

# Annual Report 2023

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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

Carolyn Chisholm, Chair of the Board of Directors, and  
Pierre Gratton, President and CEO



Carolyn Chisholm,  
Chair: Board of Directors

2023 was another tumultuous year on the global geopolitical stage; Russia's war on Ukraine dragged on, while another war began in the Middle East and concerns continued to grow around China's dominance in critical minerals. All of this unfolded against a backdrop of increasing urgency around the need to transition to a low-carbon economy to slow the increasingly catastrophic effects of climate change - floods, droughts, and historic weather events dominated the headlines at various points throughout the year. All these factors are contributing to an ever-growing international chorus of demand for not only critical minerals, but also responsibly sourced minerals and metals of virtually every type. The Canadian minerals and metals sector is facing what are arguably the biggest challenges and opportunities in its history – to provide the world with more of its natural resources than ever before, while building upon its best-in-class environmental and social performance.

The federal government released its critical minerals strategy in December 2022, with participation and input from MAC. Budget 2023 represented the third in a row with a focus on critical minerals and mining. The budget included several tax incentives, the most significant of which is a 30 percent Clean Technology Manufacturing Tax Credit (CTMTC) for investments in new machinery and equipment used to extract, process or recycle critical minerals essential for clean technology supply chains. Finance Canada subsequently consulted on initial proposal on the CTMTC's design criteria that included eligibility threshold such that 90 percent of a mine's production had to be critical minerals. MAC met with federal officials to explain that given the polymetallic nature of many of Canada's mineral deposits, such a high threshold would unduly restrict eligibility and undermine the government's intention to incentivize new critical mineral production, particularly of copper.

The Budget included several other tax measures, including for clean power infrastructure, and expressed a commitment to improve the efficiency of impact assessment and permitting processes for major projects. The latter process is being led by Finance and the Privy Council Office (PCO), signaling the priority of this initiative. MAC had ongoing engagement with PCO already and received and accepted an invitation to present to Deputy Ministers in late June. MAC was successful in persuading the government to withdraw a proposed approach to cost recovery for impact assessment. The proposal was to "recover" costs for every hour of Impact Assessment Act (IAA) Agency staff time spent on a project, plus all disbursements, including to Indigenous communities and the public. The Agency is now developing an alternative proposal, which will also have to take into account changes to the Act resulting from the Supreme Court of Canada's opinion on the IAA (more below).

On the Canadian Navigable Waters Act, a couple of MAC members ran into unacceptable delays due to uncertainties regarding the interpretation of navigability of minor water bodies. In both cases, Transport Canada, which MAC has found very capable and solutions-oriented, has struggled with uncertainty about how to manage this issue. Fortunately, one of the examples has been resolved, but the other continued into 2024. MAC engaged senior levels of Transport, including its Deputy Minister, officials at NRCan, as well as PCO and PMO. MAC emphasized the importance of training front line staff dealing with navigation assessments and Indigenous use, as well as the need for an alternative approval process to the lengthy, cumbersome Governor-in-Council approval currently required where navigation has been determined on non-scheduled waters.

2023 also saw the much-anticipated release of the Supreme Court of Canada's opinion on the Impact Assessment Act. The federal government responded by confirming that it will amend the Act to respond to this opinion. The IAA Agency shared with MAC its anticipated response, which in MAC's view is expected to make a materially positive change for the mining sector to the way impact assessments are conducted by the federal government. The government signaled its intention to move quickly to amend the IAA, and MAC urged the government to simultaneously look at additional opportunities to improve permitting timelines, such as by changing the process for the Schedule 2 authorizations and an amendment to make extinguishment Orders Ministerial rather than Governor-in-Council for unscheduled navigable water under the Canadian Navigable Waters Act. The government is simultaneously consulting on potential reforms to the project list. Given the context, MAC sees a potential to advocate for further raising of thresholds for mining projects.



Pierre Gratton,  
President and CEO

Another area of activity in 2023 included advocacy on the Underused Housing Tax (UHT), which inadvertently captured a few MAC members who own houses used for various purposes to support operations. MAC was advised that amendments would be forthcoming that would address members' concerns, and these were made in fall 2023, although not retroactively, such that impacted members were still required to file reports for 2022. MAC, along with other sectors, was also active on the rail file, countering claims by the railways regarding the competitiveness of their rates and demonstrating overcharging of the fuel surcharge. MAC also actively supported its oil sands members to try to advance regulations for oil sands water return, and its northern members active in Nunavut on the proposed Land Use Plan.

