

# ANNUAL REPORT 2010



The Mining Association of Canada

ADVOCACY STEWARDSHIP COLLABORATION

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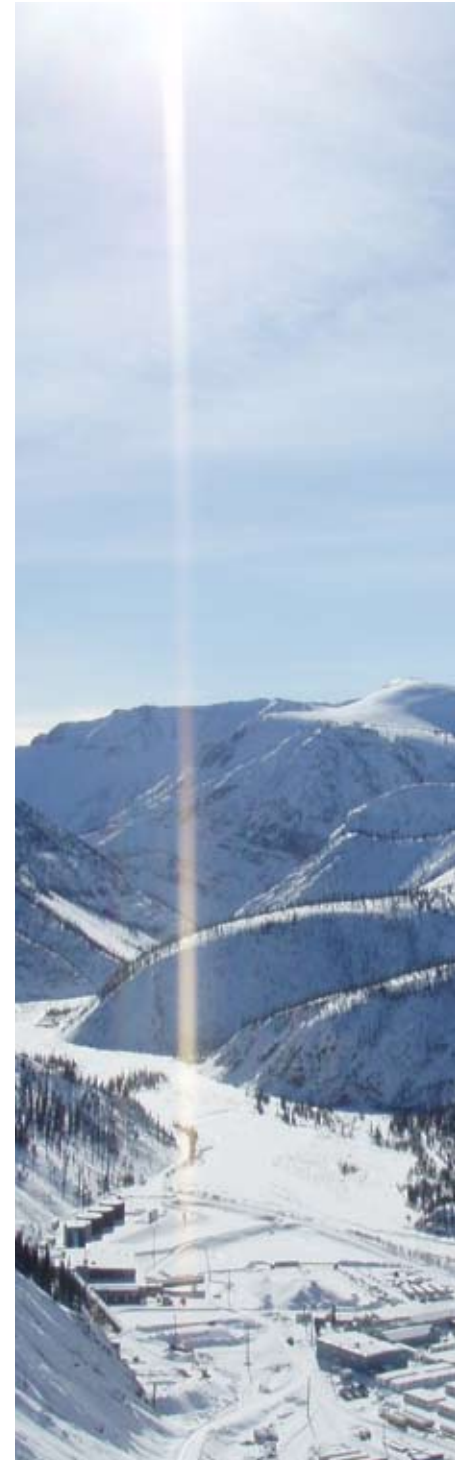
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# INTRODUCTION



# ABOUT THE MINING ASSOCIATION OF CANADA

The Mining Association of Canada (MAC) is the national organization of the Canadian mining industry. It comprises companies engaged in mineral exploration, mining, smelting, refining and semi-fabrication. Member companies account for the majority of Canada's output of metals and major industrial materials.

The Association's functions are to promote the interests of the industry nationally and internationally, to work with governments on policies affecting minerals, to inform the public and to promote cooperation between member firms to solve common problems. MAC works closely with provincial and territorial mining associations and other industries, as well as with environmental and community groups across Canada and internationally.



# MESSAGE FROM THE CHAIRMAN AND THE PRESIDENT

Doug Horswill, Chair of the Board of Directors  
Pierre Gratton, President and CEO

In 2010 the Canadian mining industry continued to build upon the economic recovery that marked 2009 and is now an engine of growth for Canada's economy. This resurgence was fuelled by strong demand and high commodity prices. This economic environment has stimulated new investment, driven increased exploration activity and increased exports.

The strong and vibrant mining industry played a key role in Canada's ability to ride out the recession and continues to do so during a time of fragile recovery. While many sectors struggled in 2010, mining accounted for 19% of Canadian exports, almost \$10 billion in annual payments to governments, and provided business for 3,200 supplier companies, including approximately half of the freight revenue of Canada's railroads. While important in remote communities, the industry also creates prosperity in our major cities – Toronto, Vancouver, Montreal, Edmonton, Calgary and Saskatoon all feature areas of global mining leadership.

Corporate social responsibility remained a critical issue throughout the year as national and international entities grappled with the growing number of standards and increased expectations from engaged civil societies. While the Canadian industry is viewed internationally as a leader in the corporate social responsibility due to large investments in education and health-care facilities, nutrition programs, and community facilities in developing countries, navigating the increasingly complex landscape of initiatives is a growing concern. The issue was brought into sharp focus by Bill C-300, a private member's bill that was deeply flawed, contentious and divisive, but that challenged MAC and the Canadian industry in general to respond both to the bill itself and an effective grassroots NGO campaign supporting the bill and criticizing the industry. The bill was ultimately defeated, but the return of the issue in the new Parliament is possible and perhaps likely. The C-300 experience led MAC and the membership to recognize that we had to be better prepared and organized going forward, leading to the creation of a new International Social Responsibility committee.

MAC member-companies continued to report progress against the mandatory social and environmental requirements of MAC's Towards Sustainable Mining initiative. In 2010, the Mining Association of BC became the first provincial association to adopt TSM, helping MAC in its efforts to brand the initiative as a leading standard. Other TSM progress included the implementation of new protocols for health and safety, Aboriginal and community relations and biodiversity conservation. As well, a focused effort by MAC members to improve TSM tailings management results bore fruit.

MAC's advocacy in 2010 focused on competitiveness, regulatory review, infrastructure, innovation, human resources, geosciences, Aboriginal participation in mining, regulatory reform, the National Pollutant Release Inventory and issues related to corporate social responsibility. Our ability to influence our public policy

priorities will be enhanced by a decision in 2010 to expand our communications capacity, with the hiring of a new Director, Communications. MAC is well-positioned to be more effective in the years ahead.

We were pleased to expand MAC membership in 2010 by adding 6 new associate members: Parker Hanafin Canada, Dingo Maintenance Systems, Federated School of Mines, Golden Star Resources, Redcorp Ventures Ltd. and SGS Canada Inc..

We look forward to, and expect, continued industry growth in 2011 as MAC focuses its advocacy efforts on the Fisheries Act, the Canadian Environmental Assessment Act, coordination of federal and provincial government First Nations consultation processes, strategic infrastructure investments and Aboriginal skills and employment programs. We also share some priorities with the broader business community, including support for international trade and investment, the need for a renewed focus on skills development, and a need for enhanced support of the sector's technological innovation. Improving these, together with regulatory and infrastructure priorities, will provide a strong footing for sustained investment in a globally-competitive Canadian mining industry.

For more details on the topics discussed here, and on other aspects of MAC's work, we encourage you to read the annual report in full.



# REPORT FROM THE CHAIR OF THE TOWARDS SUSTAINABLE MINING GOVERNANCE TEAM

Gordon Ball, Vice President, Syncrude Canada Ltd.



*The Towards Sustainable Mining Governance Team was created to examine opportunities for improving the mining industry's performance and reputation with key stakeholders.*

## HIGHLIGHTS

- Implementation of new protocols on safety and health, biodiversity conservation, and Aboriginal and Community Outreach.
- Introduction of a new rating system to better communicate performance.
- Translation of all significant TSM material to Spanish to broaden the sphere of application.
- Adoption of TSM by the Mining Association of British Columbia.

## MINE CLOSURE

Throughout 2010 the Mine Closure Working Group worked to develop wording for a protocol to address the issue of mine closure. The Working Group will meet in person in 2011 to continue their work.

## NEW RATING SYSTEM

The performance rating system for TSM has changed from a numerical system to an alphabetical system. MAC chose to adopt this system to more clearly indicate the expected benchmark that all members achieve a Level A to demonstrate sound management practices.

## TSM HAS BROADENED ITS SPHERE OF APPLICATION

To facilitate uptake and implementation at international operations, TSM documents (protocols, communications, guidance documents, etc.) are available in Spanish, as well as in English and French.

The Mining Association of British Columbia made the decision at their December, 2010 Board of Directors Meeting to adopt TSM for its members. MAC has also been speaking with other provincial associations about TSM and the benefits of program implementation.

