



## TOWARDS SUSTAINABLE MINING

# Equitable, Diverse, and Inclusive Workplaces Protocol





## EQUITABLE, DIVERSE, AND INCLUSIVE WORKPLACES PROTOCOL

# TSM ASSESSMENT PROTOCOL

A Tool for Assessing Performance on Equitable, Diverse, and Inclusive Workplaces

### Purpose

The purpose of this TSM protocol is to facilitate continual performance improvements towards workplaces that practice equity, diversity, and inclusion. This is to be achieved through engagement and through the development and implementation of associated strategies, commitments, programs, and objectives. While some companies may begin this journey by focusing on certain underrepresented groups, the ultimate aim is to create a workplace that is equitable and inclusive for everyone.

### Performance Indicators

To assess performance and measure progress, the *TSM Equitable, Diverse, and Inclusive Workplaces Protocol* outlines criteria associated with three indicators:

1. Leadership and strategy (to be measured at the corporate level)
2. Advancing equity, diversity, and inclusion (to be measured at the facility level)
3. Monitoring, performance, and reporting (to be measured at the facility level)

As with any performance assessment tool, professional judgment is required to assess alignment with each indicator and associated criteria. Application of this protocol will therefore require a level of expertise in auditing, systems assessment, related subject matter, and relevant regulatory regimes and requirements. This protocol is not a guarantee of the effectiveness of a company's efforts to achieve equitable, diverse, and inclusive workplaces, but is intended to create the awareness, practice and corporate culture required for success. In collaboration with workers and relevant communities of interest, companies should adapt their application of this protocol to the legal, cultural, and social contexts in which they operate.

This protocol is closely linked to the *TSM Indigenous and Community Relationships Protocol*, which includes requirements for companies to prioritize access to jobs, training, and education for rightsholders, and to engage with underrepresented groups. The *TSM Equitable, Diverse, and Inclusive Workplaces Protocol* expands upon these requirements by prioritizing the involvement of Indigenous peoples and other underrepresented individuals in companies' approaches to equitable, diverse, and inclusive workplaces. Companies implementing this protocol are encouraged to refer to the *TSM Indigenous and Community Relationships Protocol* for additional guidance on identifying and engaging with communities of interest and providing opportunities for local rightsholders and members of underrepresented groups, among other topics.

This protocol is also connected to the *TSM Safe, Healthy, and Respectful Workplaces Protocol*, which includes facility-level requirements to promote, protect, and support physical and psychological safety. The *TSM Equitable, Diverse, and Inclusive Workplaces Protocol*



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serves as an important basis for the achievement of a safe and respectful workplace—and vice versa. Companies may need to engage internal subject matter experts across safety, health, human resources, and other domains to ensure a collaborative approach to implementation of both protocols.



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### Indicator 1: Leadership and Strategy (Corporate Criteria)

#### Purpose

To confirm that the corporate office engages to develop a corporate strategy for equitable, diverse, and inclusive workplaces.

#### Assessment Criteria:

| Level    | Criteria                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>C</b> | The company does not meet all Level B criteria.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>B</b> | <ol style="list-style-type: none"><li>1. There is a corporate commitment to foster an equitable, diverse, and inclusive workplace.</li><li>2. There is an action plan to meet all Level A requirements.</li></ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>A</b> | <ol style="list-style-type: none"><li>1. There is a corporate commitment aligned with the <i>TSM Framework on Equitable, Diverse, and Inclusive Workplaces</i>.</li><li>2. A corporate strategy is developed through engagement with a cross-section of people who bring diverse perspectives and experiences. This includes relevant labour or worker groups and individuals who are underrepresented in the mining industry. The strategy includes:<ol style="list-style-type: none"><li>a. Internal objectives supported by action plans.</li><li>b. Training or awareness programs.</li><li>c. A process for annual management review of the strategy and progress towards internal objectives, with results reported to corporate leadership.</li><li>d. Clear roles, responsibilities, accountabilities, and resources.</li></ol></li><li>3. The corporate strategy is communicated to workers and, where relevant, to external communities of interest.</li><li>4. The board is aware of the corporate strategy and receives updates on progress towards implementation.</li><li>5. There is a process to report to corporate leadership the number and types of issues reported to the organization's reporting and response mechanisms, as well as anonymized information on the response, resolution, and remediation of such issues.</li></ol> |



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| <b>AA</b>  | <ol style="list-style-type: none"> <li>1. The strategy developed at Level A is implemented.</li> <li>2. There is a process for ongoing engagement to review and update the corporate strategy.</li> <li>3. Workers receive updates on implementation of the corporate strategy and the number and types of issues reported to the organization's reporting and response mechanisms.</li> <li>4. Objectives are set for equitable, diverse, and inclusive recruitment, retention, and representation among corporate leadership, with public reporting on progress towards these objectives.</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>AAA</b> | <ol style="list-style-type: none"> <li>1. There is an independent review at least every three years of:               <ol style="list-style-type: none"> <li>a. Workplace culture, the scope of which is aligned with the corporate strategy and based on priorities identified by management and workers. Results are used to inform further engagement and updates to the corporate strategy.</li> <li>b. The competency of corporate leadership related to equitable, diverse, and inclusive workplaces.</li> </ol> </li> <li>2. The corporate strategy includes implementation of the requirements of indicators 2 and 3 of this protocol at all offices and sites.</li> <li>3. Board and management structures, accountabilities, responsibilities, and reporting processes related to the governance of equity, diversity and inclusion are in place.</li> <li>4. There is public reporting on the number and types of issues reported to the organization's reporting and response mechanisms.</li> <li>5. Objectives for diverse recruitment, retention, and representation among corporate leadership set at Level AA are met and reported publicly, along with plans for continual improvement.</li> </ol> |



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### FAQs: Leadership and Strategy (Corporate Criteria)

| #   | FAQ                                                                                                                                                                                        |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.  | What are some key terms and definitions related to equitable, diverse, and inclusive workplaces?                                                                                           |
| 2.  | What is an 'annual management review'?                                                                                                                                                     |
| 3.  | What is an 'independent review'?                                                                                                                                                           |
| 4.  | What is 'public reporting'?                                                                                                                                                                |
| 7.  | Which groups are underrepresented in the mining sector?                                                                                                                                    |
| 8.  | What is the relationship between 'equity' and 'merit'?                                                                                                                                     |
| 9.  | What should a company consider when developing a strategy for equitable, diverse, and inclusive workplaces?                                                                                |
| 10. | How can a company effectively engage with a cross-section of people who bring diverse perspectives and experiences, including individuals who are underrepresented in the mining industry? |
| 11. | What are some ways of assessing the competency of corporate leadership related to equitable, diverse, and inclusive workplaces?                                                            |
| 12. | What kinds of objectives can a company set for equitable, diverse, and inclusive recruitment, retention, and representation among corporate leadership?                                    |
| 13. | How can companies promote board accountability for equitable, diverse, and inclusive workplaces?                                                                                           |
| 14. | What types of training or awareness programs are relevant for workers and management?                                                                                                      |



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### Indicator 2: Advancing Equity, Diversity, and Inclusion (Facility Criteria)

#### Purpose

To confirm that effective processes have been established to foster a workplace culture of equity, diversity and inclusion and that engagement occurs with relevant groups and individuals from process development through to evaluation.