In TSM news, work with ICMM, CopperMark and the World Gold Council began to consider the possibility of a consolidation of the four standards in 2023. A listening exercise with stakeholders took place in April to gauge their interest in and support for consolidation, which confirmed strong support, in principle. Subsequently, and in response to the listening exercise, an industry and a stakeholder advisory group (SAG) were formed to assist in this effort.

In fall 2023, the four partners developed a first draft consolidated standard with input from the two advisory bodies, as well as a draft assurance framework and initial concepts on how the new standard would be governed. Meanwhile, MAC and partners continue to promote TSM, including meetings with Daimler, BMW, Volkswagen Mercedes in April. BMW attended the meeting of the COI Panel in the fall and participated in a shadow audit of a MAC member's TSM verification. MAC learned that the Zambian Chamber of Mines would like to adopt TSM, which would make the TSM's 14th partner. MAC has also two TSM subscribers, a lithium project in US and a company in Mongolia. MAC is also in conversation with a company looking to implement TSM in Tanzania and continues to explore the potential adoption of TSM by other mining associations in Ecuador and Mongolia.

MAC's achievements in 2023 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 TOWARDS SUSTAINABLE MINING (TSM) GOVERNANCE TEAM

Carol Plummer, Executive Vice President Sustainability, People & Culture, Agnico Eagle Mines Ltd.

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



Carol Plummer  
Executive Vice President  
Sustainability, People & Culture,  
Agnico Eagle Mines Ltd.

### **2023 TSM Performance**

MAC members performed well across the performance indicators of the TSM protocols in 2023.

**Indigenous and Community Relationships:** Facilities reported for the second time on the revised Indigenous and Community Relationships Protocol, with evidence of improvement across four of five performance indicators. Of note, there were significant improvements in the proportion of facilities reporting Level A or higher on Indicator 4 (Community Impact and Benefit Management) and Indicator 5 (Community of Interest Response Mechanism). A minor decline in overall performance on Indicator 3 (Effective Indigenous Engagement and Dialogue) is likely due to an increase in the number of facilities outside of Canada reporting this indicator as “not applicable”.

**Crisis Management and Communications Planning:** Facilities continued to perform well on the Crisis Management and Communications Planning Protocol in 2023. This protocol underwent a minor review in 2022, resulting in some modifications that will be reflected in public reporting in 2024.

**Safety and Health:** Facilities continued to report high levels of performance on the Safety and Health Protocol in 2022, with over 90% of facilities reporting Level A or higher on each indicator.

**Prevention of Child and Forced Labour Protocol:** Facilities report on the Prevention of Child and Forced Labour Protocol every three years during the external verification of TSM performance results. In 2023, all facilities that underwent external verification demonstrated full adherence to the requirements of this protocol.

**Tailings Management:** Facilities reported for the first time on the 2022 version of the Tailings Management Protocol and its associated guides. Despite the new requirements, over 90% of facilities reported a Level A or higher across most of the performance indicators. Minor improvements in performance were reported across three indicators, while performance on two indicators remained consistent with 2022 performance. Of note, a higher proportion of facilities reported Level AAA across all indicators in 2023.

**Biodiversity Conservation Management:** Facilities reported improvements in performance on the Biodiversity Conservation Management Protocol, with a notable improvement on Indicator 3

(Reporting) where the proportion of facilities reporting Level A or higher increased by 10 percentage points. A higher proportion of facilities reported Level AAA across all three indicators.

**Water Stewardship:** Over 90% of facilities reported Level A or higher across the four indicators of the Water Stewardship Protocol, with minor overall improvements in performance across all indicators. Additionally, a higher proportion of facilities reported Level AAA on each indicator.

**Climate Change:** In 2023, MAC members reported for the first time on a revised version of the TSM Climate Change Protocol. This protocol replaced the previous TSM Energy Use and GHG Emissions Management Protocol. The new protocol takes a more comprehensive approach to climate change, incorporating mitigation and adaptation measures at both corporate and facility levels. In the first year of public reporting, MAC members reported high levels of performance on Indicator 1 (Corporate Climate Change Management), with nearly 90% of facilities reporting a Level A or higher—70% at Level AAA. At the facility level, at least 70% of facilities reported Level A or higher on the two performance indicators.

### **Celebrating Excellence**

The TSM Community Engagement Excellence Award went to Diavik mine for a community-led project to recycle salvaged copper and benefit from the proceeds. The TSM Environmental Excellence Award went to New Gold's New Afton Mine for its achievement as the first and only mine in North America to be certified to the ISO 50001:2011 Energy Management Standard. More information on the winning projects is available [here](#).