## **TSM INVENTORIED THE STANDARDS ITS MEMBERS APPLY INTERNATIONALLY**

To inform discussion on the equivalency of TSM to other standards, MAC surveyed its members to identify the sustainability-related standards and initiatives they apply to their international operations. MAC members will begin reporting on the CSR standards they apply to their international operations in 2011.

## **NEW PERFORMANCE ELEMENTS**

The MAC Board of Directors approved three new protocols that will be integrated into TSM over the next few years. In 2010, members began reporting to MAC their TSM scores in the areas of safety and health, biodiversity conservation, and Aboriginal and community outreach. By 2013 all MAC members will publically report their performance in these areas. These are the first new performance elements since the TSM initiative began in 2004.

## **TSM COMMUNICATIONS**

In 2010 MAC implemented changes to the Towards Sustainable Mining Progress report to encourage readers to access the report in an online format. In 2011 the TSM Progress Report will be published in a paperless multimedia format as a way to demonstrate MAC's commitment to sustainability.

## **PLANS FOR 2011**

- MAC will offer member companies and Verification Service Providers TSM training in an eLearning format.
- MAC will continue to develop a protocol to address the issue of mine closure.



# COMMITTEE REPORTS



*The Diamonds Committee addresses issues affecting the overall health of the diamond industry, with a focus on the northern regulatory environment, economic development, and Aboriginal and community engagement.*

(Note: In 2011 MAC's diamonds program was incorporated into a broader northern program to meet the needs of MAC's expanding northern membership.)

## HIGHLIGHTS

- Progress on federal action plan for Northern Regulatory Improvement Initiative
- Nunavut Planning and Project Assessment Bill introduced in House of Commons
- New legislative and regulatory initiatives considered for Northwest Territories
- Continued pursuit of effluent regulations for diamond mining

## NORTHERN REGULATORY IMPROVEMENT INITIATIVE

On May 3, 2010, then Minister of Indian Affairs and Northern Development Chuck Strahl unveiled the federal action plan for the Northern Regulatory Improvement Initiative (NRII). The plan outlines the government's strategy for implementing the 2008 McCrank report, Road to Improvement. The government has committed \$19 million over two years to the initiative.

Minister Strahl acknowledged that the cost, complexity and unpredictability of regulatory processes in some territories present a barrier to economic investment. The action plan thus focuses on making northern resource investment more predictable by providing more efficient and effective processes through legislative and regulatory change. The plan also aims to enhance environmental monitoring via the Northwest Territories Cumulative Impact Monitoring Program and the Nunavut General Monitoring Plan. Minister Strahl stated that this work will become part of ongoing and future land claims and devolution negotiations.

A number of legislative and regulatory initiatives (described below) have been undertaken as key elements of the federal action plan.

## PROPOSED NUNAVUT PLANNING AND PROJECT ASSESSMENT ACT (BILL C-25)

Bill C-25, introduced in the House of Commons on May 12, 2010, will define the legislative framework for land-use planning and environmental assessment in Nunavut. The bill designates the Nunavut Planning Commission as the first point of entry into the environmental assessment and permitting process. The commission will determine whether new projects conform with land-use plans before they are forwarded to the Nunavut Impact Review Board.

MAC, in collaboration with the NWT and Nunavut Chamber of Mines and the PDAC, met with Minister Strahl and departmental staff several times and contributed two written submissions expressing concerns and recommendations regarding the bill. Although MAC was successful in getting timelines included in the review process, the inordinate length of time it takes for projects to move from submission to permitting remains an issue.

Industry has been advised that it should expect to provide testimony on Bill C-25 to the Standing Committee on Aboriginal Affairs and Northern Development. At the time of writing, the time frame for committee review and second reading of the bill had not been confirmed.

### **PROPOSED NWT SURFACE RIGHTS BOARD ACT**

The proposed NWT Surface Rights Board Act will establish a board, with territory-wide powers, that will resolve disputes and make binding decisions between landowners and holders of subsurface interests when the parties cannot reach a negotiated access agreement. The legislation stems from the fact that once a proponent is issued subsurface rights, the proponent cannot legally be denied access to those rights. The goal of the legislation is to improve timely access to subsurface resources.

This proposed act is an obligation under both the Gwich'in and Sahtu comprehensive land claim agreements. In 2003 and 2005 the Auditor General reminded the government of this obligation when criticizing the northern regulatory environment.

Because the proposed legislation will apply to the entire Northwest Territories, it will have to meet the provisions of each land claim agreement, as well as the environmental assessment and water regulations currently in place.

### **AMENDMENTS TO MACKENZIE VALLEY RESOURCE MANAGEMENT ACT**

The most controversial recommendation in the 2008 McCrank report was to incorporate all regional NWT water boards into the Mackenzie Valley Land and Water Board. That would include incorporating the Northwest Territories Water Board, which operates in the Inuvialuit Settlement Region. Creating a single land and water board for NWT requires amendments to the Mackenzie Valley Resource Management Act (MVRMA) and likely amendments to the Inuvialuit Final Agreement.

To move the initiative forward, John Pollard, former NWT Minister of Finance, was appointed chief federal negotiator to deal with northern and Aboriginal leaders on the restructuring of the NWT land and water boards. MAC met with Mr. Pollard in October 2010, when he indicated his intention to submit recommendations to the federal minister.

### **OTHER LEGISLATIVE AND REGULATORY AMENDMENTS**

If the above-mentioned amendments to the MVRMA proceed, the Northwest Territories Waters Act must also be amended to keep its structure and appointments process consistent with the MVRMA. Amendments to the Mackenzie Valley Land Use Regulations are also underway. The amendments are mainly administrative in nature; however, they do include an increased time period for issuing Type B land-use permits.

In spring 2010 Indian and Northern Affairs Canada proposed amendments to the diamond valuation and royalty provisions of the NWT and Nunavut Mining Regulations. Some of the amendments (affecting Section 65) deal with provisions for calculating royalties. Others (affecting Section 69) define criteria that will allow diamond producers to ship a portion of their production, not required for "cut-off" sampling for valuation, before their regularly scheduled diamond valuations.

MAC provided input on the allowable deductions associated with environmental assessment, and on the community, public and government relations costs incurred after production begins. MAC also pointed out that payments made to Aboriginal organizations, such as those made under an impact benefit agreement, are allowable in some other mining jurisdictions in Canada and should, in fairness, be allowed in the Northwest Territories and Nunavut.

### **MACKENZIE VALLEY LAND AND WATER BOARD INITIATIVES**

Apart from the work on northern regulatory processes at the federal level, the NWT water boards have taken on a number of projects related to water and effluent management and environmental effects monitoring. The following are some examples:

- Water and Effluent Quality Management Policy
- Guidelines for Developing a Waste Management Plan
- Guidelines for Adaptive Management--a Response Framework for Aquatic Effects Monitoring
- Water Quality Objectives (federal initiative)

### **EFFLUENT AND WATER REGULATIONS FOR DIAMOND MINING**

The Metal Mining Effluent Regulations (MMER), promulgated in 2002 and administered by Environment Canada, do not apply to diamond mining or other non-metal mining. This means there is no federal regulation for the designation of a tailings impoundment area for new non-metallic mining projects entering the environmental assessment and permitting process. As a result, since late 2007 MAC has joined with northern operations to promote the need for effluent regulations for diamond mining in Canada.

MAC has met on this issue with ministers and senior officials from Environment Canada, Fisheries and Oceans Canada, Natural Resources Canada, and Indian and Northern Affairs Canada. It has also met with

MPs and parliamentary secretaries from these departments, as well as with Senator Dennis Patterson from Nunavut. MAC has encouraged officials to consider two options: amend the MMER to accommodate diamond mining, or create a new effluent regulation for diamond mining. MAC continues to work with Environment Canada officials to develop a solution.

