

Mining Association of Canada
Towards Sustainable Mining

Meeting of the
Community of Interest Advisory Panel
SUMMARY REPORT

March 5-6, 2019
Toronto, ON



Towards Sustainable Mining
Vers le développement minier durable



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Executive Summary

The Community of Interest Advisory Panel (COI Panel) is an independent multi-interest group that monitors the Mining Association of Canada's (MAC) Towards Sustainable Mining (TSM) initiative's progress and serves as an external source of knowledge and experience. This executive summary provides a brief account of the meeting held in Toronto on the evening of March 5th and the full day on March 6th, 2019.

The objectives of the March meeting were to:

1. Hear the perspectives of the Panel on issues that are important to their COI and relevant to the industry.
2. Provide input on the review of the revised TSM Aboriginal and Community Outreach Protocol, provisionally titled the Indigenous and Community Relationships Protocol.
3. Improve our understanding of downstream standards and TSM's engagement with these standards.
4. Provide input on MAC's approach to downstream standard engagement and integration.
5. Select which companies/company will undergo post-verification review for 2019.

Issues Tracking and Materiality Process

During a Tuesday evening roundtable, Panel members shared issues of importance to the COI they represent that are relevant to the mining industry, including:

- Indigenous recognition, reconciliation and consent
- Indigenous and community engagement
- Long-term environmental sustainability
- Socio-economic benefits
- Transparency
- Public trust and discourse
- Local business development

These issues will inform a materiality survey for the Panel, which will contribute to the prioritization of which issues the COI Panel will focus on in 2019 and 2020.

Draft Indigenous and Community Relationships Protocol Review

MAC presented the draft Indigenous and Community Relationships Protocol (currently titled the TSM Aboriginal and Community Outreach Protocol) for the Panel's review and comments. The Panel provided overarching comments and specific comments for each indicator, including that the Protocol should consider the following:

- Clearly define the use of Aboriginal vs. Indigenous, acknowledging that Aboriginal is referenced in Section 35 of the Canadian Constitution Act.
- Include in the purpose section for each indicator why the indicator is important and what it is ultimately trying to achieve.
- Provide guidance to companies on how to address COI engagement in risk processes.
- Manage social impacts and benefits in an integrated manner.
- Provide further context and detail in FAQ on terms such as meaningful engagement, social impacts, etc.

MAC will make another round of revisions to the Protocol and will share the next iteration with the Panel for further review before it is brought to the MAC board for approval later in 2019.

Responsible Sourcing

A Panel of representatives from responsible sourcing initiatives was convened to share information about responsible sourcing and recent engagement and integration efforts with MAC. The Panel members included:

- Matthew Wenban-Smith, Executive Director of ResponsibleSteel (RS).
- Anne-Marie Fleury, Standards, Assurance and Impact Director at the Responsible Jewelry Council, and
- Steve D'Esposito, President of RESOLVE.

In addition, Matthew Wenban-Smith provided further detail on the draft RS standard and their partnership with TSM, including a proposal to engage with the Panel on progress and challenges to date in creating alignment between the two standards. The Panel covered the following key discussion topics in response:

- Sustainability issues of concern apply across the supply chain (e.g. human rights, water, etc.) though they manifest themselves differently at different stages in the supply chain and in different jurisdictions.
- Responsible sourcing standards are collaborating in the mining sector more than in other sectors resulting in innovation regarding the interoperability, equivalency and alignment of standards.
- Panel members are interested in continuing dialogue on responsible sourcing but cautioned that the agenda is already full and further thinking is needed on how the Panel could participate.

Panel Business

The Panel shared reflections on lessons learned from the October 2018 meeting and PVR sessions, including:

- The merits and implications of combining PVRs with site visits.
- Ways to better prepare for PVRs to ensure that potentially sensitive issues are appropriately identified, and efforts are taken to ensure a safe space is created to address these issues during PVR dialogue.

The Panel selected Vale and New Gold as the two companies that will undergo post-verification review in 2019. The Panel discussed the suggestion to focus the fall 2019 meeting on mineral exploration, which may be convened in Montréal.

Summary of Key Outputs from the March 2019 COI Panel Meeting

- ✓ Advice provided to MAC on the draft Indigenous and Community Relationships Protocol.
- ✓ Deeper understanding of downstream responsible sourcing standards by Panel members.
- ✓ Panel confirmed interest in contributing to responsible sourcing dialogue.
- ✓ Lessons learned from the fall 2018 PVR.
- ✓ Selection of companies for post-verification review in 2019.

1. Introduction

The Mining Association of Canada's (MAC) Communities of Interest (COI) Advisory Panel ("the Panel") met on the evening of March 5th and the full day on March 6th in Toronto. The Panel, established in 2004, monitors the Towards Sustainable Mining (TSM) initiative's progress and serves as an external source of knowledge and experience.¹ Its mandate is to:

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

This report presents a summary of discussions at the March 2019 Panel meeting. Unless indicated, Panel members' comments are not attributed. While the report captures the discussion and Panel member perspectives, should there be specific decisions and recommendations proposed by the Panel, the approach and results are described in this report, along with any dissenting views. Meeting presentations were shared with Panel members and this content is not duplicated within the body of this report.

1. Summary of Action Items

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

ACTION ITEMS					
#	ITEM	LINK TO REPORT	RESPONSIBLE	TIMELINE	STATUS (as of March 2019)
#1 October – 18	Panel Renewal Working Group to arrange a debrief meeting to discuss their reflections on the 2018 renewal process.	7.2	Panel Renewal Working Group	Winter 2018/19	Complete
#1 March – 19	MAC to schedule a teleconference with Panel members once MAC has incorporated comments provided by Panel members on the draft Indigenous and Community Relationships Protocol to seek further advice.	5.7	MAC	Summer 2019	Not started
#2 March – 19	MAC to reach out to individual Panel members to gather input on how the Panel should participate in a dialogue on responsible sourcing.	6.2	MAC	Spring 2019	Not started

3. Overview of the Meeting

3.1. Overview of the Agenda

The meeting began with an informal dinner for Panel members on March 5th. Panel members were invited to share issues of importance to the community of interest they represent that are relevant for MAC or the mining industry in general. The primary focus of the full-day meeting on March 6th was the review of the

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

draft Indigenous and Community Relationships Protocol. MAC also sought Panel input on MAC's approach to engagement and integration with downstream standards, informed by an expert Panel with downstream standard representatives. Finally, the meeting included discussion and selection of companies to participate in the 2019 Post-Verification Review.