### **Continual Improvement**

**Equitable, Diverse, and Inclusive Workplaces:** In June 2023, the MAC Board approved a new TSM Equitable, Diverse, and Inclusive Workplaces Protocol and related revisions to the newly retitled TSM Safe, Healthy, and Respectful Workplaces Protocol. Companies will begin publicly reporting on these new requirements in 2026. Both protocols are available [here](#).

**Digital Credential Exchange:** MAC continued to participate in a pilot project for a new digital trusted credential supported by the Government of British Columbia. Two MAC member companies and their TSM verifiers participated in the pilot project, which would allow companies to create digital credentials containing verified TSM reporting data. In turn, these credentials could be securely shared with MAC, customers, investors, or other interested parties. Based on the success of the initial pilot, MAC will continue to work with the Government of BC and our technology provider, Northern Block, to make this platform more widely available to the MAC membership to facilitate TSM reporting in 2024.

### **Community of Interest Advisory Panel**

In 2023, the Community of Interest Advisory Panel held two hybrid meetings—one in Edmonton and one in Ottawa—and several intersessional activities. The meeting in Edmonton included Post Verification Reviews for Sherritt and Newmont. This meeting also included a site tour of Sherritt's Fort Saskatchewan facility and engagements with some of their local stakeholders. For more information on panel activities, please refer to the panel's annual statement.

### **International Activities**

**Engagement with Automakers:** MAC continues to engage with automakers on the opportunity to use TSM to assure the sustainability of mined products in their supply chains. In 2023, a BMW representative observed a TSM external verification and a meeting of the Community of Interest Advisory Panel. MAC also engaged in stakeholder dialogues organized by Drive Sustainability, a partnership between 16 leading automotive companies that is seeking to assess the maturity level of sustainability standards in the minerals supply chain. In April 2023, MAC travelled with a member of the Community of Interest Advisory Panel to Germany to engage with Volkswagen, Mercedes-Benz, Daimler Trucks and BMW on TSM.

**Adoption of TSM:** In 2023, MAC engaged with governments and industry associations across the globe to support discussions around the adoption of TSM. The program was formally adopted by the mining chambers of Mexico (CAMIMEX) and Panama (CAMIPA)

**Standards Convergence:** MAC, on behalf of TSM and with the support of the Minerals Council of Australia, was actively engaged over the course of 2023 in standards convergence discussions with the International Council on Mining and Metals (ICMM), World Gold Council (WGC) and Copper Mark. The objective of this work is to consolidate the four standards into a single global standard. Two advisory groups were established for the project—one comprised of industry and one of stakeholders—and good progress was made in the development of early draft content for the standard, as well as draft governance and assurance models. Additional information can be found on the website for this initiative - <https://miningstandardinitiative.org>.



## ENVIRONMENT COMMITTEE

Chair: Allison Merla, Advisor — Environment, Vale

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

In 2023, the Environment Committee met in person in May and in September, while continuing monthly virtual meetings that alternated between staff updates and presentations by invited speakers. The meetings were held jointly with the MAC Science Committee. Committee work was augmented by task forces. The MAC Reviews Task Force focused its efforts on the implementation of the *Fisheries Act*, the *Impact Assessment Act* and the *Canadian Navigable Waters Act*. The MAC Biodiversity Task Force was active on developments related to the *Species at Risk Act*, the *Migratory Birds Convention Act* and the Kunming-Montreal Global Biodiversity Framework (GBF).

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 (CWS), Fisheries and Oceans Canada, the Impact Assessment Agency, Transport Canada and Natural Resources Canada.

### **Impact Assessment Act**

The mining sector is heavily impacted by federal assessment legislation. The federal government does not have jurisdiction over mining on provincial crown land and does not have a dedicated regulator for mines. However, most new mining projects and major expansions have been subject to the federal *Impact Assessment Act* (IAA) and predecessor legislation. At the end of 2023, there were some 20 mining projects undergoing federal assessment, and additional projects about to enter the assessment process.

Throughout the earlier half of 2023, the MAC Reviews Task Force monitored the implementation of the *Impact Assessment Act* and provided feedback to the Agency as its experience with the Act increased. In particular, MAC focused on opportunities to improve scoping and communications of Indigenous engagement plans as well as tailoring of impact assessments.

