion, and accessibility?

There are many ways in which physical infrastructure and equipment can impact workplace safety, inclusion, and accessibility. Some considerations might include placement of women’s washrooms; gender neutral infrastructure; personal protective equipment appropriate to different genders, body types, and physical needs; or private space for needs like breastfeeding or prayer. These needs should be identified through engagement with workers and relevant communities of interest, as well as through internal assessments or audits related to safety and health or equity, diversity, and inclusion.

What are some resources to support companies in addressing sexual harassment?

The Minerals Council of Australia has developed an *Industry Code* to implement its commitment to eliminate sexual harassment. This *Industry Code* outlines expectations for companies to develop a culture of respect, with a focus on honest, respectful, and open communications. The document outlines key measures to prevent and respond to sexual harassment.

Minerals Council of Australia. 2021. *Industry Code on Eliminating Sexual Harassment* [https://www.minerals.org.au/sites/default/files/Sexual%20Harassment Industry%20Code%20of%20Conduct March%202021.pdf](https://www.minerals.org.au/sites/default/files/Sexual%20Harassment%20Industry%20Code%20of%20Conduct%20March%202021.pdf)

Mining Industry Human Resources Council. 2022. *[Forthcoming work on sexual harassment legislative frameworks]*

What is ‘psychological safety’?

When referring to safe and respectful workplaces in this protocol, companies are expected to consider both physical and psychological safety. The Canadian Centre for Diversity and Inclusion defines ‘psychological safety’ as “The feeling of being safe to express ideas, feelings, and questions or to make mistakes without repercussions.”

Canadian Centre for Diversity and Inclusion. 2022. *Glossary of Terms: A reference tool.*



<https://ccdi.ca/glossary-of-terms/>

See also:

CAN/CSA-Z1003-13/BNQ 9700-803/2013 – *Psychological Health and Safety in the Workplace*. <https://www.csagroup.org/article/canca-sa-z1003-13-bnq-9700-803-2013-r2018/>

What types of physical and psychological risks are relevant to inclusive and respectful workplaces?

Companies should engage workers and relevant communities of interest to identify and assess physical and psychological risks that may impede their efforts to promote inclusive and respectful workplaces. For example, facilities can identify and assess physical barriers to safety, equity, and accessibility, such as gender-appropriate facilities and personal protective equipment for a range of body types and needs. Interpersonal behaviours, such as violence, bullying, or harassment can also pose physical and psychological risks for workers. Measures to address identified risks should be developed and implemented.

What are some examples of external mechanisms that can be used to address issues like harassment, discrimination, or violence?

While this protocol requires companies to have trauma-informed processes to respond to incidents of unsafe, harmful, or disrespectful behaviour in the workplace, it is also important to recognize that there are external legal mechanisms available to workers to resolve issues like harassment, discrimination, or violence. For example, in the Canadian context, the Canadian Human Rights Tribunal, provincial human rights organisations, criminal code, employment/labour laws, collective agreements.

What does ‘trauma-informed’ mean?

The Minerals Council of Australia provides important guidance on trauma-informed care and practice in the context of responses to sexual harassment and violence. In brief, this means emphasizing physical, psychological, and emotional safety for impacted individuals and groups, and other involved in responding to issues raised through informal and formal response mechanisms.

Minerals Council of Australia. 2021. *How to support persons affected by sexual harassment – trauma informed care*.

https://www.minerals.org.au/sites/default/files/Respect%40Work_Guidance%20-%20How%20to%20support%20affected%20persons%20-%20trauma%20informed%20care.pdf

What should a facility consider when designing a response mechanism for unsafe, harmful, or disrespectful behaviours in the workplace?

When establishing or reviewing a response mechanism, facilities should consider the following elements:

- Workers are aware of the mechanism, how it works, and how to access it.
- The response process is prompt and involves regular updates to impacted individuals or groups until the issue is resolved.



