TSM

TOWARDS SUSTAINABLE MINING

Indigenous and Community Relationships Protocol

The Mining Association of Canada | L'association minière du Canada

TSM ASSESSMENT PROTOCOL

A Tool for Assessing Indigenous and Community Relationships Performance

Purpose

The purpose of the assessment protocol is to provide guidance to facilities in completing their evaluation of Indigenous and community relationships performance against Towards Sustainable Mining (TSM) indicators. The assessment protocol sets out the general expectations for Indigenous and community relationships as part of the TSM initiative. This protocol supports implementation of the TSM Mining and Indigenous Peoples Framework. As with any assessment of a management system, professional judgment is required in assessing the degree of implementation of a system indicator and the quality of management processes and intervention. Application of this protocol will, therefore, require a level of expertise in auditing and systems assessment and knowledge of and experience in the practice of Indigenous and community relationships. This assessment protocol provides an indicator of the level of implementation of proactive outreach and engagement practices as part of the TSM initiative. It is not, of itself, a guarantee of the effectiveness of Indigenous and community relationships activities.

Performance Indicators

To assess performance and measure progress towards achieving this purpose, the Indigenous and Community Relationships Protocol specifies criteria associated with five indicators:

1. Community of Interest (COI) Identification
2. Effective COI Engagement and Dialogue
3. Effective Indigenous Engagement and Dialogue
4. Community Impact and Benefit Management
5. COI Response Mechanism

Indigenous Engagement

In some jurisdictions, including Canada, Indigenous people have rights that are different than neighbouring communities, and the inclusion of an Indigenous indicator is therefore appropriate for these contexts. Indicator 3 of this protocol is intended to confirm that mining facilities are actively building meaningful relationships and implementing engagement and decision-making processes with Indigenous communities. This includes aiming to achieve free, prior, and informed consent (FPIC) for impacts on rights of directly affected Indigenous peoples before proceeding with development and maintaining it throughout the life of the project. This indicator also confirms that efforts are made to ensure that Indigenous peoples have equitable access to opportunities with the company. Furthermore, this indicator seeks to ensure that management and designated employees are educated on the history of Indigenous peoples and receive skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism. Indicator 3

builds on the engagement and dialogue systems described in Indicator 2 of this protocol. For companies applying this protocol outside of Canada, Indicator 3 is applicable where a facility may impact traditional lands, rights, and resources of Indigenous peoples.

Implementation of Indicator 3 is guided by the principles, norms, and standards of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), as well as applicable legal/regulatory requirements. Recognizing the duty of governments to consult Indigenous peoples prior to the adoption of measures that may affect them directly, and in particular in relation to projects that affect their traditional territories, companies are not expected, nor should they attempt to replace the government's responsibilities related to consultation. This indicator focuses on evaluating whether facilities are working to build and maintain meaningful relationships, respectful engagement, and decision-making processes towards achieving and maintaining the support of affected Indigenous communities. The criteria of this indicator focus on the establishment of frameworks to reach mutually acceptable arrangements through collaboration and in good faith.

In the Canadian context, discussions among Indigenous peoples, government and industry related to Indigenous participation in resource development decision making must be rooted in a shared understanding of FPIC and respect Canada's laws and constitutional frameworks. Similarly, application of FPIC must respect local laws and constitutional frameworks when being applied outside of Canada. The Mining Association of Canada (MAC) supports the view of FPIC as a process of engagement with a goal of achieving and maintaining broad support, but where unanimous consent may not be possible.

Indicator 1: Community of Interest (COI) Identification

Purpose

To confirm that processes are in place to identify COI (including Indigenous communities and organizations) affected or perceived to be affected by the company's operations and activities or who have a genuine interest in the performance and activities of a company and/or operation. Processes should ensure that COIs are reconsidered periodically throughout the facility's life.

Assessment Criteria:

Level	Criteria
C	The company does not meet all Level B criteria.
B	1. Some COI have been identified. 2. A process for identifying COI is being developed.
A	1. A documented process is in place for COI identification at the facility level that can determine a wide range of interests and concerns. 2. The process also includes: a. A mechanism for COI to self-identify b. Descriptions of relevant attributes for identified COI and a process in place to ensure related information is up to date c. Provisions to protect confidentiality, where requested by a COI 3. COI are reconsidered periodically throughout the facility's life. 4. The facility maintains a record of identified COI, which is regularly reviewed and updated.
AA	1. The documented process includes the identification of: a. Under-represented COI within the local context b. COI whose interest in the operation may be indirect and issues-based (e.g., provincial, national, and international NGOs) 2. COI are invited to provide input into how the facility identifies COI.
AAA	1. Periodic reviews of the COI identification system are done in collaboration with COI to allow for continual improvement. 2. COI input is considered in updates to the COI identification process. a. Where COI input is not incorporated, feedback has been provided to

	the COI on why input was not incorporated.

FAQs: Community of Interest (COI) Identification

#	FAQ
1	Who are Indigenous peoples?
2	What is a Community of Interest (COI)?
4	Can corporate documentation be used to demonstrate facility-level commitment?
5	How can a facility identify directly affected Indigenous communities?
6	How should regional engagement approaches be reflected within the assessment?
11	How can a facility demonstrate that processes include consideration for COI identified as under-represented?

Indicator 2: Effective COI Engagement and Dialogue

Purpose

To confirm that processes have been established to support development and maintenance of meaningful relationships with COI (including Indigenous communities and organizations) to gain mutual understanding of viewpoints, to build effective relationships, and to create shared value and mutual benefits.

Assessment Criteria:

Level	Criteria
C	The facility does not meet all Level B criteria.
B	1. The facility provides assistance, where appropriate, to ensure COI are able to participate in engagement and dialogue processes. 2. Some internal reporting on COI engagement and dialogue activities takes place. 3. Some engagement processes are in place and occasional dialogue occurs with COI. 4. Formal COI engagement processes are being developed (if they have not already been implemented).
A	1. Documented COI engagement and dialogue processes, which were designed with input from COI, are in place. 2. Processes are in place to review results from COI engagement with senior management and affected COI at a regular and pre-defined frequency. 3. Communications are written in the local language of COI (if requested) and are written in language that is clear and understandable to COI. 4. Relevant materials are provided to COI for review in an accessible and timely manner. 5. Processes exist to identify the needs of COI for capacity building to allow them to effectively participate on issues of interest or concern to them. 6. Engagement and dialogue training are provided to designated personnel, including appropriate culturally specific training. 7. Public reporting[1] on COI engagement takes place, including the types of engagement that have taken place in the reporting period and the

[1] Where COI identification/concerns are considered confidential, public disclosure of the company's relationship with the COI, their concerns, and the company's response are not required.

	topics/themes of the engagement.
AA	1. Engagement processes are reviewed with COI to ensure they can effectively participate in identifying issues and opportunities and can influence decisions that may interest or affect them. 2. The facility has a consistent history of meaningful engagement with COI. 3. Processes include consideration for COI identified as under-represented. 4. Processes exist to build the capacity of COI to allow them to effectively participate in dialogue. 5. COI contribute to periodic reviews of engagement processes to allow continual improvement. 6. COI feedback on engagement and outcomes is actively sought and publicly reported. 7. Opportunities exist for COI to provide feedback on public reporting.
AAA	1. Engagement processes are co-developed with COI, where possible, and include mechanisms for resolving disputes. 2. COI are engaged in joint decision making on agreed-to matters that directly affect them and/or in which they have an interest. 3. An evaluation of the effectiveness of the engagement system has been conducted with COI and identified corrective actions are being implemented. 4. Public reporting includes disclosure of the effectiveness of the engagement system.