Following the Supreme Court of Canada (SCC)'s October 13th opinion on the constitutionality of the IAA, however, the MAC Reviews Task Force shifted to analyzing the details of the Supreme Court's opinion. Legislative changes to respond to the SCC's opinion are expected for 2024. MAC has worked with consecutive governments and officials on federal major project permitting legislation and regulations since 1993 and will continue to work towards achieving an effective framework going forward.

### **Fisheries Act**

Through 2023, MAC continued to engage with Fisheries and Oceans on Canada's implementation of the amended *Fisheries Act*. While there has been some progress, notably with MAC's intervention with Deputy Ministers in summer 2023 which led to the release of an additional set of new Codes of Practice

for some routine activities, the department continues to rely on site-specific reviews for most works, undertakings, and activities near water, even though many have little or no impact on fish habitat. MAC continues to advocate for the development of compliance tools to support the implementation of the Act and to ensure that adequate resources are available for complex projects that may impact fish and fish habitat.

Fisheries and Oceans Canada launched online engagement in 2021 in “waves” which continued as Wave 2 in 2022 and Wave 3 in 2023. The MAC Reviews Task Force submitted comments on the Wave 3 topics as well as on: Framework for Aquatic Species at Risk Conservation, Policy for Applying Measures to Offset Harmful Impacts to Fish and Fish Habitat, and Guidelines for Establishing and Managing Fish Habitat Banks.

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

MAC continued to engage with Transport Canada, calling for a pragmatic approach to determining what is navigable water, an amendment to make extinguishment Orders Ministerial rather than Governor in Council for unscheduled navigable waters, and better guidance and training on Indigenous consultation for regional officials. MAC also continues to call for cross-departmental coordination of information gathering and Indigenous consultation when more than one federal process applies.

In 2024, MAC will engage on the review of the provisions and the operation of the Act, which the CNWA requires be completed by August 31, 2024.

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

Amendments to the *Canadian Environmental Protection Act, 1999* (CEPA) were enacted in June 2023. Implementation requires the development of a long list of policies, plans and regulations. ECCC and Health Canada officials met with the MAC Environment Committee on September 19th to outline their plans. The Committee identified which of these require engagement or monitoring, and which are of low interest. Task forces of interested members are being formed to support MAC engagement on *Regulations respecting toxic substances of highest risk* and the Right to a Healthy Environment Framework. Engagement on the Right to a Health Environment Framework has begun with an information webinar held in October and multi-stakeholder engagement sessions planned for February 2024.

The *Regulations respecting toxic substances of highest risk* will set out criteria for which substances are to be targeted for more aggressive risk management, including prohibition of production, use or release being the default. The criteria are expected to include carcinogenicity, mutagenicity, reproductive toxicity, skin, and respiratory sensitization, along with environmental factors such as persistence and bioaccumulation. MAC will need to build on expertise resident in international metals associations as well as Eurometaux to engage constructively on how the criteria should consider the special characteristics of metals.

MAC continues to participate in cross-industry discussion and multi-stakeholder consultation of various themes that are being considered following CEPA review and as part of planning for future evolution of the Chemicals Management Plan.

### **Species at Risk Act (SARA)**

Throughout 2023, MAC's Biodiversity Task Force remained active and engaged on issues related to species at risk, including monitoring proposed amendments to Schedule 1 of SARA, the publication of proposed recovery planning documents and the implementation of SARA Section 11 Conservation Agreements. MAC's advocacy has focused on encouraging a more effective and cooperative approach for species at risk. MAC continues to support the use of the SARA Section 11 Conservation Agreements as a tool to recover species at risk and encourage federal-provincial/territorial coordination.

### **Nature Advisory Committee (NAC)**

A member of MAC staff was appointed to the Nature Advisory Committee (NAC) for a five-year term, beginning in 2022, and participates as an individual. Throughout 2023, the NAC was very active, with several virtual meetings and one 2-day face-to-face meeting in June.

### **National Boreal Caribou Knowledge Consortium**

MAC continues to participate in the National Boreal Caribou Knowledge Consortium (NBCKC). 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 four 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. Since 2020, the NBCKC, in partnership with the Alberta Biodiversity Monitoring Institute, has coordinated a webinar series showcasing emerging research related to boreal woodland caribou conservation. During the NBCKC meeting on December 12th and 14th, MAC participated in a panel discussion on lessons learned in caribou management and policy.