#### Assessment Criteria:

| Level    | Criteria                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>C</b> | The facility does not meet all Level B criteria.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>B</b> | <ol style="list-style-type: none"><li>1. Some initiatives or processes are in place to foster a workplace culture of equity, diversity, and inclusion.</li><li>2. Workplace communications are accessible, inclusive, and culturally appropriate.</li><li>3. Where there are existing priority employment or business opportunity agreements for members of designated communities, the facility and community collaboratively establish a process to validate the identity and status of candidates and businesses.</li><li>4. There is an action plan to meet all Level A requirements.</li></ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>A</b> | <ol style="list-style-type: none"><li>1. Procedures and processes are developed to foster a workplace culture of equity, diversity, and inclusion. These are informed through engagement with a cross-section of people who bring diverse perspectives and experiences. This includes relevant labour or worker groups and individuals who are underrepresented in the mining industry. The processes include:<ol style="list-style-type: none"><li>a. Clear roles, responsibilities, accountabilities, and resources to promote shared responsibility for equity, diversity, and inclusion.</li><li>b. Review of existing processes, including recruitment, performance management, skills development, retention, and advancement, to identify biases or barriers to equity and inclusion.</li><li>c. Analysis to identify any patterns of inequities in worker compensation and benefits.</li></ol></li><li>2. Training or awareness programs related to equity, diversity, and inclusion are available to all workers and management.</li></ol> |



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| <b>AA</b>  | <ol style="list-style-type: none"> <li>1. Processes are implemented that aim to:               <ol style="list-style-type: none"> <li>a. Mitigate potential for bias in recruitment, performance management, skills development opportunities, retention, and advancement processes.</li> <li>b. Achieve a workforce that reflects local demographics and provides economic, employment, and training opportunities for local rightsholders and/or members of underrepresented groups.</li> <li>c. Promote diverse representation consistent with regional or national demographics if workers are recruited from outside of local communities.</li> <li>d. Provide pathways to achieve diverse representation at different levels of the organization and across different employment fields.</li> <li>e. Address patterns of inequities in worker compensation and benefits identified at Level A.</li> </ol> </li> <li>2. The facility makes suppliers and service providers aware of its processes to advance equity, diversity, and inclusion.</li> </ol> |
| <b>AAA</b> | <ol style="list-style-type: none"> <li>1. There is an evaluation of effectiveness of Level A and Level AA criteria at least every three years.               <ol style="list-style-type: none"> <li>a. The evaluation engages a cross-section of people who bring diverse perspectives and experiences. This includes relevant labour or worker groups and individuals who are underrepresented in the mining industry.</li> <li>b. Results of the evaluation are communicated to workers and reported publicly.</li> </ol> </li> <li>2. There are processes in place to ensure that workers and management participate in training or awareness programs related to equity, diversity, and inclusion.</li> <li>3. The facility integrates the principles of equity, diversity, and inclusion into its procurement processes and contractor relationships.</li> </ol>                                                                                                                                                                                          |





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**FAQs: Advancing Equity, Diversity, and Inclusion (Facility Criteria)**

| #   | FAQ                                                                                                                                                                                        |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5.  | What is an 'evaluation of effectiveness'?                                                                                                                                                  |
| 7.  | Which groups are underrepresented in the mining sector?                                                                                                                                    |
| 8.  | What is the relationship between 'equity' and 'merit'?                                                                                                                                     |
| 10. | How can a company effectively engage with a cross-section of people who bring diverse perspectives and experiences, including individuals who are underrepresented in the mining industry? |
| 14. | What types of training or awareness programs are relevant for workers and management?                                                                                                      |
| 15. | Can corporate actions be used to meet facility-level criteria?                                                                                                                             |
| 16. | How can a facility ensure that workplace communications are accessible, inclusive, and culturally appropriate?                                                                             |
| 17. | What are examples of pathways to achieve diverse representation at different levels of an organization and across different employment fields?                                             |
| 18. | How can a facility identify and address biases or barriers to equity, diversity, and inclusion in its existing processes?                                                                  |
| 19. | What kinds of training opportunities can facilities provide for local rightsholders and underrepresented groups?                                                                           |
| 20. | How can facilities analyze patterns of inequities in worker compensation and benefits?                                                                                                     |
| 21. | How can a facility promote equitable, diverse, and inclusive workplaces in their supply chains?                                                                                            |
| 22. | Which individuals or groups should be considered 'local'?                                                                                                                                  |



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### Indicator 3: Monitoring, Performance, and Reporting (Facility Criteria)

#### Purpose

To confirm that the facility engages to develop an approach to information gathering and reporting on equitable, diverse, and inclusive workplaces.

#### Assessment Criteria:

| Level     | Criteria                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>C</b>  | The company does not meet all Level B criteria.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>B</b>  | <ol style="list-style-type: none"> <li>1. The facility collects data on demographic diversity (except in jurisdictions that prohibit collection of relevant data).</li> <li>2. A preliminary scope is defined, and methods are developed for data collection and reporting on equitable, diverse, and inclusive workplaces.</li> <li>3. There is an action plan to meet all Level A requirements.</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>A</b>  | <ol style="list-style-type: none"> <li>1. Scope and methods for data collection and reporting are informed through engagement with a cross-section of people who bring diverse perspectives and experiences. This includes relevant labour or worker groups and individuals who are underrepresented in the mining industry.</li> <li>2. The facility publicly reports information on demographic diversity (except in jurisdictions that prohibit collection of relevant data) and conducts ongoing monitoring and analysis.</li> <li>3. Where worker information or feedback is requested as part of the information gathering process, in compliance with any relevant privacy laws, there is clear communication to workers of: <ol style="list-style-type: none"> <li>a. The purpose for which the worker information or feedback will be used.</li> <li>b. The confidential and voluntary nature of worker participation in the process.</li> <li>c. Processes to protect worker anonymity when analyzing and communicating results.</li> <li>d. Safe and ethical storage, and intended use, of any data or information collected.</li> </ol> </li> </ol> |
| <b>AA</b> | <ol style="list-style-type: none"> <li>1. The facility publicly reports qualitative and/or quantitative information related to equitable, diverse, and inclusive workplaces and conducts ongoing monitoring and analysis.</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |



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|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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|            | <p>2. The facility sets performance objectives, or applies performance objectives set at the corporate level, related to equitable, diverse, and inclusive workplaces. This process includes:</p> <ul style="list-style-type: none"> <li>a. Collaboration with local rightsholding communities and underrepresented groups to set objectives for employment of individuals from those communities.</li> <li>b. Action plans developed to achieve performance objectives.</li> <li>c. Demonstration of progress towards performance objectives and internal reporting on this progress.</li> </ul> |
| <b>AAA</b> | <p>1. There is public reporting that describes progress towards the performance objectives set at Level AA.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