FAQs: Effective COI Engagement and Dialogue

#	FAQ
1	Who are Indigenous peoples?
2	What is a Community of Interest (COI)?
3	What type of assistance might be provided to COI to ensure that they are able to participate in engagement and dialogue processes?
4	Can corporate documentation be used to demonstrate facility-level commitment?
6	How should regional engagement approaches be reflected within the assessment?
7	How can a facility demonstrate collaboration with COI?
8	How can COI contribute to periodic reviews of engagement processes, as per Indicator 2, Level AA?
9	What are different ways that a facility could publicly report on engagement activities?
10	What is the expectation in situations where an Indigenous community or other COI are not interested in/willing to engage and/or collaborate with the facility?
11	How can a facility demonstrate that processes include consideration for COI identified as under-represented?
22	What does “clear and understandable” mean?
23	What is meant by “capacity building”?
24	What are “engagement” and “dialogue”?
25	How is “senior management” defined?
26	What is an “evaluation of effectiveness”?

Indicator 3: Effective Indigenous Engagement and Dialogue

Purpose

This indicator is intended to confirm that mining facilities are actively building meaningful relationships and implementing engagement and decision-making processes with Indigenous communities. This includes aiming to achieve free, prior, and informed consent (FPIC) for impacts on rights of directly affected Indigenous peoples before proceeding with development and maintaining FPIC throughout the life of the project. This indicator also confirms that efforts are made to ensure that Indigenous peoples have equitable access to opportunities with the company. Furthermore, this indicator seeks to ensure that management and designated employees are educated on the history of Indigenous peoples and receive skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

Assessment Criteria:

Level	Criteria
C	The company does not meet all Level B criteria.
B	1. A demonstrated commitment to Indigenous engagement is evident. 2. Some engagement processes are in place and occasional dialogue occurs with directly affected Indigenous communities. 3. Processes are being developed (or are in place) to engage in dialogue with Indigenous communities to determine what is important to them. These approaches are informed by local language(s), customs, and laws. 4. Processes are being developed (or are in place) to ensure the competency of designated employees and/or to provide training in: a. Delegated consultation requirements b. The history, traditions, and rights of affected Indigenous peoples c. Intercultural awareness and engagement
A	1. Demonstrated senior management commitment to Indigenous engagement, consistent with the intent of the TSM Mining and Indigenous Peoples Framework, is in place and includes commitments to: a. Meaningful ongoing engagement b. Building respectful relationships c. Aiming to obtain the FPIC of directly affected Indigenous peoples before proceeding with new projects or expansions where impacts to rights may occur d. Ensuring that Indigenous peoples have equitable access to

	opportunities related to the facility e. Aiming to provide long-term sustainable benefits to affected Indigenous communities 2. Processes are established to engage with directly affected Indigenous communities that: a. Seek to understand what is important to the community, including culturally significant sites[2], how their rights and interests may be affected and how to mitigate adverse impacts on those rights and interests b. Are informed by local language(s), traditions, customs, Indigenous governance, and engagement processes, where already established by affected Indigenous communities c. Are designed to build meaningful relationships and respectful engagement towards achieving and maintaining broad ongoing support d. Ensure that cultural, spiritual, and/or Indigenous knowledge is sought from local Indigenous communities and organizations and is respectfully applied to inform decisions and practices, where appropriate 3. The facility works with directly affected Indigenous communities to identify opportunities for collaboration which could include, but are not limited to, local education, training, employment, business opportunities, revenue opportunities and economic development projects. 4. The facility aims to reach mutual agreement with directly affected Indigenous communities regarding culturally significant sites impacted by the facility, where they exist. 5. Processes are in place and implemented to ensure the competency of designated employees and/or to provide training in: a. Delegated consultation requirements b. The history, traditions, and rights of affected Indigenous peoples c. Intercultural awareness and engagement

[2] For facilities seeking to satisfy the requirements for the Copper Mark using TSM, an additional requirement related to the protection of cultural heritage is found in the *Responsible Sourcing Alignment Supplement* item 24, which requires facilities to identify cultural heritage sites and to establish a process based on consultation with stakeholders to avoid, minimize, reduce, and compensate for adverse impacts on cultural heritage.

AA	1. Engagement processes have been (or are in the process of being) collaboratively developed with directly affected Indigenous communities, unless engagement protocols already established by the communities have been adopted by the facility. This includes developing processes for: a. Determining how the facility and directly affected communities will seek agreement b. Determining how traditional decision-making processes are incorporated, where they exist c. Effectively resolving disputes 2. Mutually agreed-upon objectives have been established for identified opportunity areas in collaboration with directly affected Indigenous communities and are in the process of being implemented. 3. Education, awareness, and/or training on the history, traditions, and rights of Indigenous peoples and intercultural awareness and engagement is: a. Available to all employees b. Provided to personnel beyond management and designated employees, with the intent of reaching all employees 4. Education and awareness content is: a. Collaboratively designed and/or delivered with Indigenous communities b. Regularly reviewed and updated through involvement with Indigenous communities
AAA	1. Engagement processes, as described in Level AA, have been implemented and have resulted in agreements or mutually agreed-to commitments with directly affected Indigenous communities. 2. The facility can demonstrate that it is maintaining the terms of agreements and commitments and is tracking their implementation. 3. The facility is collaborating with communities on mutual objectives identified in Level AA and can provide evidence of progress towards outcomes or benefits. 4. A collaborative assessment process is in place to measure progress in meeting objectives and includes: a. Verification of performance with Indigenous communities b. Incorporation of adaptive management that can address instances where objectives are not consistently met 5. Commitment to enhancing awareness on the history, traditions, and rights of Indigenous peoples and intercultural awareness and engagement is demonstrated by at least three of the following: a. Facility-wide education, awareness, and/or training on the history, traditions, and rights of Indigenous peoples and intercultural

	awareness is provided to employees on a regular basis b. On-site cultural activities are supported by the facility c. The facility facilitates and encourages the participation of personnel in community events d. The facility contributes to or participates in local, regional, and/or national level awareness initiatives e. Awareness and education efforts are regularly assessed for effectiveness f. Awareness and education efforts are expanded beyond the facility g. Traditional and cultural activities/protocols are integrated into business practices

FAQs: Effective Indigenous Engagement and Dialogue

#	FAQ
1	Who are Indigenous peoples?
2	What is a Community of Interest (COI)?
3	What type of assistance might be provided to COI to ensure that they are able to participate in engagement and dialogue processes?
4	Can corporate documentation be used to demonstrate facility-level commitment?
6	How should regional engagement approaches be reflected within the assessment?
7	How can a facility demonstrate collaboration with COI?
10	What is the expectation in situations where an Indigenous community or other COI are not interested in/willing to engage and/or collaborate with the facility?
12	How can a facility without a formal agreement (e.g. IBA) demonstrate adherence to Indicator 3, Level AAA?
13	In order to meet the education and awareness criteria in Indicator 3 (Level A-AAA), does a facility have to provide the same level of training to all employees?
14	How can competency in Indigenous engagement and regulatory consultation requirements be demonstrated?
15	What are examples of objectives that could be identified through collaboration with COI?
16	How can a facility that is not within proximity of an Indigenous community demonstrate adherence to the criteria in Indicator 3?
28	What is local and Indigenous knowledge?