### **National Biodiversity Strategy**

In December 2022, the Kunming-Montreal Global Biodiversity (GBF) Framework was finalized at COP15 in Montreal. The GBF outlines a number of ambitious global goals and targets for biodiversity. In response to the GBF, Parties to the Convention on Biological Diversity, including Canada, must prepare national strategies to implement the GBF targets. In May 2023, MAC participated in an ECCC-led biodiversity symposium which marked the launch of the Government of Canada's engagement on the development of Canada's National Biodiversity Strategy. MAC submitted initial comments to support the development of the strategy in July 2023. In late 2023, the Government of Canada released a Milestone Document that outlines how the National Biodiversity Strategy will be framed. MAC will be providing additional input in response to the Milestone Document in early 2024.

Related to Target 3 of the GBF, MAC continues to monitor and engage on issues related to the government of Canada's commitment to protect at least 30% of Canada by 2030, including mechanisms such as Indigenous Protected and Conserved Areas and Other Effective Area-based Conservation Measures (OECM). In September, officials from CWS met with MAC's environment committee to provide an update on recognition of OECMs that contribute to Canada's protected/conserved areas commitment.

### **Migratory Birds**

MAC's Biodiversity Task Force continues to monitor developments related to the *Migratory Bird Convention Act* and the *Migratory Bird Regulations* (MBR). CWS has indicated that it is continuing to explore improvements to the *Migratory Birds Regulations*. Of particular interest to MAC is the emerging interest in developing an incidental take authorization system under the regulations. CWS has initiated preliminary engagement on incidental take and is holding a series of "listening sessions" with different groups. On September 19th, officials from CWS met with MAC's Environment and Science Committees to provide an update on next steps. It is expected that CWS will publish a Notice of Intent for incidental take regulations in Canada Gazette, Part 1 late in 2023. Pre-consultation would begin in 2024, with the goal of having draft regulations in 2025 and implementation by 2027.

### **Environmental Effects Framework for Biodiversity**

In late 2022, ECCC sought external feedback on the design of an Environmental Effects Framework for Biodiversity. As part of this, MAC provided detailed comments on the draft *Offsetting Policy for Biodiversity* as well as draft *Guidance on Assessing Project Effects on Birds*. Additionally, MAC staff and representatives from MAC member companies participated in a series of virtual workshops related to the development of the Framework. As the Environmental Effects Framework for Biodiversity work directly relates to the implementation of the Impact Assessment Act, CWS's approach to policies and guidance should be reviewed in light of the recent Supreme Court of Canada opinion on the *Impact Assessment Act*.

### **Conservation Exchange**

The 2021 federal budget allocated renewed funding for conservation, with \$2.3 billion over five years being allocated for protected spaces, Indigenous-led conservation and species at risk. Through this funding, CWS has launched a pilot of a conservation exchange initiative. The conservation exchange is meant to incentivize private funding for conservation initiatives, where a private organization funds a conservation organization to undertake a specific project. The biodiversity value of the project is then evaluated using CWS-established indicators and the private funder is issued a certificate indicating the biodiversity value of the project. If successful, there is potential for the conservation exchange to evolve and support programs and initiatives related to nature-related disclosures. MAC participates in the Conservation Exchange Advisory Working Group established to provide CWS with advice on the design of the program, including methodology to assess biodiversity value and the certification process.

### **UN Environment Programme Accreditation**

In 2023, MAC became an accredited organization of the UN Environment Programme (UNEP). This status provides MAC with consultative status and the ability to contribute to the work of the UNEP through written comments and participation in public meetings. In 2023, MAC provided a detailed submission in regards to UNEP Resolution 5/12, which related to responsible mining standards. MAC will continue to monitor the work of the UNEP and engage as appropriate.

## INDIGENOUS RELATIONS COMMITTEE

Chair: Krista Maydew, Vice President, External Affairs, IAMGOLD

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

In 2023, the Indigenous Relations Committee met in February, May, September and October. 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 2023:

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

In 2021, the federal *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA) came into force. One of the key obligations in the Act is for the federal government to develop a federal UNDA Action Plan in collaboration with Indigenous peoples. The completed Action Plan was released in June 2023 following the release of an interim draft Action Plan in March 2023. As many aspects of the Action Plan intersect with mining development, the Indigenous Relations Committee provided comments on the draft Action Plan. The committee also engaged directly with Natural Resources Canada and Justice Canada on specific action plan measures, including those that relate to free, prior and informed consent, benefits sharing and the safety and inclusion of Indigenous women and 2SLGBTQI+ people in natural resources.