3.3. Meeting Attendance

Attendees are listed in Appendix A. The following changes to Panel composition should be noted:

- This was the first meeting for Sujane Kandasamy (representing the Environment category for the Panel), Jocelyn Fraser (representing the International Development category for the Panel) and Alice Wong (an industry representative from Cameco).
- Two industry Panel members, Scott Yarrow and Michel Julien, were unable to attend this meeting and were represented by alternate industry representatives Craig Ford and David Clarry.
- The following guests and observers joined the meeting:
 - Judy Whiteduck, a representative from the Assembly of First Nations,
 - Rocky Dimaculangan, TSM Coordinator at the Chamber of Mines of the Philippines,
 - Graciela Keskiskian, TSM Coordinator at Cámara Argentina de Empresarios Mineros (CAEM), the national mining association in Argentina,
 - Jat Verma, a representative from Apple, and
 - Maxime Lachance, TSM coordinator at Association Minière du Québec (AMQ).
- In addition, the following guests were invited to participate in the expert Panel on responsible sourcing:
 - Anne-Marie Fleury, the Responsible Jewelry Council
 - Matthew Wenban-Smith, ResponsibleSteel, and
 - Steve D'Esposito, RESOLVE.

4. Roundtable for Issues Tracking and Prioritization

Over dinner on Tuesday evening, Panel members were invited to share issues of importance that they see as being relevant for MAC or the mining industry in general. The Panel member perspectives summarized below will be used to inform the Panel's issue tracking and prioritization process for 2019.

Non-industry perspectives – the following are a summary of perspectives shared by one or more non-industry Panel members during the roundtable at the Tuesday evening dinner.

- *Indigenous recognition, reconciliation and consent*
 - In light of the Wet'suwet'en Nation response to the Coastal GasLink pipeline, the following questions have emerged:
 - Who gives consent and what are the Indigenous laws that guide consent?
 - Who speaks for the community?
 - Where do Indigenous laws go further than Canadian regulations?
 - Reconciliation involves building self-sufficient and resilient communities, transferring knowledge from success stories (e.g. Raglan mine could share information on their renewable energy system with Inuit communities) and partnerships that meet the community where they are at.
 - There must be recognition of who Indigenous peoples are, their history and where they come from (e.g. history of managing a major fish trade).

- Some are feeling as though the mining sector needs to better understand its roles and responsibilities with respect to reconciliation and consultation.
- Youth are interested in seeking both western and Indigenous worldviews.
- *Indigenous & community engagement*
 - The Indigenous and Community Relationships Protocol needs to address the question of how mines should engage with Aboriginal² communities.
 - Youth are interested in evaluating engagement processes, i.e. how do we know it is being done well?
 - It was pointed out that one of the benefits of Bills C-69 and C-68 is the promotion of early engagement.
 - It was suggested by one Panel member that the mining industry and British Columbia are leading Canada in Indigenous engagement practice.
 - Indigenous and community engagement requires sustained trust and results (e.g. employment, a future, multiple successes for every setback).
- *Socio-economic benefits*
 - The concept of “Indigenomics”³ was introduced to the Panel and described as the Gross Domestic Product (GDP) increase potential if Indigenous peoples are employed at same level as the rest of Canada.
 - One Panel member raised that they are seeing dissatisfaction with delivery of long-term benefits, as evidenced by mining-community conflict, and that approaches to social justice are not working to improve this. Resource extraction should lead to the greatest benefit for the greatest number of people.
- *Long-term environmental sustainability*
 - Investors are increasing demands for climate risk disclosure.
 - One Panel member spoke about the views of today’s youth, pointing out that youth are:
 - Concerned about mine environmental liabilities, including environmental degradation and potential burdens on the taxpayer.
 - Interested in long-term environmental sustainability (e.g. access to fresh water, cleaner energy, access to fish, air quality) more than economic gains.
- *Other*
 - Additional perspective from today’s youth shared by a Panel member included:
 - Interest in transparency, including knowledge exchange, to support conversations on science without political bias.
 - Interest in healthy jobs in mining but with the perception that mining work is dangerous.
 - A concern was expressed that increases in mergers and acquisitions will lead to:
 - Higher employee turnover,
 - Greater groupthink (i.e. less diverse perspectives),
 - A lack of senior management understanding of the company’s sustainability culture (e.g. importance of adopting TSM),
 - Good talent spreading to smaller companies, and

² The terms Aboriginal and Indigenous are used interchangeably, based on what terminology the participants used. Both terms encompass First Nations, Métis and Inuit people in Canada.

³ Indigenomics is a term created by Carol Anne Hilton, to refer to the practice of bringing an Indigenous perspective to economic and social development. (Devlin, Megan. (2016, June 3). Indigenomics, and Why the Time is Right. *The Tyee*.)

- Opportunities to implement TSM internationally.

Industry perspectives – The following perspectives were shared by one or more industry Panel members during the Tuesday evening dinner.

- *Public trust and discourse*
 - There has been a noted polarization and deterioration of public discourse, in which social media plays a role; the debate on Bill C-69 is one example.
 - Disclosure and transparency are an important part of understanding the context of public discourse including how groups are being funded and whether the funders understand the scope of activities being taken (e.g. Suits and Boots).
 - Companies need to understand how to meet shareholder expectations while still contributing to society.
 - How can TSM retain its capacity for respectful engagement, collaboration and disagreement at the Panel, including international COI Panels as TSM expands?
- *Indigenous reconciliation*
 - MAC is contributing to workforce Indigenous education guidance with the Mining Industry Human Resources Council (MiHR) to implement the Truth and Reconciliation Commission (TRC) Call to Action #92 iii⁴, by collecting best practices from members on actions taken to enhance employee awareness on the history of Indigenous peoples in Canada and successful culture change. This work will inform MiHR's development of a set of common learning outcomes that would help companies respond the TRC Call to Action on skills-based training for the mining industry.
- *Community engagement*
 - Community engagement related to mine site expansions and mine closure is an area of focus.
 - The effectiveness of community engagement should be measured to understand whether it is developing sustained trust.
 - Impacts from water quality intersects with community engagement.
- *Local business development*
 - How can local businesses be supported through commodity cycles?
 - The workforce needs readiness support as they prepare for automation and new technologies in the mining industry.
 - Local businesses can be supported as mine sites wind down by connecting them to other sectors (i.e. diversifying) or to other mine sites.
- *Other*
 - It was suggested that there is a trend towards decentralization, i.e. de-emphasizing corporate centers. This raises concerns about whether decentralization will weaken environmental and social standards and risk leading to poorer performance.

⁴ "We 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. This would include, but not be limited to, the following ... iii. 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." (Truth and Reconciliation Commission of Canada. 2015. Truth and Reconciliation Commission of Canada: Calls to Action. Winnipeg: Truth and Reconciliation Commission of Canada. Accessed March 12, 2019 at http://trc.ca/assets/pdf/Calls_to_Action_English2.pdf).

- There is also a trend towards Corporate Affairs managing social impacts and benefits; this can lead to managing social issues via communications rather than measuring and understanding social performance.
- In light of the recent tailings dam disaster in Brazil, the International Council on Mining and Metals (ICMM) is considering their response; ICMM has an opportunity to draw on the existing TSM standard as they develop an ICMM standard.
- How can the industry support smaller companies to ensure they have the capacity to manage sustainability issues?

