

# Annual Report 2020



The Mining Association  
of Canada  
L'association minière  
du Canada

## THE MINING ASSOCIATION OF CANADA (MAC)

The Mining Association of Canada (MAC) is the national organization for the Canadian mining industry. Its members account for the majority of Canada's production of base and precious metals, uranium, diamonds, metallurgical coal and mined oil sands, and are actively engaged in mineral exploration, mining, smelting, refining and semi-fabrication.

Representing members committed to sustainability, MAC's *Towards Sustainable Mining*® (TSM®) initiative is an award winning and world-leading standard that fosters continuous performance improvement in environmental and social mining practices.

MAC promotes the interests of the industry nationally and internationally, works with governments on policies affecting minerals, informs the public, and promotes collaboration to solve common issues and foster progress. MAC works closely with provincial and territorial mining associations and other industries, as well as with environmental and community groups across Canada.

## MESSAGE FROM THE CHAIR AND THE PRESIDENT AND CEO

Gordon Stothart, Chair of the Board of Directors, and Pierre Gratton, President and CEO



Gordon Stothart, Chair of the Board of Directors

2020 represented an unprecedented year not just for Canada's mining industry but the world at large due to the impacts of COVID-19. Throughout the year, Mining Association of Canada (MAC) members' top priority focused on the health and safety of their employees, their contractors and the communities in and around which they operate. Even with the ongoing pandemic, MAC and its member companies have been extremely busy in speaking to the government on many diverse issues impacting Canada's mining sector on issues ranging from climate change to Indigenous collaboration in mining to critical minerals.

Mines produce materials that are essential for Canadians, including medical and communication technologies, and throughout the pandemic it has been important that supply chains stay open so that we can ensure mined products are readily available for the people and businesses who rely on them. Mining was deemed an essential business at the start of the pandemic and due to our industry's long history focused on health and safety, the sector has been fortunate in largely keeping COVID-19 out of mine sites and the communities that surround them.

While COVID-19 made face-to-face advocacy impossible, the many available web conferencing platforms actually enhanced MAC's government relations efforts given the fact that many politicians and senior government officials were more available than usual. In fact, MAC's annual lobby day was extended to a week in November, and resulted in meetings with over 100 government decision makers, an increase over past years showing the interest in our sector from both the political, including numerous Ministers and the Hon. Erin O'Toole, Leader of the Official Opposition, and department levels. This close contact was essential with the myriad of issues affecting the sector.

With overall awareness of the positive role mining plays in the move towards a lower carbon future at a high point, including being explicitly referenced in the fall Speech from the Throne and in op-eds from Cabinet Ministers, our sector is at a tipping point and well positioned for support by the government. This is particularly true of "critical minerals" – vital in aerospace, defence, telecommunications, computing, and an array of clean technologies such as solar panels, windmills, and electric car batteries. China has long been a major supplier of these minerals but Canada has an opportunity to play a larger role in this space, as customers look for products made to high environmental standards, such as MAC's *Towards Sustainable Mining* (TSM) program. With the government paying close attention to critical minerals, including through the Canadian Minerals and Metals Plan, the Joint Canada-US Action Plan on Critical Minerals Collaboration, and explicit mention in Minister O'Regan's ministerial mandate letter, Canada's mining industry is poised to play an important role in this area.

This year, MAC surveyed Canadians to determine perspectives on critical minerals development and found that almost 90% of those surveyed by Abacus Data like the idea of Canada being a preferred source for critical minerals and would like to see government take a number of steps to support this approach. In order to further promote the opportunity before Canada in the critical minerals sphere,



Pierre Gratton, President and CEO

MAC developed its most ambitious public awareness campaign to date, focused heavily on critical minerals, Canada's leadership in sustainable mining, Indigenous collaboration in the mining sector and innovation, with 40 concepts developed and utilized via social media in an expanded advertising campaign that kicked off in the fall.

Critical minerals play an important role in low carbon technologies, and their positive impact in the fight against climate change cannot be overstated. The government's support of initiatives that will play important roles in lowering the mining industry's carbon footprint included Prime Minister Trudeau's commitment to accelerate the deduction of clean energy capital costs, such as for electric vehicles, announced in March. This announcement and other government

supports focused on addressing climate change including a new national hydrogen strategy and support for small modular reactors are encouraging.

MAC and its members remain committed to meaningful Indigenous participation in the sector, as demonstrated through the strengthened criteria in the new *TSM Indigenous and Community Relationships Protocol*, first introduced in 2019. MAC's Indigenous Relations Committee continues to be focused on mining sector practices related to advancing Indigenous reconciliation as well as federal initiatives that may affect the mining sector's relationships with Indigenous peoples. This includes providing advice and direction to MAC on its recent engagement on the development of Bill C-15, the *United Nations Declaration on the Rights of Indigenous Peoples Act*, introduced in December.

The year was not without its challenges, and July's introduction of the Strategic Assessment on Climate Change (SACC) and the decision by the federal government to designate the Fording River Extension Project, formerly the Castle Project, under the *Impact Assessment Act* were disappointing. After an intensive period of lobbying over the summer months, MAC was encouraged by the federal government's decision to clarify the wording of the SACC and appreciates the government's efforts to advance policies to encourage growth and investment in the country's mining sector.

As in past years, transportation issues continued to plague the mining industry in 2020. After a protracted rail strike in November 2019, rail blockades in February, this summer's Port of Montreal strike and the ongoing and significant supply chain disruption due to the COVID-19 pandemic, numerous issues continue to impact the ability to ship essential items like minerals, metals and fuel. These disruptions challenge the ability to deliver goods to customers and keep employees working and MAC continues to demand that the federal government make transportation issues a higher priority.

While COVID-19 has certainly been the focal point of 2020, conversations on diversity and inclusion were also discussed at length in Canada and around the world, and in December MAC released a statement denouncing all forms of discrimination, racism and sexism and committed to actions to eliminate them in the Canadian mining industry. The statement, which was developed over the course of six months with the support of the Mining Industry Human Resources Council, encompasses several actions that received unanimous support at MAC's November Board meeting. These objectives focus on efforts to ensure the Canadian mining workforce reflects the diversity of Canada and the communities where the industry operates and focuses on a culture of belonging and inclusion.

Beyond advocacy, MAC's ongoing sustainability work is progressing. Our made-in-Canada TSM initiative continued to expand globally. This award-winning mining sustainability standard is now being implemented by mining associations in eight countries outside of Canada, including Finland, Argentina, Botswana, the Philippines, Spain, Brazil, and as of March of this year, Norway. We are thrilled that the Minerals Council of Australia has officially adopted TSM as of March of 2021 and interest from other mining associations around the globe continues due to the strong reputation of our sustainability program. MAC's recently published *Responsible Sourcing Alignment Supplement* will also help to minimize the administrative burden felt by mining companies that subscribe to multiple reporting requirements and will promote alignment in industry sustainability standards.

MAC's achievements in 2020 were due to the collective efforts of many people. These individuals include our Board of Directors, Executive Committee and TSM Governance Team, and the committed industry experts who give their time and lend their expertise to MAC committees, task forces and working groups. We also boast one of the strongest association staffs in Ottawa, composed of individuals who are recognized for their expertise and professionalism by government and other associations. With their mix of skills and experience, they deliver tangible outcomes that benefit the entire industry. Their work is much appreciated by the Board and members of MAC.

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

## REPORT FROM THE CHAIR OF THE TSM GOVERNANCE TEAM

Chair: Carolyn Chisholm, Director, External Affairs, Rio Tinto Canada

*The TSM Governance Team examines opportunities for improving the mining industry's performance and reputation with key communities of interest.*



### TSM Performance

Due to the constraints of the COVID-19 pandemic, companies undergoing external verification of their TSM performance results in 2020 were offered an additional six months (until June 2021) to conduct their external verification processes. This means that, at the time of writing, TSM performance data for the 2020 reporting year is incomplete and the final report will not be available until July 2021. However, based on the TSM facility reports submitted in 2020 (which constitute most TSM-implementing facilities), there are a few key observations.

Performance remains strong on the *TSM Aboriginal and Community Outreach Protocol* (over 95% of facilities achieving Level A or higher on all indicators), but we expect this performance

to decline in 2021 with the first year of public, aggregate-level reporting on the new *TSM Indigenous and Community Relationships Protocol*, as companies work to meet the new requirements.

There were significant declines in aggregate-level performance (by margins of 7% to 18% across indicators) on the *TSM Tailings Management Protocol*. This is likely explained by the fact that several members of the Quebec Mining Association published their first TSM results in 2020, of which the tailings management requirements are the most complex. This reporting year was also the first for some companies in reporting on the 2017 version of the *TSM Management Tailings Protocol*, which may have meant a decline in performance relative to previous requirements. In 2021, facilities will begin reporting against the revised 2019 version of the *TSM Tailings Management Protocol*, that may lead to further declines in performance as members work to meet these new requirements.

### Celebrating Excellence

In 2020, the *TSM Community Engagement Excellence Award* went to Cameco Corporation for its community-based environmental monitoring program in northern Saskatchewan. The *TSM Environmental Excellence Award* went to Agnico Eagle's Pinos Altos mine in Mexico for its soil regeneration project using ultra high-density grazing. More information on these projects, as well as the projects of other awards finalists, is available [here](#). The *TSM Leadership Awards* for 2020 will be administered in mid-2021, due to the delay in reporting permitted during the COVID-19 pandemic.

### Continual Improvement

*Safety and Health Protocol*: An interim review of the *TSM Safety and Health Protocol* was conducted in 2020. Revisions incorporated the concepts of critical controls for high consequence hazards and mental health. Companies will begin reporting on this version of the protocol in 2021.

*Energy Use and GHG Emissions Management Protocol:* A working group of the TSM Initiative Leaders, with support from the Community of Interest Advisory Panel, conducted considerable work to revise the *TSM Energy Use and GHG Emissions Protocol*. The *TSM Climate Change Protocol*, replacing the existing protocol, includes a new indicator on corporate climate change management and integrate physical climate impacts and adaptation into existing indicators on energy and GHG emissions management, performance targets, and reporting. While the Governance Team agreed to the substantive elements in late 2020, the draft protocol required additional discussion on a few outstanding issues in early 2021 for final approval in March 2021.

*Verification Policies:* MAC has also initiated efforts to conduct a critical review of TSM verification processes and policies. As a first step, MAC circulated a survey to members, verifiers, Community of Interest Advisory Panel members, and other relevant stakeholders in mid-2020. Key recommendations received to improve the credibility of the TSM verification process included:

- Improved training and guidance for VSPs, including via webinar-based training.
- Greater oversight of VSP activities by MAC or a third party.
- A requirement for VSPs to hold technical qualifications, including audit training.
- Convergence with other international sustainability standards.
- Publication of a VSP summary report alongside company TSM results.
- Requirements for site visits and community interviews by VSPs.

A more detailed summary of the survey, along with MAC's response, will be made available on the MAC website in early 2021. The TSM Initiative Leaders will develop proposals to address these recommendations in the first half of 2021.

*Online Training:* MAC developed and launched a new [TSM online training system](#) for members, verifiers, and communities of interest with a desire to learn more about the program.