### FAQs: Monitoring, Performance, and Reporting (Facility Criteria)

| #   | FAQ                                                                                                                                                                                        |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4.  | What is 'public reporting'?                                                                                                                                                                |
| 6.  | What is 'ethical storage'?                                                                                                                                                                 |
| 7.  | Which groups are underrepresented in the mining sector?                                                                                                                                    |
| 8.  | What is the relationship between 'equity' and 'merit'?                                                                                                                                     |
| 10. | How can a company effectively engage with a cross-section of people who bring diverse perspectives and experiences, including individuals who are underrepresented in the mining industry? |
| 15. | Can corporate actions be used to meet criteria at the facility level?                                                                                                                      |
| 23. | What is the difference between 'information' and 'relevant data'?                                                                                                                          |
| 24. | What types of qualitative and quantitative information can be used to measure equitable, diverse, and inclusive workplaces?                                                                |
| 25. | What are some examples of performance objectives for equitable, diverse, and inclusive workplaces?                                                                                         |



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### Appendix 1: Frequently Asked Questions

Frequently Asked Questions are a mandatory component of self-assessments and external verifications against TSM protocols. Facilities must review and follow the definitions and guidance below to support appropriate interpretation and implementation of the criteria outlined in the protocol.

#### **Definitions**

**1. What are some key terms and definitions related to equitable, diverse, and inclusive 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 equitable, diverse, and inclusive 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 that define terminology on these issues 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-gb-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>

**2. 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.

**3. What is an ‘independent review’?**

Broadly speaking, an independent review involves commentary, advice and recommendations that are objective and expert in nature and meant to assist in identifying, understanding, and managing risks. The intention of the term ‘independent’ is that the reviewer should not be directly involved in the policies, processes, or functions under review. 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



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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.

An independent review of workplace culture should involve an expert who is tasked with identifying ongoing strengths, opportunities, and challenges to equitable, diverse, and inclusive workplaces. The reviewer independently validates improvements over time and provides recommendations to improve workplace culture. The scope of this review should be defined based on priorities identified through engagement processes with management and workers. The independent reviewer may conduct employee engagement surveys, interviews, review of documents, or other methods they deem necessary to carry out the agreed scope of the review. Any findings or recommendations resulting from the review should inform further engagement and updates to the corporate strategy. If a company selects a reviewer employed within the company who meets the definition of ‘independent’ outlined above (e.g., an internal audit function), the reviewer should demonstrate at least basic knowledge of the subject matter being assessed.

### **4. What is ‘public’ reporting?**

The intent of the term ‘public’ when referring to objectives, information, or reporting in TSM is that this information is made available to the public in some manner. For example, on a corporate website, in annual sustainability or other corporate reporting processes, or in a public forum, as well as any information made available to an interested party upon request.

### **5. What is an ‘evaluation of effectiveness’?**

An evaluation of effectiveness is an assessment of whether the intended results of the management system are being achieved, beyond determining whether a criterion has been met. It considers both the extent to which planned activities have been realized and the extent to which performance objectives and indicators have been achieved.

### **6. What is ‘ethical storage’?**

In Indicator 3 Level AA, ‘ethical storage’ refers to the notion that companies and facilities protect personal information, store it safely and securely, and seek informed consent of workers when acquiring and using it. Facilities should provide workers with examples of how the information will be used and have a mechanism for workers to withdraw consent for use of their personal information at any time. The information should not be used for any purpose other than that for which it was collected. If the information is required for another purpose, the facility must seek worker’s consent for any additional use. Companies should also ensure anonymity when disclosing any workforce diversity information. Local privacy laws and legislation should be followed in addition to this guidance.

## **Frequently Asked Questions**

### **7. Which groups are underrepresented in the mining sector?**

In different national and local contexts, certain groups may be underrepresented and experience different degrees of vulnerability and marginalization in the mining sector. In order to identify underrepresented groups in their respective local and national contexts,





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companies are encouraged to review relevant local legislation and available workforce and demographic data and to collaborate with workers and relevant communities of interest.

When identifying groups that may experience vulnerability and marginalization in the mining sector, it may be helpful to refer to the following resources:

- The United Nations references “international instruments to combat specific forms of discrimination, including discrimination against indigenous peoples, migrants, minorities, people with disabilities, discrimination against women, racial and religious discrimination, or discrimination based on sexual orientation and gender identity”.
- In Canada, the *Employment Equity Act* identifies four employment equity groups: women, Aboriginal peoples, persons with disabilities, and members of visible minorities.
- In the United States, Title VII of the *Civil Rights Act* prohibits employment discrimination based on race, color, religion, sex, and national origin.
- The *Human Rights Code* in the Canadian province of Ontario states that: “Discrimination based on 17 different personal attributes – called grounds – is against the law under the Code. The grounds are citizenship, race, place of origin, ethnic origin, colour, ancestry, disability, age, creed, sex/pregnancy, family status, marital status, sexual orientation, gender identity, gender expression, receipt of public assistance (in housing) and record of offences (in employment).”

Companies are not limited by these definitions, but might use them as a starting point for discussion with their workers and relevant communities of interest when identifying underrepresented groups in the jurisdictions where they operate. While some companies may focus initially on certain underrepresented groups, the ultimate objective should be to create a workplace that is equitable and inclusive for everyone.

For more information, see:

United Nations. n.d. *Equality and Non-Discrimination*.

<https://www.un.org/ruleoflaw/thematic-areas/human-rights/equality-and-non-discrimination/>

(This webpage contains links to international instruments to combat specific forms of discrimination.)

Ontario Human Rights Commission. 2013. *Guide to Your Rights and Responsibilities Under the Human Rights Code*. <https://www.ohrc.on.ca/en/guide-your-rights-and-responsibilities-under-human-rights-code-0> (This document explains the Ontario Human Rights Code, including examples derived from real-life scenarios.)

Government of Canada. 1995. *Employment Equity Act* (S.C. 1995, c. 44). <https://laws-lois.justice.gc.ca/eng/acts/E-5.401/index.html>

U.S. Equal Employment Opportunity Commission. 2000. *Title VII of the Civil Rights Act of*



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1964. <https://www.eeoc.gov/statutes/title-vii-civil-rights-act-1964>

### 8. What is the relationship between ‘equity’ and ‘merit’?

Merit involves assessment based on a clear definition of an individual’s knowledge, experience, and ability through formal evaluation of performance and achievement. It is a concept that attempts to replace pre-existing systems based on inherited privilege. It is understood, however, that factors such as class, gender and race continue to contribute to unearned access, benefits, and opportunities for individual members of historically privileged social groups with high levels of power. Harvard University’s *Glossary of Diversity, Inclusion and Belonging (DIB) Terms* defines privilege as: “An unearned, sustained advantage that comes from race, gender, sexuality, ability, socioeconomic status, age, and other differences.”