### **ABORIGINAL ENGAGEMENT**

MAC has participated in a number of government- and industry-supported mining groups that deal with Aboriginal economic development, skills training and benefit agreements. Most of these groups are led by senior members of the Canadian Aboriginal community:

- Assembly of First Nations' Chiefs Committee on Economic Development
- Mining Industry Human Resources Council (MiHR)
- Métis National Council
- Inuit Tapiriit Kanatami
- Aboriginal Human Resource Council
- Learning Together (non-profit organization)
- National Aboriginal Achievement Foundation
- Canadian Aboriginal Minerals Association
- National Aboriginal Economic Development Board

*The Energy Committee promotes overall energy management, including improved energy efficiency and greenhouse gas intensity performance.*

## HIGHLIGHTS

- Monitoring of government progress towards setting targets and regulations for GHG emissions
- Continued measuring and reporting of GHG emissions by MAC member companies
- Improved company results under the TSM energy/GHG performance element

The Energy Committee encourages continuous improvement in energy efficiency and GHG emissions management among MAC members. Every year the Committee engages the Canadian Industrial Energy End-Use Data and Analysis Centre (CIEEDAC) to prepare data on energy and GHG consumption and emissions for the industry.

MAC participates in the Canadian Industry Program for Energy Conservation (CIPEC). In past years MAC was also part of the federal government's Voluntary Challenge and Registry initiative, which ended in 2004 as the government moved towards regulation of GHG emissions.

Climate change remains a prominent issue, in both the political and the policy context, and political parties are giving it greater priority. In recent years, climate change has been the subject of a drawn-out legislative and regulatory process in Canada.

Back in 2006 the federal government tabled Bill C-30, Canada's Clean Air Act, which proposed to regulate air pollutants and GHG emissions. MAC and its members were involved in consultations on the bill and appeared before the parliamentary committee studying it in February 2007. At the committee stage, Opposition parties proposed over 100 amendments, and the bill was allowed to die.

In April 2007 the government announced a new regulatory framework, "Turning the Corner," to replace the proposed legislation. The new framework required an 18 percent improvement in GHG intensity between 2007 and 2010. Within the mining industry, this target would apply to base metal smelters and iron ore pellet plants. In the 2008 budget, the federal government allocated \$66 million to help implement this regulatory framework.

Through 2009 the government let it be known that development of its GHG regulatory process would be delayed, so as to mesh more smoothly with whatever GHG targets, policies and tools were developed in

the United States. At the end of 2010, it remained unclear what, if anything, might emerge from the US Congress and administration on climate change. Canada's plans also remain unclear, although regulatory announcements have been made concerning standards for vehicle fuel efficiency and coal-fired power plant efficiency.

Throughout this long process, MAC has highlighted the importance of global competitiveness, the uniqueness of specific facilities and situations, and members' progress on energy efficiency and GHG mitigation. MAC has also informed the federal government that the mining industry seeks a simple, low-cost single-window reporting system under the federal GHG regulatory regime. Given the many different targets and tools that have emerged at the provincial level in recent years, it is clear that developing a national policy and reporting system will be difficult.

MAC and the Energy Committee continue to emphasize the role that energy efficiency and process investment could play in dealing with climate change, clean air and productivity issues. To that end, MAC has highlighted the usefulness of federal incentives and programs for energy efficiency.

MAC members continue to inventory, measure and report on their climate change actions, positioning the industry well for any future reporting requirements.

In 2008 and 2009 MAC hired Stratos, a sustainability consulting company, to produce a TSM guidance document for energy and GHG management and to deliver training workshops for member companies. The goal was to improve members' energy and GHG performance--a goal that is being realized, according to recent company results for the energy/GHG performance element of TSM. Participating members' results are reported annually in the Towards Sustainable Mining Progress Report, available on MAC's website ([www.mining.ca](http://www.mining.ca)).

# ENVIRONMENT COMMITTEE

Chair: Darrell Martindale, Environment Team Leader, Shell Canada Energy

*The Environment Committee addresses general environmental issues affecting the industry.*

## HIGHLIGHTS

- Assistance to members reporting to the National Pollutant Release Inventory
- Improvements to timeliness of federal environmental assessment
- Comprehensive air management system launched by environment ministers

The Environment Committee met jointly with the MAC Science Committee in May and October 2010. The Environment Committee's priorities during the year were the new reporting rules for the National Pollutant Release Inventory (NPRI) and the legislative and policy changes affecting project approvals.

A notice of new NPRI reporting requirements for 2006 through 2009 (inclusive) was published in the Canada Gazette in December 2009. MAC worked with members and the NPRI secretariat to interpret the notice, develop guidance and inform reporting facilities through a series of webinars. The webinars were effective in improving compliance. MAC also developed a communications toolkit for members to use in conveying the new NPRI information to their communities of interest.

Once the preliminary data were published, MAC again worked with members and the NPRI secretariat to identify and correct errors, and to determine how the notice and guidance could be improved.

July 2010 saw the federal government amend the Canadian Environmental Assessment Act in response to several issues: industry concerns with delays in federal environmental assessments, analysis by the federal government's Major Projects Management Office and criticism by the Commissioner of the Environment and Sustainable Development. The amendments permit the Canadian Environmental Assessment Agency to manage and initiate assessments of large projects. This change promises to eliminate months of delays previously caused by triggering decisions and to help synchronize federal and provincial assessments. Building on the amendments, the Agency set out a schedule for assessments and simplified project description requirements.

Also during the year, MAC collaborated with other associations to review resource industries' experience with several federal acts that affect resource projects, and to exchange information and discuss common issues. The Environment Committee identified emerging concerns with the Species at Risk Act and the Migratory Birds Convention Act, and considered the growing problems members are experiencing with the Fisheries Act, both for new projects and existing operations.



The Environment Committee also monitored greenhouse gas-related issues, discussed developments in provinces and regions, and shared with other industries concerns about the potential for overlap and inconsistencies.

MAC continued to participate in a multi-party process--which includes federal and provincial governments, industry, and environmental and health NGOs--to develop a proposal for a comprehensive air management system. The proposal, submitted to the Canadian Council of Ministers of the Environment in October 2010, resulted in the ministers announcing the Air Quality Management System (AQMS). The ministers have directed officials to work with stakeholders on finalizing the main elements of the AQMS.

MAC monitors international developments that may affect domestic policy or world markets for mineral products. As part of this monitoring, the Environment Committee considered the implications of the United Nations Environment Programme's negotiation of a mercury agreement.

To boost its effectiveness, MAC belongs to several formal and informal industry groups. They include the Industry Coordinating Group on the Canadian Environmental Protection Act, the Industry Steering Committee on Climate Change and Clean Air, the Environmental Health Industry Coordinating Group, the North American Metals Council and the International Council on Mining and Metals.

For more on MAC's environmental initiatives and the reduction of releases from member facilities, see the Towards Sustainable Mining Progress Report, available on MAC's website ([www.mining.ca](http://www.mining.ca)).

# METALS WORKING GROUP

Chair: Mike Dutton, Director, Environmental and Health Science, Vale

*The Metals Working Group addresses Canadian regulatory and policy developments concerning the assessment and management of substances.*

## HIGHLIGHTS

- Workshops on the Chemicals Management Plan's future approach to assessing medium-priority substances, including metals
- Review of Canadian Health Measures Survey

The Metals Working Group continued to monitor Canada's Chemicals Management Plan under the Canadian Environmental Protection Act (CEPA). It also reviewed and advised MAC on information requests issued under CEPA Section 71 during the year.

In May 2010 the chair of the Metals Working Group made a presentation on metal-specific assessment consideration at a workshop held by the Industry Coordinating Group on CEPA. MAC also took part in a multi-stakeholder consultation on the future of assessing medium-priority substances (which include all major metals) and on risk management instruments under the Chemicals Management Plan.

In August Statistics Canada and Health Canada published results from the first Canadian Health Measures Survey. As part of the survey, blood and urine levels of several chemicals, including 13 metals and elements, were measured in a cross-section of Canadians. MAC was disappointed that the survey did not include all age ranges.