Indicator 4: Community Impact and Benefit Management

Purpose

To confirm that processes have been established to ensure that adverse community impacts (including human rights impacts) are identified, avoided, and mitigated and that processes are in place to encourage and optimize social benefits generated from the facility. Additionally, this indicator seeks to confirm that facilities identify and engage with COI on potential adverse impacts that may directly affect communities, including those associated with tailings management (as applicable) and community safety and health.

Assessment Criteria:

Level	Criteria
C	The company does not meet all Level B criteria.
B	1. There is demonstrated senior management commitment to identify and mitigate potential and actual adverse impacts related to the facility's activities that directly affect COI and to work to optimize benefits to those communities. 2. Roles and responsibilities for implementing this commitment have been assigned. 3. Actual and potential adverse impacts related to the facility's activities that directly affect COI have been identified by the facility. 4. The facility can demonstrate some efforts to mitigate identified adverse impacts. 5. Some decisions are made related to contributions to the community. 6. The facility does some monitoring of adverse impacts, trends, and management practices.

A	1. Processes are in place to engage with COI on the identification, prioritization, and avoidance or mitigation of potential and actual adverse impacts related to the facility's activities that directly affect COI. 2. In prioritizing potential and actual adverse impacts, processes should consider the relevance of the following on COI: a. Social adverse impacts that may be attributed to the presence of the facility b. Environmental adverse impacts that may directly affect communities, including those associated with tailings management (as applicable) c. Adverse impacts related to community safety and health 3. Engagement processes include measures to facilitate and encourage the participation of under-represented COI and to determine which COI are most significantly impacted by identified potential and actual adverse impacts. 4. Action plans for prioritized impacts have been informed through engagement with relevant COI and are being implemented. a. Action plans include the identification of relevant objectives or targets and these are tracked, reviewed, and adaptively managed with affected COI. b. Action plans include consideration for how actions aimed at mitigating impacts can also result in optimized benefits for COI. 5. Processes are in place to engage with relevant COI on the identification and prioritization of opportunities to optimize benefits for COI. These could include, but are not limited to, consideration of local procurement and employment. 6. Action plans for prioritized opportunities to optimize benefits have been developed through engagement with relevant COI and are being implemented. a. Action plans include the identification of relevant objectives or targets and these are tracked, reviewed, and adaptively managed with affected COI. 7. Processes are in place to engage with relevant COI on contributions made by the facility to community development initiatives. 8. Contributions are communicated publicly. 9. Baseline data is collected for prioritized adverse impacts. 10. Metrics are established to track action plan implementation and effectiveness. 11. Results are reviewed with affected COI on a regular and pre-determined basis.

AA	1. Processes are in place that incorporate collaborative decision making with relevant COI to avoid or mitigate prioritized adverse impacts. 2. The identification and prioritization of opportunities to optimize benefits for COI consider opportunities that: a. Benefit a broad spectrum of the community. b. Can be self-sustaining beyond the productive life of the facility. 3. Processes are in place to optimize benefits for COI that incorporate collaborative decision making with relevant COI. 4. Decisions on how to direct contributions made by the facility to the community are made collaboratively with COI. 5. In collaboration with COI, where possible, the facility regularly measures and analyzes the trends of identified prioritized adverse impacts. The facility also regularly measures and analyzes opportunities to optimize benefits and works with COI to prioritize and adaptively manage how gaps are addressed.
AAA	1. Where such processes do not already exist, the facility is working with COI to implement decision-making processes to empower COI to manage ongoing adverse impact mitigation and benefit optimization after the productive life of the facility ends. a. These processes include the identification of potential partnerships and the role of relevant levels of government to ensure the mitigation and optimization can be sustained. b. Where opportunities to minimize long term adverse impacts and/or to optimize benefits beyond the productive life of the facility have been identified, they are being incorporated into long-term investment decisions and/or closure plans to ensure they can be sustained in the long term. 2. Where COI do not already have a shared vision and community development plan (or

	equivalent) and where COI are interested, the facility provides support to enable COI to begin planning. 3. The facility collaborates with affected COI on reviewing the effectiveness of: a. Actions aimed at optimizing priority opportunities for community benefits. b. Actions aimed at mitigating adverse impacts.

FAQs: Community Impact and Benefit Management

#	FAQ
2	What is a Community of Interest (COI)?
3	What type of assistance might be provided to COI to ensure that they are able to participate in engagement and dialogue processes?
4	Can corporate documentation be used to demonstrate facility-level commitment?
6	How should regional engagement approaches be reflected within the assessment?
7	How can a facility demonstrate collaboration with COI?
10	What is the expectation in situations where an Indigenous community or other COI are not interested in/willing to engage and/or collaborate with the facility?
15	What are examples of objectives that could be identified through collaboration with COI?
17	At what stage should a facility look at initiatives to benefit the community post-closure?
18	How can a facility demonstrate that it has processes in place to identify potential and actual adverse social, environmental and community safety and health
19	How does the mitigation hierarchy apply to this protocol?
20	What are the UN Sustainable Development Goals (SDGs) and how do they relate to Indicator 4 of this protocol?
27	What is baseline data?
29	What is a community contribution?

Indicator 5: COI Response Mechanism

Purpose

To confirm that there are processes in place to receive, track, and respond to incidents, concerns, and feedback from COI (including Indigenous communities and organizations), leading towards stronger relationships and building trust.

Assessment Criteria:

Level	Criteria
C	The company does not meet all Level B criteria.
B	1. Some form of feedback process exists. 2. A formal feedback system is planned or in development (if it does not already exist).
A	1. A response mechanism is in place with a clear process to receive, manage, and respond to COI grievances, comments, and requests, which: a. Captures reported incidents, concerns, and feedback. b. Assesses and determines which grievances require remedy c. Responds in a timely manner d. Is accessible 2. The facility has a process to track issues and concerns raised by COI, including status, and communicates status updates. 3. COI are proactively and clearly informed on how to access the facility's response mechanism.
AA	1. The response mechanism is collaboratively developed with directly affected COI. 2. The response mechanism is reviewed at least annually to identify opportunities for continuous improvement.
AAA	1. There are mechanisms in place to escalate complaints if not adequately dealt with by the COI response mechanism. 2. The response mechanism includes post-process follow-up with mechanism users. 3. An evaluation of the effectiveness of the response mechanism has been conducted and identified corrective actions are being implemented.

FAQs: COI Response Mechanism

#	FAQ
1	What is a Community of Interest (COI)?
6	How should regional engagement approaches be reflected within the assessment?
21	What are examples of mechanisms that could be used to escalate complaints from COI if they are not adequately dealt with through the COI response mechanism?
26	What is an “evaluation of effectiveness”?
27	How is “senior management” defined?

Appendix 1: Frequently Asked Questions

1. Who are Indigenous peoples?

In Canada, ‘Indigenous peoples' is a collective name for the original peoples of North America and their descendants. Often, ‘Aboriginal peoples' is also used. Section 35 of the Canadian Constitution, which recognizes and affirms Aboriginal rights, recognizes three groups of Aboriginal peoples: First Nations, Inuit, and Métis. These are three distinct peoples with unique histories, languages, cultural practices, and spiritual beliefs.

Considering the diversity of Indigenous peoples within Canada and globally, there is not an official definition of “Indigenous”. According to the United Nations, the most fruitful approach is to identify rather than define Indigenous peoples.