It is understood that people experience individual discrimination as well as systemic discrimination—institutionalized practices that are embedded in social institutions such as government, policy, religion, education, and organizations. These practices present barriers that may prevent or impose restrictions on members of society from accessing, using, or otherwise engaging in activities that may be readily available to others.

Equity seeks to eliminate barriers to full participation of individuals and groups in society by identifying and accommodating diverse needs. One common example involves constructing ramps to facilitate entry into buildings—meeting the needs of people in wheelchairs, as well as those with strollers, luggage, canes, etc. Another example is the construction of private, gender-neutral bathroom and shower facilities at a mine site. Employment equity, not to be confused with affirmative action programs, involves policies and practices that encourage workplaces to be free of barriers and to correct conditions of disadvantage in employment.

For more information see:

Harvard Human Resources. n.d. *Glossary of Diversity, Inclusion and Belonging (DIB) Terms*. [https://edib.harvard.edu/files/dib/files/dib\\_glossary.pdf](https://edib.harvard.edu/files/dib/files/dib_glossary.pdf)

### 9. What should a company consider when developing a strategy for equitable, diverse, and inclusive workplaces?

The *TSM Framework on Equitable, Diverse, and Inclusive 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.

The Mining Industry Human Resources Council (MiHR) also offers a [Gender Equity in Mining](#) program that supports companies in identifying, analyzing, and setting objectives for equitable, diverse, and inclusive workplaces. 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.

Important guidance on developing a corporate strategy is available from:

*The Centre for Global Inclusion. 2021. Global Diversity, Equity & Inclusion Benchmarks:*



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*Standards for Organizations Around the World.* <https://centreforglobalinclusion.org/what-we-do/the-gdeib/user-agreement.html> (This document provides a detailed benchmarking standard that can be used by organizations as a strategic planning tool on diversity, equity, and inclusion.)

*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> (This document provides a framework for creating a diversity and inclusion strategy document that can be customized to different organizations.)

*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](https://equity3.sites.olt.ubc.ca/files/2022/04/Toolkit_EDISystemsChange.pdf) (This document supports organizations in understanding equity, diversity, and inclusion initiative in the broader organizational context and in articulating their strategic plans for change.)

### **10. How can a company effectively engage with a cross-section of people who bring diverse perspectives and experiences, including individuals who are underrepresented in the mining industry?**

In developing strategies and processes at Level A, corporate offices and facilities are required to engage people with a wide range of perspectives and experiences. This includes individuals 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 equitable, diverse, and inclusive 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. Within the company, efforts should also be made to involve people from a variety of business areas (e.g., procurement, finance).

Companies should plan inclusive and accessible feedback or 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 opportunities 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 should be encouraged through inclusive planning but should remain voluntary. It may also be helpful to use mixed strategies that facilitate discussion (e.g., focus groups) and offer opportunities for anonymous or confidential input (e.g., surveys). To foster meaningful participation, engagement processes should consider, for example:

- using clear and inclusive language.



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- using a neutral facilitator.
- providing options for individuals of varying abilities.
- integrating different approaches to support dialogue, listening, and creative thinking.
- establishing or referring to 'rules of engagement' (e.g., respect, valuing diversity).
- implementing processes to ensure confidentiality, where appropriate or requested.

### **11. What are some ways to assess the competency of corporate leadership related to equitable, diverse, and inclusive workplaces?**

Independent experts engaged to assess corporate leadership competency may use a variety of methodologies, such as:

- annual self-reflection exercises using questionnaires.
- a facilitated reflection session.
- verification that basic training has been completed.
- demonstration of how inclusion and respect are considered in decision-making processes.

### **12. What kinds of objectives can a company set for equitable, diverse, and inclusive recruitment, retention, and representation among corporate leadership?**

There are a range of ways in which a company can set evidence-based objectives for corporate leadership recruitment, retention, and engagement. These might include quantitative objectives (e.g., diverse representation, compensation equity, retention rates for individuals from underrepresented groups, budget allocation to relevant initiatives) or qualitative objectives (e.g., reported feelings of belonging, inclusion, or engagement assessed via regular surveys or interviews). A company may also set process-related objectives (e.g., implementation of a policy that all candidate pools meet certain diverse representation requirements, requirements for training related to equity, diversity, and inclusion, establishment of a senior-level committee).

### **13. How can companies promote board accountability for equitable, diverse, and inclusive workplaces?**

An important way to improve board accountability is through enhanced reporting to the board on key metrics related to equitable, diverse, and inclusive 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 health and 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](https://www.minerals.org.au/sites/default/files/Respect%40Work_Guidance%20-%20Board%20reporting%20framework.pdf)

### **14. What types of training or awareness programs are relevant for workers and**



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### management?

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

- discrimination.
- stereotyping.
- cross-cultural awareness and competency.
- conscious and unconscious bias.
- microaggressions.
- mental health.
- anti-racism and anti-oppression.
- power and privilege.
- harassment and violence, including sexual and gender-based acts.
- bystander interventions.
- allyship (i.e., nurturing relationships to support inclusion of individuals from underrepresented groups).
- psychological safety.

Facilities should identify and prioritize training needs through engagement with workers and other relevant communities of interest. Facilities may 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. To encourage meaningful participation by workers and management in, companies might consider articulating to workers how these programs are linked to the organization's overall vision and mission.

Examples of relevant training programs include the Mining Industry Human Resources Council's online training programs on Indigenous and intercultural awareness:

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

*Mining Industry Human Resources Council. 2020. Intercultural Awareness Training.*  
<https://mihr.ca/inclusion-diversity/intercultural-awareness-training/>

Other useful resources include:

*ACEC British Columbia. 2022. Allyship Practices to Foster Inclusion and Belonging.*  
<https://acec-bc.ca/wp-content/uploads/2022/11/2022-11-23-Allyship-Guideline-FINAL-v2.pdf>

*HCMA. 2018. Designing for Inclusivity Strategies for Universal Washrooms and Change Rooms in Community and Recreation Facilities.* <https://hcma.ca/wp->



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[content/uploads/2018/01/HCMA\\_Designing-for-Inclusivity\\_V1-1.pdf](content/uploads/2018/01/HCMA_Designing-for-Inclusivity_V1-1.pdf)

### **15. Can corporate actions be used to meet facility-level criteria?**

Corporate policies, programs, or reporting can be used to meet criteria at the facility level. For example, corporate policies on human resources can be used to meet facility-level requirements if the facility can demonstrate that these policies are in fact being implemented. Corporate reporting can also be used to meet facility-level reporting requirements if information is disaggregated by facility. For example, a corporate report with information on the proportion of women or Indigenous people in the organization would need to provide this information for each facility. In the absence of corporate policies or strategies, facilities can design and implement their own processes to meet the requirements of Indicators 2 and 3.