Observers' perspectives

In addition to comments from Panel members, observers attending the Tuesday evening event shared their perspectives, which are not included in the Panel 2019 issue tracking and materiality process:

- The mining industry needs to engage more broadly (e.g. K-12 teachers, politicians, government, academics).
- Imported ore from China is creating pressure on the mining industry by producing ore with potentially GHG-intensive processes at a cheaper price; ore should instead be produced using clean technology.
- It is of utmost importance that the spirit and intent of TSM be maintained as more countries sign on.
- One of MAC's partner association representatives commented that in their country there needs to be an improved understanding of Indigenous peoples' history and acknowledgement of mistakes.

5. Review of Indigenous and Community Relationships Protocol

MAC presented an overview of the draft revisions made to the provisionally renamed Indigenous and Community Relationships Protocol, currently referred to as the Aboriginal and Community Outreach Protocol. The Panel was asked to provide input and comments on the draft revised Protocol. The following background and context was provided to the Panel:

- Indicator 3 is new and is intended to address those engagement obligations that are specifically focused on Indigenous communities. This indicator also attempts to provide a framework to show how the mining industry is addressing the TRC Calls to Action aimed at Corporate Canada.
- Indicator 4 is also new and is aimed at engaging with communities on identifying and avoiding and/or mitigating risks that they face due to the presence of the mine and identifying and optimizing benefits that communities can realize through mining.
- Indicator 5 reflects more modern thinking around community response mechanisms, including how grievances are addressed when they come from members of affected communities. Revisions to this indicator focus on ensuring the information is accessible and communities have opportunities for input on how these processes are developed and implemented.
- The Frequently Asked Questions (FAQ), which will inform interpretation of the criteria, are in early-stage draft form and require more work. The indicator criteria and purpose statements, on the other hand, are a complete draft provided for Panel input.

The draft Protocol includes the following indicators:

1. COI identification
2. Effective COI engagement and dialogue
3. Indigenous engagement and dialogue (**new indicator**)
4. Social impacts and benefits management (**new indicator**)
5. COI response mechanism

5.1. Overarching Comments

Overall, the Panel commented that the revised Protocol demonstrates significant advancement in practice from when the Protocol was first developed. The following general comments and feedback were shared by the Panel on the draft revised Protocol:

- **Use of terms: Aboriginal vs. Indigenous**
 - There was some discussion about whether the protocol should use the term 'Aboriginal' or 'Indigenous'. Some aspects of this discussion included the following:
 - Section 35 of the Canadian Constitution Act uses the term 'Aboriginal' however, 'Indigenous' tends to be the term used globally, including in the UN Declaration on the Rights of Indigenous People.
 - The Protocol could include in either the purpose statement or an FAQ why and when the terms Indigenous vs. Aboriginal are used, making reference to Section 35 of the Constitution Act (i.e. Aboriginal is a term used in Canada).
 - It was suggested that the term 'Indigenous' may not be as inclusive of all Aboriginal people in Canada as the term 'Aboriginal'. A commitment was made to consider this further and follow up with MAC. Panel
 - A Panel member also shared that First Nations, Inuit and Métis rights differ based on the nature of specific land claims and treaties and whether they are on unceded lands, etc.
 - Theresa Baikie, Chief David Walkem and Dan Benoit agreed to provide further input to MAC following the Panel meeting on these definitions.
- **Was a standalone Protocol on Indigenous Relationships considered?**
 - MAC shared that the reason Indigenous engagement was incorporated as an indicator rather than a standalone Protocol was because Indicator 2 applies to all communities, whether Indigenous or not (e.g. providing meeting materials on time, building capacity for engagement, etc.). The unique obligations identified in the new Indicator 3 build on those more general engagement expectations for Indigenous communities so both indicators are needed for Indigenous communities. Based on this, a decision was made to keep all the indicators together in one protocol.
- **Comments on purpose statements**
 - It was suggested that the purpose statements could better define why the indicator in question is important, providing a rationale to companies adopting the Protocol.
 - A Panel member added that the purpose statement for Indicator 3 should emphasize why respecting people and relationships is important.
- **Periodic review of the Protocol**
 - A Panel member reflected that reviewing the Protocol criteria every 5 years is problematic given the rapid pace of change. This emphasizes the urgency of completing this Protocol.
 - MAC responded that while a comprehensive review happens less frequently, when combined with interim reviews, each protocol is reviewed at least every 4 years and there is a possibility of triggering a review if circumstances dictate. This was the case with the Tailings Management Protocol after the Mt. Polley incident in 2014.

5.2. Comments on Indicator 1: COI Identification

The following comments were provided on Indicator 1, COI identification:

- It was suggested that there could be a role for the local COI Panel in reviewing the COI identification systems established by facilities.
- A Panel member shared they would like to see local communities become part of the external verification process.
- MAC shared that they focus on members implementing TSM criteria rather than promoting TSM to their COI, which means not all COI will understand or be aware of TSM; however, as TSM plays a larger role in ensuring the responsible sourcing of metals and minerals in the supply chain, it may be increasingly important for communities to be aware of TSM and how it works.
- It was agreed that this question around community inclusion in the external verification process should be considered separately from this Protocol review as it is an issue for the overall assurance process rather than for this protocol specifically.

5.3. Comments on Indicator 2: Effective COI Engagement and Dialogue

The following comments were provided on Indicator 2, effective COI engagement and dialogue:

- **Reference to tailings management**
 - A Panel member asked why tailings management was called out specifically in the criteria. MAC responded that as part of the update of the Tailings Management Protocol, the requirement for engagement on tailings management was recommended to be moved to this protocol. As work was being done to implement this recommendation the thinking was expanded to a need to engage on a broader range of risks to communities but it was identified as being important to specifically name tailings, given that a tailings failure is often the single largest risk in terms of consequence
 - A Panel member suggested the Purpose statement explain why the reference to tailings management is important.
- **Risks to communities**
 - There was a discussion around whether to focus on social risks or broaden the criteria to reference both environmental and social risks and impacts.
 - A Panel member shared that, for example, large fuel store facilities that transport through land-fast ice and waterways can be considered one of the most significant risks to a community.
 - MAC shared that originally this criterion was in Indicator 4, but later moved to Indicator 2 so that it was not focused solely on social impacts. Panel members agreed that this criterion belonged in Indicator 2.
 - A Panel member suggested there is value in separating social and tailings risks. Indicator 2 could focus on physical risks that require response, while Indicator 4 could focus on social risks.
 - A Panel member suggested that the criterion reference broader risks and impacts and include a sub-bullet that states at minimum this should include tailings management, if applicable (as not all facilities have tailings).
 - This discussion concluded with a consensus supporting the direction MAC has gone in, i.e. prioritizing the need to be open to engaging with communities on whatever risks they perceive as being important rather than being prescriptive.
- **Working with local COI to address risks**