MAC will continue to welcome opportunities to participate in the ongoing implementation of the Action Plan as well as other aspects of the UNDA. The mining sector has an important role in reconciliation and is positioned to meaningfully contribute to discussions related to economic development and regulatory consultation processes. MAC also has a strong track record of constructive collaboration with decision-makers, Indigenous organizations and non-governmental organizations in advancing public policy.

### **National Benefits Sharing Framework**

The Indigenous Relations Committee continues to follow developments related to the federal government's commitment to establish a National Benefits Sharing Framework to ensure that Indigenous peoples benefit from natural resource development in their territories. In 2023, the committee met with Natural Resources Canada several times to discuss the scope of the framework and to provide input. Engagement focused on the potential for a federal Indigenous loan guarantee program to help facilitate access to competitive capital where there is interest in investing in natural resource projects. Engagement on the Framework's development is expected to continue in 2024.

### **Ongoing Engagement and Collaboration**

MAC continues to engage with various Indigenous organizations through the *Towards Sustainable Mining* Community of Interest Advisory Panel, multi-interest fora and through one-on-one meetings.

In October 2023, MAC participated in the Nation2Nation Forum, which was held in Terrace, BC on the traditional Territories of the Kitsumkalum and Kitselas First Nations. Conversations focus on First Nations economic development, self-reliance and building stronger relationships with industry and

government from a First Nations perspective in Northwest BC. Pierre Gratton opened the first day of the Forum as the keynote speaker and participated on a panel moderated by Grant Barley (Strategies North Advisory) alongside Kylie Williams (AME BC), Freda Campbell (Skeena Resources). MAC also participated as a sponsor.

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

### **Committee Engagement**

The Indigenous Relations Committee is an ongoing and open forum for MAC members to share best practices related to Indigenous participation in mining. In 2023, the committee exchanged information and lessons learned on a variety of issues and topics, including:

- Implementation of the TSM Indigenous and Community Relationships Protocol
- Indigenous participation in mining
- Advancing reconciliation
- Honouring the National Day for Truth and Reconciliation
- Indigenous awareness and inclusion
- Regulatory consultation processes
- Good practices in benefits sharing
- Community well-being and mining

## PUBLIC AFFAIRS COMMITTEE

Chair: Dale Austin, Head, Government Relations, Cameco Corporation

*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.*

Over the course of 2023, MAC's PAC played an important role in providing a forum for industry communications and public affairs experts to exchange information on issues affecting the sector including, but not limited to, economic competitiveness, critical minerals development, Indigenous engagement, sustainability, supply chain and labour market shortages, and the role the industry can play in supporting a low carbon future.

### **Federal Advocacy**

By providing feedback on MAC strategy, messaging and materials to engage federal decision makers on Canadian mining sector issue advocacy, 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.

MAC's annual large scale advocacy event took place in-person in Ottawa on November 21st where staff, Board of Directors and PAC members met with over 100 Parliamentarians and federal government decision makers. Meetings focused on the need for clear, timely and efficient federal regulatory processes for existing and new mines, critical to Canada's economic competitiveness, and to meeting our shared climate change, critical minerals, Indigenous economic reconciliation, and supply chain security goals. Additionally, discussions took place on mining's labour market challenges, innovations taking place at Canadian mines, the positive impact of Canadian mining abroad, and the launch in 2023 of the MAC Towards Sustainable Mining (TSM) Equitable, Diverse and Inclusive Workplaces protocol. MAC's PAC participated in this advocacy initiative and also provided essential input into the presentations that were circulated as part of this important GR outreach.

MAC's 2023 engagement with federal decision makers continued to include significant focus on federal government support for Canada's minerals and metals industry, with the goal of seizing significant opportunities for Canada relating to critical minerals, supply chain resiliency, and growing Canada's Battery Electric Vehicle (BEV) supply chain. Throughout, MAC continued to highlight challenges with project review and permitting, an enabling policy essential to meeting Canada's mineral ambitions.

The Supreme Court's ruling in October that elements of the federal Impact Assessment Act (IAA) are unconstitutional (are therefore require amendment) sharpened focus on project permitting and MAC engagement on coming IAA amending legislation (expected to be included in legislation that will implement Budget 2024) continues.

In Parliament, MAC proposed constructive engagements to improve implementation of *Bill S-211 the Fighting Against Forced Labour and Child Labour in Supply Chains Act*, that received Royal Assent in 2023 and is now in force/law and continued to engage Parliamentarians on related issues pertaining

to Canadian mining abroad, including the Canadian Ombudsperson for Responsible Enterprise (see International Social Responsibility Committee chapter).