### **16. How can a facility ensure that workplace communications are accessible, inclusive, and culturally appropriate?**

Facilities can refer to several expert resources for guidance on accessible, inclusive, and culturally appropriate workplace communications. For example:

*IncludeAbility. 2021. Guide: Creating Accessible and Inclusive Communications.*  
[https://includeability.gov.au/sites/default/files/2021-07/03\\_-\\_includeability\\_-\\_guide\\_-\\_creating\\_accessible\\_and\\_inclusive\\_communications.pdf](https://includeability.gov.au/sites/default/files/2021-07/03_-_includeability_-_guide_-_creating_accessible_and_inclusive_communications.pdf) (This document provides guidance for organizations to establish employees' communication needs, use inclusive language, and ensure access and inclusion in written communications and in meetings.)

*Queensland Government. n.d. Inclusive Communications Guide.*  
<https://qed.qld.gov.au/workingwithus/induction/workingforthe department/humanresources/Documents/inclusive-communication-guide.pdf> (This document provides key principles and examples of practices to avoid for inclusive language, interactions, decision-making, meetings, and more.)

*Karapita, Mike, e.d. 2017. Inclusive Language in Media: A Canadian Style Guide.*  
[https://www.humber.ca/makingaccessiblemedia/modules/01/transript/Inclusive\\_Language\\_Guide\\_Aug2019.pdf](https://www.humber.ca/makingaccessiblemedia/modules/01/transript/Inclusive_Language_Guide_Aug2019.pdf) (This document provides guidance to media practitioners in Canada on how to address and describe disability in communications.)

*Public Works and Government Services Canada Translation Bureau. 2015. Elimination of Stereotyping in Written Communications.* <https://www.btb.termiumplus.gc.ca/tcdnstyl-chap?lang=fra&lettr=chapsect14&info0=14#zz14> (This webpage lists examples of stereotyping and how to resolve them in written communications.)

### **17. What are examples of pathways to achieve diverse representation at different levels of an organization and across different employment fields?**

There are many ways in which a facility can provide pathways to improve diverse representation at different levels of the organization and across different functional areas of the company. For example:

- Training to support workers' career progression or to develop skills in new functional areas of interest to workers.





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- Succession planning that takes diversity objectives into consideration.
- Identification and application of competencies related to equity, diversity, and inclusion in job descriptions.

### **18. How can a facility identify and address biases or barriers to equity, diversity, and inclusion in its existing processes?**

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

- reviews of recruitment or procurement processes, including recruitment agencies.
- surveys of worker perceptions of fair treatment, including through exit interviews.
- efforts to ensure equitable access to information about available jobs, skills development opportunities, and benefits, including for employees on leave.
- resources and support for training and development opportunities.
- accessibility audits to assess whether physical infrastructure and facilities are safe, inclusive, and welcoming to all.
- reviews of performance management practices and retention and promotion policies.
- reviews of dress code and grooming policies.

### **19. What kinds of training opportunities can facilities provide for local rightsholders and underrepresented groups?**

A facility is responsible for working with its communities of interest to define and identify relevant 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 recruitment and advancement within the organization. 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 to support the development of skills and knowledge required for employment in different areas of the facility.
- 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 programs for Indigenous peoples that teach skills using industry examples, tools, documents and traditional Indigenous teaching methods. More information is available at:

*MiHR. 2022. Mining Essentials: Work Readiness Training for Indigenous Peoples.*  
<https://mihr.ca/standards-training-recognition/mining-essentials-work-readiness-training->



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[for-indigenous-people/](#)

MiHR. 2022. *Mining Potential: Engaging Women, Youth, and Newcomers in Mining*.  
<https://mihr.ca/standards-training-recognition/mining-potential/>

### 20. How can facilities analyze patterns of inequities in worker compensation and benefits?

Many government and non-government organizations have developed guidance on the analysis of worker compensation inequities along with tools to help employers design equitable remuneration policies that address the systemic nature of pay discrimination, ensuring individuals receive equal pay for work of equal value. For some mine sites, benefits may be determined at the corporate level. Where this is the case, facilities can use this information in their analysis.

Some useful resources include:

Australian Government. 2019. *The gender pay gap calculator*.  
<https://www.wgea.gov.au/tools/the-gender-pay-gap-calculator> (This tool helps companies calculate gender representation gaps, gender pay differentials and relative gender pay gaps, among other variables.)

Australian Government. 2017. *Quick guide to designing an equitable remuneration policy*.  
<https://www.wgea.gov.au/tools/designing-equitable-remuneration-policy> (This webpage provides useful examples and leading practices for gender-equitable remuneration policies.)

Australian Government. 2017. *Pay equity and legal risk management*.  
<https://www.wgea.gov.au/tools/pay-equity-and-legal-risk-management> (This webpage provides a series of considerations to manage legal risk in relation to pay equity.)

Australian Government. 2016. *Guide to gender pay equity*.  
<https://www.wgea.gov.au/tools/guide-to-pay-equity> (This document helps organizations to identify and analyze gender-related pay gaps and establish strategies to manage and improve gender pay equity.)

In some jurisdictions, compensation equity analyses or action may already be prescribed. In these cases, companies will need to align their practices with jurisdictional requirements. For example, in Canada, the *Pay Equity Act* ensures that employees in federally regulated workplaces receive equal pay for work of equal value. The *Canadian Human Rights Act* also states that “[I]t is a discriminatory practice for an employer to establish or maintain differences in wages between male and female employees employed in the same establishment who are performing work of equal value”. In the Canadian province of Quebec, a provincial *Pay Equity Act* further establishes requirements “to redress differences in compensation due to the systemic gender discrimination suffered by persons who occupy positions in predominantly female job classes”.

For more information on these examples of legislation, see:

*Pay Equity Act* (S.C. 2018, c. 27, s. 416). <https://laws-lois.justice.gc.ca/eng/acts/P->



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[4.2/page-1.html](#)

Canadian Human Rights Act (R.S.C., 1985, c. H-6). <https://laws-lois.justice.gc.ca/eng/acts/h-6/>

E-12.001. Pay Equity Act. <https://www.legisquebec.gouv.qc.ca/en/document/cs/E-12.001>

Pay Equity Commission. 2019. *Guide to Understanding the Pay Equity Act*. [https://payequity.gov.on.ca/wp-content/uploads/2023/01/PEO\\_Guide\\_UnderstandingtheAct\\_EN.pdf](https://payequity.gov.on.ca/wp-content/uploads/2023/01/PEO_Guide_UnderstandingtheAct_EN.pdf)

### **21. How can a facility promote equitable, diverse, and inclusive workplaces in their supply chains?**

A facility can take a range of actions to promote equitable, diverse, and inclusive workplaces within their supply chains. In cases where procurement decisions are made at the corporate office, corporate policies and practices that apply at the facility level can be used to meet requirements for supply chain engagement.