During the year Mike Dutton (Vale) represented MAC on the Industry Coordinating Group on CEPA, and Justyna Laurie-Lean (MAC) was the representative on the Environmental Health Industry Coordinating Group.

*The Orphaned Mines Working Group was formed to pursue multi-stakeholder solutions, across jurisdictions, to the legacy of orphaned mines. Members participate in the National Orphaned/Abandoned Mines Initiative (NOAMI).*

## HIGHLIGHTS

- Second Annual General Meeting of NOAMI Advisory Committee
- New publication on long-term liabilities—The “Cowan Report”
- Plans for workshop underway

Through NOAMI, MAC works with others to find solutions to the legacy of orphaned and abandoned mines in Canada, including the associated liabilities, human health concerns and clean-up costs. NOAMI was launched in 2002 at the request of mines ministers and is jointly funded by MAC, PDAC (Prospectors and Developers Association of Canada) and several federal, provincial and territorial government departments. It is administered by a small secretariat at CANMET, part of Natural Resources Canada.

NOAMI’s work is guided by an advisory committee representing industry, government, and Aboriginal and environmental groups. The committee has produced reports on barriers to collaboration, funding models, a system of classifying abandoned sites, a pamphlet on community participation in site rehabilitation, an action framework to guide future remediation and a website ([www.abandoned-mines.org](http://www.abandoned-mines.org)).

## ANNUAL GENERAL MEETING (AGM)

The second AGM of the NOAMI Advisory Committee was held in Vancouver in May 2010. In addition to a tour of the Britannia Mine, the full-day strategic planning meeting focused on accomplishments to date, ongoing projects, jurisdictional reviews, the 2011 workplan and new directions for the future. Presentations included the development of the National Inventory of sites, Ontario’s Prioritization of Abandoned Mines, BC’s Crown Contaminated Sites Program and Manitoba’s Orphaned/Abandoned Mine Site Rehabilitation Program.

## NEW PUBLICATION

One of NOAMI’s guiding principles is that “Work toward eliminating future abandonment must continue, including the tightening of regulatory approaches.” Members of the Advisory Committee felt that a policy void exists in the area of long-term closure, and that there is a need for a clear policy framework governing mine closure, long-term liabilities and release.

In 2010, NOAMI contracted Cowan Minerals Ltd. to provide a guidance document for stakeholders and mining jurisdictions to use as a reference document in implementing mine closure, the management of long-term liabilities and the prevention of future abandonment.

A questionnaire was developed and sent to various jurisdictions within Canada and internationally. The results provide a snapshot of existing legislation/regulations/ policies/practices in jurisdictions relating to mine closure and post-closure. In addition, a series of brief notes was prepared on potential policy elements, such as closure objectives, closure plans, financial assurance, post-closure care, relinquishment, institutional custodianship and consultation, from which guidance concepts for a policy framework could be developed.

The report "The Policy Framework in Canada for Mine Closure and Management of Long Term Liabilities: A Guidance Document" was published in late 2010. It examines the main components related to mine closure and post-closure site management and associated liabilities. It is designed as a reference document for use by a diverse group of stakeholders, including industry, Aboriginal Canadians, governments and NGOs. For those mining jurisdictions in Canada that may need policy development in these areas, the document should provide a useful starting point. It considers long-term care, monitoring and maintenance of mines which may cease to operate and the options whereby mining jurisdictions may accept mining lands back to the Crown.

Based upon their review of the current situation, several recommendations were put forward to prevent further accrual of abandoned mine hazards.

#### **WORKSHOP PLANNING UNDERWAY**

Based on recommendations in the Cowan Report, plans began in 2010 for a NOAMI multi-stakeholder workshop that would focus on exploring the management of long-term liabilities and the return of mining lands to the Crown in Canada. The objective of the workshop would be to obtain advice and guidance from mining community stakeholders to assist NOAMI in the development of recommendations for managing long-term liabilities and issues related to the return of mining lands to the Crown in Canada. The workshop was held in the spring of 2011.

# PUBLIC AFFAIRS COMMITTEE

Chair: Kara Flynn, Manager, Public Affairs, Syncrude Canada Ltd.

*The Public Affairs Committee provides advice and guidance on MAC's public affairs and communications programming.*

## HIGHLIGHTS

- Ongoing advocacy, guidance and strategic support for MAC's federal public policy agenda
- Advocacy in response to Bill C-300 and corporate social responsibility issues
- Continued work with the Assembly of First Nations
- Another successful Mining Day on the Hill
- Continued support of MAC's TSM initiative
- Development of a communications plan, new website and social media strategy

MAC's advocacy in 2010 focused on many areas, among them competitiveness, regulatory review, infrastructure, innovation, human resources, geosciences, Aboriginal participation in mining, regulatory reform, the National Pollutant Release Inventory and issues related to corporate social responsibility.

## FEDERAL ADVOCACY

General outreach to Members of Parliament, as well as grassroots lobbying, with more attention to the backbench across party lines, was a priority in 2010. Reaching out to caucus committees to ensure that MAC's issues were understood was an integral component of the government relations strategy. MAC met throughout the year with committee chairs, party critics and key staff in both the Leader of the Opposition's office and opposition caucus groups.

MAC appeared before the House of Commons standing committee on Finance regarding the budget and before the Special Senate committee on Bill C-9 in 2010.

## ASSEMBLY OF FIRST NATIONS

One of the greatest achievements for MAC in 2009 was the signing of a memorandum of understanding with the Assembly of First Nations (AFN). In 2010 MAC, through the Mining Industry Human Resources Council (MiHR), continued to work with the AFN on the Mining Essentials Skills Development Project. The project resulted in the development of a 12-week entry level skills training standard and was developed in partnership with the AFN, the Inuit Tapiriit Kanatami and the Metis National Council marking the first time that the three organizations have collaborated on this type of project. The program was piloted at three first

nations communities across Canada with great success. After completion, some participants have gone on to further post secondary education while yet others were able to secure mining industry employment. A number of additional first nations communities will be partnering with MiHR to offer Mining Essentials Training.

### **MINING DAY ON THE HILL**

The annual Mining Day on the Hill event was once again a highlight, providing an excellent opportunity for MAC members to connect with Members of Parliament. This year's event focused on economic competitiveness and included advocacy concerning Bill C-300 with Opposition MPs.

In total, 45 MAC delegates attended the event in Ottawa, with 9 mining teams participating in over 38 meetings and 3 oil sands teams in 13 meetings. High-calibre meetings involved four ministers, eight deputy ministers, and many MPs. The day's theme was "Mining – Canada's foundation for a clean technology economy.

Once again, MAC partnered with the Economic Club of Canada for the annual luncheon. Kirk Bailey, Executive Vice President Oil Sands, Suncor, was the keynote speaker for the sold-out event. David Anderson, Parliamentary Secretary to the Minister of Natural Resources, provided introductory remarks.

### **SUPPORT FOR TSM**

Throughout the year the Public Affairs Committee supported the TSM initiative by attending various trade shows. MAC was part of the PDAC (Prospectors and Developers Association of Canada) convention, the CIM (Canadian Institute of Mining, Metallurgy and Petroleum) mining and society show, and the annual conference of the Canadian Aboriginal Minerals Association.

### **COMMUNICATIONS PLANNING AND IMPLEMENTATION**

During 2010 MAC completed the planning for the communications plan, most of the execution fell under 2011. The communications plan includes; getting a new brand, new website a social media strategy and key messages to support advocacy efforts. Since the plan has moved to execution there has been steadily progress towards objectives.