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

In 2023, 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. The race for critical minerals development was highlighted in MAC's communications and advocacy efforts.

### **Towards Sustainable Mining (TSM)**

The ongoing expansion of the TSM 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 2023, MAC highlighted numerous themes of importance to Canada's mining sector with newsletters focused on Indigenous collaboration in Canadian mining, innovation, and taxation.

### **Digital Communications and Social Media**

MAC continues to have a very active presence on both Twitter and LinkedIn, with a combined following of over 55,000 as of December 31, 2024 — this represents a 25% increase over 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.

In addition to running MAC's social media channels, the association also runs social channels associated with TSM where MAC member work in sustainability is profiled.

### **Canadian Mining Public Awareness Campaign**

Since 2012, MAC has produced annual communications campaigns on 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.



In 2023, MAC's annual public awareness campaign focused on the race to produce the critical minerals necessary to drive the transition to a low-carbon economy, as well as 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. MAC's public awareness tagline, Canadian Mining — Bold from the Ground Up, is accompanied by a [microsite](#) that focuses on Canada's leadership in sustainable mining and the role the industry can play in providing the materials needed for technologies Canadians and our allies depend on. This campaign centres on digital advertising, using PAC member b-roll video, and is focused on the below audiences:

- Ministers, MPs and Senators, political staff, relevant public servants, policymakers and influencers, including the Parliamentary Press Gallery.
- Political Ecosystem Community including organizations representing the business community, sector specific stakeholders representing extractive, transportation, finance and manufacturing and technology sectors and influential policy groups.
- Provincial Ministers of Mining, Finance, Resources, Environment, Economic Development and their staffs and top level officials.
- Business media that cover national policy issues (e.g., Bloomberg, ROB, Financial Post, etc.)

### **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 including the PDAC convention, Mineral Outlook Dialogue, and many others. MAC also plays an active role in international mining events, participating in a variety of discussions at Africa's Mining Indaba, Mines & Money, and TSM partner events around the world.

MAC participated in its annual flagship address to the Greater Vancouver Board of Trade in September of 2023, focusing remarks on the need for expedited approval and permitting processes, the opportunity critical minerals development represents for Canada, public support for mining and the importance of incorporating EDI into ESG standards.

### **Annual Opinion Polling on Canadian Attitudes on Mining**

To understand how Canadians view our sector, MAC conducted its 13th annual national public opinion poll in 2023. 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. For only the second time, polling results were made public via a press release and op-ed and were amplified widely by PAC members and MAC member companies.

In 2023, support for the sector continued to be very strong, with 78% reporting that they have a positive feeling about producers of minerals and metals in Canada and 77% saying they have a positive feeling about Canadian mining companies. Other highlights include:

- 80% give mining companies in Canada a good or acceptable performance in contributing new materials for use in greener and cleaner technologies.
- 79% say they would like to see more mining projects in Canada provided they have a plan to reduce GHG emissions.
- 76% say governments should support any form of energy, including oil, if it is produced in innovative ways that help meet emissions goals.
- 78% give Canadian mining companies good or acceptable ratings when it comes to the way they operate in other jurisdictions. This includes measures of how these companies help raise environmental standards and ensure that local communities benefit economically from their mining activities.
- 74% give mining companies operating in Canada a good or acceptable performance in their efforts to reduce environmental impact.
- Upon learning about Canada's leadership in sustainable mining via TSM, 88% believe it is a good idea for government to support Canadian companies that adhere to such standards in their efforts to win in export markets and to attract investment to Canada.

## SCIENCE COMMITTEE — ANNUAL REPORT

Chair: Kent England, Director, Climate Change, Environmental Affairs and Geo-Environmental Engineering, Cameco Corporation

*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 2023, MAC's Science Committee met jointly with the MAC Environment Committee, holding two face-to-face meetings and monthly virtual meetings.*

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

In late 2021, MAC initiated the development of a guidance document to help companies meet the MDMER requirements to conduct studies of selenium in fish tissue. The objective was to develop “fit for purpose” guidance that aligned with the specific MDMER requirements, as well as the broader MDMER requirements for environmental effects monitoring (EEM). This process was undertaken after ECCC declined to collaborate with MAC in the development of guidance. In 2022, the MAC-led task force developed draft guidance, and the final draft was sent for peer review to ECCC, Natural Resources Canada, the North American Metals Council Selenium Working Group and several other subject matter experts. Constructive comments were received, and the guidance document was finalized in 2023. The document was released in September 2023 and was widely distributed. The document is available on the MAC website at: <https://mining.ca/resources/guides-manuals/guidance-on-conducting-studies-of-selenium-in-fish-tissue/>