The term “Indigenous” has prevailed as a generic term for many years. In some countries or regions, there may be preference for other terms. Additionally, some individuals may

choose not to reveal or define their origin. Others must respect such choices, while at the same time working against the discrimination of Indigenous peoples.

(Adapted from the United Nations Permanent Forum on Indigenous Issues Fact Sheet: https://www.un.org/esa/socdev/unpfii/documents/5session_factsheet1.pdf)

2. What is a Community of Interest (COI)?

COI include all individuals and groups who have an interest in, or believe they may be affected by, decisions respecting the management of operations. Facility COI may include, but are not restricted to:

- Indigenous peoples
- Community members
- Under-represented groups
- Employees
- Contractors/suppliers
- Neighbours
- Local environmental organizations and other non-governmental organizations (NGO)
- Local governments and institutions

Other COI may include:

- Suppliers
- Customers
- Regional or national environmental organizations and other non-governmental organizations (NGO)
- Governments
- The financial community
- Shareholders

The TSM Indigenous and Community Relationships Protocol is designed to measure performance at the facility level. However, companies should identify COI with an interest in their operations beyond local COI. For example, shareholders or downstream users of mined products (e.g. jewelry manufacturing) may have an interest in the environmental and social performance of a facility. Furthermore, a company may engage with suppliers to understand the practices being employed throughout their supply chain (e.g. feed stock supplied to an operation). The way in which a facility engages with different COI will vary depending on the context. The intent of this protocol is for facilities to work with COI to determine appropriate engagement mechanisms.

3. What type of assistance might be provided to COI to ensure that they are able to participate in engagement and dialogue processes?

In some instances, it might be appropriate for the facility to provide assistance by way of reimbursing for travel expenses incurred as a result of engagement activities and/or providing honoraria to compensate for time and knowledge shared with the facility. Assistance may also be provided by way of company representatives meeting with COI in

the community rather than having COI travel to the facility. It could also include providing access to subject-matter experts, educational material, or translation services. The appropriate degree of assistance should be determined through engagement with COI.

4. Can corporate documentation be used to demonstrate facility-level commitment?

Written senior management commitment at the corporate level (e.g. a corporate policy) can only be accepted as evidence during a facility-level self-assessment or TSM external verification if it is accompanied by evidence that the corporate commitment is being applied and adhered to at the facility level. There must be evidence of a link between the corporate documentation and facility-level practices. If this linkage is established, then the corporate documentation can be accepted as evidence of facility-level commitment.

5. How can a facility identify directly affected Indigenous communities?

To identify directly affected Indigenous communities, the facility should have an understanding of a) Indigenous traditional lands and Treaty rights potentially affected by the organization, and b) on-going traditional use of the land for hunting, fishing, trapping and related harvest activities in the area of development. For some companies, this process is completed as part of an impact assessment through which they assess Indigenous rights to affected areas.

6. How should regional engagement approaches be reflected within the assessment?

Where multiple facilities are located within a region, the company may choose to adopt a regional approach to COI identification and engagement. In these cases, the division of roles and responsibilities between facility-level and regional-level personnel should be clearly understood and documented and supporting systems should be developed and implemented at the appropriate level. The TSM assessment should consider both facility-level and regional systems when assessing performance for each facility included within the region.

7. How can a facility demonstrate collaboration with COI?

Throughout the Indigenous and Community Relationships Protocol, there are criteria that require both collaboration with COI and co-development with COI. What collaboration and co-development look like in practice will vary depending on the priorities of COI and the local context. In some situations, this may mean co-development of an engagement plan. In others, collaboration could be demonstrated by a facility adopting a community-established engagement process. Mutually accepted approaches to collaboration should be determined through engagement with COI.

8. How can COI contribute to periodic reviews of engagement processes, as per Indicator 2, Level AA?

A facility should work with COI to determine the appropriate mechanisms for COI to contribute to a review of the engagement process and whether COI are interested in collaborating on the review. Examples of COI contribution to the review process could include collaboratively developing performance indicators and participating in the evaluation process.

9. What are different ways that a facility could publicly report on engagement activities?

Public reporting on engagement activities may be done in a variety of ways. For example, some companies will report on engagement as part of the annual corporate sustainability report. Others may report on COI engagement through newsletters, reports to the community or on the company website. Public reporting does not need to document every meeting with individual COI. However, public reporting should provide a broad summary of the facility's engagement activities and the key themes/topics that are of interest to its COI.

10. What is the expectation in situations where an Indigenous community or other COI are not interested in/willing to engage and/or collaborate with the facility?

The TSM Indigenous and Community Relationships Protocol focuses on ensuring that a facility's commitments, processes, and actions are aligned with a genuine intent for building and maintaining meaningful relationships. Despite a facility's best efforts, there may be instances where an Indigenous community or other COI, for various reasons, does not engage with the facility. In these cases, the facility should be evaluated based on the alignment of its commitments, processes, and actions to the criteria of this protocol. Lack of reciprocity on engagement efforts should not prevent a facility from scoring beyond Level A.

Furthermore, several criteria in the protocol require facilities and COI to collaborate. However, collaboration will not be possible or appropriate in all instances. For example, Indicator 2, Level AAA requires that the engagement processes be co-developed with COI. COI may not be interested or able to co-develop an engagement process. In these situations, a facility should be able to demonstrate that it has provided COI with the opportunity to co-develop the engagement processes and that engagement processes reflect the needs and interests of the community. Lack of reciprocity from COI to collaborate should not prevent a facility from achieving the corresponding performance level.

11. How can a facility demonstrate that processes include consideration for COI identified as under-represented?

The intent of the protocol is to ensure that facilities have inclusive and accessible engagement processes that provide opportunities for all COI, including individuals belonging to specific groups or populations that may be at heightened risk of vulnerability or marginalization, to engage in meaningful dialogue with the facility. To do so, the facility should encourage public participation in designing engagement processes to meet the needs of COI while respecting cultural needs and accommodating accessibility requirements. The intent of the protocol is to encourage companies to take a holistic approach to engagement. In some circumstances it may mean looking at issues that impact a broad spectrum of COI (e.g. health care, education, and not-for-profit support). In other circumstances, it may mean one-on-one engagement with a specific group or individual. While not all COI will have an interest in engaging with a facility, the facility should be able to demonstrate that it facilitates opportunities for those potentially directly and adversely affected by the facility to participate in engagement processes, including ensuring that opportunities to engage with the facility are communicated publicly (e.g. through the company website, newspaper or community-distributed newsletters).

The facility should have provisions to protect COI confidentiality requests, including requests from under-represented groups.

12. How can a facility without a formal agreement (e.g. IBA) demonstrate adherence to Indicator 3, Level AAA?

Indicator 3, Level AAA requires a facility to be able to demonstrate that it is maintaining the terms of agreements and commitments with Indigenous communities and is tracking their implementation. The intent of this criterion is to confirm whether a facility is fulfilling commitments it has made to Indigenous communities. While formal agreements such as Impact Management Agreements, Participation Agreements, Impact Benefit Agreements, Socio-Economic Agreements, and Environmental Agreements may be used as evidence that this criterion is met, facilities can achieve Level AAA without a formal agreement in place.

13. In order to meet the education and awareness criteria in Indicator 3 (Level A-AAA), does a facility have to provide the same level of training to all employees?