## **Community of Interest Advisory Panel**

In 2019, the Community of Interest Advisory Panel actively engaged in the review of the *TSM Climate Change Protocol*. Post-verification reviews scheduled for 2020 were delayed until April 2021 due to the COVID-19 pandemic. At the Panel's two annual meetings, experts were invited to discuss the financial sector's efforts to incorporate climate change considerations in investment decision-making and the challenges related to mining companies' engagement with communities during the COVID-19 pandemic. For more information on COI Panel activities in 2020, please refer to their [annual statement](#).

## **International Activities**

*Adoption of TSM in Norway:* Norsk Bergindustri became the eighth national mining association to adopt TSM, joining Canada, Finland, Botswana, Spain, Argentina, Brazil, and Philippines. International interest in TSM continues to grow and MAC is engaging with governments and associations across the globe to support decisions around the program's adoption in the coming years. In 2020, MAC began convening meetings of the international partner associations to improve coordination and work towards shared support and decision-making processes.

## **Responsible Supply Chains**

*Responsible Sourcing Alignment Supplement:* In 2020, MAC launched the *TSM Responsible Sourcing Alignment Supplement* to support companies that are implementing TSM alongside the International Council of Mining and Metals Mining Principles, the World Gold Council Responsible Gold Mining Principles, the Responsible Minerals Initiative Risk Readiness Assessment, and the Copper Mark. The purpose of this voluntary supplement is to support a single, integrated process for reporting and assurance for MAC members using TSM in addition to other standards. The supplement has taken a different approach from the typical TSM protocol development process in that it brings together 25 criteria in the areas of:

- Corporate Governance and Ethical Conduct
- Integration of Sustainable Development into Corporate Strategy and Decision Making
- Respect for Human Rights and Labour Rights
- Environmental Stewardship
- Social, Economic and Institutional Development

The supplement will help companies to streamline the reporting and assurance process by introducing additional criteria from other standards that are not currently addressed in TSM.



## ENVIRONMENT COMMITTEE

Chair: Allison Merla, Advisor – Environment, Vale

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

In 2020, the Environment Committee met jointly with the MAC Science Committee in February. In response to the COVID pandemic, the Committee operated through monthly virtual meetings for the remainder of the year. Committee meetings were augmented by work completed through task forces. The MAC Reviews Task Force focused its efforts on the implementation of legislative changes that came into force in 2019, amending the *Fisheries Act*, creating the *Impact Assessment Act* to replace the *Canadian Environmental Assessment Act, 2012* and amending the *Navigation Protection Act* to create the *Canadian Navigable Waters Act*. The MAC Reviews Task Force also engaged in consultations on the Canada Water Agency. The MAC Biodiversity Task Force was active on developments related to the *Species at Risk Act*, the *Migratory Birds Convention Act* and protected spaces.

The Committee continued its work related to air pollution, climate change, the Chemicals Management Plan, Federal Environmental Quality Guidelines, the National Pollutant Release Inventory, *Environmental Emergencies Regulations 2019*, and the review of the *Canadian Environmental Protection Act*. The Committee engaged with officials from Environment and Climate Change Canada (ECCC), the Canadian Wildlife Service, Fisheries and Oceans Canada, the Impact Assessment Agency, Transport Canada and Natural Resources Canada.

### **Impact Assessment Act (IAA)**

The MAC Reviews Task Force monitored the implementation of the *Impact Assessment Act* and met with the Impact Assessment Agency in May to share experience in the Act's initial months and discuss plans for future regulations and guidance. While experience with the new Act remains limited, three issues of concern arose during 2020. One was the wording of the Strategic Assessment of Climate Change published in July. Much of the document dealt with climate change-related information required from proponents and was consistent with a draft version published previously for comment. However, the document also included a new element requiring proponents to develop plans to achieve net-zero GHG emissions in 2050. The new element contained some rigid criteria incompatible with such long-term planning. MAC brought the problematic wording to the government's attention and a revised version was published in October, aligning the wording with the document's intent.

The Act applies to projects that are of a type set out in *Physical Activities Regulations*. Like the predecessor legislation, the Act also contains a provision for the Minister to designate a project that does not meet the criteria of the *Physical Activities Regulations*. This discretionary provision has been used rarely, and it was MAC's understanding that it was intended for unusual circumstances not foreseen when the regulations were drafted. As well, it has been MAC's position that the Act's application to mining projects is not proportional to the mining sector's impact on areas of federal jurisdiction. MAC was therefore concerned with the designation of two mining projects in 2020, more in this single year than in the history of the predecessor Act, and conveyed its concerns to the government.

As the first mining projects entered the IAA process, MAC was disappointed at the absence of tailoring of Impact Statement Guidelines, contrary to the intent of the much-longer planning phase of the new Act. The MAC Reviews Task Force continues to engage with the Agency to explore how the planning

phase can be improved to arrive at truly Tailored Impact Statement Guidelines for each project to focus the assessment on key relevant issues.

### ***Fisheries Act***

Fisheries and Oceans Canada's implementation of the amended *Fisheries Act* has been very slow. Nearly a year after the amendments came into force in mid-2019, the department relied exclusively on site-specific reviews and authorizations for all works, undertakings and activities near water, even though many have little or no impact on fish habitat, as the compliance instruments to support routine, low-impact projects were not developed. MAC organized a meeting of a network of associations with officials in May to emphasize the importance of deploying such compliance instruments. Relying on site-specific reviews detracts from protection of fish habitat and imposes needless burden on proponents and the department.

The department subsequently published four Interim Codes of Practice, including ones for culvert maintenance and beaver dam removal. As well, in July, the department shared its work plan for engagement on the development of additional compliance tools for common projects and prescribed waters. The engagement began in December and is to continue through 2021.

### ***Canadian Navigable Waters Act (CNWA)***

MAC continued to engage with Transport Canada on implementation of the CNWA and on proposed amendments to the Minor Works Order. Expanding the Minor Works Order is critical to reducing the administrative burden of the CNWA, but progress was slowed by the pandemic. Transport Canada published a discussion paper describing proposed changes to the Order. The MAC Reviews Task Force discussed the proposal with officials in September, participated in a technical briefing, and submitted written comments. MAC comments recommended that some restrictions for water crossings proposed to be added to the Minor Works Order be dropped. Publication of a final Order is expected in mid-2021. In November, Transport Canada initiated consultations on a Fee Proposal. MAC submitted comments, noting that the proposed fees appear reasonable, but the absence of service standards is problematic. MAC also urged the department to defer the imposition of fees until after the Minor Works Order is amended.

### ***Canada Water Agency***

Further to a promise in the Speech from the Throne, the government-initiated consultations on the mandate and structure of a proposed Canada Water Agency. MAC submitted comments on the initial announcement. MAC's key messages were to caution against adding to overlap and duplication and the diversion of resources from already under-resourced line departments. MAC agreed that priority should be placed on addressing data sharing and access.

### ***Canadian Environment Protection Act (CEPA)***

The MAC Environment Committee began preparations for legislative amendments to CEPA based on the government's response to the House of Commons in 2018, and Ministerial mandate letter commitments. In August 2020, officials sought input on whether the COVID pandemic altered MAC's position on CEPA amendments and MAC's response noted the challenge of dealing with a highly technical and complex issue in light of more urgent priorities. A Bill amending the Act was not tabled until April 2021. MAC organized webinars, led by Anne Gent (Cameco Corporation) to assist members with compliance with the amended *Environmental Emergencies Regulations, 2019*. As well, MAC submitted comments on ECCC's technical guidance in support of the regulations and discussed them

with officials. MAC submitted comments on Draft Screening Assessment Reports on silver and its compounds and thallium and its compounds.

## **Biodiversity**

### Species at Risk Act

Throughout 2020, MAC remained active and engaged on issues related to species at risk, including monitoring proposed amendments to Schedule 1 of the *Species at Risk Act* (SARA), the publication of proposed recovery planning documents and the implementation of Section 11 Conservation Agreements.

In December 2020, the final Amended Recovery Strategy for the Woodland Caribou was published. The amended recovery strategy identified critical habitat for the SK1 Range (northern Saskatchewan). MAC was encouraged to see that the amended recovery strategy took the unique characteristics of SK1 – a range where the caribou population is thriving and there is very little anthropogenic disturbance – into consideration in the updated disturbance management threshold for the range. Unfortunately, other issues in the recovery strategy were not addressed during this review. MAC submitted comments encouraging ECCC to ensure that best available information, including recently peer-reviewed literature that contradicts the methodology used to develop the recovery strategy, be incorporated into the document.

MAC has been an active member of the Species at Risk Advisory Committee (SARAC) for many years. The last mandate of SARAC came to an end in April 2020 and it is expected that SARAC will become part of a broader advisory committee on nature. However, there has been no announcement to date with respect to a renewed committee. MAC continues to advocate for SARAC or a similar committee to be re-convened, as SARAC provided industry, environmental NGOs and Indigenous partners with a forum to collaborate and support improved implementation of SARA.

MAC continues to participate in the National Boreal Caribou Knowledge Consortium (NBCKC), which was announced in the 2018 Action Plan for Boreal Woodland Caribou. The NBCKC is a forum for collaboration among federal, provincial, territorial, and Indigenous governments, NGOs, academics, and industry stakeholders to support information sharing, address knowledge gaps, pool capacity, identify and promote best-practices, and inform decision-making. The NBCKC and its working groups have produced practical tools over the past three years to inform action, including: a caribou monitoring toolkit, a boreal caribou conceptual ecological model, interactive map of caribou projects and a knowledge sharing portal. In 2020, the NBCKC also partnered with the Alberta Biodiversity Monitoring Institute to coordinate a webinar series showcasing emerging research related to boreal woodland caribou conservation.

### Migratory Birds

MAC's Biodiversity Task Force engaged with the Canadian Wildlife Service (CWS) during the consultation on the proposed amendments to the Migratory Birds Regulations, which were published in June 2019. The final regulations are expected to be published in 2021. Overall, MAC saw the amendments as an improvement from the current regulations. Several of the proposed revisions will provide additional clarity, including the addition of Schedule 1, which identifies species that re-use their nests, and whose nests therefore are protected year-round, and establishes the minimum number of months for which the nest must have been unoccupied by a migratory bird before the protection can be lifted. Of the species listed on Schedule 1, the pileated woodpecker stands out as an anomaly, as this is a species that

does not re-use its nests. MAC has submitted detailed comments to ECCC on this matter that aim to provide a constructive, reasonable way forward.

Among the amendments is a proposal to allow for the temporary possession of a migratory bird without a permit when a bird is facing an imminent threat, is injured or dead. In anticipation of this change, MAC's Biodiversity Task Force is proactively considering what best practice implementation of this new provision would entail for a mining operation.

#### Biodiversity Goals and Targets

Following participation on the National Advisory Panel for the Pathway to Target 1, MAC has remained engaged on the implementation of Canada's 2020 Biodiversity Goals and Targets. This includes monitoring policy developments related to protected areas and engaging with other stakeholders to encourage recognition of privately protected areas and other effective area-based conservation measures as a contribution towards Canada's area-based protection target.