Some examples of actions that facilities might take include:

- Development of internal processes that consider supplier commitments and actions to foster equitable, diverse, and inclusive workplaces, among other factors, as part of the supplier selection process.
- Requirements for vendors to sign a code of conduct that includes commitments related to equity, diversity, and inclusion.
- Application of a diversity lens to the ownership profile of potential suppliers and consideration of this factor in the supplier selection process.
- Setting of objectives for equity, diversity, and inclusion in the facility's supply chain.
- Awareness and training programs for contractors and suppliers related to equity, diversity, and inclusion.

### **22. Which individuals or groups should be considered 'local'?**

Indicator 1 of the *TSM Indigenous and Community Relationships Protocol* requires facilities to have processes in place for identifying communities of interest, including those underrepresented within the local context. As part of this process, and in consultation with communities of interest, facilities can define parameters for considering individuals or groups as 'local', 'regional', or other distinctions that may be useful in supporting engagement. Who is considered 'local' will vary from site to site. Identification of local rightsholders should be conducted in consultation with local communities of interest.

### **23. What is the difference between 'information' and 'relevant data'?**

Data are the facts or details from which information is derived. Individual pieces of data are rarely useful alone. For data to become information, data needs to be put into context. In order to report information on demographic diversity, the facility first needs to collect relevant data based on the scope and methods defined as per Indicator 3, Level A, Clause 1. The



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data collected should then be analyzed and contextualized to develop the information that will then be reported as per Indicator 3, Level A, Clause 2. When a facility publicly reports relevant information on demographic diversity as per this clause, reported information should include relevant data as well as the results of any relevant analysis and contextualization.

### **24. What types of qualitative and quantitative information can be used to measure equitable, diverse, and inclusive workplaces?**

There are a range of approaches that facilities can use to measure and assess equitable, diverse, and inclusive workplaces. 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 information 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:

*Global Reporting Initiative. 2016. GRI 405: Diversity and Equal Opportunity.*

<https://www.globalreporting.org/standards/media/1020/gri-405-diversity-and-equal-opportunity-2016.pdf> (This document provides examples of data and information that can be reported related to diversity and equal opportunity. For example, gender and age data for an organization's governance bodies or workforce.)

*Bloomberg. 2022. Gender Reporting Framework.*

[https://assets.bbhub.io/company/sites/46/2021/05/1121150\\_BBGT\\_2021GEI\\_Updte\\_GenderReportFrame\\_FNL.pdf](https://assets.bbhub.io/company/sites/46/2021/05/1121150_BBGT_2021GEI_Updte_GenderReportFrame_FNL.pdf) (This document includes detailed information on how to measure and track data related to the achievement of gender equity in the workplace.)

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

[https://www.minerals.org.au/sites/default/files/Respect%40Work\\_Template%20-%20Example%20culture%20survey.pdf](https://www.minerals.org.au/sites/default/files/Respect%40Work_Template%20-%20Example%20culture%20survey.pdf) (This document provides questions that can be included in an organizational culture survey, which can provide important data related to equity, diversity, and inclusion.)

### **25. What are some examples of performance objectives for equitable, diverse, and inclusive workplaces?**

There are a range of approaches for setting qualitative or quantitative performance objectives related to equitable, diverse, and inclusive workplaces. Any performance objectives should be based on evidence, analysis, and engagement that identifies key challenges and opportunities to promote equitable, diverse, and inclusive workplaces. It is important to set objectives across all three areas. For example:

- Equity-related objectives – such as targets to debias processes related to compensation, benefits, engagement, and advancement, or targets for completion of employee training.
- Diversity-related objectives – such as increases in diverse representation and



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retention rates for workers or supply chain stakeholders, or across functional areas.

- Inclusion-related objectives – such as improvements in reported worker belonging or allyship practices.

For more examples, see:

*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> (This document offers several examples of possible objectives that a company might set related to equity, diversity, and inclusion.)*

*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/user-agreement.html> (This document provides a detailed benchmarking standard that can be used by organizations as a strategic planning tool on diversity, equity, and inclusion.)*

### **Guidance for Implementation in Canada**

#### **In Canada, how do commitments to Indigenous reconciliation intersect with efforts 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 equitable, diverse, and inclusive workplaces. The *TSM Equitable, Diverse, and Inclusive Workplaces Protocol* requires companies to implement processes that aim to achieve a workforce that reflects local demographics and to 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 regarding such opportunities. Outside of Canada, other types of local rightsholders or underrepresented groups may also be relevant.

For more information, see:

*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->*



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[documents/calls\\_to\\_action\\_english2.pdf](#)

*National Inquiry into Missing and Murdered Indigenous Women and Girls. 2019. Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls. <https://www.mmiwg-ffada.ca/final-report/> (This document provides important information related to violence against Indigenous women, girls, and 2SLGPTQQIA people in Canada, including some Calls for Justice directed at industries.)*





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## APPENDIX 2: TSM SELF ASSESSMENT CHECKLIST

### Equitable, Diverse, and Inclusive Workplaces

|                |  |                 |  |
|----------------|--|-----------------|--|
| Facility Name: |  | Company Name:   |  |
| Assessed By:   |  | Date Submitted: |  |

|                                      |                 |
|--------------------------------------|-----------------|
| Supporting Documentation / Evidence: |                 |
| <b>Name of Document</b>              | <b>Location</b> |
|                                      |                 |
|                                      |                 |
|                                      |                 |
|                                      |                 |
|                                      |                 |
|                                      |                 |
|                                      |                 |
|                                      |                 |

|               |                 |             |                 |
|---------------|-----------------|-------------|-----------------|
| Interviewees: |                 |             |                 |
| <b>Name</b>   | <b>Position</b> | <b>Name</b> | <b>Position</b> |
|               |                 |             |                 |
|               |                 |             |                 |
|               |                 |             |                 |
|               |                 |             |                 |