*Recognizing the importance of sound science and its role in underpinning effective public policy, the MAC Science Committee works to minimize the mining industry's impact on aquatic and terrestrial ecosystems. The Committee addresses issues such as biodiversity, species at risk, mine site remediation, effluent quality, risk assessment and the work of the MAC Metals Working Group.*

## HIGHLIGHTS

- Application for intervener status in Sandy Pond Alliance legal challenge against Metal Mining Effluent Regulations (MMER)
- Advocacy for changes to metal mining environmental effects monitoring (EEM) program
- Continued research and technology transfer through Mine Environment Neutral Drainage (MEND) program
- Plans underway for ICARD conference to be hosted by MEND in 2012
- Developments concerning Species at Risk Act and Migratory Birds Convention Act could affect mineral development
- Release of report on water and the natural resource sectors

The work of MAC's Science Committee complements that of the Environment Committee and the Towards Sustainable Mining initiative. For more details on all of these areas, see the Towards Sustainable Mining Progress Report and the MAC website in general ([www.mining.ca](http://www.mining.ca)).

In 2010 the Science Committee met jointly with the Environment Committee in May and October. The Science Committee focused on the issues described below.

## METAL MINING EFFLUENT REGULATIONS

The MMER, promulgated in 2002 under the federal Fisheries Act, apply to about 100 Canadian metal mines and facilities. The regulations impose effluent discharge limits for cyanide, arsenic, copper, lead, zinc, nickel and radium-226. They also prohibit the discharge of effluent that is acutely lethal to fish (rainbow trout). The maximum monthly mean concentration of total suspended solids has been set at 15 mg/L, and a pH range of 6.0 to 9.5 is required.

Under the MMER, the Governor-in-Council has authority to designate natural water bodies frequented by fish as tailings impoundment areas (TIAs) by amending Schedule 2 of the regulations. Such amendments are brought into effect only after a full environmental assessment has been done and all other tailings disposal options have been considered.

During 2010 Environment Canada hosted a multi-stakeholder consultation on a proposed Schedule 2 amendment for the Jolu central mill project, owned by Golden Band Resources.

In May notice was published in Part I of the Canada Gazette for Schedule 2 amendments for the Mt. Milligan copper-gold project in British Columbia, which proposes to use two local creeks as part of a TIA. The amendments were published in Part II of the Canada Gazette on November 24, 2010.

### **SANDY POND ALLIANCE LEGAL CHALLENGE**

In June 2010 the Sandy Pond Alliance to Protect Canadian Waters, an environmental coalition, filed a legal challenge against the federal government, declaring Sections 5 and 27.1 of the MMER, as well as Schedule 2, to be contrary to the Fisheries Act and beyond the authority of the Governor-in-Council. The coalition, which includes the Council of Canadians, Mining Watch Canada, Nature Canada, the Newfoundland and Labrador Natural History Society, Sierra Club Atlantic and the University of Ottawa's environmental law group, is challenging the legality of using Schedule 2 to designate natural fish-bearing waters as TIAs. The group claims it is impossible to compensate for the destruction of fish habitat in unique ecosystems such as lakes and other water bodies.

In September MAC and the Mining Association of British Columbia (MABC) jointly retained legal counsel and applied for intervener status in the challenge. MAC wants to ensure that any court decision considers industry's perspective as well as the fundamental reason why, in rare situations, lakes are used to prevent the oxidation and mobilization of metals. The MAC/MABC intervener status will ensure that the court understands that industry worked closely with government, for over a decade, in a number of government-led initiatives that culminated in the MMER.

Intervener status was granted to MAC/MABC in January 2011.

### **ENVIRONMENTAL EFFECTS MONITORING**

MAC is committed to working with Environment Canada to explore ways of improving the metal mining EEM program, based on new ideas and sound science. The Science Committee, at its October 2010 meeting, reviewed the issues that follow with officials from the national EEM office.

First, after a year's delay, the EEM office circulated draft proceedings from a December 2009 multi-stakeholder workshop, co-sponsored and co-chaired by MAC, to explore challenges concerning the investigation of cause (IOC) phase of the metal mining EEM program. MAC reviewed the draft proceedings and determined that they need more work before they can be of use in developing future guidance for conducting IOC studies.



Second, Environment Canada convened a multi-stakeholder session in June 2010 to “improve the EEM provisions of the MMER by responding to recommendations by the Metal Mining EEM Review Team.” The recommended amendments mainly concern these areas:

- monitoring of selenium and electrical conductivity in effluent and receiving waters
- proposed exemption from monitoring radium-226 where risks at sites are determined to be very low
- proposed removal of the requirement to compare results of sublethal toxicity testing with results of biological monitoring to identify correlations
- extension of the time frame for submitting interpretive reports from 24 to 36 months

MAC supports all of these amendments and eagerly awaits their implementation.

#### **PILOT STUDY ON THE BRAY-CURTIS INDEX**

In December MAC commissioned Stantec Consulting Ltd. to conduct a small pilot study of recent work by Dr. David Huebert on the bias inherent in the Bray-Curtis Index (BCI), the index required by the EEM program. The study will recalculate BCI values from a number of previous EEM studies to determine whether removing the bias substantially alters the studies’ conclusions.

A key objective of removing the bias is to prevent companies from being leveraged into costly investigations of cause resulting from the BCI. Environment Canada continues to support the BCI-based calculation method.

#### **MINE ENVIRONMENT NEUTRAL DRAINAGE PROGRAM**

Since the MEND program began in 1989, it has contributed enormously to understanding acidic drainage and its prevention, and to increasing the transfer of information and technology. Still, acidic drainage remains the most serious environmental issue facing the mining industry, government and the public, with potential liability reaching hundreds of millions of dollars. The mining industry continues to bear annual costs associated with treating acidic drainage.

The current MEND program is administered by a small secretariat at CANMET, part of Natural Resources Canada. The program is highly respected, both within Canada and abroad. Canada is the only country to address acidic drainage and metal leaching through a focused research program directed by a multi-stakeholder steering committee representing industry, government and NGOs.

Over the past several years, MEND has made great progress in addressing research priorities identified by the Canadian mining industry; by federal, provincial and territorial governments; and by civil society. Along with research projects, MEND offers technology transfer activities such as workshops, conferences, presentations and newsletters. It also shares information through its website ([www.mend-nedem.org](http://www.mend-nedem.org)).

MEND belongs to a global alliance for acidic drainage research that includes the International Network for Acid Prevention (INAP), the US Acid Drainage Technology Initiative, the Australian Centre for Minerals Extension and Research, the Partnership for Acid Drainage Remediation in Europe, the South African Water Research Commission, the South American Network for Acid Prevention, the Chinese Network for Acid Mine Drainage and the Indonesian Network for Acid Drainage.

Supported by major mining multinationals, the global alliance allows for worldwide sharing of information, pooling of resources and leveraging of funds. The synergies the alliance creates further underscore the importance of the MEND program.

### **MEND PROJECTS IN 2010**

**GARD Guide:** The Global Acid Rock Drainage (GARD) Guide was officially launched in 2009. Sponsored by INAP, with support from the global alliance, it describes proven techniques for characterization, prediction, monitoring, treatment, prevention and management of acidic drainage produced by sulphide mineral oxidation. It also addresses metal leaching. Several workshops have been held in Canada and internationally on how to use the guide, which was revised and updated in 2010. The guide is available at [www.gardguide.com](http://www.gardguide.com).

**Prediction Manual:** A key MEND report, Prediction Manual for Drainage Chemistry from Sulphidic Geologic Materials, was published during the year. The report deals with the accurate and timely prediction of metal leaching and acid rock drainage, which is key to preventing environmental impacts and managing the high cost of mitigation. The report, available on the MEND website (see next item), is both a toolkit and a critical review of current procedures.

**New MEND Website:** The MEND website ([www.mend-nedem.org](http://www.mend-nedem.org)) was redesigned in 2010 to increase access to the program's publications and to streamline information. MEND reports from 2002 onwards are now posted on the site and can be downloaded for free. The plan is to eventually post all MEND reports.

**2012 ICARD:** In October 2009 MEND received word that it had won its bid to host the 9th ICARD (International Conference on Acid Rock Drainage) in 2012. The conference, to be held at the Westin Hotel in Ottawa, May 21=26, 2012, will include a suite of short courses, three days of technical presentations, a trade show and field trips. More information is available at [www.icard2012.ca](http://www.icard2012.ca).