- A Panel member asked how to work with communities to address perceived risk vs. actual risk?
- A Panel member suggested that guidance could be provided to companies on how to structure COI engagement on risk to develop a mutual, practical understanding rather than causing alarm.
- A Panel member commented that engaging COI on risks is about communication, rather than giving COI lots of information (i.e. ensure they understand the information).
- The facilitator suggested that the engagement approach used by the COI Panel for issue tracking and prioritization (i.e. plot COI and industry interests) could be a useful example.
- A Panel member suggested that COI engagement involves finding the right people to invest time and energy in to build their understanding of mining processes to enable them to engage on a more informed basis. A key question would be how those people are selected.
- A Panel member asked whether communicating information on tailings management and its associated risks may encounter barriers due to some of the information being proprietary in nature; industry members did not believe this is an issue.
- A Panel member commented that the design of processes that make decisions that affect people's futures should be made transparent, although communicating these decisions and their rationales can be difficult.
- A Panel member further suggested that there should be confidence behind engineering standards, which are rigorously developed, and if they need to be refined this should be a separate conversation.
- **Processes for engaging with COI**
 - A Panel member asked if it would be better practice to have one "COI Panel" at each site to ensure the different COIs understand each other's perspectives and that cumulative impacts are understood.
 - MAC responded that Indicator 2 defines how you engage with your COI but does not prescribe a specific method of engagement such as having a Panel or using town hall meetings, for example.
 - It was agreed that you should not be required to conduct the same engagement process with different COI, as each COI is unique.
- **Comments on FAQ "What is a COI"**
 - A Panel member questioned whether the list of COI was too broad. For example, does the co-development of engagement processes apply to all COI (e.g. investors, customers, suppliers)?
 - MAC responded that the definition is intended to be broad so that it applies to all circumstances. For example, some contractors and customers may also be local Indigenous businesses. A Panel member suggested that this FAQ answer could limit itself to the COIs relevant at the facility level and that these would be identified in Indicator 1, which helps filter the broad group listed in the FAQ.
 - A Panel member reflected that the Protocol is focused on Indigenous and community relationships, which is not reflected in the COI definition.

5.4. Comments on Indicator 3: Indigenous Engagement and Dialogue

The following comments were provided on Indicator 3, Indigenous engagement and dialogue:

- **References to UNDRIP and TRC Calls to Action**
 - A Panel member suggested that the Purpose section reference the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the TRC Call to Action #92.
 - It was pointed out that it was much appreciated that MAC provided copies of the UNDRIP and TRC booklets to Panels at a previous meeting and that it would be useful for MAC to continue doing this for new Panel members. MAC agreed that it would incorporate the distribution of these documents to new Panel members as part of onboarding.
 - A Panel member asked whether the Protocol should require UNDRIP be adopted as a reconciliation framework, i.e. corporate policies and activities involving Indigenous peoples apply UNDRIP principles, norms and standards.
 - A Panel member suggested that free, prior and informed consent (FPIC) could be adopted as a foundational principle.
- **Education and training on history of Indigenous peoples**
 - A Panel member emphasized the importance of including local Indigenous content in training materials and that this is not always the case.
 - A Panel member commented that there are two types of training (1) broad all-staff training on cultural awareness and (2) personnel-specific training for those engaged in dialogue with communities, which should include information on how the local Indigenous peoples prefer to approach the engagement and dialogue process.
 - Another Panel member commented that training and education should be an ongoing process.
- **Engaging with Indigenous peoples**
 - It is important the company understand where the community is starting from and how they want to be engaged e.g. asking if they have an engagement protocol, traditions and/or norms (e.g. how to welcome visitors to the area, how to conduct meetings, etc.).
 - It was suggested that Level A criteria include that the company has researched and understands the community protocols; at Level AA the company integrates this into their process; at Level AAA the Indigenous peoples are running the engagement session and the company is collecting data from that process.
- **Free, prior and informed consent (FPIC)**
 - Obtaining FPIC is only applicable when developing a new operation or expanding an existing operation; it is not possible to obtain FPIC when the mine is already operating. This should be clarified in the criterion language.
 - Engagement in the context of existing operations should focus on improving future outcomes (e.g. closure and beyond) but may not be able to address legacy activities/impacts.
 - FPIC is an ongoing process vs. an end state and needs to be maintained.
 - It is not the companies that can determine whether they have achieved FPIC or not.
 - A Panel member commented that it is government's responsibility to obtain FPIC, while industry is a constructive participant.
- **Referencing Indigenous rights**
 - While it is a government obligation to protect Indigenous rights, they do not always do this, and it falls to companies to ensure that those rights are respected.

- A Panel member suggested the mining industry mirror the federal government's approach as outlined in the "Principles respecting the Government of Canada's relationship with Indigenous peoples"⁵.
- A Panel member suggested that the Protocol reference meeting Indigenous rights, rather than more specifically stating FPIC should be obtained for new/expanding sites. Another Panel member responded that Indigenous rights vary by group and believed the Protocol was not complicated for companies to follow.
- **Evidence of meaningful engagement**
 - It was suggested that examples of meaningful engagement could be included in the FAQs, which could include examples like:
 - research to understand the communities' perspectives,
 - developing an engagement plan, and
 - encouraging Indigenous employees to take leadership positions in the engagement team.
 - MAC could consider incorporating the opportunity for community partners to provide evidence of meaningful engagement in the verification process.
 - MAC responded that verifiers are instructed to include interviews with community members when they verify this protocol but that it is important to maintain flexibility in how that is done since circumstances and evidence will vary by project.
- **Other comments**
 - An observer asked whether rights holders and leadership had been discussed or referenced.
 - It was pointed out that the Protocol should clarify that the other indicators in the protocol also apply to Indigenous peoples.
 - MAC indicated that it is working with MiHR to contribute to curriculum and guidance development to educate management and employees on Indigenous history and culture as part of implementing the TRC Call to Action #92.
 - A Panel member reflected that developing relationships and trust through dialogue is also important in the exploration phase, but often exploration companies do not document engagement processes, making it difficult for them to exceed Level C in the Protocol.

5.5. Comments on Indicator 4: Social Impact and Benefits Management

The following comments were provided on Indicator 4, social impact and benefits management:

- **Comments on the Purpose**
 - It was suggested that it would be useful to add a reference to creating shared value and moving from transactional to transformative social change.
- **Defining social impact**
 - Social impacts can be considered positive or negative, but the Protocol assumes they are negative. This indicator could benefit from clarifying that impacts can be both positive or negative and that the objective is to mitigate the negative impacts and optimize the positive impacts and benefits.

⁵ Department of Justice Canada. 2018. Principles Respecting the Government of Canada's Relationship with Indigenous Peoples. Accessed March 13, 2019 at <https://www.justice.gc.ca/eng/csj-sjc/principles-principes.html>.