Canada and other Parties of the Convention on Biological Diversity are working towards a Post-2020 Biological Diversity Framework, which will establish new global biodiversity goals and targets and will guide the development of new biodiversity goals and targets for Canada for the next decade. MAC continues to monitor the development of the post-2020 framework.

#### **Other Activities**

To boost its effectiveness, MAC belongs to several formal and informal industry and multi-stakeholder groups. Brady Balicki (Cameco Corporation) represents MAC on the NBCKC. Tara Shea (MAC) is the representative on SARAC. Justyna Laurie-Lean (MAC) is the representative on a number of fora, including the Industry Coordinating Group on CEPA; the Industry Steering Committee on Clean Air and Climate Change; the North American Metals Council; the multi-stakeholder National Pollutant Release Inventory Work Group; and the Stakeholder Advisory Committee on the Chemicals Management Plan. Pierre Gratton is a member of the Minister's Advisory Council on Impact Assessment. Anne Gent (Cameco Corporation) represents MAC on the Environmental Emergency Regulations Advisory Working Group.

For more information on MAC's environmental initiatives and the reduction of releases from member facilities, please see the latest *TSM Progress Report*, available at [www.mining.ca/tsm](http://www.mining.ca/tsm).

## INDIGENOUS RELATIONS COMMITTEE

Chair: Kara Flynn, Vice President, Government and Public Affairs, Syncrude Canada Ltd.

*The Indigenous Relations Committee works to identify, evaluate and offer informed advice to the MAC Board of Directors on strategies to foster and strengthen the relationship between Indigenous peoples and the mining industry in Canada.*

In 2020, the Indigenous Relations Committee met in February, May, July and September. Throughout the year, the committee discussed a range of issues related to Indigenous participation in the mining sector. The committee focused on the following in 2020:

### **United Nations Declaration on the Rights of Indigenous Peoples Legislation**

On December 3<sup>rd</sup>, 2020, Bill C-15: *An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples* was introduced, which fulfilled the Liberal Party of Canada's commitment to table legislation to implement the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) before the end of 2020. The Bill would require the federal government, in consultation and cooperation with Indigenous peoples, to take all measures necessary to ensure the laws of Canada are consistent with UNDRIP; develop an action plan to achieve UNDRIP's objectives; and table an annual report in Parliament on progress to align the laws of Canada and on the action plan.

In anticipation of this legislation, MAC prepared recommendations on it, which were in support of the federal government's commitment to advance reconciliation through collaboration but that encouraged enhanced communications on the intent of the legislation as well as its interpretation of key UNDRIP Articles. Specifically, MAC emphasized the importance of clarifying the government's approach to free, prior and informed consent as well as the process for the development of the action plan.

Over the course of 2020, MAC and its members engaged with Justice Canada, Natural Resources Canada (NRCan), Crown-Indigenous Relations and Northern Affairs Canada, Indigenous Services Canada and national Indigenous organizations through both bi-lateral meetings and formal events such as a mining round table hosted by NRCan in October 2020 and participation in the Métis National Council's UNDRIP engagement session in November 2020. MAC also had the opportunity to discuss the legislation with several Senators, including Senator Yuen Pau Woo, Senator Patti LaBoucane-Benson and Senator Pat Duncan, as well as numerous Members of Parliament. MAC will continue to monitor the Bill and engage as appropriate as Bill C-15 progresses through the legislative process.

### **Engagement and Consultation in the context of COVID-19**

Due to COVID-19, in-person engagement and consultation meetings were put on hold to help reduce the spread of the pandemic. In these circumstances, maintaining regular contact with Indigenous partners remained critical and companies acted quickly to implement alternative approaches and embrace the use of technology to stay connected. The Indigenous Relations Committee devoted its May committee meeting to discussing approaches to community engagement and regulatory consultation in the context of COVID-19. Additionally, the Indigenous Relations Committee met with officials from the Impact Assessment Agency of Canada (IAAC) to discuss how regulatory consultation had been affected by COVID-19 and the IAAC's approach to consultation during the pandemic.

### **Indigenous Inclusion and Awareness Training Standard**

Throughout 2020, MAC continued to participate in the Mining Industry Human Resources Council's (MiHR) initiative to develop an Indigenous Inclusion and Awareness Training Standard for the mining sector. This work is intended to respond to the Truth and Reconciliation Commission's (TRC) Call to Action 92 (iii), which calls on corporate Canada to educate management and staff on the history of Indigenous peoples in Canada and provide skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism. MAC actively participated in MiHR's project development committee and the Indigenous Relations Committee provided direction on the project. MiHR's guidance in this area, which is expected to be completed in 2021, will complement the criteria set out in the *TSM Indigenous and Community Relationships Protocol*.

### **National Benefits Sharing Framework**

The Indigenous Relations Committee is engaged with NRCan on the federal government's commitment to develop a national benefits sharing framework for major projects on Indigenous territories. In 2021, the committee will continue to engage and provide input based on the mining sector's knowledge of such schemes in other jurisdictions as well as its extensive experience in forming mutually-beneficial relationships with Indigenous communities.

### **Ongoing Engagement and Collaboration**

MAC continues to engage with the Assembly of First Nations, Inuit Tapiriit Kanatami, and the Métis National Council through the TSM Community of Interest Advisory Panel, the Species at Risk Advisory Committee and through one-on-one meetings.

In 2020, the Indigenous Relations Committee met with representatives from the Canadian Council for Aboriginal Business, Canadian Executive Service Organization, Waubetek Business Development Corporation and Export Development Canada to discuss a range of issues related to supporting and increasing Indigenous participation in mining.

MAC continues to support Indspire, an Indigenous-led charity that is improving educational opportunities for First Nation, Inuit and Métis students through various initiatives.

## **PUBLIC AFFAIRS COMMITTEE**

**Chair: Dale Austin, Manager, Government Relations, Cameco Corporation**

**Vice-Chair: Steve Virtue, Director, External Relations, Yamana Gold**

*The Public Affairs Committee (PAC) provides MAC member perspectives and guidance on MAC's government relations and communications programming. The PAC is a national platform for MAC member sharing of best practices on issues relating to corporate and association communications and advocacy activities.*

As with all sectors, COVID-19 has had a significant impact on mining, and over the course of 2020, MAC's PAC played an important role in providing a forum for communications and public affairs experts to exchange information on how the pandemic has affected the sector. This information sharing was essential to MAC's COVID-19 government relations work and communications response, which included statements responding to government support measures, op-eds, newsletters, website development, a social media campaign and regular tracked updates from all members on how the industry was being affected. In the early days of the pandemic MAC and its member companies emerged as leaders in responding to COVID-19, setting an example to other sectors on successful and safety-focused operations in the new reality.

### **Federal Advocacy**

By providing feedback on strategy, messaging and materials used to engage federal decision makers on Canadian mining sector issues, the PAC provides valuable member perspective and insights to enhance the full suite of MAC's government relations activities. The Committee also monitors and discusses policy developments and actively participates in MAC advocacy activities. COVID-19 and working from home provided some new opportunities with government decision makers being more accessible.

Due to the ongoing pandemic, MAC's annual large scale advocacy event on Parliament Hill went virtual in 2020 and over the course of the week of November 16<sup>th</sup>, MAC's staff and Board of Directors met with over 100 MPs, Senators and senior government decision makers to discuss MAC priorities, including the industry's response to COVID-19, mining's contribution to Indigenous economic reconciliation, and the profound opportunity before Canada to expand as a best-in-class supplier of critical minerals, metals and energy products needed for the transition to a low carbon future. MAC was also pleased to be included in a House of Commons [SO-31 statement from Yvonne Jones](#), MP for Labrador and Parliamentary Secretary to the Minister of Northern Affairs, championing Canada's mining sector.

MAC's engagement with decision makers in the 43<sup>rd</sup> Parliament is focused on climate change legislative and regulatory changes, ongoing implementation of project review and approval legislation passed in the last Parliament, critical minerals development, government legislation related to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), issues relating to Canadian mining abroad, and transportation and market access issues.

### **Communicating the Mining Industry's Challenges and Opportunities**

In 2020, MAC's communications efforts highlighted the sector's commitments to sustainability, our strong record of Indigenous participation and the industry's innovation efforts. MAC also underscored the importance of the industry in a low carbon economy, which will serve to increase the demand for minerals and metals. Critical minerals development played a significant role in MAC's communications and advocacy efforts as did TSM and the ongoing expansion of the program continues to be an

important element of our public outreach strategy. This narrative aligns with the government's priorities and serves to advance MAC's advocacy efforts.

**Newsletters:** In 2020, MAC highlighted numerous themes of significant importance to Canada's mining sector with newsletters focused on reclamation practices, leaders in sustainable mining, the impact of COVID-19 on mining operations and the important role played by women in the industry.

**Social Media:** MAC continues to have a very active presence on both Twitter and LinkedIn, with the latter's following exploding over the past year to 13,000, a massive increase from the previous year. The PAC plays a valuable role in providing social media content and suggestions and is key to MAC's success in social engagement.

Now in its third year, MAC was pleased to highlight the contributions of women in the mining industry in conjunction with October's Women's History Month. This year, MAC highlighted 20 different women on its Twitter and LinkedIn channels to showcase the valuable achievements being made by women in our sector. This initiative has resulted in a surge of social media activity and positive feedback for MAC. Profiles of the women who have been highlighted in the series can be found on a dedicated webpage on MAC's website. MAC also revisited its *30 Things* resource via a Twitter/LinkedIn campaign in recognition of May's National Mining Week to highlight the role mined materials play in the items used every day and this was positively received on all social media channels.

**Canadian Mining Campaign:** Since 2012, MAC has produced annual communications campaigns to promote the contributions of Canada's mining sector, primarily to federal decision makers in Ottawa, with a focus on social media channels. The PAC plays an integral role in this process, from providing concept ideas to refining the campaign's messaging.

This year, MAC's annual public awareness campaign focused on the essential role of mined materials to the products we use every day, the industry's commitment to sustainable mining and the opportunity before Canada regarding critical minerals development. The 2020 campaign, MAC's most ambitious to date, featured 40 different ad concepts and was expanded in its reach this year to extend beyond the Ottawa ecosystem to target provincial legislatures, MAC member companies, the business community/manufacturing sectors, mining communities, policy groups/think tanks and ESG influencers. For this expanded campaign, MAC created a bilingual microsite utilizing language from its final approved ad concepts. Using digital display, social, print and transit placements, MAC's advertising delivered over 2.4 million impressions in 2020.

**MAC Events:** MAC staff attended and participated in domestic and international events throughout the year to promote Canada's mining industry, and to highlight its challenges and opportunities. The PAC helps identify speaking opportunities at key mining events and functions and supports MAC events through their attendance, promotion and, at times, sponsorship. Throughout the year, MAC participated in several mining conferences across Canada though the majority of them, aside from the PDAC Convention, were virtual in nature given the onset of COVID-19 in the spring of 2020. MAC participated in its annual address to the Greater Vancouver Board of Trade in January of 2020, focusing remarks almost entirely on the opportunity critical minerals development represents for Canada. As always, this speech was well attended and included media outreach, including an op-ed that appeared in the Hill Times.