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|                                                                  | QUESTION                                                                                                                                                                                                                                                                                                                                                                                        | Y | N | NA | DESCRIPTION & EVIDENCE |
|------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|----|------------------------|
| <b>INDICATOR 1: LEADERSHIP AND STRATEGY (CORPORATE CRITERIA)</b> |                                                                                                                                                                                                                                                                                                                                                                                                 |   |   |    |                        |
| <b>Indicator 1<br/>Level B</b>                                   | 1. Is there a corporate commitment to foster an equitable, diverse, and inclusive workplace?                                                                                                                                                                                                                                                                                                    |   |   |    |                        |
|                                                                  | 2. Is there an action plan to meet all Level A requirements?                                                                                                                                                                                                                                                                                                                                    |   |   |    |                        |
|                                                                  | <i>If you have answered "Yes" to all the Level B questions, continue to the Level A questions. If you have not answered "Yes" to all the Level B questions, assess the facility as a Level C.</i>                                                                                                                                                                                               |   |   |    |                        |
| <b>Indicator 1<br/>Level A</b>                                   | 1. Is there a corporate commitment aligned with the <i>TSM Framework on Equitable, Diverse, and Inclusive Workplaces</i> ?                                                                                                                                                                                                                                                                      |   |   |    |                        |
|                                                                  | 2. Has a corporate strategy been developed through engagement with a cross-section of people who bring diverse perspectives and experiences and includes relevant labour or worker groups and individuals who are underrepresented in the mining industry? Does the strategy include:                                                                                                           |   |   |    |                        |
|                                                                  | a. Internal objectives supported by action plans?                                                                                                                                                                                                                                                                                                                                               |   |   |    |                        |
|                                                                  | b. Training or awareness programs?                                                                                                                                                                                                                                                                                                                                                              |   |   |    |                        |
|                                                                  | c. A process for annual management review of the strategy and progress towards internal objectives, with results reported to corporate leadership?                                                                                                                                                                                                                                              |   |   |    |                        |
|                                                                  | d. Clear roles, responsibilities, accountabilities, and resources?                                                                                                                                                                                                                                                                                                                              |   |   |    |                        |
|                                                                  | 3. Is the corporate strategy communicated to workers and, where relevant, to external communities of interest?                                                                                                                                                                                                                                                                                  |   |   |    |                        |
|                                                                  | 4. Is the board aware of the corporate strategy and does it receive updates on progress towards implementation?                                                                                                                                                                                                                                                                                 |   |   |    |                        |
|                                                                  | 5. Is there a process to report to corporate leadership the number and types of issues reported to the organization's reporting and response mechanisms, as well as anonymized information on the response, resolution, and remediation of such issues? (See the <i>TSM Safe, Healthy, and Respectful Workplaces Protocol</i> for facility-level requirements related to reporting mechanisms.) |   |   |    |                        |



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|                          | QUESTION                                                                                                                                                                                                                           | Y | N | NA | DESCRIPTION & EVIDENCE |
|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|----|------------------------|
|                          | <i>If you have answered “Yes” to all the Level A questions, continue to the Level AA questions. If you have not answered “Yes” to all the Level A questions, assess the facility as a Level B.</i>                                 |   |   |    |                        |
| Indicator 1<br>Level AA  | 1. Is the strategy developed at Level A implemented?                                                                                                                                                                               |   |   |    |                        |
|                          | 2. Is there a process for ongoing engagement to review and update the corporate strategy?                                                                                                                                          |   |   |    |                        |
|                          | 3. Do workers receive updates on implementation of the corporate strategy and the number and types of issues reported to the organization's reporting and response mechanisms?                                                     |   |   |    |                        |
|                          | 4. Are objectives set for equitable, diverse, and inclusive recruitment, retention, and representation among corporate leadership, with public reporting on progress towards these objectives?                                     |   |   |    |                        |
|                          | <i>If you have answered “Yes” to all the Level AA questions, continue to the Level AAA questions. If you have not answered “Yes” to all the Level AA questions, assess the facility as a Level A.</i>                              |   |   |    |                        |
| Indicator 1<br>Level AAA | 1. Is there an independent review of the following at least every three years of:                                                                                                                                                  |   |   |    |                        |
|                          | a. Workplace culture, the scope of which is aligned with the corporate strategy and based on priorities identified by management and workers? Are results used to inform further engagement and updates to the corporate strategy? |   |   |    |                        |
|                          | b. The competency of corporate leadership related to equitable, diverse, and inclusive workplaces?                                                                                                                                 |   |   |    |                        |
|                          | 2. Does the corporate strategy include implementation of the requirements of indicators 2 and 3 of this protocol at all offices and sites?                                                                                         |   |   |    |                        |
|                          | 3. Are board and management structures, accountabilities, responsibilities, and reporting processes related to the governance of equity, diversity and inclusion in place?                                                         |   |   |    |                        |
|                          | 4. Is there public reporting on the number and types of issues reported to the organization's reporting and response mechanisms?                                                                                                   |   |   |    |                        |



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|  | QUESTION                                                                                                                                                                                                | Y | N | NA | DESCRIPTION & EVIDENCE |
|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|----|------------------------|
|  | 5. Are objectives for diverse recruitment, retention, and representation among corporate leadership set at Level AA and are they met and reported publicly, along with plans for continual improvement? |   |   |    |                        |
|  | <i>If you have answered "Yes" to all the Level AA questions, continue to the Level AAA questions. If you have not answered "Yes" to all the Level AA questions, assess the facility as a Level A.</i>   |   |   |    |                        |
|  | <b>ASSESSED LEVEL OF PERFORMANCE FOR INDICATOR 1</b>                                                                                                                                                    |   |   |    | <b>Level:</b> _____    |

|                                                                                    | QUESTION                                                                                                                                                                                                                                                                                                                                                                           | Y | N | NA | DESCRIPTION & EVIDENCE |
|------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|----|------------------------|
| <b>INDICATOR 2: ADVANCING EQUITY, DIVERSITY, AND INCLUSION (FACILITY CRITERIA)</b> |                                                                                                                                                                                                                                                                                                                                                                                    |   |   |    |                        |
| <b>Indicator 2<br/>Level B</b>                                                     | 1. Are some initiatives or processes in place to foster a workplace culture of equity, diversity, and inclusion?                                                                                                                                                                                                                                                                   |   |   |    |                        |
|                                                                                    | 2. Are workplace communications accessible, inclusive, and culturally appropriate?                                                                                                                                                                                                                                                                                                 |   |   |    |                        |
|                                                                                    | 3. Where there are existing priority employment or business opportunity agreements for members of designated communities, has the facility and community collaboratively establish a process to validate the identity and status of candidates and businesses?                                                                                                                     |   |   |    |                        |
|                                                                                    | 4. Is there an action plan to meet all Level A requirements?                                                                                                                                                                                                                                                                                                                       |   |   |    |                        |
|                                                                                    | <i>If you have answered "Yes" to all the Level B questions, continue to the Level A questions. If you have not answered "Yes" to all the Level B questions, assess the facility as a Level C.</i>                                                                                                                                                                                  |   |   |    |                        |
| <b>Indicator 2<br/>Level A</b>                                                     | 1. Are procedures and processes developed to foster a workplace culture of equity, diversity, and inclusion? Are these informed through engagement with a cross-section of people who bring diverse perspectives and experiences and do they include relevant labour or worker groups and individuals who are underrepresented in the mining industry? Do these processes include: |   |   |    |                        |