- An FAQ could be included that would provide examples of negative and positive impacts and expand on how impacts may differ by COI.
- **Considering social impacts and benefits in an integrated manner**
 - Separating social impacts and benefits management does not reflect reality; when seeking to obtain social license, both must be discussed; they are also managed the same way.
 - A Panel member commented that Level A criteria examines impact management, while Level AA criteria examines benefit management. Another Panel member responded that Levels A and AA do not reflect a sequencing of actions, but rather what stage of development the company is at.
 - Another Panel member commented that, as they see it, Level A is a basic structure in place that links benefits to impacts occurring, while Level AA is where the framework for impacts and benefits management is functioning effectively.
 - A Panel member raised that community benefits include (1) those that flow directly from the facility's operations (e.g. jobs, taxes, etc.), which links directly to managing adverse impacts and company responsibilities and (2) a facility's contributions to community priorities (e.g., building a community center) which may also be a government responsibility. Level A is focused on enhancing those benefits that come directly from the former.
 - It was suggested that there are three stages related to how a facility manages their relationship with communities: (1) transactional (e.g. assessing trade-offs, such as building community centers to increase support), (2) transitional (i.e. working with communities to identify opportunities that benefit both the company and communities, such as a greenhouse gas (GHG) reductions project that includes a renewable energy component for the community) and (3) transformative (i.e. collaborating on areas of shared company and community interest for long-term sustainable benefits). This could be another way of structuring the criteria levels.
 - The facilitator summarized that the ultimate vision is for mineral development to leave communities better off, and that MAC should consider impacts and benefits in an integrated manner in the next version of the Protocol.
- **The role of government**
 - An observer asked where government responsibility plays a role in this indicator.
 - A Panel member suggested Level A could include action when government is not involved, while Level AAA could include action in collaboration with government.
 - MAC responded that it is difficult to establish criteria that can only be met if government is involved as facilities have no control around whether government comes to the table or not.
- **Other comments**
 - A Panel member suggested that facility action plans will need to be continuously updated, as social issues are dynamic.
 - An observer suggested adding quarterly or monthly reviews of social performance with community and mining representatives.
 - A Panel member asked if producing benefits for communities should be included in a MAC framework outlining the overall vision of the Protocol.
 - A Panel member asked why this indicator was created; an industry Panel member responded that the primary responsibility of the companies is to prevent, identify and

manage impacts and that this indicator was intended to drive performance improvement in that respect.

- An industry Panel member reflected that social impact and benefit management is a gap in many other standards and that MAC has an opportunity to provide leadership – this is reflected by a comment from Queensland University that they are impressed with the direction MAC is taking, i.e. by bringing social impacts and benefits into the conversation.

5.6. Comments on Indicator 5: COI Response Mechanism

The following comments were provided on Indicator 5, COI response mechanism:

- It was stated by a Panel member that a response mechanism cannot and should not remove anyone's right to a legal process or other redress mechanisms; this statement could be included in the Purpose and/or associated guidance.
- It was also suggested that there could be reference to a process for escalating grievances to some form of independent dispute resolution process (e.g. using an arbitrator in instances where a consensus decision cannot be reached with COI). MAC responded that this is in the guidance but could be explicitly referenced in the Protocol.

5.7. Next Steps

The following next steps were identified by the Panel and MAC:

- MAC will make another round of revisions to the draft Protocol based on input received today and will then schedule a teleconference with the Panel to determine which sections may require further work, if any. This teleconference could also be used to solicit Panel input on the MiHR Indigenous education course development, i.e. what elements are needed for a comprehensive program that includes locally specific context?
- MAC shared that the next Governance Team meeting is in June, at which point they could seek an “approval in principle” for the Protocol. The MAC Board meeting for final approvals is in November.
- MAC suggested that the new indicators 3 and 4 may require the most work; if they require further work after the next Panel teleconference, MAC could finalize indicators 1, 2 and 5 and release an interim revised Protocol to MAC members by the end of 2019. A similar approach was used for the Tailings Management protocol revisions, where three rounds of publicized edits were released to MAC members.
- An industry Panel member shared concerns that companies may not wish to adjust activities in response to the revised Protocol twice; if the Protocol is close to final by late 2019, it could instead be approved as final at the March 2020 Board meeting.
 - MAC responded that companies can choose whether to adjust activities in response to the interim revised version.
- A Panel member shared concerns that moving ahead with a revised protocol without landing on Indigenous engagement may not be appropriate. Another Panel member agreed they would like to work hard to advance a complete revised Protocol.
 - MAC responded that references to Indigenous peoples removed from indicators 1, 2 and 5 to Indicator 3 could be re-integrated back in.

6. Responsible Sourcing

Responsible sourcing for minerals and metals was the focus of Panel discussion in the afternoon. There were two objectives for the discussions:

1. Improve Panel understanding of evolving expectations from downstream manufacturers and standards and TSM's engagement with these standards, and
2. Provide input on MAC's approach to engagement and integration with other standards in this space.

The discussion began with presentations from expert Panelists on responsible sourcing standards in the mining sector. One specific standard that MAC has been working with, ResponsibleSteel (RS), then shared more detail on their standard and progress to date on integration between RS and TSM.

6.1. Expert Panel Presentation and Discussion

A Panel of experts was convened to discuss the evolving space of responsibly sourced supply chains for metals and minerals. The following invited guests shared their perspectives with the Panel:

- Matthew Wenban-Smith, Executive Director of RS
- Steve D'Esposito, President of Resolve
- Anne-Marie Fleury, Director of Standards and Impacts at Responsible Jewelry Council (RJC)

Remarks by the above members were followed by a plenary discussion.

Matthew Wenban-Smith presented an overview of RS. He shared the following comments with the Panel:

- If steelmaking were a country, it would be the third largest GHG emitter after China and the United States.
- Tailings dam management is important to investors, shareholders and directors following the Brumadinho dam failure. Many non-governmental organizations (NGOs) have also written letters to automakers and other industries, some calling for steel and aluminum to be classified as conflict minerals.
- There is general consensus on issues important to responsible sourcing (e.g. human rights, labour rights, children's rights, Indigenous rights, transparency, corruption, GHG emissions, etc.).
- Downstream demand for responsible sourcing has been divided; some focus on brand and risk management rather than responsible sourcing. Civil society has also been narrowly focused on individual issues rather than coordinating across the mining sector.
- There is an opportunity to begin coordinating efforts on responsible sourcing as pan-industry interest is driven by big leaders such as Apple, Tiffany's, building developers, etc.

Steve D'Esposito shared the following perspectives with the Panel:

- Canada was an early mover in responsible sourcing through TSM.
- If responsible sourcing is not done well, there are penalties (e.g. Apple kicking out cobalt suppliers from their supply chain); there are important reputational, aspirational and commercial reasons for responsible sourcing.
- The move to responsible sourcing is being supported from both top-down and bottom-up approaches. Downstream and investment communities are demanding responsible sourcing,

while at the same time, TSM is a clear example of a bottom-up approach being promoted and used internationally.

- Drivers for responsible sourcing include growing demand for materials, climate change (e.g. adaptation, the role of minerals in energy transition), sustained polarization (i.e. weakened governance capacity and less global cooperation with governments), and continued acceleration of businesses operating globally.
- Responsible sourcing is driven by conflict minerals including diamonds, gold and battery metals such as cobalt, electronic companies' need for conflict-free metals (predominantly focused in central Africa), and now by the energy transition (i.e. minerals required to support the transformation of economies to clean energy).
- Manufacturers are frustrated by uncertainty around which existing systems can be leveraged for responsible sourcing. Upstream companies believe downstream companies don't understand the good work they are already doing. Smaller upstream companies don't know where to start.
- Multi-issue, multi-mineral approaches are needed at a site level, such as TSM.
- Standards need to differentiate between large-scale and artisanal and small-scale mining (ASM).
- There should be cohesiveness across standards that agrees on what really matters.
- Cooperation between multi-lateral institutions such as the International Finance Corporation, International Joint Commission, etc. is increasing.
- Community readiness should address whether the community is aware of the company's approach to responsible sourcing, which standards are being used and their relevant scores or accreditations, including whether affected communities agree with the scores.