At the 2020 PDAC convention, MAC played a lead role in the Invest in Canada session in addition to several other speaking opportunities focused on the North, sustainable mining and other relevant topics to the mining sector. MAC was also on hand to publicly support the Prime Minister's electrification announcement through comments in the national media.

**Annual Opinion Polling on Canadian Attitudes on Mining:** To understand how Canadians view our sector, MAC conducted its eighth annual national public opinion poll in 2020. The PAC provided input into the poll's development and helped assess the findings to inform MAC's activities and priorities for the year ahead. Highlights included:

- Canadians tend to think that mining in Canada and by Canadian owned companies is done to higher standards than when conducted elsewhere or by non-Canadian companies.
- Positive feeling about mining is the norm in every region of Canada, and stands at 72% in Quebec, 67% in Ontario and 65% in BC.
- Mining companies get their highest marks for contributing to a healthy economy, using innovation to improve how they do things, offering opportunities in northern and remote communities and safety.

For the first time, MAC also publicized part of its polling results to show the interest Canadians have in supporting the country as a preferred supplier of critical minerals. MAC had a special critical minerals deck created that was promoted via the distribution of a press release that included a supportive quote from the Hon. Seamus O'Regan, Canada's Minister of Natural Resources.

## SCIENCE COMMITTEE

**Chair: Kent England, Manager, Environment and Licensing, Cameco Corporation**

*The primary focus of the Science Committee is the application of sound science and technology towards mitigating and/or minimizing the impacts of mining on aquatic and terrestrial ecosystems.*

The Science Committee focuses primarily on issues related to regulations under the *Fisheries Act*, specifically the *Metal and Diamond Mining Effluent Regulations* and proposed regulations for coal mines and oil sands mines. In 2020, MAC's Science Committee met jointly with the MAC Environment Committee in February. In response to the COVID-19 pandemic, the Committee operated through monthly virtual meetings for the remainder of the year.

### ***Metal and Diamond Mining Effluent Regulations (MDMER)***

On May 30, 2018, amendments to the *Metal Mining Effluent Regulations* (MMER) were published. These amendments renamed the MMER the *Metal and Diamond Mining Effluent Regulations* (MDMER). Some of these amendments came into force on June 1, 2018, and others came into force on January 1, 2019.

More stringent requirements for effluent quality will come into force in 2021, including:

- Requirement for all mines that effluent be non-acutely lethal to *Daphnia magna*.
- Effluent discharge limits for all mines for un-ionized ammonia.
- Lower limits for existing metal and diamond mines for arsenic, cyanide and lead.
- Lower limits for new metal and diamond mines for arsenic, copper, lead, nickel and zinc.

In 2020, MAC continued low-level engagement with Environment and Climate Change Canada (ECCC) on the continued development of new functionality in an electronic reporting system for MDMER compliance data originally introduced in 2019. This included preliminary discussions with ECCC about the potential for a future capability to bulk upload data. This capability would eliminate the current need for manual re-entry of all data, eliminating the potential for data entry errors.

In 2020, MAC provided reminders to members of the new, more stringent requirements that come into force in June 2021 to help ensure that all members are ready to be in compliance. With respect to amendments to Schedule 2 of the MDMER, this had been an active file for MAC for several years and as of 2020, there are no active engagements by MAC with members going through the Schedule 2 process. ECCC completed several sets of amendments to Schedule 2 using the streamlined process that exempted proposed amendments from pre-publication in the *Canada Gazette*, Part I, significantly shortening the process.

There is an important outstanding issue related to the environmental effects monitoring (EEM) requirements of the MDMER. The 2018 amendments introduced a new requirement to measure selenium in fish tissue if conditions prescribed in the regulations are met. At the time, ECCC stated their intent to provide technical guidance related to the collection of fish tissue samples for this analysis. In mid-2018 ECCC did release draft guidance for comment, and MAC and our members with relevant technical expertise submitted detailed comments. Since that time, ECCC has not released an updated draft. MAC has raised the issue on numerous occasions and has offered technical support.

However, in late 2020, ECCC indicated that this project was on hold, with no timelines for release of an updated draft. MAC remains very concerned that ECCC has yet to provide technical guidance to meet a

legal requirement that has been in force for almost three years. Having proper guidance is important to ensuring quality science.

### **Proposed Coal Mining Effluent Regulations (CMER)**

In November 2017, ECCC released a detailed proposal for *Fisheries Act* regulations for coal mines. MAC and our members involved in coal mining had advocated for the development of a *Fisheries Act* regulation for several years and are supportive of ECCC's efforts in this regard. Consultations were held in early 2018 and MAC submitted detailed comments. In December 2018, ECCC released an update on their proposal for the CMER and MAC again submitted detailed comments.

In February 2020, ECCC released an updated proposal for the CMER. This was intended to be the final update before publication of the proposed regulations in the *Canada Gazette*, Part I (CGI), and was high level and did not provide substantive details. In response, MAC submitted a letter to the Minister of Environment and Climate Change and detailed comments were submitted to officials.

The proposed CMER would include stringent limits for selenium and nitrate in effluent and also in streams downstream from some coal mines. MAC expressed concern that the proposed limits cannot be consistently met using current treatment technology. However, the main focus of MAC's comments was on the lack of information that ECCC has provided since the consultation process was launched in 2017.

Specifically, MAC emphasized that:

- ECCC has not provided any evidence to justify the proposed limits, including no evidence to demonstrate:
  - Anticipated environmental benefits of the proposed limits, particularly in cases where they would be lower than science-based provincial permit requirements.
  - Achievability of the proposed limits using best available technology that is economically achievable (BATEA).
- The level of detail provided by ECCC to date about many aspects of the proposed CMER is insufficient to be able to assess whether the regulations would function as intended, and without any unintended consequences.

MAC requested that ECCC provide this information and an opportunity to provide input before the proposed CMER are published in CGI. As of the end of 2020, ECCC had not provided any additional information on the proposed CMER and had not provided any indication of next steps in engagement on the proposal.

### **Potential Fisheries Act Regulations for Oil Sands Mines**

MAC and our members involved in oil sands mining have been advocating for several years for a *Fisheries Act* regulation for oil sands mining. At present, oil sands mines do not deposit any effluent. Instead, all water is stored on site. While some is reused in processing to recover bitumen, this means that volumes of water stored at oil sands mines continue to increase. Being able to release this water is essential to be able to close and rehabilitate oil sands mines.

Engagement with ECCC officials on the oil sands sector and the potential development of regulations began in 2017 and accelerated in 2018. ECCC officials have developed a workplan proposing to have a regulation in place in 2023. However, to date they have not released a proposal for the regulation and such a proposal is now not expected until the latter half of 2021.

In March 2020, MAC and oil sands mining members held a technical briefing for media on oil sands water release. Through 2020 there was informal engagement with ECCC officials to get status updates, but no formal engagement. As of the end of 2020, ECCC's plan for formal engagement was not clear, although ECCC was engaging actively with Indigenous communities.

### **Innovation and Support for the Canada Mining Innovation Council**

MAC continues to track and support innovation activities and engage with the federal government as appropriate and is a supporting member of the Canada Mining Innovation Council (CMIC), including being represented on the Board of Directors. CMIC is a national non-profit organization that coordinates and develops projects and programs in response to life of mine challenges defined by its industry members. A key part of CMIC's vision is "towards zero waste mining" with the goal of enabling deployment of technologies that reduce energy use, water use and environmental footprint by 50% by 2027. Several CMIC projects are proceeding, and three projects for alternative ore grinding technology were selected as finalists in NRCan's *Crush It! Mining Challenge*.

### **National Orphaned and Abandoned Mines Initiative (NOAMI)**

MAC has long been a member of the NOAMI Advisory Committee but as of the end of 2020 there was no definitive plan forward for the future of the organization. The Canadian Minerals and Metals Plan (CMMP) makes specific reference to NOAMI and in June 2020, NRCan held a multi-stakeholder virtual workshop to discuss a path forward. There were almost 80 participants in this workshop, including representatives from MAC and several of our members. Topics included community relations, innovation, risks to remediating orphaned and abandoned mine sites and preventing future abandonments.

Following the workshop, at their 2020 meeting the Energy and Mines Ministers (EMMC) approved establishing a group, to report to the Intergovernmental Working Group, that will develop a proposal for EMMC 2021 that will address the proposed:

- Governance model for a continuation of NOAMI
- Funding model
- Workplan

This group began meeting in late 2020 with federal, provincial, and territorial representatives only, but it is expected that membership will expand in 2021 to include MAC and other stakeholders. In addition to the governance model, the group is working in priority setting for a workplan.

### **Mine Environment Neutral Drainage (MEND) Program**

MAC chairs the multi-stakeholder MEND Steering Committee and is the sole source of funding for the initiative. One preliminary study of the Louvicourt site in Quebec, finalized in early 2020, was intended to provide the basis for designing a more detailed study at the site, aimed at understanding the biogeochemical interactions between tailings and the various types of plants that have been established. Due to restrictions related to COVID-19, this project was not continued in 2020 and no other field studies were undertaken. Instead, MEND focused on initiating a study related to the geotechnical implications of geochemical reactions in tailings and waste rock, to be completed in partnership with the International Network for Acid Prevention. This project was formally launched in late 2020 and will be completed in 2021.

### **Canadian Ecotoxicity Workshop (CEW)**

CEW 2020 was scheduled to be held in Halifax in October 2020. However, the conference was cancelled due to COVID-19 and no virtual event was held. CEW 2021 is planned to take place in Halifax, and MAC, as a representative on its Advisory Committee, will work with members and organizers to have a mining related session.

## TAILINGS WORKING GROUP

**Chair: Mike Davies, Senior Advisor, Environment, Teck Resources Limited**

*The Tailings Working Group (TWG) reviews the management of tailings and mine waste to allow the identification of best practices that can then be used to develop industry guidelines for the safe and environmentally-responsible operation of tailings and water management facilities. The TWG also promotes effective facility management and risk assessment at MAC member facilities and throughout the broader mining industry. The TWG contributes to MAC's TSM initiative, specifically with the development and implementation of the TSM Tailings Management Protocol, and with joint delivery of tailings management workshops.*

### Background

MAC has played a global leadership role on tailings management since the 1990s when the first edition of MAC's *A Guide to the Management of Tailings Facilities* (the Tailings Guide) was released. The companion document, *Developing an Operation, Maintenance, and Surveillance Manual for Tailings and Water Management Facilities* (the OMS Guide) was released in 2003. In 2004, MAC launched the TSM initiative, with tailings management as a core component and the introduction of the *Tailings Management Protocol* (the Protocol) to measure performance.

In 2015, in response to the failure of a tailings facility at the Mount Polley Mine in British Columbia, MAC launched both independent and internal reviews of the Protocol, Tailings Guide and OMS Guide. The internal review was led by MAC's Tailings Working Group (TWG), which consists of more than 50 representatives from MAC's membership with collective experience and expertise in tailings management in Canada and around the world.