Throughout Indicator 3, there are criteria that are intended to respond to the Truth and Reconciliation Commission's Call to Action 92 iii, which calls on the corporate sector in Canada to:

- Provide education for management and staff on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

Response to this Call to Action will vary across facilities and the degree of education and awareness provided will vary for different roles within an organization. For example, awareness and education provided to management and designated employees (as per level A) should be based on gaps in knowledge and/or skills and designed in a way to ensure that these individuals have the appropriate level of knowledge/skills to respectfully and effectively engage with the community. In contrast, awareness training provided to short-term employees could be included as part of a site orientation package.

Education and awareness on the history of Indigenous peoples should not be restricted to a conventional classroom environment. Some companies have successfully enhanced awareness within their organizations through providing access to Indigenous films and plays, embedding Indigenous protocols into business practices, and encouraging employee participation in community events.

This protocol seeks to encourage facilities to ensure that employees have skills in intercultural competency, conflict resolution, human rights, and anti-discrimination. In some cases, employees will come to their position with the relevant competencies. In other situations, the facility will need to provide skills-based training, intercultural awareness, and engagement training. Initiatives should be based on the needs of the organization and

individual employees. There will not be a one size fits all approach for the content or its delivery.

To achieve Level AA of Indicator 3, there must be evidence that awareness and/or training programs have been developed and implemented in collaboration with Indigenous communities. This could include collaboration on the content development and working with Indigenous communities to identify Knowledge Holders to deliver awareness and/or training programs. In some cases, collaboration with all (or any) relevant Indigenous communities will not be possible. In these situations, the facility should be able to demonstrate that efforts have been made to engage with relevant communities. The facility should also be able to ensure that training material respectfully reflects the local context.

Level AAA encourages facilities to demonstrate leadership in enhancing awareness on the history, traditions, and rights of Indigenous peoples, in addition to showing leadership on demonstrating intercultural awareness and engagement. One way to do so is through facility-wide education, awareness or training initiatives that are provided to employees on a regular basis. To assess performance, there should be evidence that there are facility-wide initiatives that are designed to reach all employees on a regular basis. TSM Verification Service Providers are not required to assess whether there has been participation by all employees within the organization.

14. How can competency in Indigenous engagement and regulatory consultation requirements be demonstrated?

Considerations for determining whether an individual is competent include, but are not limited to:

- Previous training including formal education as appropriate
- Previous experience, including applying engagement protocols and consultation requirements
- Degree of relevant knowledge
- Relationship with the community

15. What are examples of objectives that could be identified through collaboration with COI?

Mutually agreed objectives may include, but are not limited to, local education, training, employment, business opportunities, procurement, economic development projects and environmental programs, mitigation measures and offsets.

16. How can a facility that is not within proximity of an Indigenous community demonstrate adherence to the criteria in Indicator 3?

The actions a facility undertakes to achieve Level A, AA and AAA of Indicator 3 will vary from one facility to the next. Engagement processes should reflect the local circumstances and the proximity of impact on Indigenous peoples. There may be facilities applying this protocol where there is no direct impact on an Indigenous community and/or there have been no requests for engagement from Indigenous communities. In other situations,

companies may have attempted to engage with Indigenous communities, but have had little or no response from those communities. In situations where the degree and proximity of impact on an Indigenous community or communities is negligible, a facility may determine that some criteria in this indicator are not applicable. Regardless of proximity of impact, a facility assessed at Level AA or AAA should be able to demonstrate the following:

- It has a documented understanding of the proximate community, including the degree and proximity of impact on Indigenous community or communities.
- It has an open and inclusive engagement process to ensure that potentially impacted Indigenous communities have an opportunity to participate in the facility's engagement activities, if interested.
- Efforts are made to ensure that Indigenous peoples have equitable access to opportunities with the company.
- Indigenous inclusion and awareness initiatives (as per Indicator 3) are in place.
- Efforts to engage with Indigenous communities and organizations are documented.

Facilities assessed at Level AA or AAA for Indicator 3 that have determined that criteria in Indicator 3 are not applicable are required to publicly describe how this determination was made and how they are applying this indicator in their annual TSM Company Profile as part of the TSM Progress Report.

17. At what stage should a facility look at initiatives to benefit the community post-closure?

Some companies applying this protocol will continue to be in operation for several decades. Discussions with the community about the sustainability of post-closure initiatives might not be pertinent in these circumstances. Priority initiatives should be determined through engagement with COI.

18. How can a facility demonstrate that it has processes in place to identify potential and actual adverse social, environmental and community safety and health impacts?

To engage effectively with relevant COI on potential and actual adverse impacts, a facility must have a good understanding of the potential and actual impacts associated with its activities. Identification of potential and actual impacts can be done in conjunction with other risk assessment exercises. For example, the facility may address this while fulfilling the TSM Crisis Management and Communications Protocol's requirement to identify credible threats and risks.

A facility must also identify COI who have specific relevance to or interest in each identified potential impact. This process should be incorporated into the facility's system for COI identification as described in Indicator 1.

For example, in the case of tailings management, identified COI should include:

- Those who may be directly impacted in the event of a failure of a tailings facility.
- Those who may be impacted by the presence and operation of a tailings facility.

Issues of interest and importance will vary from one facility to the next and from one community to the next. Topics for engagement should be determined through dialogue with COI. In the case of tailings management, topics of interest and importance to COI could include:

- Emergency preparedness and response planning
- Nature of tailings (e.g. acid generating vs. non-acid generating)
- Environmental impacts
- Closure and reclamation
- Community safety and health
- Regulatory requirements and permitting processes
- Design plans for new facilities and expansions
- Water usage and quality
- Dust suppression
- Visual impact
- Liability and accountability
- Monitoring practices and results
- Traditional land use
- Adaptation to climate change and preparations for extreme weather events

19. How does the mitigation hierarchy apply to this protocol?

The mitigation hierarchy is a framework that is typically applied in managing the risks and potential impacts of development projects on biodiversity. However, the principles of the mitigation hierarchy should be applied to the management of other impacts. When developing action plans for adverse impacts, facilities should prioritize avoidance before moving to efforts to minimize or compensate for impacts. Avoidance includes measures taken to anticipate and prevent adverse impacts before actions or decisions are taken that could lead to such impacts. Avoidance may involve changes in early project planning to 'design out' impacts or risks. If avoidance is not possible, and once the preferred alternatives have been chosen, it is appropriate to consider minimization.
(Adapted from ICMM's A cross-sector guide for implementing the Mitigation Hierarchy https://www.icmm.com/website/publications/pdfs/biodiversity/cross-sector-guide-mitigation-hierarchy).

20. What are the UN Sustainable Development Goals (SDGs) and how do they relate to Indicator 4 of this protocol?

The Sustainable Development Goals (SDGs), also known as the Global Goals, were adopted by all United Nations Member States in 2015 as a universal call to action to end poverty, protect the planet and ensure that all people enjoy peace and prosperity by 2030.

The 17 SDGs are integrated—that is, they recognize that action in one area will affect outcomes in others, and that development must balance social, economic and environmental sustainability (https://www.undp.org/content/undp/en/home/sustainable-development-goals.html).

Meeting the SDGs by 2030 will require cooperation and collaboration among governments, NGOs, development partners, communities, and the private sector.

The SDGs can be useful tools to help facilities identity impacts and develop action plans for avoiding or minimizing adverse impacts and optimizing community benefits.

21. What are examples of mechanisms that could be used to escalate complaints from COI if they are not adequately dealt with through the COI response mechanism?