Anne-Marie Fleury shared the following perspectives with the Panel:

- RJC is comprised of predominantly downstream organizations but includes representation from mining, refining, cutting and polishing and retail.
- RJC is trying to develop a common language on responsible businesses practices across the supply chain.
- An ISEAL study indicates there are not as many standards in responsible sourcing of metals and minerals compared to other sectors, and that organizations operating standards in the mining sector coordinate more than standards in other sectors.
- Currently RJC is discussing with MAC the development of a joint audit protocol demonstrating interoperability between TSM and RJC standards.

Following the presentations, Panel members shared the following comments in dialogue with the expert Panelists:

- **Coordination amongst responsible sourcing organizations**
 - An expert Panelist shared that RJC, RS, MAC and the Initiative for Responsible Mining Assurance (IRMA) received funding from an ISEAL innovation grant on Monday to support continued coordination efforts.
 - An expert Panelist agreed increasing communication and information sharing is important. For example, some downstream companies believe they can avoid mining altogether by using recycled materials.
- **Other mining standards**
 - MAC shared that TSM does not cover all issues associated with mining and responsible sourcing; they are discussing whether all issues need to be managed to the same degree in Canada.

- A Panel member shared that other standards such as the Responsible Mining Initiative (RMI) are light on details, ICMM direction on their Performance Expectations is uncertain, and there may be risks associated with the less-detailed approach being taken.
- **Responsible sourcing as a market advantage**
 - A Panel member asked whether responsible sourcing standards will become an important component vs. a niche market, particularly given the context of China's buying power.
 - An expert Panelist agreed the question of how much detail to provide in standards, and whether the market will care, is a difficult question.
- **Climate change as an emerging topic in responsible sourcing**
 - An expert Panelist commented that climate change (e.g. carbon-neutral mining and the contribution of mining to the low-carbon economy) is likely the next big emerging topic in responsible sourcing.
 - A Panel member agreed that climate change is the next big issue, as well as whether we are sustainably consuming the earth's resources. There is a risk that standards are not doing enough to keep to 1.5 degrees of warming. This issue also intersects with the Sustainable Development Goals.
 - An expert Panelist commented that millennial attitudes, disruptive approaches and technologies could be game changers (e.g. ride sharing).
- **Other comments**
 - An expert Panelist commented that there were only a small number of supply chain standards about eight years ago, and more differentiation will emerge between standards as the field matures.
 - An expert Panelist reflected that while commodity-specific schemes are not necessary in large-scale mining, these programs should provide reassurance to customers that all aspects of the supply chain are covered.
 - An expert Panel shared that there is increased interest in ASM, recognizing that there is both risk and opportunity in this sector.
 - An expert Panelist reflected that some company leaders feel passionately about certain sustainability issues, i.e. it is no longer solely driven by NGOs.
 - A Panel member commented that civil society needs to become involved in all aspects of the supply chain and speak with one voice throughout the supply chain.

6.2. ResponsibleSteel Presentation and Discussion

RS presented an overview of their draft standard and their partnership with TSM. This information was shared to engage with the Panel on progress and challenges to date in creating alignment between the two standards.

Following the presentation by Matthew Wenban-Smith, Panel members shared the following comments in dialogue with RS:

- **Comments from Matthew Wenban-Smith**
 - RS and MAC are both learning from each other's standards through their dialogue.
 - Certifying the steelmaking site is the primary focus of RS (e.g. cinder plant, rolling mill, etc.). In addition, there are higher-level requirements for procurement and GHG emissions in other aspects of the supply chain.

- RS is funded through their members (seven industry, six civil society). In addition, some funding is sourced from Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), the Germany international development agency, and foundations.
 - The first draft RS standard was shared 2 years ago and refined this summer. The current draft (third version) is open for comment. The fourth draft will be shared in June for review and approval by RS members.
 - RS received approximately 600 comments from 40 individuals through the ISEAL consultation process on their standard. RS plans to ensure at least some comments from the important stakeholder groups are integrated into the standard.
 - RS aims to have the standard implemented / operational by the end of 2019.
 - **Applicability of RS standard to other commodities**
 - A Panel member commented that ultimately customers (e.g. BMW) will want to consolidate their standards, i.e. not just applicable to steel.
 - RS responded that the standard currently applies to many metals that are used in steel and could easily apply to other smelters or evolve to a generic “responsible smelter” standard.
 - RS shared that they had discussed with the International Copper Association and International Zinc Association the possibility of them using or working from the RS standard without needing to acknowledge it is a RS standard.
 - **Benefits of the RS standard**
 - A Panel member asked about the benefits of the RS standard. RS identified the following benefits:
 - Preferential market access (e.g. BMW or Apple may preferentially source from RS)
 - “Pre-emptive strike”, i.e. early mover advantage, and
 - A potentially higher market price (determined by the markets).
 - RS commented that the general public does not purchase steel, unlike wood, reducing the benefit of an RS logo.
 - **Applicability of sustainability issues across the supply chain**
 - A Panel member commented that not every sustainability issue is transferable across the supply chain.
 - RS shared that the sustainability issues of importance to consumers and stakeholders include water, greenhouse gas emissions, human rights, etc. which apply across the supply chain.
 - RS has designed the criteria in a way that should make it applicable and relevant across the supply chain, although the requirements for each criterion are more specific. For example, biodiversity is a criterion in the RS standard, driven by concerns about invasive species from the transportation of steel, but may not be material to steelmaking sites.
 - **Gaps between RS and TSM**
 - MAC shared that once gaps between the two standards are better understood, they can address those gaps through the protocol review process, adding voluntary or optional “plug-ins” modules that address additional issues, and/or considering the regulatory environment in jurisdictions supplying into the RS supply chain as evidence that gaps are filled (e.g., Canada’s *Extractive Sector Transparency Measures Act* could be determined to sufficiently fulfill RS’ requirements related to disclosure of payments to governments).
 - An observer commented that a compliance system should test whether companies are following Canadian law, if it is being relied upon in the RS standard.
 - **Panel interest in responsible sourcing**
-