As an outcome of these reviews, the Protocol, Tailings Guide and OMS Guide were revised to respond to recommendations of the independent review, reflect current best practices, and to reflect lessons learned in the implementation of the previous versions of these documents. Revisions were completed in two steps:

November 2017:

- Third edition of the Tailings Guide
- Revised *TSM Tailings Management Protocol*
- Introduced a new Table of Conformance

March 2019:

- Second edition of the OMS Guide
- Version 3.1 of the Tailings Guide (minor edits)
- Revised *TSM Tailings Management Protocol*
- Revised Table of Conformance

All documents are available for download at [www.mining.ca/tailings-management](http://www.mining.ca/tailings-management) and are available in English, French and Spanish.

### Global Tailings Review and the *Global Industry Standard on Tailings Management*

In 2019, MAC became much more engaged in tailings management initiatives at the international level due in part to the Brumadinho tailings facility failure in Brazil. In the wake of this tragedy, the Global

Tailings Review was launched in the spring of 2019 by the International Council on Mining and Metals (ICMM), the United Nations Environment Programme, and the Principles for Responsible Investment.

The objective of the Global Tailings Review was to develop a global tailings standard. A seven-member Expert Panel and Chair were tasked with this work. To support them, the co-convening partners appointed a 14-member multi-stakeholder Advisory Group, which included MAC's tailings-lead and a senior tailings expert from a MAC member (TWG Chair). The strong MAC role on the Advisory Group (the only representatives of the mining industry on the group) was a significant acknowledgement of MAC's global leadership and expertise on tailings management.

The draft *Global Industry Standard on Tailings Management Standard* (the Standard) was released for public comment in November 2019 and MAC, with input from the TWG, submitted detailed comments in early 2020. In addition, MAC had direct engagement with the Expert Panel to provide additional information on the *Towards Sustainable Mining* (TSM) program.

The final Standard was released in August 2020 and prescribes 77 requirements across the following six topics:

- Knowledge base
- Affected communities
- Design, construction, operation and monitoring of tailings facilities
- Management and governance
- Emergency response and long-term recovery
- Public disclosure

#### **MAC Response to the Release of the *Global Industry Standard on Tailings Management***

After the release of the Standard, MAC conducted a detailed analysis of its requirements compared to those in the:

- *TSM Tailings Management Protocol*
- *TSM Indigenous and Community Relationships Protocol*
- *TSM Water Stewardship Protocol*

This analysis concluded that there is good alignment between TSM and the requirements in the Standard, with current (2020) TSM requirements exceeding many of the requirements in it, most related to the prevention of catastrophic failures. The analysis concluded that there are significant strengths to TSM, including:

- The tailings management component of TSM reflects continual improvement based upon more than 20 years of implementation at mines sites around the world, and input from a 2015 independent review.
- The Table of Conformance, first developed in 2017 as a performance measurement tool for the *Tailings Management Protocol*, and expanded in 2019, provides a very high level of rigor in performance measurement.
- The *Indigenous and Community Relationships Protocol* reflects almost 20 years of implementation experience and provides well defined and described performance indicators and criteria.
- TSM has a demonstrated system for performance measurement, third-party verification, and public reporting of results for nearly 20 years – core elements that the Standard has introduced.

This analysis also identified a number of areas aligned with MAC's commitment to continual improvement in the tailings management component of TSM. In November 2020, the MAC Board of Directors approved a proposal to proceed with updates to improve alignment with the Standard and further strengthen MAC's requirements and guidance for tailings management. The Board also approved expanding the scope of application of the *Tailings Management Protocol* to include closed and inactive tailings facilities.

### **MAC Support to ICMM**

In parallel with the development of the Standard, ICMM undertook development of international guidance on tailings management. In 2016, during development of ICMM's Tailings Governance Framework Position Statement, a review of international best practices led to the conclusion that MAC's TSM guidance represented global best practice. MAC was approached to support development of the ICMM guidance that will:

- Provide guidance on a comprehensive, holistic approach to tailings management, based upon the core elements of the MAC Tailings Guide and OMS Guide.
- Provide guidance on a performance-based, risk-informed approach to tailings management.

Seeing an ability to further amplify the message about the importance of good tailings governance, MAC's support included having MAC's tailings-lead as a lead author of the ICMM guidance, collaborating with a small subgroup that included representatives of three of MAC's members who were also involved in the MAC TWG. A first draft of the guidance was completed in mid-2019, and evolution of the draft continued through the balance of 2019. Work on this guidance document then continued throughout 2020, particularly through Q2 and Q3. The ICMM *Tailings Management Good Practice Guide* was approved by ICMM in late 2020 and was on track to be released in Q1 2021.



## **TAXATION COMMITTEE**

**Chair: Jocelin Paradis, Vice President, Tax, Rio Tinto Canada**

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

### **Federal Fiscal Policy Engagement**

Throughout 2020, MAC engaged with the federal government to underscore the importance of the fiscal environment to Canada's competitiveness for new mineral investment, and areas where government support is needed, including infrastructure investments in Canada's remote and northern regions.

In March of 2020, in conjunction with the PDAC convention, MAC welcomed the government's announcement on the expansion of preferential tax treatment for clean energy technology to include mining equipment. This announcement came as a direct result of MAC's advocacy campaign and will support electric vehicles on mine sites as the sector moves to a lower carbon future.

### **COVID-19 Impacts**

While Federal Budget 2020 was postponed due to COVID-19, MAC was actively engaged with Finance Canada on the shaping of policy tools and supports to prevent the extent of pandemic driven economic impacts. These measures included programs that enabled access to capital, as well as tools to maximize the ability of companies to retain their employees despite widespread supply chain and market disruption, as well as business decisions to curtail or temporarily cease production to elevate public health priorities.

### **Tax Deductibility**

Since 2016, MAC has engaged with the federal government on a tax deductibility issue that, as structured, presents considerable challenges to mining companies that are required to pay additional mining tax retroactively for the previous tax year. MAC's engagements with Finance Canada and the Canada Revenue Agency resulted in the development of regulatory amendments to address the issue, and the issuance of a comfort letter from the department committing to a package of legislative reforms to support this undertaking.

### **OECD Developments and Engagement**

Over the last several years, MAC has engaged with Finance Canada on an evolving OECD tax proposal. The OECD has developed and is advancing a tax proposal that would provide a taxing right to importing jurisdictions on the goods and services they consume. The rationale offered for this proposal is that the markets in these jurisdictions have a value – the marketing intangible – that is currently undervalued and without which international transactions could not occur. Principal concerns from the mining industry are over double taxation (where Canada, for example, is unlikely to reduce the current tax payable on mining companies despite the tax right for these same profits being made eligible for claim by importing jurisdictions) and social license for international operators (whereby developing countries for whom resource development is a major economic driver could see the value of mining reduce as a portion of that benefit now becomes taxable by another jurisdiction, in many cases, China). Beyond engagement with the Department of Finance, MAC participates in the OECD Tax Committee, the ICMM tax working group, liaises with the IGF, and has participated in OECD public consultations and through the issuance of written submissions.

## TRANSPORTATION COMMITTEE

Chair: Michael O'Shaughnessy, Director, Logistics Strategy and Planning, Teck Resources

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

Each year, Canada's exports of minerals and metals amount to tens of billions of dollars. In 2020, Canada's mineral export value exceeded \$109 billion, representing ~20% of the value of Canada's total exports. These mineral and metal products account for much of the volume handled at Canadian ports, and over half of the revenue generated (and comparable volume of traffic shipped) by Canadian railways.

A low-cost, effective and reliable system of marine, rail and truck transportation is essential to the Canadian mining industry's international competitiveness. This is especially important as Canada must compete against other countries that have significantly shorter logistical supply chains. Given that trade starts at home, it is also key to enabling the industry to take advantage of current and future trade agreements. 2020 proved particularly challenging for supply chain fluidity due to the deep pandemic-related disruptions that occurred as well as labour disputes, such as those that occurred at the Port of Montreal, and blockades, such as those that occurred sporadically across the country earlier in the year.

### Rail

As part of the implementation of Bill C-49, the *Transportation Modernization Act*, a number of important regulatory and policy activities remain ongoing on the rail file. Transport Canada (TC) is undertaking consultations on rail data transparency to establish a permanent data transparency regime and a Canadian Transportation Agency consultation took place in 2020 on a plurality of measures that come to bear on railway cost of capital. MAC has made submissions to these consultations. On the former, TC released a draft data proposal in December 2020 that was insufficiently granular or comprehensive to achieve the level of transparency required by shippers. MAC engaged with officials and political staff on this topic, and the consultation remains ongoing. On the latter, the consultation is multi-phase, and MAC participated in a subsequent round of consultation toward the end of 2020.

MAC is committed to remain engaged on the rail file until balance is restored. Other activities include regular engagements through the Commodity Supply Chain Table, participation in the Collaborative Forward Planning Initiative, and through the Rail Resources Working Group, overseen by Natural Resources Canada. A priority for the association remains focused on shippers receiving a right to a costing assessment in the context of a Final Offer Arbitration (FOA), one of the remedies under the CTA. For decades, the one useful remedy for captive shippers was FOA, and in order for it to work properly, there has to be reasonable access to information on both sides of an arbitration, including with respect to costing.

### Marine

Mining is a leading customer of Canadian ports. The Port of Montreal handles large volumes of iron ore and salt, as well as other mineral products such as fertilizer, ores, gypsum and scrap metal. Beyond Montreal, the mining industry is a major contributor to Canada's St. Lawrence Seaway. Shipments of iron ore, coke and coal represent ~20% of total seaway traffic, with iron ore accounting for the second-largest share of any commodity shipped. Steelmaking coal accounts for ~19% of the total overall volume

of goods handled at the Port of Vancouver annually, which moves shipments to Japan, Korea, India, China and Taiwan, with movements also directed to Europe and South America. The ability to fluidly transition modes of transportation from ground to marine transport at ports is a critical determinant of Canada's supply chain competitiveness, reliability and credibility. Evidence of the importance of this fluidity derives from the disruptions associated with the rolling strikes at the Port of Montreal in July and August, 2020, which MAC spoke about at length to federal decision makers, resulting in the temporary resumption of port activities.

The International Maritime Organization (IMO) is the global body that regulates pollution and safety practices at sea. The evolution of the International Maritime Solid Bulk Cargoes Code has implications for the way mining companies ship their products. Over the course of 2020, MAC remained actively engaged on a corrosivity issue and a proposed ban on the carriage and consumption of Heavy Fuel Oil in Arctic waters. MAC participated on digital delegations to the IMO on each issue and has supported the development of technical work, policy recommendations and submissions on both files. An important part of this work is maintaining regular contact with the various aspects of the marine supply chain, including ports, carriers, terminals and others. MAC maintains regular engagement with decision makers on these files at TC, Northern Affairs Canada and Environment and Climate Change Canada.

## INTERNATIONAL SOCIAL RESPONSIBILITY (ISR) COMMITTEE

**Chair:** Chair: David Clarry, Vice President, Corporate Social Responsibility, Hudbay

*The International Social Responsibility Committee's mandate is to review international issues that affect the interests of the members, as well as identify emerging issues, set priorities, and develop policy advice and strategies for the MAC Board of Directors.*

### **Federal Policy Related to Canadian Mining Abroad**

#### **Canadian Ombudsperson for Responsible Enterprise (CORE)**

Through 2020, the ISR Committee remained focused on engaging with the CORE through its public consultation processes to establish the operating procedures for its complaints process. Over the course of the year, the CORE issued three drafts of its operating procedures and, as of the end of 2020, the procedures had not been finalized.