When resolution cannot be achieved through the response mechanism process, facilities and COI can retain a neutral and respected third party, such as an Elder, leader of a faith-based organization or trained mediator, to try to facilitate a mutually acceptable resolution. If the complaint involves a technical matter, a third party could be retained to provide expertise and an independent opinion.

Definition of Key Terms

22. What does "clear and understandable" mean?

Clear and understandable means that language in communications is at a reading level that is appropriate for the typical educational level of attainment of COIs and is free from technical jargon.

23. What is meant by "capacity building"?

Capacity building refers to the development, fostering and support of resources and relationships at individual, organizational, inter-organizational and systems levels, so that the COI can effectively engage with facilities and transfer information within the COI.

24. What are "engagement" and "dialogue"?

Engagement is a process of two-way communication that addresses the specific needs for information of COI and the facility in a way that is understandable to the participants in the discussion. Dialogue is a form of communication that leads to shared understanding between participants.

25. How is "senior management" defined?

For the purposes of this protocol, senior management refers to the corporate and/or facility-level personnel with overall accountability for engagement and dialogue processes. For large organizations with many sites, outreach takes place at several levels – community, regional and national. In these circumstances, senior management describes personnel with overall responsibility for outreach at each of the various levels.

26. 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. In the context of the *TSM*

Indigenous and Community Relationships Protocol, this evaluation must be carried out in collaboration with COI.

27. What is baseline data?

Baseline data is the data typically collected prior to the mine development. For adverse social impacts, this would include data on social conditions, social well-being, and social activities for COI. The scope of the baseline data should be tailored to the facility, consider COI input, and should include indicators and information that are useful and meaningful for effective analysis of prioritized adverse social impacts. Recognizing that pre-development baseline data may not be available for all facilities, sites may choose to use alternative approaches. For example, a facility may select a point in time as the baseline to enable ongoing assessment of trends and effectiveness of actions. Furthermore, the facility may not have access to data on all prioritized adverse social impacts.

28. What is local and Indigenous knowledge?

United Nations Educational, Scientific, and Cultural Organization (UNESCO) has defined local and Indigenous knowledge as:

> Local and Indigenous knowledge refers to the understandings, skills and philosophies developed by societies with long histories of interaction with their natural surroundings. For rural and Indigenous peoples, local knowledge informs decision-making about fundamental aspects of day-to-day life.
>
> This knowledge is integral to a cultural complex that also encompasses language, systems of classification, resource use practices, social interactions, ritual and spirituality.
>
> These unique ways of knowing are important facets of the world's cultural diversity, and provide a foundation for locally-appropriate sustainable development.
>
> (UNESCO, Local and Indigenous Knowledge Systems: http://www.unesco.org/new/en/natural-sciences/priority-areas/links/related-information/what-is-local-and-indigenous-knowledge)

29. What is a community contribution?

A community contribution is anything done to benefit the community. Contributions include, but are not limited to, community donations, investments in community development initiatives, procurement and employment initiatives, support for skills training and education programs.

APPENDIX 2: TSM SELF ASSESSMENT CHECKLIST

Indigenous and Community Relationships

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

Supporting Documentation / Evidence:	
Name of Document	**Location**

Interviewees:			
Name	**Position**	**Name**	**Position**

		QUESTION	Y	N	NA	DESCRIPTION & EVIDENCE
INDICATOR 1: COI IDENTIFICATION						
Indicator 1 Level B	1.	Have some local COI been identified?				
	2.	Is there a process for identifying COI being developed?				
	If you have answered "Yes" to all Level B questions, continue to the Level A questions. If you have not answered "Yes" to all Level B questions, assess the facility as a Level C.					
Indicator 1 Level A	1.	Is there a documented process in place for COI identification at the facility level that can determine a wide range of interests and concerns?				
	2.	Does the process also include:				
	a.	A mechanism for COI to self-identify?				
	b.	Descriptions of relevant attributes for identified COI and a process in place to ensure related information is up to date?				
	c.	Provisions to protect confidentiality, where requested by a COI?				
	3.	Are COIs reconsidered periodically throughout the facility's life?				
	4.	Does the facility maintain a record of identified COI, which is regularly reviewed and updated?				
	If you have answered "Yes" to all Level A questions, continue to the Level AA questions. If you have not answered "Yes" to all Level A questions, assess the facility as a Level B.					
Indicator 1 Level AA	1.	Does the documented process include the identification of:				
	a.	Under-represented COI within the local context?				
	b.	COI whose interest in the operation may be indirect and issues-based (e.g., provincial, national, and international NGOs)?				
	2.	Are COIs invited to provide input into how the facility identifies COI?				

		QUESTION	Y	N	NA	DESCRIPTION & EVIDENCE
	If you have answered "Yes" to all Level AA questions, continue to the Level AAA questions. If you have not answered "Yes" to all Level AA questions, assess the facility as a Level A.					
Indicator 1 Level AAA	1.	Are periodic reviews of the COI identification system done in collaboration with COI to allow for continual improvement?				
	2.	Is COI input considered in updates to the COI identification process?				
	a.	Where COI input is not incorporated, has feedback been provided to the COI on why input was not incorporated?				
	If you have answered "Yes" to all Level AAA questions, assess the facility as a Level AAA. If you have not answered "Yes" to all Level AAA questions, assess the facility as a Level AA.					
ASSESSED LEVEL OF PERFORMANCE FOR INDICATOR 1						**Level:** _____

		QUESTION	Y	N	NA	DESCRIPTION & EVIDENCE
INDICATOR 2: EFFECTIVE COI ENGAGEMENT AND DIALOGUE						
Indicator 2 Level B	1.	Does the facility provide assistance, where appropriate, to ensure COI are able to participate in engagement and dialogue processes?				
	2.	Does some internal reporting on COI engagement and dialogue activities take place?				
	3.	Are some engagement processes in place, and does occasional dialogue occur with COI?				
	4.	Are formal COI engagement processes being developed (if they have not already been implemented)?				
	If you have answered "Yes" to all Level B questions, continue to the Level A questions. If you have not answered "Yes" to all Level B questions, assess the facility as a Level C.					
Indicator 2 Level A	1.	Are there documented COI engagement and dialogue processes, which were designed with input from COI, in place?				
	2.	Processes are in place to review results from COI engagement with senior management and affected COI on a regular and pre-defined frequency.				
	3.	Are communications written in the local language for COI (if requested) and written in language that is clear and understandable to COI?				
	4.	Are relevant materials provided to COI for review in an accessible and timely manner?				
	5.	Do processes exist to identify the needs of COI for capacity building to allow them to participate effectively on issues of interest or concern to them?				
	6.	Is engagement and dialogue training provided to designated personnel, including appropriate culturally specific training?				