- A Panel member asked how significant the steelmaking industry is for Canada.
 - MAC shared that there are many metals that contribute to the steelmaking industry such as coal, iron, nickel, zinc, etc.
 - RS shared that Canada is likely not in the top 10 steel-producing countries.
 - A Panel member shared that iron ore is an important industry for Québec and Labrador.
 - A Panel member commented that the steel industry is not owned by Canadian companies (e.g. ArcelorMittal), but steelmaking does occur in Canada.
- MAC suggested that the Panel could play a significant role in dialogue on responsible sourcing if there is interest and suggested that RS be a focus because this is the conversation that is the most advanced.
- It was asked whether there were multilateral or bilateral conversations in responsible sourcing. MAC responded that the dialogue with RS includes IRMA while the dialogue with RJC is bilateral; however, both these dialogues are occurring through the ISEAL grant.
- MAC shared that filling a downstream category position on the Panel was still an active discussion. MAC added that having an Apple representative at this meeting was helpful in advancing this discussion.
- **It was a shared view of the Panel that they would be interested in continuing dialogue on responsible sourcing in the future.**
- A caution was raised that engaging on responsible sourcing could require significant effort from the Panel. MAC responded that engagement on responsible sourcing can take place through bilaterals and doesn't necessarily need to fit into Panel in-person meeting agendas.
 - A Panel member reflected that in-person Panel meetings are always a full agenda; the Panel could meet for longer or set up a sub-committee to provide input on this topic.
- MAC suggested they reach out to individual Panel members to gather input on how Panel member should participate in a dialogue on responsible sourcing.
- It was suggested that it might be useful to seek non-industry partners that have smelter expertise; an observer suggested that the Panel could gain some of that expertise and perspective by engaging with RS civil society members.
- The facilitator summarized that Panel members did not object to participating in dialogue on responsible sourcing but cautioned that the agenda is already full and further thinking is needed on how the Panel should participate.
- **GHG emissions**
 - RS shared that the GHG emissions aspect of the RS standard is still a work in progress but intends to require steelmaking companies to align with the Paris Agreement and Task Force on Climate Disclosure.
 - RS reflected that the ways in which GHG emissions are managed for steel production are quite different from how GHG emissions are managed for mining and that different approaches will be needed.
- **Other comments**
 - An observer asked how often the RS initiative would be updated, if it relies on multiple other standards (i.e. will it update each time the other partnership standards update?). RS responded that the standard would be reviewed every 5 years.
 - A Panel member asked how the mining industry can be engaged on the circular economy discussion, e.g. buying sustainably-made or used equipment. RS responded that their

- standard will include a steel recycling component but that the priority at the moment is to have the standard up and running for primary steel production and raw materials.
- It was commented that if TSM is not integrated into growing supply chain standards, TSM may no longer be seen as relevant to member companies.
 - At the end of the discussion MAC was asked about its opposition to the CORE having powers to compel evidence and testimony. MAC responded that their position on what the CORE should achieve is not inconsistent with what NGOs want to see, i.e. resolving conflict between facilities and communities; however, they differ on how best to accomplish that objective.

7. Post-verification Review Reflections and Planning

7.1. Reflecting on the PVR Fall 2018

The Panel was asked to share roundtable reflections on lessons learned from the October 2018 Panel meeting and PVR session. The Panel shared the following reflections:

- **Combining PVR and site visits**
 - A question was raised as to whether it was helpful or harmful to ask a host company to cover both logistics of a site visit and preparations for PVR.
 - It was commented that the Glencore PVR and Raglan site visit were not without their challenges as some people were on speaker phone, some members had to leave on an earlier flight and the Panel was deep in the weeds, although the advice and feedback provided by the Panel was appreciated by Glencore.
 - Another Panel member disagreed and felt the Raglan site visit and PVR was a success, although the process of separating PVR discussions from site visits may need refinement.
 - The Panel agreed that combining PVR discussions with site visit hosting may make things more difficult, requiring a more deliberate level of planning.
 - Moving forward, there needs to be better discipline to separate the site visit from the PVR discussion when the meeting is hosted by a facility undergoing the PVR process.
 - There was also a shared recognition that there continues to be value in visiting local mining communities to better understand how higher-level issues discussed by the Panel manifest themselves on the ground.
- **Follow-up with Imperial Metals**
 - A Panel member asked what could have been done afterwards to ensure the company walks away feeling like the Panel engaged in good faith and was there to help.
 - MAC shared that they followed up with Imperial Metals to communicate that the Panel was interested in engaging, however due to financial constraints Imperial Metals has resigned its membership.
- **Preparation for Imperial Metals**
 - The Panel recognized that the safe space was compromised during the PVR and the Panel needed to better identify and understand potential difficult subjects and concerns in advance to ensure that challenging issues can be respectfully raised while maintaining the safe space.

- A Panel member asked whether the challenging parts of the conversation were inevitable, i.e. could they have been anticipated?
- MAC shared that they worked closely with Imperial Metals to prepare them for the PVR but that there could have been a stand-back reflection to identify potentially sensitive issues that may be raised and work with both the Panel and the company to ensure those issues can be respectfully addressed.
- **PVR and fall meeting location selection**
 - The facilitator reflected that the Panel could consider during decision making for PVR and fall meeting locations the expectations that a company may have.
 - The facilitator added that the Panel may wish to consider the benefit of having all Panel members attend vs. the benefit of visiting a mine site (i.e. logistics may prevent attendance from the full Panel).
- **Other comments**
 - Some of the challenges with the discussion may have been due to a misinterpretation of body language and background noise.
 - It was recognized that Imperial Metals had just dealt with an unannounced protest at Mount Polley, in addition to responding to ongoing negative media coverage of the tailings release at Mount Polley. They further reflected that some companies may feel threatened by the PVR process.
 - A Panel member commented that the Mount Polley Public Liaison Committee (PLC) appeared to be a forum with significant challenges and that combining the Panel visit with a PLC meeting and site visit may have contributed to the tension.
 - A Panel member suggested the Panel be more situationally sensitive, ensuring their comments are not perceived as personal or targeted at individuals.

7.2. 2019 Post-Verification Review Selection

To initiate the selection process for the 2019 PVR companies, MAC shared a list of previous companies and locations where PVRs have taken place, along with a list of companies undergoing external verification that could be selected for review in 2019. MAC began by sharing the following comments on companies that underwent external verification in 2018:

- Teck externally verifies different sites every year. The Teck sites that are undergoing external verification this year are the same that were reviewed by the Panel during the Sudbury PVR.
- Goldcorp has just started publicly reporting in Ontario and Quebec. They built the Borden all-electric mine. They may also be consumed with merger dynamics given the potential merger with Newmont.
- New Gold has been reporting TSM results for its New Afton mine in B.C. for several years. Their newest facility, Rainy River, in Northern Ontario has not started reporting yet.

Panel members shared the following comments on PVR company selection:

- **Comments on Vale**
 - A Panel member commented that Vale would be interesting because they have a site undergoing closure, new Impact Benefit Agreements (IBAs) and existing IBAs. Vale has also had two relatively recent tailings failures internationally.

- MAC shared that only the base metal unit of Vale operates in Canada and applies TSM; the remainder of the organization does not apply TSM (i.e. sites with tailings dam failures).
- MAC shared that it has been in discussion with IBRAM, the Brazil mining association, on the possibility of TSM being implemented in Brazil.
- A Panel member shared that unions have been negotiating a collective agreement at Voisey's Bay, which may be a complication.
- **Comments on Teck**
 - A Panel member commented that Teck would be an interesting company to visit, as they may be advancing solutions for selenium.
 - MAC added that many Teck sites have achieved Level AAA in the Protocols.
 - A Panel member reflected that there was some resistance to TSM in the last PVR with Teck in Sudbury.
 - MAC suggested that if the Panel was interested in conducting a PVR with Teck, they wait a year so that they can consider different sites from the last Teck PVR.
- **Comments on New Gold**
 - A Panel member commented that New Gold advertises their use of TSM on their website.
 - It was added that the New Gold site is a block caving mine, which is unique in Canada.
 - New Gold was the first to advance resource revenue sharing Ontario; they are sharing approximately 35% of royalties.