Working closely with the Canadian Chamber of Commerce, the ISR Committee reviewed each draft and submitted comments on three separate occasions, in addition to inviting the CORE to engage with the committee at each of its three meetings. Examples of opportunities identified by the ISR Committee to improve the draft operating procedures focused on issues like how confidentiality is handled, how cost-recovery is managed when third-party mediators are engaged and how 'acting in good faith' is defined.

In September, the CORE launched a final consultation before formalizing its operating procedures. This consultation also introduced a new document complementing the Operating Procedures and provided guidance on how the CORE will address allegations of retaliation during a complaint process. The version of the Operating Procedures released as part of this consultation contained a number of revisions that addressed many of the comments MAC had previously provided and represents a process that is aligned with MAC's vision of how the CORE mechanism can operate effectively based on joint fact-finding and collaborative dispute resolution. MAC also found the guidance on how the CORE will address allegations of retaliation to be balanced and thoughtful.

#### **Global Affairs Canada (GAC) Consultation to Develop a Responsible Business Conduct Strategy**

This year marked the start of a new policy initiative led by GAC to replace the CSR Strategy for the Extractive Sector with a new Responsible Business Conduct Strategy that would apply to all Canadian businesses operating abroad, regardless of sector. This direction to apply to all sectors reflects a long-standing policy position that MAC has been advocating for. GAC launched the first formal consultation for this initiative in October with the aim of having a final strategy in place by the end of 2021. The initial themes identified for the strategy include:

1. Contributing to a strengthened and inclusive Responsible Business Conduct environment globally.
2. Working with diverse stakeholders to create an enabling environment to ensure that Canadian companies achieve and exceed Responsible Business Conduct best practices.
3. Enhancing accountability through providing access to dispute resolution, dialogue, recourse and remedy.
4. Developing tools, incentives and partnerships that the Government could support to further Responsible Business Conduct abroad
5. Contributing to key international frameworks, standards, and guidelines that Canada could consider promoting or adopting which focus solely on, or intersect with, Responsible Business Conduct.

A key focus for the ISR Committee during the consultation process was ensuring that the federal government is considering how it can strengthen support for Canadian companies abroad that operate consistently with the terms of the new strategy. The ISR Committee will remain closely engaged on this policy development through 2021.

### **Senate Bill on Modern Slavery**

This year saw a new version of a Modern Slavery Act introduced in the Senate, picking up on previous efforts by MP John McKay. The new bill is designated S-211, *An Act to enact the Modern Slavery Act*, and is being tabled by Senator Miville-Dechêne. The bill defines modern slavery based on relevant ILO conventions on forced and child labour and is aligned with the *TSM Preventing Child and Forced Labour Protocol*. With the support of the ISR Committee, MAC provided a statement of support to the Senator when she tabled the bill but also expressed a desire to see an equivalency provision added similar to the one contained in the *Extractive Sector Transparency Measures Act* to ensure that Canada can accept corporate reports filed in the UK and Australia to satisfy Canadian requirements. At the end of 2020 this bill was still waiting for second reading in the Senate.

### **Outreach and Engagement**

Outreach and engagement activities were significantly hindered in 2020 as a result of the pandemic. Below are some of the activities that were able to take place this year.

### **Dialogue with Investment Community**

MAC has had two successful years of working with Milla Craig at Millani to foster increased dialogue between MAC members and Canadian institutional investors. The focus has been on aligning Environmental, Social and Governance (ESG) reporting with the expectations and needs of investors and helping investors refine how they take into account the risks and opportunities for value creation related to ESG. The most recent dialogue took place in December 2020 and highlighted the challenges of incorporating social and community-based metrics into effective disclosures. A key outcome of this dialogue was identifying a need to both companies and investors to better understand what constitutes decision-useful information related to the social aspects of ESG. This is a topic that will be explored further in the next dialogue planned for mid-2021 focusing on Indigenous relationships.

### **Mining Indaba**

This year's Mining Indaba conference was notable in that it was the first time since 2013 that a Canadian Minister attended the conference and the first time in memory that the Minister of International Trade participated. As has become a recurring part of our activities, MAC partnered with GAC to host a panel discussion kicking off the Sustainable Development Day events. The panel focused on innovations in community relationship building and featured the CEO of Trevali, the Managing Director of De Beers, MAC's Pierre Gratton, Alan Young and Stephanie Shumsky (IMPACT, an NGO doing work on ASM) and included opening remarks from Minister Ng. During Indaba MAC also partnered with the Mining Suppliers Trade Association to moderate a panel highlighting Canadian leadership in clean tech, participated on another panel discussion focused on creating alignment and cross-recognition between standards and a third panel at FrancoMines with representatives from Canadian mining companies active in West Africa, including IAMGOLD and Trevali.

### **Mining and Security**

In January of this year, MAC participated in the fifth annual meeting of the Mining Security Working Group. MAC provided an update to this group of 65 global mining security practitioners on the association's

recent policy files of focus with implications for Canadian mining abroad. The annual forum covered a wide range of issues of interest, including compliance challenges facing the evolving private security industry; new Government of Canada initiatives to support mining sector security and resilience; blockchain for responsible supply chain certification; security risks related to artisanal and illegal mining; the illegal gold trade and more. MAC's involvement in this forum also coincided with new efforts to engage with GAC to provide stronger support to host countries that are encountering increased security challenges including in West Africa in the wake of the terrorist attack against a Canadian mining company.

### **Plans for 2021**

The ISR Committee remains committed to a number of key work areas, including leadership in human rights, contributing to the establishment of sound remedy systems including seeking a positive outcome on the issue of the CORE, reporting on sustainability performance, and positioning mining as a preferred development partner, while at the same time ensuring that Canadian companies are well positioned to do business abroad. With the CORE now in place and work well underway on operating procedures, the ISR Committee will need to continue to dedicate significant time to engaging with the CORE as it becomes operational to do what we can to contribute to its ability to successfully resolve complaints that may come forward. The ISR Committee also intends to be fully engaged in the ongoing effort by GAC to develop the new Responsible Business Conduct Strategy and continue our engagement efforts with Canadian institutional investors. The ISR Committee has also expressed a desire to build more knowledge transfer between members into its annual cycle of committee meetings.

## ENERGY COMMITTEE AND CLIMATE CHANGE WORKING GROUP

Chair: Chris Adachi, Manager, Sustainability and Climate Change, Teck Resources Limited

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

### **Carbon Pricing and the Output-Based Pricing System (OBPS)**

MAC worked constructively with federal government decision-makers on the proposed output-based standards for mining, smelting and iron ore pelletizing. We were pleased to see several of our priorities recognized by Environment and Climate Change Canada (ECCC) in the final regulation released in 2019, including recognition of the need to treat process emissions differently than combustion emissions.

Looking forward, government decisions on how carbon revenue recycling will be invested remain undetermined. MAC believes that all funds raised under the OBPS should be used to address the challenges faced by affected facilities. We strongly recommend that the federal government establish two mechanisms that will allow for the recycling of revenues back to industry to invest in their operations to lower GHG emissions, and that these mechanisms apply across all backstop jurisdictions. The first mechanism should establish individual accounts for the majority of a large final emitter's (LFE) compliance payments. The second mechanism should be a sectoral fund that receives the remainder of a LFE's compliance payment in the first few years and, after initial seeding, would pool the unused funds from the individual sector accounts. In 2020, MAC communicated these positions to ECCC in person and in submissions to the department.

In the updated 2030 Climate Plan, released in December 2020, the federal government proposed raising the carbon price to \$170 tonne by 2030 to support increased national emissions abatement targets. Additional policy measures included tabling legislation that commits Canada to Carbon Net Neutrality by 2050, and the launch of a review of the OBPS to look at setting a tightening ratio on existing standards and developing new standards. At the time of writing, Bill C-12 was being reviewed at committee and MAC was preparing internally to engage on the proposed carbon net-neutrality framework. Further, MAC had developed an initial submission to officials on the OBPS review, and met with both departmental and political officials on this subject. MAC was also invited to do a sector-specific presentation on technology options for abatement as part of ECCC's OBPS review. MAC has and continues to remain actively engaged on these files through the development of submissions and engagement with officials and decision makers.

### **Carbon Offsets**

MAC supports the use of carbon offsets to reduce GHG emissions. Offsets provide an important tool to achieve emissions reductions at a low cost. The use of offsets not only provides greater flexibility and liquidity within the market, but also promotes the economic benefit of developing a low-carbon industry and economy. Further, efficient access to a plurality of offsets is essential for many industrial operations – including mining companies – to achieve net neutral carbon emissions. To maximize efficiency, offsets should be fungible amongst jurisdictions with comparable regulations, thereby broadening the market and driving down costs. MAC believes it is also critical that a rigorous assurance system be adopted to ensure carbon offsets are credible and of the highest quality and integrity. MAC remains engaged in supporting the development of this system in a manner that promotes accessibility to industrial

operators. Since 2019, MAC has prepared two submissions to ECCC on offsets as well as met with ECCC officials on this topic. MAC has also submitted comments to ECCC's proposed principles for Canada's negotiation under Article 6 of the Paris Accord - the article seeking to establish a global trading framework for offsets. In Q1 2021, the federal government published a national offset protocol framework in Gazette I to which MAC submitted comments as well as reengaged with ECCC officials.

### **Clean Fuel Standard**

The Clean Fuel Standard (CFS) is a proposed regulation that would require carbon-based energy to meet a declining lifecycle carbon intensity over time. The original proposal was designed to include liquid, solid and gaseous fuels – a first in the world of its kind of regulation for solid and gaseous fuels – targeting fuel consumption activities by industry, building and transportation sectors.

As large industrial energy consumers in the EITE sector, mining companies are unable to pass on their additional compliance costs to their customers. The vast majority of the compliance costs associated with the proposed CFS will be passed along by fuel suppliers and borne directly by energy consumers. A regulation that requires the energy used at industrial facilities to meet a declining lifecycle carbon intensity over time is going to create yet another cost differential that is not currently borne by our global competitors – who rely on higher carbon fuels for electricity and industrial processes – and is likely to increase carbon leakage.

MAC has been engaged in ECCC's Technical Working Group on the proposed CFS since 2018 and has persistently underscored the need to:

- Recognize and protect the competitiveness of EITE sectors with a range of solutions.
- Generate EITE protections on the basis of cumulative carbon cost assessments.
- Reduce duplication and overlapping regulatory burden between competing policy and regulatory developments.
- Scientifically and transparently assess the feasibility of the 30 MT GHG emission reduction target mandated under the CFS and associated costs.
- Engage stakeholders directly through participation in ECCC's cost-benefit modelling and regulatory impact assessment study.