- The response process aims to protect the confidentiality of impacted individuals or groups, unless otherwise requested, to mitigate concerns of victimization or reprisal.
- The response mechanism is equipped with trauma-informed, early intervention strategies to support impacted individuals or groups, and these supports remain available during and after the investigation process.
- The investigation process is confidential and impartial, with input sought from the impacted individual or group regarding the approach to the investigation.
- Confidential records are maintained of issues reported to the mechanism, including responses, outcomes, and timeframes.

There is a process to evaluate the response mechanism process, review lessons learned, and adjust the process as necessary.

What are ‘undignified disciplinary practices’?

ResponsibleSteel defines ‘undignified disciplinary practices’ as disciplinary practices that undermine workers’ dignity, such as corporal punishment, harsh or degrading treatment, sexual or physical harassment, mental, physical, or verbal abuse, coercion, or intimidation.

ResponsibleSteel. 2019. *ResponsibleSteel Glossary. Version 1.0.*

https://www.responsiblesteel.org/wp-content/uploads/2019/12/ResponsibleSteel_Glossary_1.0.pdf

What types of qualitative and quantitative data can be used to measure equity, diversity, and inclusion?

There are a range of approaches that facilities can use to measure and assess equity, diversity, and inclusion. For example, worker engagement and belonging surveys, culture surveys, audits of pay equity, human rights assessments, exit interviews, and disability management audits. Priority areas for and approaches to data collection should be identified through engagement with workers and relevant communities of interest.

Some examples of reporting frameworks related to equity, diversity, and inclusion include:

Bloomberg. 2022. *Gender Reporting Framework.*

https://assets.bbhub.io/company/sites/46/2021/05/1121150_BBGT_2021GEI_Updte_GenderReportFrame_FNL.pdf

Minerals Council of Australia. 2021. *Example Culture Survey.*

https://www.minerals.org.au/sites/default/files/Respect%40Work_Template%20-%20Example%20culture%20survey.pdf

What are some examples of performance objectives for inclusive and respectful workplaces?

There are a range of approaches for setting qualitative or quantitative performance objectives related to inclusive and respectful workplaces. For example:

- Equity-related objectives – such as targets to debias a certain number of processes



- Diversity-related objectives – such as increases in representation and retention rates for workers or supply chain stakeholders, or across functional areas
- Inclusion-related objectives – such as improvements in reported worker belonging

Guidance for Implementation in Canada

In Canada, how do commitments to Indigenous reconciliation intersect with policies and processes to promote equity, diversity, and inclusion?

The Truth and Reconciliation Commission of Canada's Calls to Action (2015) "call upon the corporate sector in Canada to adopt the *United Nations Declaration on the Rights of Indigenous Peoples* as a reconciliation framework and to apply its principles, norms, and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources." Among other commitments, the Truth and Reconciliation Commission calls on companies to "[e]nsure that Aboriginal peoples have equitable access to jobs, training, and education opportunities in the corporate sector, and that Aboriginal communities gain long-term sustainable benefits from economic development projects."

While the *TSM Indigenous and Community Relationships Protocol (2019)* aims to address these and other calls to action, there are important links between the commitment to reconciliation and companies' efforts to foster inclusive and respectful workplaces. The *TSM Inclusive and Respectful Workplaces Protocol* requires companies to implement policies and processes that aim to achieve a workforce that reflects local demographics and provide economic and employment opportunities for local rightsholders and underrepresented groups. In the Canadian context, economic and employment opportunities should be prioritized for Indigenous rightsholders. Some companies may already have formal agreements with Indigenous communities about economic or employment opportunities. Outside of Canada, other local rightsholders or underrepresented groups may also be relevant.

Truth and Reconciliation Commission of Canada. 2015. *Truth and Reconciliation Commission of Canada: Calls to Action*. https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/indigenous-people/aboriginal-peoples-documents/calls_to_action_english2.pdf