		QUESTION	Y	N	NA	DESCRIPTION & EVIDENCE
	7.	Does public reporting on COI engagement take place, including the types of engagement that have taken place in the reporting period and the topics/themes of the engagement?				
	If you have answered "Yes" to all Level A questions, continue to the Level AA questions. If you have not answered "Yes" to all Level A questions, assess the facility as a Level B.					
Indicator 2 Level AA	1.	Are engagement processes reviewed with COI to ensure they can effectively participate in identifying issues and opportunities and influence decisions that may interest or affect them?				
	2.	Does the facility have a consistent history of meaningful engagement with COI?				
	3.	Do processes include consideration for COI identified as under-represented?				
	4.	Do processes to build the capacity of COI to allow them to effectively participate in dialogue exist?				
	5.	Do COI contribute to periodic reviews of engagement processes to allow continual improvement?				
	6.	Is COI feedback on engagement and outcomes actively sought and publicly reported?				
	7.	Do opportunities exist for COI to provide feedback on public reporting?				
	If you have answered "Yes" to all Level AA questions, continue to the Level AAA questions. If you have not answered "Yes" to all Level AA questions, assess the facility as a Level A.					
Indicator 2 Level AAA	1.	Are engagement processes co-developed with COI, where possible, and do they include mechanisms for resolving disputes?				
	2.	Are COI engaged in joint decision making on agreed to matters that directly affect them and/or they have an interest in?				

		QUESTION	Y	N	NA	DESCRIPTION & EVIDENCE
	3.	Has an evaluationof the effectiveness of the engagement system been conducted with COI and are identified corrective actions being implemented?				
	4.	Does public reporting include the disclosure of the effectiveness of the engagement system?				
	If you have answered "Yes" to all Level AAA questions, assess the facility as a Level AAA. If you have not answered "Yes" to all Level AAA questions, assess the facility as a Level AA.					
ASSESSED LEVEL OF PERFORMANCE FOR INDICATOR 2						**Level: _____**

		QUESTION	Y	N	NA	DESCRIPTION & EVIDENCE
INDICATOR 3: EFFECTIVE INDIGENOUS ENGAGEMENT AND DIALOGUE						
Indicator 3 Level B	1.	Is a demonstrated commitment to Indigenous engagement evident?				
	2.	Are some engagement processes in place, and does occasional dialogue occur with directly affected Indigenous communities?				
	3.	Are processes being developed (or are processes in place) to engage in dialogue with Indigenous communities to determine what is important to them and are these approaches being informed by local language(s), customs, and laws?				
	4.	Are processes being developed (or are in place) to ensure the competency of designated employees and/or to provide training in:				
	a.	Delegated consultation requirements?				
	b.	The history, traditions, and rights of affected Indigenous peoples?				
	c.	Intercultural awareness and engagement?				

		QUESTION	Y	N	NA	DESCRIPTION & EVIDENCE
	If you have answered "Yes" to all Level B questions, continue to the Level A questions. If you have not answered "Yes" to all Level B questions, assess the facility as a Level C.					
Indicator 3 Level A	1.	Is there demonstrated senior management commitment to Indigenous engagement, consistent with the intent of the *TSM Mining and Indigenous Peoples Framework,* and does it include commitments to:				
	a.	Meaningful ongoing engagement?				
	b.	Building respectful relationships?				
	c.	Aiming to obtain the FPIC of directly affected Indigenous peoples before proceeding with new projects or expansions where impacts to rights may occur?				
	d.	Ensuring that Indigenous peoples have equitable access to opportunities related to the facility.?				
	e.	Aiming to provide long-term sustainable benefits to affected Indigenous communities?				
	2.	Are processes established to engage with directly affected Indigenous communities that:				
	a.	Seek to understand what is important to the community, including culturally significant sites, how their rights and interests may be affected and how to mitigate adverse impacts on those rights and interests?				
	b.	Are informed by local language(s), traditions, customs, Indigenous governance, and engagement processes where already established by affected Indigenous communities?				
	c.	Are designed to build meaningful relationships and respectful engagement towards achieving and maintaining broad ongoing support?				

		QUESTION	Y	N	NA	DESCRIPTION & EVIDENCE
	d.	Ensure that cultural, spiritual, and/or Indigenous knowledge is sought from local Indigenous communities and organizations and is respectfully applied to inform decisions and practices, where appropriate?				
	3.	Does the facility work with directly affected Indigenous communities to identify opportunities for collaboration which could include, but are not limited to, local education, training, employment, business opportunities, revenue opportunities and economic development projects?				
	4.	Does the facility aim to reach mutual agreement with directly affected Indigenous communities regarding culturally significant sites impacted by the facility, where they exist?				
	5.	Are processes in place and implemented to ensure the competency of designated employees and/or to provide training in:				
	a.	Delegated consultation requirements?				
	b.	The history, traditions, and rights of affected Indigenous peoples?				
	c.	Intercultural awareness and engagement?				
	If you have answered "Yes" to all Level A questions, continue to the Level AA questions. If you have not answered "Yes" to all Level A questions, assess the facility as a Level B.					
Indicator 3 Level AA	1.	Have engagement processes been (or are they in the process of being) collaboratively developed with directly affected Indigenous communities, unless engagement protocols already established by the communities have been adopted by the facility? Does this include processes for:				
	a.	Determining how the facility and directly affected communities will seek agreement?				
	b.	Determining how traditional decision-making processes are incorporated, where they exist?				

		QUESTION	Y	N	NA	DESCRIPTION & EVIDENCE
	c.	Effectively resolving disputes?				
	2.	Have mutually agreed-upon objectives been established for identified opportunity areas in collaboration with directly affected Indigenous communities and are they in the process of being implemented?				
	3.	Is education, awareness and/or training on the history, traditions and rights of Indigenous peoples, and intercultural awareness and engagement:				
	a.	Available to all employees?				
	b.	Provided to personnel beyond management and designated employees, with the intent of reaching all employees?				
	4.	Is education and awareness content:				
	a.	Collaboratively designed and/or delivered with Indigenous communities?				
	b.	Regularly reviewed and updated through involvement with Indigenous communities?				
	If you have answered "Yes" to all Level AA questions, continue to the Level AAA questions. If you have not answered "Yes" to all Level AA questions, assess the facility as a Level A.					
Indicator 3 Level AAA	1.	Have engagement processes, as described in Level AA, been implemented and resulted in agreements or mutually agreed-to commitments with directly affected Indigenous communities?				
	2.	Can the facility demonstrate that it is maintaining the terms of agreements and commitments and is tracking their implementation?				
	3.	Is the facility collaborating with communities on mutually identified objectives identified in Level AA and can it provide evidence of progress towards outcomes or benefits?				
	4.	Is a collaborative assessment process in place to measure progress in meeting objectives and does it include:				

	QUESTION		Y	N	NA	DESCRIPTION & EVIDENCE
	a.	Verification of performance with Indigenous communities?				
	b.	Incorporation of adaptive management that can address instances where objectives are not consistently met?				
	5.	Is a commitment to enhancing awareness on the history, traditions, and rights of Indigenous peoples and intercultural awareness and engagement demonstrated by at least three of the following:				
	a.	Facility-wide education, awareness and/or training on the history, traditions and rights of Indigenous peoples and intercultural awareness provided to employees on a regular basis?				
	b.	On site cultural activities are supported by the facility?				
	c.	The facility facilitates and encourages the participation of personnel in community events?				
	d.	The facility contributes to or participates in local-, regional-, and/or national-level awareness initiatives?				
	e.	Awareness and education efforts are regularly assessed for effectiveness?				
	f.	Awareness and education efforts are expanded beyond the facility?				
	g.	Traditional and cultural activities/protocols are integrated into business practices?				
	If you have answered "Yes" to all Level AAA questions, assess the facility as a Level AAA. If you have not answered "Yes" to all Level AAA questions, assess the facility as a Level AA.					
ASSESSED LEVEL OF PERFORMANCE FOR INDICATOR 3						**Level:** _____