In December 2020, ECCC released the Canada Gazette One Publication of the proposed Clean Fuel Regulation. While the proposal eliminated the proposed fuel standard for both solid and gaseous fuel streams, it did not introduce EITE protections or recognize remote and northern industrial vulnerabilities. MAC remains engaged on this file and has provided a Canada Gazette One submission.

### **Proposed Stationary Diesel Regulations**

In an earlier regulatory initiative, ECCC proposed that new stationary diesel generators would require Tier IV post exhaust technology going forward. MAC and its members participated in webinars with ECCC representatives to communicate its concerns over this proposal due to the unproven nature of this technology in frigid winter weather on remote mining sites. MAC was pleased to see that ECCC proposed flexibility for remote mining companies to be treated the same as remote communities in the finalized regulations, published in spring 2020.



### **MAC Mining Adaptation Guidance Document**

In November 2016, MAC's Community of Interest Advisory (COI) Panel issued an advisory statement, *Rising to the Challenge*, encouraging MAC and its members to continue building upon its efforts, achievements and commitments in the climate change space. The statement also recognized MAC and its members' commitment to be constructive partners in the global fight against climate change, citing MAC's *Principles for Climate Change Policy Design*, which outlined the core elements of a successful carbon price regime to help inform the federal government as it developed the pan-Canadian climate change framework.

In relation to a commitment made in MAC's response to the COI Panel, MAC prepared a submission to Natural Resources Canada to develop a best practice risk management tool in a changing climate. Early in 2018, MAC was advised that its bid was successful. Since then, the guidance document has been developed and will be published in 2021. Climate change adaptation criteria have also been incorporated into MAC's new *Toward Sustainable Mining Climate Change Protocol*.

### **Alternative Energy**

MAC hosts a working group on Small Modular Nuclear Reactors (SMRs) and on hydrogen in mining. Through these groups, active engagement with NRCAN led to the development of respective national Hydrogen and SMR action plans, both released in 2020. To support these efforts, MAC participated in consultations, developed submissions, moderated multiple panels and engaged laterally with Indigenous and other business associations. In the hydrogen space, MAC agreed to Co-Chair a Hydrogen in Mining Working Group with CANMET Mining to support the development and deployment of hydrogen technologies in the mining sector. Further, MAC was actively engaged in the support of increasing renewable energy programs for off-grid mine operators.

## NORTHERN AFFAIRS COMMITTEE

Chair: Stephane Robert, Director of Regulatory Affairs and Sustainability, Agnico Eagle Mines Ltd. (retired midway through 2020)

*The Northern Affairs Committee (NAC) contributes to the federal policy, legislative and regulatory environment to enhance the competitiveness of mining companies operating in Canada's remote and northern regions and to facilitate sustainable growth in the Canadian mining industry.*

Mining is the largest private sector economic driver in Canada's North, employing approximately 8,500 people (1 in every 6 jobs). Direct GDP contributions in the Northwest Territories and Nunavut were approximately 27% and 28%, respectively in 2019, and 6% in Yukon as of 2018. Mining has had a transformative effect on northern and Indigenous communities through generating employment, skills training and, in some cases, royalty or direct equity shares, all while paying taxes and royalties to governments. While these contributions are substantial, the potential is even greater. MAC research indicates that new investment could exceed \$35 billion given the right investment and market realities.

Locating, developing and operating mines in the northern regions of Canada's provinces and across the three territories is challenging. Raising awareness of the costs, challenges and opportunities that mining presents for northern Canada is a key priority of MAC's Northern Affairs Committee. The committee's focus is to work with governments to ensure the industry has a clear, effective and efficient regulatory permitting process, and to highlight the need for strategic infrastructure investments.

### Northern Infrastructure Developments

The future of Canada's mineral industry lies increasingly in remote and northern regions, and the current infrastructure deficit acts as a major barrier to opportunities for greater wealth discovery and production. Exacerbating this is the historic under-eligibility of the territories to access federal infrastructure programs due to "public use" program criteria and "per capita" funding formulas.

Characterized by disparate communities, extreme temperatures, and virtually no infrastructure or people for hundreds of kilometres, remote and northern regions have some of the highest per-capita living costs in the country. Similarly, industry research, detailed in the [Levelling the Playing Field](#) report, has found that it costs over six times more to explore and twice as much to build new mines in northern regions compared to their southern counterparts.

Building off this research platform, MAC has actively advocated for strategic programs that help reduce the infrastructure deficit, and improve the investment attractiveness of the North. In recent years, successful measures include the creation of a Northern specific allocation in the National Trade Corridors Initiative program, funding that was renewed in Budget 2021 reflecting recommendations in MAC's pre-budget submission. Beyond this, more project-specific funding for strategic projects has been forthcoming in recent years than in living memory, including the Yukon Resource Gateway, the T'licho Road in the NWT, a segment of the McKenzie Valley Highway in the NWT, and the Kivaliq Hydro Fibre Link. MAC has actively supported these projects through letters of support, joint advocacy with Indigenous communities, and presentations at northern forums.

### **Arctic and Northern Policy Framework**

MAC has long supported the government's adoption of a new Arctic and Northern Policy Framework (ANPF) – an initiative that, as implemented, will plug a significant policy gap at the federal level and has as its goal bridging multiple gaps in the quality of life between northerners and southerners, including Indigenous communities.

After several years of engagement at multiple levels of government, MAC was pleased to see upon its release that the ANPF recognizes how critical addressing the infrastructure gap is to the social and economic objectives in Goal 2 that focuses on strategic infrastructure. The focus on the importance of optimizing resource development, including in the mining and energy sectors, as a foundation on which strong, sustainable, diversified and inclusive local and regional economies can be built, was appreciated.

While the ANPF is a holistic policy, designed to achieve multifaceted progress in the Arctic, the document recognizes the importance of mining as a pillar of the economy, and reflects the industry's priority for infrastructure build-out as essential for future growth. Beyond recognizing the industry as a partner in Indigenous economic reconciliation, MAC underscored in our submission, with workshops and meetings Northern Affairs decision makers the need for funding to implement the plan, and was pleased to see \$700 million through to 2030 to achieve stated objectives.

### **Climate Change**

High energy costs in the North have long served as a strong incentive to maximize energy and fuel efficiency, but evidence suggests that the proverbial "low-hanging" fruit are gone, meaning future improvements will be incremental and gradual, barring a technological breakthrough. Moreover, fuel switching opportunities in remote and northern Canada are limited and contingent on geographical considerations. Together, the infrastructure deficit and the state of currently available technologies do not provide sufficient options to displace diesel (and associated emissions) in the timeframe needed, nor on the scale required, so that companies absorb the carbon price almost exclusively as a cost of business. Further, extreme temperatures have not demonstrated the viability of the Clean Fuel Standard for industrial application in a pan-Canadian context.

A core component of MAC's engagement with decision makers, in all consultation contexts that pertain to climate change policy or regulation, is ensuring the sensitivity to remote and northern off-grid operations is understood and taken into account as well as advocating for recognition of off-grid mining operations in government programs. Most recently to this end, after five years of continual advocacy, MAC has been advised that ISED's Strategic Innovation Fund Net Zero Accelerator and NRCan's Smart Renewable Energy Program will be inclusive of off-grid mining operations, creating a pathway for key programmatic supports that were previously absent.

## INTERNATIONAL TRADE AND INVESTMENT

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

The mining industry ranks alongside financial services and oil and gas as the most international of Canada's industrial sectors. The industry accounted for approximately 20% of the value of Canadian goods exports in 2019, nearing \$110 billion, and consistently accounts for a significant share of Canada's direct investment abroad. Canada is also a global hub for mining finance, with the Toronto Stock Exchange (TSX) and TSX Venture Exchange (TSX-V) hosting 57% of the world's publicly listed mining companies, and the exchange consistently accounts for the majority of global mining equity financings on an annual basis.

Canada's success in mining is influenced in part by the federal government's trade efforts. This includes the overseas network of embassies and trade commissioners, the trade finance capacity through Export Development Canada, and an array of Free Trade Agreements and FIPAs.

### **Critical Minerals**

In 2020, Canada and the US announced they have finalized the Canada–U.S. Joint Action Plan on Critical Minerals Collaboration, advancing mutual interest in securing supply chains for the critical minerals needed for important manufacturing sectors, including communication technology, aerospace and defence, and clean technology. This announcement delivers on the June 2019 commitment by the Prime Minister of Canada and the President of the United States.

Over the course of the year, MAC engaged in various conversations on battery minerals and electric vehicle supply chains, built partnerships with organizations across the supply chain, and worked to position Canada well for investment on the basis of Environmental, Social and Governance credentials, including *Towards Sustainable Mining*. This work included deepening relationships with key US officials in the State and Commerce departments, as well the US Embassy in Canada. These efforts culminated in MAC hosting a critical minerals supply chain panel at a US Embassy hosted event of more than 400 participants in November. Further, through our extensive pre-budget engagement, the expansion of the Strategic Innovation Fund's Net Zero Accelerator program better positions Canada's mining and metal manufacturing industry to feed into the stated public policy objective of establishing an up and downstream Battery Electric Vehicle supply chain, as well as established initial programmatic supports for research and development in the critical minerals space.

### **Free Trade Agreements**

Free trade, investment and taxation agreements help facilitate the trade of mining products and investment flows. These agreements reduce barriers for investment, enhance transparency and advance cooperation. The reduction and elimination of tariffs increases the competitiveness of Canadian mineral products in foreign jurisdictions by levelling the playing field from a cost standpoint, thus enabling companies to capture greater market share. Part of maintaining Canada's global leadership is ensuring that Canadian mining and supply sectors have access to modern and comprehensive trade and investment vehicles to meet the world where it does business. MAC is pleased to see the Government of Canada pursuing a robust trade agenda and supports participation in the following engagements.

Over the course of 2020, work in the trade space largely continued between respective national governments, with limited sector consultations or engagements. The below provides an update on the current state of agreements that MAC has been actively involved in, including through the development of submissions and engagements with officials in recent years:

### ***Canada, US, Mexico Free Trade Agreement***

On July 1, 2020, The Canada, US and Mexico Free Trade Agreement (CUSMA) came into force. CUSMA is based on the North American Free Trade Agreement which originally came into effect on January 1<sup>st</sup>, 1994. The present agreement was the result of more than a year of negotiations including threats of tariffs by the US against Canada.

### **MERCOSUR**

MERCOSUR is a South American sub-regional common market trade bloc whose current full members are Argentina, Brazil, Paraguay and Uruguay. On March 9<sup>th</sup>, 2018 in Asuncion, Paraguay, negotiations toward a comprehensive Canada-MERCOSUR FTA were launched.

MAC has supported the government's efforts to reassess the viability of a FTA with MERCOSUR and regularly participates in consultations on the matter.

Beyond investments and assets, MAC and its members are exporting best practices in mining sustainability to MERCOSUR countries. The most significant example of this is in Argentina and Brazil, where both the Cámara Argentina de Empresarios Mineros and the Instituto Brasileiro de Mineração have adopted MAC's TSM initiative. Argentina and Brazil's adoption of TSM is an important step forward in cooperation on responsible mining standards between Canada and major mining jurisdictions in Latin America.