### **Other publications: MEND published two reports in 2010:**

- Cold Regions Cover Research (Report 1.61.5b, November 2010)
- Evaluation of the Water Quality Benefits from Encapsulation of Acid-Generating Tailings by Acid-Consuming Tailings (Report 2.46.1, December 2010)

## **SPECIES AT RISK ACT**

For years MAC has worked with Nature Canada and other industry associations and environmental groups on issues stemming from the Species at Risk Act (SARA). Recently MAC represented industry associations in negotiations with environmental groups concerning changes to SARA. MAC was also involved in two submissions to the Standing Committee on Environment and Sustainable Development, which is conducting a five-year review of SARA. One was a joint ENGO-industry submission; the other was a joint submission from industry associations.

MAC sits on the industry-ENGO advisory committee that is involved in developing a recovery strategy for boreal caribou. Cross-Canada consultations have begun on the creation of a national strategy, and interested MAC members are involved.

On September 8, 2010, the Athabasca Chipewyan, Beaver Lake Cree and Enoch Cree First Nations, along with the Alberta Wilderness Association and the Pembina Institute, brought legal action against the federal Minister of the Environment for failing to do the following:

- make an emergency order to protect seven herds of woodland caribou in northeastern Alberta
- put a moratorium on further mineral and timber resource allocation in the ranges of the Slave Lake herds
- protect the current ranges of woodland caribou herds
- prepare a recovery strategy for herds (including missing the June 2007 deadline for the strategy)

The legal action centres on seven herds: the Red Earth, East and West Side Athabasca River, Richardson, Cold Lake Air Weapons Range, Nipisi and Slave Lake herds. The applicants argue that the populations of these herds are declining dramatically and that the federal minister has not provided adequate protection under SARA.

## **MIGRATORY BIRDS CONVENTION ACT**

Enacted in 1916, the Migratory Birds Convention Act (MBCA) forbids the taking of migratory birds or the destruction of nests--an absolute prohibition akin to the harming of fish habitat under the Fisheries Act. The MBCA also prohibits depositing substances that are harmful to migratory birds in waters or areas frequented by them. Created in response to over-hunting, the MBCA did not consider how migratory birds might be affected by resource extraction.

In 2002 environmental groups successfully challenged the federal government before the Commission for Environmental Cooperation, arguing that the government was not enforcing the MBCA as written. In 2005 the government amended the Act to authorize the development of regulations that would permit the incidental take of migratory birds.

In 2008 consultations began to develop the new regulations. However, in the fall of 2010 the government announced that it would no longer seek regulations but would instead develop guidelines for best practice.

### **NRTEE PROGRAM ON WATER AND CANADA'S NATURAL RESOURCE SECTORS**

In 2010 the NRTEE (National Round Table on the Environment and the Economy) published *Changing Currents: Water Sustainability and the Future of Canadian Natural Resource Sectors*. The report, which examines the use and consumption of water by the natural resource sectors, results from the NRTEE's two years of policy research in the area. MAC was acknowledged for its role in coordinating stakeholder meetings, along with the Canadian Nuclear Association, the Canadian Association of Petroleum Producers, the Forest Products Association of Canada and others.

For the mining industry, the issues discussed in the report apply to hard rock (metal) mining, soft rock (coal) mining, uranium and potash. The report acknowledges mining as a major contributor to the Canadian economy, citing data from MAC's 2009 Facts & Figures. The study concludes that compared with other sectors, mining is not a significant user or consumer of water, and water availability is not seen as a major constraint to future development.

However, the industry's potential impact on water quality and surrounding ecosystems is a key consideration for mine operations. The study confirms that the main potential impacts to surface water and groundwater occur in the environment downstream of mining and processing sites. The fact that most sites work to maximize their recycling of process water is considered a significant sustainability factor. Yet treating water to reduce acid rock drainage and metal mobility is also a fact of life for operations. Site water balance work is critical to account for all water entering and leaving a site.

Other water-related challenges for mining involve climate change: how the industry will adapt to it and how it will influence the design of future tailings impoundments. Another issue is how to improve energy efficiency associated with water treatment.

Finally, the report recognizes the industry's efforts to set corporate targets and strategies for minimizing the impacts of mining on water through best management practices.

# TAILINGS WORKING GROUP

Chair: Rick Schwenger  
Project Manager, Reclamation, Xstrata Zinc Canada

*The Tailings Working Group was formed to review the management of tailings and mine waste, to develop industry guidelines for the safe and environmentally responsible operation and management of tailings and water management facilities, and to promote awareness of effective facility management and risk assessment throughout the mining industry. The Tailings Working Group has also made a substantial contribution to MAC's Towards Sustainable Mining (TSM) initiative.*

## HIGHLIGHTS

- MAC's trilogy of tailings management guides updated for publication in three languages
- Commitment to new round of workshops to promote implementation of the guides

Over the past 14 years, the Tailings Working Group has made diligent efforts to improve how tailings facilities are managed by MAC members and the broader mining industry. The most visible and far-reaching work has been MAC's trilogy of guides:

- A Guide to the Management of Tailings Facilities (1998, 2009)
- Developing an Operation, Maintenance and Surveillance Manual for Tailings and Water Management Facilities (2003)
- A Guide to Audit and Assessment of Tailings Facility Management (2010)

The guides provide a basis for responsible tailings management for the full life-cycle of an operation, from conception and design to final closure. Although the guides were prepared by and for MAC members, they are meant to be applied throughout the mining industry in Canada and elsewhere. They have already earned international recognition for setting the highest standards for tailings management.

During 2010 the Tailings Working Group got approval from MAC's Board of Directors to promote implementation of the guides through a series of workshops in 2011=12, to be delivered as follows:

- regional workshops in collaboration with provincial mining associations
- focused workshops for specific sectors such as metal mining, oil sands, diamonds
- individual company workshops for members
- workshops in conjunction with industry events such as national and regional meetings of CIM (Canadian Institute of Mining, Metallurgy and Petroleum)

The workshop series is predicated on the fact that tailings management represents a major business risk for MAC members, and for the industry at large. Besides the environmental impacts that would result from the failure of a tailings impoundment, there would be serious consequences for a company's corporate reputation and social licence to operate. The impact would be felt throughout the Canadian industry.

The MAC workshops are intended to help members perform well under TSM. As well, members' successful implementation of the guides signals MAC's commitment to sustainable development through better environmental and safety performance. The workshops also help maintain dialogue and support among industry experts.

MAC was involved in two half-day workshops on tailings management held on May 9, 2010, in conjunction with the annual CIM conference in Vancouver. The first was on the TSM tailings management protocol; the second on the use of the management framework and audit and assessment guides.

The Tailings Working Group performs the important function of monitoring and reviewing new regulatory initiatives for MAC. It also responds to issues such as the current "tailings in lakes" challenge to the Metal Mining Effluent Regulations.



*The Taxation Committee monitors tax issues of national importance, lobbies for tax changes to enhance industry competitiveness and serves as a useful network for members to exchange information on tax and fiscal issues.*

## HIGHLIGHTS

- MAC input into federal budget through pre-budget submissions, mines ministers briefings and other activities
- Commitment to maintaining corporate tax rate reductions
- Extension of super-flow-through share tax incentive until 2013
- Continued examination of the at-depth exploration/development issue
- New ENTRANS study of mining industry payments to Canadian governments

Thanks to its pre-budget submissions, mines ministers briefings and other activities in recent years, MAC and the Taxation Committee have welcomed improvements announced in federal budgets and other vehicles:

- continued reduction of the corporate income tax rate from 16.5 percent to 15 percent by 2012, completing a decade-long reduction program begun by the Liberal government and continued by the Conservative government
- investment of \$100 million over five years in geological mapping, primarily in Canada's North, and renewal of a smaller related program aimed at geoscience around mining camps
- extension of the 15 percent mineral exploration tax credit for investment through 2013 (super-flow-through)
- formal interpretation of the tax treatment of costs of certain tangible properties in underground mines consistent with that sought by MAC
- classification of certain consultation, environmental and feasibility expenses as eligible for Canadian exploration expense treatment
- significant investment in infrastructure, which may include projects directly linked to mineral development
- creation of a regional development agency for the North and investment of \$100 million in an Aboriginal skills initiative

Canada faces declining reserves, but more reserves are believed to be available at depth near existing mines. Natural Resources Canada and MAC members have examined the risks and returns of related activities to

determine whether tax changes are warranted. There is unlikely to be any change in this area in the foreseeable future.