		QUESTION	Y	N	NA	DESCRIPTION & EVIDENCE
INDICATOR 4: COMMUNITY IMPACT AND BENEFIT MANAGEMENT						
Indicator 4 Level B	1.	Is there demonstrated senior management commitment to identify and mitigate potential and actual adverse impacts related to the facility's activities that directly affect COI and work to optimize benefits to those communities?				
	2.	Have roles and responsibilities for implementing commitment been assigned?				
	3.	Have actual and potential adverse impacts related to the facility's activities that directly affect COI been identified by the facility?				
	4.	Can the facility demonstrate some efforts to mitigate identified adverse impacts?				
	5.	Are some decisions made related to contributions to the community?				
	6.	Does the facility do some monitoring of adverse impacts, trends, and management practices.				
	If you have answered "Yes" to all Level B questions, continue to the Level A questions. If you have not answered "Yes" to all Level B questions, assess the facility as a Level C.					
Indicator 4 Level A	1.	Are processes in place to engage with COI on the identification, prioritization and avoidance or mitigation of potential and actual adverse impacts related to the facility's activities that directly affect COI?				
	2.	In prioritizing potential and actual adverse impacts, do processes consider the relevancy of the following on COI:				
	a.	Social adverse impacts that may be attributed to the presence of the facility?				
	b.	Environmental adverse impacts, including those associated with tailings management (as applicable), that may directly affect communities?				
	c.	Adverse impacts related to community safety and health?				

	QUESTION		Y	N	NA	DESCRIPTION & EVIDENCE
	3.	Do engagement processes include measures to facilitate and encourage the participation of under-represented COI and to determine which COI are most significantly impacted by identified potential and actual adverse impacts?				
	4.	Have action plans for prioritized impacts been informed through engagement with relevant COI and are they being implemented?				
	a.	Do action plans include the identification of relevant objectives or targets and are these tracked, reviewed, and adaptively managed with affected COI?				
	b.	Do action plans include consideration for how actions aimed at mitigating impacts can also result in optimized benefits for COI?				
	5.	Are processes in place to engage with relevant COI on the identification and prioritization of opportunities to optimize benefits for COI, which could include, but is not limited to, consideration of local procurement and employment?				
	6.	Have action plans for prioritized opportunities to optimize benefits been developed through engagement with relevant COI and are they being implemented?				
	a.	Do action plans include the identification of relevant objectives or targets and are these tracked, reviewed, and adaptively managed with affected COI?				
	7.	Are processes in place to engage with relevant COI on contributions made by the facility to community development initiatives?				
	8.	Are contributions communicated publicly?				
	9.	Is baseline data collected for prioritized adverse impacts?				
	10.	Are metrics established to track action plan implementation and effectiveness?				

		QUESTION	Y	N	NA	DESCRIPTION & EVIDENCE
	11.	Are results reviewed with affected COI on a regular and pre-determined basis?				
	If you have answered "Yes" to all Level A questions, continue to the Level AA questions. If you have not answered "Yes" to all Level A questions, assess the facility as a Level B.					
Indicator 4 Level AA	1.	Are processes in place to avoid or mitigate prioritized adverse impacts that incorporate collaborative decision making with relevant COI?				
	2.	Do the identification and prioritization of opportunities to optimize benefits for COI consider opportunities that:				
	a.	Benefit a broad spectrum of the community?				
	b.	Can be self-sustaining beyond the productive life of the facility?				
	3.	Are processes in place to optimize benefits for COI that incorporate collaborative decision making with relevant COI?				
	4.	Are decisions on how to direct contributions made by the facility to the community made collaboratively with COI?				
	5.	In collaboration with COI, where possible, does the facility regularly measure and analyze the trends of identified prioritized adverse impacts? Does the facility also regularly measure and analyze opportunities to optimize benefits and work with COI to prioritize and adaptively manage how gaps are addressed?				
	If you have answered "Yes" to all Level AA questions, continue to the Level AAA questions. If you have not answered "Yes" to all Level AA questions, assess the facility as a Level A.					
Indicator 4 Level AAA	1.	Where such processes do not already exist, is the facility working with COI to implement decision-making processes to empower COI to manage ongoing adverse impact mitigation and benefit optimization after the productive life of the facility ends?				

	QUESTION		Y	N	NA	DESCRIPTION & EVIDENCE
	a.	Do these processes include the identification of potential partnerships and the role of relevant levels of government to ensure the mitigation and optimization can be sustained?				
	b.	Where opportunities to minimize long term adverse impacts and/or optimize benefits beyond the productive life of the facility have been identified, are they being incorporated into long-term investment decisions and/or closure plans to ensure they can be sustained in the long term?				
	2.	Where COI do not already have a shared vision and community development plan (or equivalent) and where COI is interested, does the facility provide support to enable COI to begin planning?				
	3.	Does the facility collaborate with affected COI on reviewing the effectiveness of:				
	a.	Actions aimed at optimizing priority opportunities for community benefits?				
	b.	Actions aimed at mitigating adverse impacts?				
	If you have answered "Yes" to all Level AAA questions, assess the facility as a Level AAA. If you have not answered "Yes" to all Level AAA questions, assess the facility as a Level AA.					
ASSESSED LEVEL OF PERFORMANCE FOR INDICATOR 4						**Level:** _____

		QUESTION	Y	N	NA	DESCRIPTION & EVIDENCE
INDICATOR 5: COI RESPONSE MECHANISM						
Indicator 5 Level B	1.	Does some form of feedback process exist?				
	2.	Is a formal feedback system either planned or in development?				
	If you have answered "Yes" to all Level B questions, continue to the Level A questions. If you have not answered "Yes" to all Level B questions, assess the facility as a Level C.					
Indicator 5 Level A	1.	Is there a response mechanism in place with a clear process to receive, manage and respond to COI grievances, comments and requests, which:				
	a.	Captures reported incidents, concerns, and feedback?				
	b.	Assesses and determines which grievances require remedy?				
	c.	Responds in a timely manner?				
	d.	Is accessible?				
	2.	Does the facility have a process to track issues and concerns raised by COI, including status, and does it communicate status updates?				
	3.	Are COI proactively and clearly informed on how to access the facility's response mechanism?				
	If you have answered "Yes" to all Level A questions, continue to the Level AA questions. If you have not answered "Yes" to all Level A questions, assess the facility as a Level B.					
Indicator 5 Level AA	1.	Is the response mechanism collaboratively developed with directly affected COI?				
	2.	Is the response mechanism reviewed at least annually to identify opportunities for continuous improvement?				
	If you have answered "Yes" to all Level AA questions, continue to the Level AAA questions. If you have not answered "Yes" to all Level AA questions, assess the facility as a Level A.					

		QUESTION	Y	N	NA	DESCRIPTION & EVIDENCE
Indicator 5 AAA	1.	Are there mechanisms in place to escalate complaints if not adequately dealt with by the COI response mechanism?				
	2.	Does the response mechanism include post-process follow-up with mechanism users?				
	3.	Has an evaluation of the effectiveness of the response mechanism been conducted and are identified corrective actions being implemented?				
	If you have answered "Yes" to all Level AAA questions, assess the facility as a Level AAA. If you have not answered "Yes" to all Level AAA questions, assess the facility as a Level AA.					
ASSESSED LEVEL OF PERFORMANCE FOR INDICATOR 5						**Level:** _____

For more information about the TSM initiative, visit:

www.TSMInitiative.com

or

The Mining Association of Canada
www.mining.ca/tsm