### **Pacific Alliance**

The Pacific Alliance is a regional initiative created in 2011 by Chile, Colombia, Mexico and Peru that seeks the free movement of goods, services, capital and people. Each of the above countries are significant destinations for Canadian mineral investment, and closer trade-ties with this alliance is something that MAC supports.

With a combined GDP of \$2.5 trillion, and 223 million inhabitants, the Pacific Alliance constitutes an important market for Canada. The Alliance's overarching goals are to foster the free movement of goods, services, capital and people and to promote greater competitiveness and economic growth for member countries.

Early in 2021, the Government of Canada began consultations on Free Trade Agreements with Indonesia and the United Kingdom. In both of these instances, MAC has made submissions, participated in workshops, and met with officials to discuss opportunities to deepen free-trade generally, specifically in the area of critical minerals.

### **FOREIGN INVESTMENT PROMOTION AND PROTECTION AGREEMENTS (FIPAs)**

A FIPA is a bilateral agreement aimed at protecting and promoting foreign investment through legally binding rights and obligations. At the time of writing, Canada had 38 FIPAs in force, had signed two others yet to come into force, concluded negotiations with five additional countries, and remains engaged in ongoing negotiations with 14 other countries.

While the enforcement components of FIPAs are rarely used, such as the ISDS mechanisms discussed below, the mere existence of a FIPA provides foreign governments with a set of rules and expectations for fairness and transparency and gives investors additional confidence. At the time of writing, Global Affairs Canada was reviewing its FIPA program, a component of which includes consulting with stakeholders. MAC will remain engaged in this process and underscores the importance of the continued inclusion of robust Investor State Dispute Settlement mechanisms in these agreements going forward.

### **Investor State Dispute Settlement Mechanisms (ISDS)**

ISDS is a mechanism in a FTA or investment treaty that provides foreign investors, including Canadian investors overseas, with the right to access an international tribunal to resolve investment disputes. ISDS protections are critically important to the Canadian mining industry due to unique factors that define mineral investments. First, mining companies must go to where commercially developable mineral and metal deposits are located. While Canada is rich in many minerals and metals, a significant number of our members also have operations overseas, with particularly high concentrations in some countries.

Mining operations are more vulnerable than those of other sectors due to the tremendous up-front capital costs involved with mineral development. It is common for an average mine's initial capital expenditure to exceed \$1 billion before any minerals are produced or processed. After production begins, mines typically operate for several years to recover capital before any profit is realized. In the event of an interruption of mineral production beyond the miner's control, that investment is immobile as it is grounded in the host country.

## MINING INDUSTRY HUMAN RESOURCES COUNCIL

Executive Director: Ryan Montpellier, Board Chair: Dean Winsor, SVP & Chief HR Officer, Teck Resources, Board Vice-Chair: Keith Harris-Lowe, Senior Corporate Director, People, Agnico Eagle Mines

*The Mining Industry Human Resources Council (MiHR) is Canada's knowledge centre for mining labour market information. An independent, non-profit organization, MiHR leads collaboration among mining and exploration companies, organized labour, contractors, educational institutions, industry associations and Indigenous groups to identify opportunities and address the human resource and labour market challenges facing the Canadian minerals and metals sector.*

MiHR is the trusted source of industry driven, made-in-Canada human resource solutions specific to the minerals and metals sector. Financially supported by the Mining Association of Canada (MAC), the Government of Canada and program revenue, MiHR is governed by a 14-person Board of Directors that represent a national cross-section of mining industry employers, organized labour, mining associations, equity groups and educators. The Board ensures the organization's mission, values and activities deliver tangible results. MiHR also brings together a network of over 250 volunteers to help inform its research and guide its project committees.

### Key Priorities

MiHR's 2019-2024 Strategic Plan's four key priorities focus on increasing awareness of mining careers, identifying and addressing skills gaps, delivering essential and work-readiness skills to Indigenous peoples and underrepresented groups, providing more work-integrated learning opportunities, increasing inclusion and diversity, and promoting recognition of skills and training across the sector:

- **Labour Market Information:** To be the trusted, relevant and responsive knowledge centre of labour market information, expertise and analysis for Canada's mining sector.
- **Inclusion, Diversity and Career Development:** To lead, develop and implement programs and tools that help build an inclusive, diverse and sustainable workforce for Canada's mining sector.
- **National Occupational Standards and Workforce Development:** To establish and maintain a suite of National Occupational Standards to develop, assess and recognize the training and competencies of workers in Canada's mining sector.
- **Strategic Engagement and Partnership:** To engage, coordinate and collaborate with partners to identify and respond to labour market trends that impact Canada's mining sector.

### Program Highlights

#### Labour Market Information (LMI)

MiHR's LMI forecasting model is sector specific and recognized as the go-to labour market resource for industry and stakeholders. It strengthens the mining industry's capacity to understand labour market demand and supply factors and how they are influenced by a variety of conditions – thus enabling the sector to address challenges such as recruitment, retention, inclusion, training, talent gaps and barriers to employment.

MiHR's labour market models, tools and capabilities continue to provide stakeholders with relevant LMI reports, studies, forecasts and other related information:

- *The Canadian Mineral Exploration HR Outlook 2020* was released at the Prospectors & Developers Association of Canada (PDAC) 2020 Convention. In partnership with PDAC, the report focuses on issues and challenges facing the mineral exploration industry to help determine the strategic priorities for human resource development in the industry.
- *The Canadian Mining Labour Market Outlook 2021* forecasts industry hiring requirements with a focus on COVID-19 and economic recovery.
- *The Changing Nature of Work: Innovation, Automation and Canada's Mining Workforce* is the culmination of a two-year research project that uncovered how technology is changing the skills needed in our sector and uncovered which occupations are vulnerable to the impact of technological adoption through the creation of MiHR's occupational vulnerability index (MOVI).
- *The COVID-19 and Labour Market Volatility in Canada's Mining Industry* report illustrates the short- and long-term effects of the pandemic, describes the early response from the mining industry and identifies which segments of the labour force have been particularly affected.
- The *HR Data Miner* is a quarterly LMI dashboard available on [www.MiHR.ca](http://www.MiHR.ca). The most recent edition highlights key findings from the COVID-19 report.
- A new *Interactive Labour Market Dashboard* on [www.MiHR.ca](http://www.MiHR.ca) brings the Council's latest market research to life in one easy to use platform. The information helps the mining labour market function smoothly and helps both employers and job seekers to stay informed on the state of the workforce.

### **Inclusion, Diversity and Career Development (IDCD)**

***Gearing Up: Developing Mining Talent Through Work-Integrated Learning:*** In 2018, the Government of Canada provided \$7.8 million in funding support over four years to MiHR for Gearing Up, which helps ensure the mining sector's sustainability and competitiveness by bringing industry stakeholders together to create new work-integrated learning (WIL) opportunities to better position post-secondary students to secure employment in their field of study. Gearing Up is creating over 1,250 new WIL opportunities, with wage subsidies up to \$7,000 available to employers who create new coops, internships, field placements, applied projects, capstone projects or case competitions. Over 900 students have received placements – over 400 of which were filled since April 2020.

***Gender Equity in Mining Works (GEM Works):*** GEM Works expedites the institutional change necessary to improve gender equity in the Canadian mining industry through the application of tools, strategic HR processes and change agent activities. MiHR implemented the program in Saskatchewan in 2020 with funding secured from the International Minerals Innovation Institute (IMII). Video testimonials and case study reports are available on MiHR's [YouTube channel](#). The GEM Works eLearning modules were also approved for continuing professional development hours by the Human Resources Professionals Association (HRPA), and the GEM Works' subscription model and sustainability plan were revamped to recruitment for a virtual cohort to begin in spring 2021.

***Intercultural Awareness Training:*** This online learning program promotes intercultural competencies that are critical to our changing industry and strategies that help attract, integrate and retain a more diverse workforce. Available in two distinct module formats, the eLearning deepens mining stakeholders' understanding of the value of inclusive and diverse workplaces, helps drive change and encourages professional integration of more immigrants within Canada's mining sector.



**National Youth Mining Career Awareness Strategy 2021-2026 – Transformation, Innovation and Diversity:** Launched following a two-year study on the context, challenges and solutions for attracting youth to the mining industry, the national strategy supports the Government of Canada’s Canadian Minerals and Metals Plan’s (CMMP) aim to attract and develop highly qualified mining personnel. The strategy will provide engagement with youth and stakeholders, change perceptions of the industry, and produce high-quality research, resulting in program development. Also developed were several useful tools to help youth in Canada see mining as an innovative, challenging and rewarding career choice. Tied together by the overarching theme *We need mining. Mining needs you.*, a new career website [www.miningneedsyou.ca](http://www.miningneedsyou.ca) showcases what modern mining looks like and includes job profiles, a pathway tool to search entry positions as well as the ability to explore where these careers may lead, and a short quiz to learn more about the history and necessity of mining.

### **National Occupational Standards and Workforce Development (NOS-WD)**

**National Occupational Standards (NOS):** In collaboration with industry, MiHR develops and maintains NOS for key mining occupations: Underground Miner; Surface Miner, Minerals Processing Operator, Diamond Driller, Industry Trainer, Hoist Operator and Frontline Supervisor. Building on MiHR’s existing Canadian Mining Certification Program (CMCP) to improve access to certification and explore alternative implementations of the NOS, MiHR is:

- Working with the Canadian Diamond Driller Association (CDDA) to validate draft Diamond Driller training. Training alignment and updates to encompass the Ontario Common Core is being completed for finalization in Spring 2021.
- Drafting curricula for both Industry Trainer and Common Competency training, now complete and ready for piloting by industry stakeholders. There are three confirmed pilots for Common Competency Training and one confirmed pilot for Industry Trainer Training.

In response to the Truth and Reconciliation Commission Call for Action 92iii, MiHR is developing an Indigenous Awareness Training standard that mining company training programs should strive to achieve with respect to Indigenous inclusiveness. The training is expected to launch in Q2 of 2021.

**The Canadian Mining Certification Program (CMCP):** Governed by a multi-stakeholder standing committee that reports to the MiHR Board, the CMCP is the industry standard for validating the skills, knowledge, and experience of workers in the mining sector. The program has certified nearly 1,600 workers in the NOS occupational groups. Companies implementing this program include Dominion Diamond, Diavik Diamond Mine, Teck Resources, Hy-Tech Drilling Ltd and New Gold.

**Mining Essentials and Mining Potential:** Mining Essentials is the only industry validated national mining training program for Indigenous peoples. Developed in partnership with the Assembly of First Nations, it provides the skills and confidence needed to enter the mining workforce. Since the program’s inception, over 650 learners have enrolled with 53% of graduates moving on to more education or employment in mining. MiHR secured approximately \$1.9 million from ESDC’s Office of Literacy and Essential Skills to update and enhance Mining Essentials and increase opportunities for employment of non-Indigenous audiences who face barriers to entry into mining by developing and piloting a new essentials skills program for women, youth and newcomers. The enhancements resulted in the creation of the Mining Potential training program, which was piloted with 60 learners enrolled and 49 successfully completing it. As a result of the COVID-19 pandemic, each program delivery is being revised to address local restrictions and challenges as it is designed as a classroom activity-based program.

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