The facilitator confirmed that New Gold and Vale were chosen by the Panel as the companies to undergo PVR in 2019.

7.3. 2019 Fall Visit Location

The Panel was asked to share initial thoughts on where the 2019 fall meeting could be held. MAC proposed that the fall 2019 meeting could focus on exploration issues by inviting Prospectors and Developers Association of Canada (PDAC) and meeting in Montreal. Panel members shared the following comments in response:

- There is a new certification being implemented in Quebec for exploration and suggested it would be interesting to have a presentation on this new program.
- An industry Panel member shared that PDAC is considering development of a "TSM light" program for exploration that might be interesting to discuss. It was also suggested that the Panel meeting could discuss health and safety, waste management, biodiversity, GHG emissions, how exploration is financed, etc., as these issues are all managed and approached differently by exploration companies when compared with producing mining companies.
- A Panel member reflected that there is value visiting a mine site and the communities that surround it. Another Panel member suggested that the Panel could visit an exploration site.
- MAC agreed to work with Josée Methot and Mark Wiseman to advance thinking on the fall 2019 meeting agenda and subsequently report back to the Panel.

7.4. Panel Renewal

The facilitator shared that the Panel Renewal working group had identified their priorities for 2019 based on 2018 reflections, but there wouldn't be time during the in-person meeting to discuss these priorities. A teleconference will be organized in the next month to discuss Panel Renewal more substantively.

8. Closing and Meeting Evaluation

Panel members shared their closing thoughts in a final roundtable and provided feedback via in-person evaluation forms.

"I've been so impressed by the diversity of views and the different types of issues that are brought up. I leave very inspired and excited."

The feedback received indicated that Panel members appreciated the dialogue and diversity of perspectives shared, particularly in the thoughtful comments provided for the draft Indigenous and Community Relationships Protocol. Panel members felt the meeting was well organized and that there was adequate opportunity to express their interests. New Panel members thanked the Panel and MAC for being welcoming and providing onboarding, which made it easy for them to contribute to the dialogue. Panel members in turn thanked the new Panel members for contributing a lot to the dialogue.

The following additional comments were raised by Panel members in the closing roundtable:

- Important conversations happen at the Panel dinner, not just during the day in-person meeting.
- An industry Panel member shared that they will contact past Panel members Luc Zandvliet and Alan Young to provide an update on the draft Indigenous and Community Relationships Protocol; their efforts on the effectiveness of community engagement were important in considering this Protocol.
- There has been a loss in society's ability to have non-polarizing, fractious debates and discussions where views and opinions differ. It is important to preserve spaces like the Panel where we can rise above this and achieve accomplishments that can make a big difference.
- It will be important that the Indigenous and Community Relationships Protocol enable action that advances reconciliation.
- In considering meeting in Montreal next year, 93% of Association Minière du Québec (AMQ) members have implemented TSM over the past 4 years. AMQ members are now asking for a forum to exchange ideas and discuss challenges on the implementation of TSM.
- A Panel member commented that they would like to know more about IRMA and how TSM can catch up to it. MAC responded that TSM covers issues in a similar level of depth as IRMA, but not as broad of a range of issues. MAC added that MAC and IRMA have been working together to explain how both standards have value. Another Panel member responded that they shouldn't get caught up in trying to meet a standard that is not yet implemented.
- It was shared that ICMM held an extraordinary council meeting last week in response to the tailings dam failure in Brazil. They are setting up an independent global Panel to review the state of play in tailings regulations and improve global industry performance in tailings. MAC has been invited to share their Tailings Management Protocol and guides with ICMM's membership and they are considering sending MAC staff to ICMM to support these efforts.
- A Panel member reflected that it is great having international partners (e.g. CAEM) join the Panel discussions, to remind us that we are part of a bigger world and to keep our work honest.
- The Assembly of First Nations (AFN) will connect with MAC following this meeting to discuss next steps re: AFN membership.

"I think the value of this group and the way they get together is enormous. We're in a complicated world with problems where its complicated to find solutions. This group brings very diverse knowledge and perspectives to identify where we can agree on and if its sufficient to move forward."

In the feedback form, some Panel members questioned whether the Panel achieved the right balance between dialogue on topics core to the Panel's purpose (e.g. providing input on TSM Protocols) and dialogue on new topic areas (i.e. responsible sourcing). Another Panel member commented that the Panel's capacity to contribute to new issues outside of their core mandate may be constrained and that they may wish to review the Panel's Terms of Reference with respect to the amount of time they spend and how that time is structured. Two Panel members also shared that they were disappointed they were unable to discuss Panel priorities and work plans, such as for Panel Renewal.

The following additional comments were raised by individual Panel members in the feedback form:

- The room was small for the participant size and adjustments were made to the agenda due to size constraints.
- The facilitator provided a good balance between allowing substantive discussion and keeping on track with an ambitious agenda.
- The evening meal was good for meeting other Panel members and advancing discussions.
- The responsible sourcing focus of the agenda could have better laid out how the topic is relevant to MAC and the Panel with key questions or an outline of the purpose of the discussion. A purpose column could be added to the agenda to mitigate this.

Appendix: List of Participants

TSM Community of Interest (COI) Advisory Panel 2019 Membership List

COI Panel Category	Name
Aboriginal people	Dan Benoit
	Theresa Baikie
	(Vacant)
Environment	Sujane Kandasamy
	Stephen Hazell
Social NGO including faith based groups	Joy Kennedy
International development	Jocelyn Fraser
Economic / community development	Chief David Walkem
	Tim Johnston
Finance/investment	Stephen Walker
Labour/workplace	Doug Olthuis
Expert	Maya Stano
Industry representatives	Pierre Gratton
	Peter Read
	Scott Yarrow*; Craig Ford served as alternate
	Michel Julien*; David Clarry served as alternate
	Mark Wiseman
	Alice Wong
	Josée Méthot
	Shirley Neault (Chair of Initiative Leaders)

* Regrets

Additional Attendees	Organization
Observers	
Graciela Keskiskian	Cámara Argentina de Empresarios Mineros (CAEM), the national mining association in Argentina
Rocky Dimaculangan	Chamber of Mines of the Philippines, the national mining association in the Philippines
Judy Whiteduck	Assembly of First Nations
Maxime Lachance	Association minière du Québec
Jat Verma	Apple
Anne-Marie Fleury	Responsible Jewelry Council
Matthew Wenban-Smith	ResponsibleSteel
Steve D'Esposito	RESOLVE
Organizers	
Ben Chalmers	Mining Association of Canada
Tara Shea	
Cynthia Waldmeier	
Michael van Aanhout	Stratos
Leah Henderson	