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|                         | QUESTION                                                                                                                                                                                           | Y | N | NA | DESCRIPTION & EVIDENCE |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|----|------------------------|
|                         | a. Clear roles, responsibilities, accountabilities, and resources to promote shared responsibility for equity, diversity, and inclusion?                                                           |   |   |    |                        |
|                         | b. Review of existing processes, including recruitment, performance management, skills development, retention, and advancement, to identify biases or barriers to equity and inclusion?            |   |   |    |                        |
|                         | c. Analysis of patterns of inequities in worker compensation and benefits?                                                                                                                         |   |   |    |                        |
|                         | 2. Are training or awareness programs related to equity, diversity, and inclusion available to all workers and management?                                                                         |   |   |    |                        |
|                         | <i>If you have answered "Yes" to all the Level A questions, continue to the Level AA questions. If you have not answered "Yes" to all the Level A questions, assess the facility as a Level B.</i> |   |   |    |                        |
| Indicator 2<br>Level AA | 1. Are processes implemented that aim to:                                                                                                                                                          |   |   |    |                        |
|                         | a. Mitigate potential for bias in recruitment, performance management, skills development opportunities, retention, and advancement processes?                                                     |   |   |    |                        |
|                         | b. Achieve a workforce that reflects local demographics and provides economic, employment, and training opportunities for local rightsholders and/or members of underrepresented groups?           |   |   |    |                        |
|                         | c. Promote diverse representation consistent with regional or national demographics if workers are recruited from outside of local communities?                                                    |   |   |    |                        |
|                         | d. Provide pathways to achieve diverse representation at different levels of the organization and across different employment fields?                                                              |   |   |    |                        |



EQUITABLE, DIVERSE, AND INCLUSIVE WORKPLACES PROTOCOL

|                                                      | QUESTION                                                                                                                                                                                                              | Y | N | NA | DESCRIPTION & EVIDENCE |
|------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|----|------------------------|
|                                                      | e. Address patterns of inequities in worker compensation and benefits identified at Level A?                                                                                                                          |   |   |    |                        |
|                                                      | 2. Does the facility make suppliers and service providers aware of its processes to advance equity, diversity, and inclusion?                                                                                         |   |   |    |                        |
|                                                      | <i>If you have answered "Yes" to all the Level AA questions, continue to the Level AAA questions. If you have not answered "Yes" to all the Level AA questions, assess the facility as a Level A.</i>                 |   |   |    |                        |
| Indicator 2<br>Level AAA                             | 1. Is there an evaluation of effectiveness at least every three years of the Level A and Level AA criteria?                                                                                                           |   |   |    |                        |
|                                                      | a. Does the evaluation engage a cross-section of people who bring diverse perspectives and experiences and includes relevant labour or worker groups and individuals who are underrepresented in the mining industry? |   |   |    |                        |
|                                                      | b. Are results of the evaluation communicated to workers and reported publicly?                                                                                                                                       |   |   |    |                        |
|                                                      | 2. Are there processes in place to ensure that workers and management participate in training or awareness programs related to equity, diversity, and inclusion?                                                      |   |   |    |                        |
|                                                      | 3. Does the facility integrate the principles of equity, diversity, and inclusion into its procurement processes and contractor relationships?                                                                        |   |   |    |                        |
|                                                      | <i>If you have answered "Yes" to all the Level AAA questions, assess the facility as a Level AAA. If you have not answered "Yes" to all the Level AAA questions, assess the facility as a Level AA.</i>               |   |   |    |                        |
| <b>ASSESSED LEVEL OF PERFORMANCE FOR INDICATOR 2</b> |                                                                                                                                                                                                                       |   |   |    | Level: _____           |

|                                                                                | QUESTION | Y | N | NA | DESCRIPTION & EVIDENCE |
|--------------------------------------------------------------------------------|----------|---|---|----|------------------------|
| <b>INDICATOR 3: Monitoring, Performance, and Reporting (Facility Criteria)</b> |          |   |   |    |                        |





EQUITABLE, DIVERSE, AND INCLUSIVE WORKPLACES PROTOCOL

|                        | QUESTION                                                                                                                                                                                                                                                                               | Y | N | NA | DESCRIPTION & EVIDENCE |
|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|----|------------------------|
| Indicator 3<br>Level B | 1. Does the facility collect data on demographic diversity (except in jurisdictions that prohibit collection of relevant data)?                                                                                                                                                        |   |   |    |                        |
|                        | 2. Is a preliminary scope defined, and methods developed for data collection and reporting on equitable, diverse, and inclusive workplaces?                                                                                                                                            |   |   |    |                        |
|                        | 3. Is there is an action plan to meet all Level A requirements?                                                                                                                                                                                                                        |   |   |    |                        |
|                        | <i>If you have answered “Yes” to all the Level B questions, continue to the Level A questions. If you have not answered “Yes” to all the Level B questions, assess the facility as a Level C.</i>                                                                                      |   |   |    |                        |
| Indicator 3<br>Level A | 1. Are the scope and methods for data collection and reporting informed through engagement with a cross-section of people who bring diverse perspectives and experiences and include relevant labour or worker groups and individuals who are underrepresented in the mining industry? |   |   |    |                        |
|                        | 2. Does the facility publicly report information on demographic diversity (except in jurisdictions that prohibit collection of such data) and conduct ongoing monitoring and analysis?                                                                                                 |   |   |    |                        |
|                        | 3. Where worker information or feedback is requested as part of the information gathering process, in compliance with any relevant privacy laws, is there 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 or information collected?                                                                                                                                                                                                   |   |   |    |                        |
|                        | <i>If you have answered “Yes” to all the Level A questions, continue to the Level AA questions. If you have not answered “Yes” to all the Level A questions, assess the facility as a Level B.</i>                                                                                     |   |   |    |                        |



EQUITABLE, DIVERSE, AND INCLUSIVE WORKPLACES PROTOCOL

|                                                      | QUESTION                                                                                                                                                                                                | Y | N | NA | DESCRIPTION & EVIDENCE |
|------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|----|------------------------|
| Indicator 3<br>AA                                    | 1. Does the facility publicly report qualitative and/or quantitative information related to equitable, diverse, and inclusive workplaces and conduct ongoing monitoring and analysis?                   |   |   |    |                        |
|                                                      | 2. Does the facility set performance objectives, or apply performance objectives set at the corporate level, related to equitable, diverse, and inclusive workplaces? Do 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?                                                                                                    |   |   |    |                        |
|                                                      | <i>If you have answered "Yes" to all the Level AA questions, continue to the Level AAA questions. If you have not answered "Yes" to all the Level AA questions, assess the facility as a Level A.</i>   |   |   |    |                        |
| Indicator 3<br>Level AAA                             | 1. Is there public reporting that describes progress towards the performance objectives set at Level AA?                                                                                                |   |   |    |                        |
|                                                      | <i>If you have answered "Yes" to all the Level AAA questions, assess the facility as a Level AAA. If you have not answered "Yes" to all the Level AAA questions, assess the facility as a Level AA.</i> |   |   |    |                        |
| <b>ASSESSED LEVEL OF PERFORMANCE FOR INDICATOR 3</b> |                                                                                                                                                                                                         |   |   |    | Level: _____           |



## EQUITABLE, DIVERSE, AND INCLUSIVE WORKPLACES PROTOCOL

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