MAC completed its fourth annual ENTRANS study of the payments made to governments by the Canadian mining industry. According to the study, the industry (metal and non-metal mines, smelters) paid around \$6 billion to Canadian governments in 2009, half the amount of the previous year. The decrease reflects the economic recession and lower mineral prices through much of the year.

The ENTRANS study highlighted the mining industry's role in specific regions of Canada. The industry has become a significant contributor to the government revenue base in Newfoundland and Labrador, New Brunswick, Manitoba, Saskatchewan, Alberta, British Columbia and the Northwest Territories.

Mining contributes a considerable sum to governments in the form of municipal taxes, fuel taxes and payroll taxes. In addition, the industry buys a significant amount of goods and services from an estimated 3,200 supplier companies in Canada, ranging from engineering and environmental consultants to equipment companies and financial firms.





*The Transportation Committee contributes to the federal policy, legislative and regulatory environment for the transport of minerals and metals to enhance the competitiveness of Canada's mining industry.*

## HIGHLIGHTS

- Constructive federal response to review of freight rail service levels
- Participation in alliances such as the Coalition of Rail Shippers to seek competitive transportation infrastructure
- Dialogue with federal government on transportation infrastructure issues

Each year Canadian exports of aluminum, gold, nickel, copper, zinc, iron ore, coal, uranium, potash and diamonds amount to tens of billions of dollars. These mineral and metal products account for much of the volume handled at Canadian ports and around half of total rail freight revenue.

A low-cost, efficient system of marine, rail and truck transportation is essential to the competitiveness of the Canadian mining industry. MAC and the industry were therefore pleased when the Canada Transportation Act (CTA) was amended in 2008 to better balance the competitive situation between shippers and railroads (the latter enjoy a monopoly or dual monopoly in many regions of the country). The amended CTA strengthens the ability to arbitrate disputes over rail fees and ancillary charges.

More recently the federal government has been studying the level of freight rail service provided by CN and CP to identify problems and issues, examine best practices, and recommend commercial, regulatory or other remedies to improve service. The government commissioned four studies and established a three-person panel to review the information and conduct its own consultations before making recommendations to the government. MAC met with Transport Canada officials and consultants to provide input from the mining industry.

The final consultant's report (Analysis of Railway Fulfillment of Shipper Demand and Transit Times) was released in March 2010. The federal government issued its response the same month. MAC is pleased with the response: it is constructive and contains useful elements relating to rail service, non-performance penalties and metrics for ongoing measurement.

In pushing for an effective review of freight rail service, and for the earlier CTA amendments, MAC has been involved in the Coalition of Rail Shippers. This coalition advances shippers' interests in the area of federal regulatory and policy decisions. It represents sectors that are large users of rail service, including the chemical, fertilizer, propane, forest products, agri-food, mining and import auto industries.

During the year MAC continued its dialogue with the federal government on transportation infrastructure issues. Of particular importance are projects that could open up regions of Canada to enhanced mineral exploration and economic development.

To address other transportation issues, a member of the MAC Transportation Committee sits on the federal government advisory committee that deals with Transport Canada concerning the transportation of dangerous goods. MAC is also monitoring an environmental regulatory initiative in the northern US states that could impact Seaway and Great Lakes shipping.



# OTHER WORK AREAS



# CORPORATE SOCIAL RESPONSIBILITY

*In 2010 the MAC Board of Directors approved the creation of the new International Corporate Social Responsibility (CSR) Committee.*

## HIGHLIGHTS

- Defeat of Bill C-300
- Creation of new MAC International CSR Committee
- Identification of issues for the Committee's attention

Bill C-300, which in MAC's view proposed a legislative and punitive approach to corporate accountability, was defeated in October 2010. Yet the issue of corporate social responsibility remains. So does the challenge of determining where and how MAC should engage across the broad range of domestic and international CSR policies and initiatives.

In 2010 the MAC Board of Directors approved the creation of the International CSR Committee. The Committee will review international issues that affect members' commercial and reputational interests. It will also set priorities, develop policy advice for the MAC Board and create advocacy strategies based on Board decisions.

More specifically, the committee will do the following:

- formulate MAC positions on international developments that may affect operations in Canada
- review the list of issues below to determine timing, priority and effort required to develop and communicate the industry's policy positions to federal policy-makers, politicians, civil society and others
- cooperate with ICMM (International Council on Mining and Metals), the PDAC, the Devonshire Initiative, the Canadian Chamber of Commerce and other civil society and academic entities in this policy area
- provide advice on how to integrate or reconcile international CSR frameworks with TSM

Possible issues for the Committee's consideration include the following:

- "Building the Canadian Advantage"--engaging with the Canadian government's CSR strategy:
  - working with the Centre for Excellence in CSR
  - working with the CSR Counsellor
  - advocating for capacity building for host governments
- human rights (UN Special Representative for Business and Human Rights, Dr. John Ruggie)
- transparency (Extractive Industries Transparency Initiative, US Dodd-Frank Act, securities commissions)
- international development (Model Mining Development Agreement Project, Devonshire Initiative)
- conflict minerals (Kimberley Process, ID-F, OECD, Canada's Bill C-571)
- standards development and review (Global Reporting Initiative, International Finance Corporation standards, OECD Guidelines for Multinational Enterprises, ISO 26000, Responsible Jewellery Council)
- financing issues (Export Development Canada framework, continued evolution of IFCC standards)
- mining policy reviews (UN Commission on Sustainable Development, Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development)
- UNECA's international study on mine governance in Africa
- Rio+20
- private member's bills

# INTERNATIONAL TRADE AND INVESTMENT

*MAC monitors and participates in government trade activities and works to promote open flows of trade and investment to enhance the international competitiveness of the Canadian minerals and metals industry.*

## HIGHLIGHTS

- Support for federal government's foreign investment protection agreements
- Support for negotiation of free trade agreements
- Monitoring of developments, with input provided as appropriate

The mining industry ranks alongside financial services and oil and gas as the most international of Canada's industry sectors. The Canadian mining industry accounts for about 20 percent of all Canadian goods exported, 12 percent of Canada's stock of direct investment abroad and some 60 percent of the world's mineral exploration companies. Three-quarters of the world's mining equity financing transactions are handled through the Toronto Stock Exchange. Billions of dollars in annual export revenues come from each of iron and steel, aluminum, nickel, copper, gold, uranium, coal, potash, zinc, diamonds and iron ore.

This success is influenced in part by a network of government support delivered through Canada's "trade infrastructure"--the overseas network of embassies and trade commissioners, the trade finance capacity through Export Development Canada, and an array of free trade agreements and foreign investment protection agreements (FIPAs). In recent years the federal government has adopted an ambitious agenda to broaden and modernize this infrastructure. For example, the government aims to double the number of FIPAs in place, from 23 to 46, over a five-year period.

FIPAs are bilateral agreements that place investment-treatment obligations on each country. They also give foreign investors access to independent rules and arbitrators should disputes arise between the investor and the host government. These mechanisms provide Canada's overseas investors with an added layer of security and, while the enforcement components are rarely used, the mere existence of a FIPA gives foreign governments a set of rules on fairness and transparency.

The Canadian government recently concluded FIPAs with India, Jordan, Madagascar, Kuwait and five new EU states. Negotiations with China, Indonesia, Mongolia, Poland, Tanzania, Vietnam, Bahrain and Tunisia are ongoing. In some of these cases, the mining industry has been the main impetus for launching the negotiations. Chinese relations are particularly important. China now represents over 30 percent of world demand for metals, compared to around 5 percent in the 1980s.

Negotiations are also being explored, or are in progress, with Malaysia, Kazakhstan, Ghana, Rwanda, Nigeria, Mali, Cameroon, Zambia, Botswana, United Arab Emirates, Saudi Arabia and Cuba.

In the broader area of free trade agreements, the government has begun negotiations towards a comprehensive economic agreement with the European Union. This will be an extensive undertaking, one that will face challenges in meeting the targeted time frame. Negotiations for a Canada-India free trade agreement have also been announced and are in the early stages.

Free trade agreements with Peru and Colombia are particularly relevant to the mining industry. Successful agreements with these countries can help mining companies by lowering their cost of imports, minimizing technical barriers, enhancing investment security and improving regulatory cooperation.

MAC continues its dialogue with the federal government on a range of international trade and investment issues, and will remain involved in files such as the Canada-EU agreement as it evolves over the coming years. MAC will closely monitor (with interventions as needed) other trade-related issues, such as progress in the multilateral WTO Doha Round negotiations and implementation of policy responses on the issue of international corporate social responsibility.

In its meetings and discussions with foreign governments, MAC typically highlights the importance of efficient regulatory processes, modern infrastructure, investment in geological mapping and openness to foreign investment. Two-way flows of foreign investment can provide important conduits for gaining access to new technology, management skills and foreign market opportunities.

MAC has also been involved in OECD discussions concerning trade in raw materials and the emergence of trade barriers. There are growing signs of protectionism in countries like China, which has introduced export taxes and other barriers to enhance the flow of raw materials to the domestic market for value-added purposes. The US, the EU and Mexico have launched a challenge against China at the World Trade Organization because of these practices. Canada and other countries have joined the challenge as third parties.

# MINING INDUSTRY HUMAN RESOURCES COUNCIL

Executive Director: Ryan Montpellier

Board Chair: Walter Manning

Communications, Energy & Paperworkers Union of Canada

*The Mining Industry Human Resources Council (MiHR) is the national human resources sector council for Canada's mining industry. It collaborates with communities of interest to identify and address human resources challenges facing the minerals and metals sector.*

## HIGHLIGHTS

- New reports on women and other groups under-represented in mining workforce
- Successful piloting of Ready to Mine, pre-employment program for Aboriginal people
- First-ever national certification of Canadian miners under Canadian Mining Credentials Program
- New report and website that forecast mining sector labour market

MiHR contributes to the strength, competitiveness and sustainability of the Canadian mining sector by leading the collaboration of industry stakeholders as they develop solutions to national human resources challenges.

MiHR is governed by an 18-person board of directors that makes sure the Council's stated mission, values and activities deliver results for the industry. Board members represent a cross-section of mining employers, organized labour, mining associations, equity groups and post-secondary educators across Canada.

The Council's projects address three strategic priorities:

- attraction, retention, transition
- skills, learning, mobility
- research for industry sustainability

Projects delivered in these areas, along with industry collaboration and support, will help address the human resources challenges facing the mining industry.

## STRATEGIC PRIORITY: ATTRACTION, RETENTION, TRANSITION

Research has identified several labour market issues for the mining sector--the lack of diversity, the anticipated skills shortage, and the myths and misconceptions held by youth, parents, educators and career counsellors.



In response to these issues, MiHR projects aim to do the following:

- address attraction, retention and transition challenges
- diversify the mining workforce by increasing the participation of under-represented groups, including women, Aboriginal people and new Canadians
- raise awareness among industry stakeholders of the sector's career opportunities

## HIGHLIGHTS OF 2010

- **Ramp-UP Report:** This new report, Ramp-UP: A Study on the Status of Women in Canada's Mining and Exploration Sector, identifies existing barriers and outlines what can be done to attract, keep and advance more women in the mining sector. Increasing the number of women employed in mining is an essential strategy in addressing the industry's skill shortage. MiHR partnered with Women in Mining Canada, as well as MAC, Natural Resources Canada, PDAC, CIM and Native Women's Association of Canada, to produce this report.
- **Ready to Mine Program:** Successfully piloted in 2010, this pre-employment program for Aboriginal people gives participants the skills and confidence they need to enter the mining industry. The pre-employment training, which can be delivered by training experts or community facilities, is based on an industry-approved entry-level training standard. The project has produced a curriculum, a learner's workbook, assessment tools and an online database to track participants and success rates. MiHR and the Assembly of First Nations partnered with many organizations on this unique project: MAC, PDAC, Indian and Northern Affairs Canada, Native Women's Association of Canada, Inuit Tapiriit Kanatami, Métis National Council, Natural Resources Canada, Association of Canadian Community Colleges, Mine Training Society and Yukon Chamber of Mines.
- **Take Action for Diversity Report:** This publication provides valuable insight into the perspectives of key target groups on being attracted, recruited and retained by the mining sector. Part of a larger initiative, SHIFT: Changing the Face of the Canadian Mining Industry, the report was developed for employers that want to attract and keep staff from specific talent pools, including Aboriginal people, youth, women, new Canadians, mature and in-transition workers, and people with disabilities.

## STRATEGIC PRIORITY: SKILLS, LEARNING, MOBILITY

This priority area addresses the mining sector's needs for labour mobility, skills recognition and harmonized training across Canada. For the past six years, MiHR and industry partners have been involved in a major project in this priority area: the Canadian Mining Credentials Program (CMCP).

Unlike workers in many other trades, skilled workers who support mine operations have never been

awarded industry-recognized credentials. Because credentials are important for mobility and retention within the workforce, MiHR, mining sector employers, employees, educators and other stakeholders have developed the CMCP, a credential program that will recognize the skills, competencies and knowledge of mine operation and maintenance workers.

The CMCP includes three components: national occupational standards (NOS), certification and accreditation of training. The plan is to create industry-defined standards, then build the systems for certification and accreditation on those standards.

To date, under the guidance of industry development committees, MiHR has completed four NOS: Underground Miner, Surface Miner, Minerals Processing Operator and Diamond Driller.

## **HIGHLIGHTS OF 2010**

- CMCP pilots: A major milestone for MiHR in 2010 was the successful piloting of the certification component of CMCP. The pilots, which took place at seven mine sites across Canada, resulted in 95 miners achieving national certification and recognition for their skilled occupations--an industry first.

## **STRATEGIC PRIORITY: RESEARCH FOR INDUSTRY SUSTAINABILITY**

Good labour market information on the mining sector makes it possible to proactively address challenges such as recruitment, retention, diversification and training. If industry and other stakeholders can identify gaps in labour market supply and demand, they can take measures to mitigate the risks of a shortage (or surplus) of labour.

This priority area addresses the lack of up-to-date labour market information on the Canadian mining industry. By conducting research, aggregating and analyzing data sources, and disseminating the findings, MiHR provides increased intelligence to industry stakeholders and ensures that its programming meets industry needs.

## **HIGHLIGHTS OF 2010**

- Canadian Mining Industry Employment and Hiring Forecasts 2010: The 2010 report expands on previous research and forecasts (conducted in 2008 and 2009) that examined the dynamics of the mining labour markets in British Columbia, Saskatchewan and Ontario. The report gives an economic overview of the Canadian mining industry and its labour market, and discusses labour market trends such as employment, labour productivity, education, employment relations, workforce demographics and diversity.
- HR Forecasts website: A key feature of this website is its employment forecasting tool. Users

select criteria to generate job forecasts based on region, occupation and economic scenarios. They can create custom forecasts by specifying labour productivity rate, separation rate and average retirement age. The website also generates short reports that compare MiHR's forecast scenarios to customized "what if" scenarios. This powerful forecasting website helps industry make strategic decisions on its future hiring needs.

For more information on MiHR and its projects, visit the MiHR website ([www.mihr.ca](http://www.mihr.ca)).

# DIRECTORS & COMMITTEES



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