In 2023, MAC engaged with ECCC on matters related to reporting requirements of the MDMER. In response to a letter sent by ECCC to regulated facilities, MAC sought to clarify a number of points. Most notably, MAC put forward the position that data from operational monitoring should not be required to be reported to ECCC on a routine basis. Operational monitoring is conducted to inform operators about performance of water treatment systems, and to make adjustments as necessary. Analyses for this type of monitoring are done on site rather than in accredited commercial laboratories as results are needed quickly to make any necessary adjustments. In addition, these analyses do not typically meet the analytical requirements for regulatory monitoring specified in the MDMER, given the different objective of operational monitoring. As of the end of 2023, this had not been resolved.

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

In January 2022, ECCC provided an updated proposal for *Fisheries Act* regulations for coal mines. This was more detailed than previous proposals provided by ECCC, which was a positive development, as the lack of detail in previous proposals had been a significant concern. In March, MAC submitted detailed comments on this proposal.

In 2023, ECCC conducted bi-lateral engagement with various groups, including Teck Resources. However, ECCC did not engage MAC directly. ECCC did not provide an updated proposal or provide a formal update on the status of the development of the draft regulations, although MAC was informed in late 2023 that ECCC is planning to publish the draft regulations for public comment in 2024.

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

MAC and our members involved in oil sands mining have been advocating for more than a decade for a *Fisheries Act* regulation for oil sands mining. At present, no such regulations exist, as they do for metal and diamond mines, and oil sands mines do not deposit any effluent. Instead, all water is stored on site, including water from snow and rain falling on disturbed areas of the sites. While some water is reused in processing to recover bitumen, the volumes of water stored at oil sands mines continues to increase. This water is stored primarily in tailings facilities, and removing this water is an essential first step in the reclamation of these facilities. Treatment and release of water is necessary to be able to remove sufficient water from the oil sands mine sites to facilitate reclamation and meet closure objectives.

MAC has been engaged with ECCC since 2017 on the development of regulations. In 2021, ECCC formed a Crown-Indigenous Working Group (CIWG) to work collaboratively with Indigenous groups, and ECCC continued to work with the CIWG throughout 2022 and 2023.

In 2022, the CIWG initiated technical analyses to support the process, including studies of alternatives to water release, and water treatment technologies. The draft study of water treatment technologies was released in 2023, but as of the end of 2023, the report on the first phase of the study of alternatives had not yet been released.

To help inform the CIWG process, ECCC sent three detailed data requests to companies in 2022. All requested information has been provided. MAC used these information requests as an opportunity to introduce the association to Indigenous representatives on the CIWG, including providing information about TSM. It had become evident that MAC was largely unknown to most of the CIWG members.

In June 2023, the CIWG released an engagement paper “to provide interested parties with an update on the work completed by the CIWG to date, an overview of the collaborative process established through the CIWG, and an opportunity for early feedback.” The release of this engagement paper was an important milestone in this process.

In October, MAC submitted comments in collaboration with our members. These comments included three requests:

- Provide clear timelines on future steps in the process, including key milestones in the process of developing and implementing a regulation.
- Develop and implement a plan to ensure ongoing effective industry engagement going forward.
- Undertake a study of the impacts and risks of not allowing the release of treated water from oil sands mines.

MAC’s comments also expressed concern about overlap between federal and Alberta jurisdictions. Considerable work has been undertaken to support Alberta’s policy and requirements, and MAC encouraged ECCC and CIWG to build on this work rather than duplicating it.

MAC and our members continue to express concern about ongoing delays in regulatory development, and the potential for those delays to compound risks and lead to more and more delays in reclamation of oil sands mines.

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

In 2022, NRCan decided to wind down NOAMI. In its place, annual workshops are being held to facilitate information sharing, diverse and inclusive engagement, and broad collaboration on remaining challenges related to orphaned and abandoned mines. The first workshop was held in the fall of 2023.

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

MAC chairs the multi-stakeholder MEND Steering Committee and is the sole source of funding for the initiative. In 2020, MEND launched a project focused on 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 largely completed by the end of 2023.

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

CEW 2023 was held in October in Ottawa. MAC was a workshop sponsor and co-chaired a session on mining that featured 12 presentations. In addition, there almost 30 other presentations on topics of relevance to mining, including a session on selenium, a session on radionuclides with a focus on radium-226, presentations on the toxicity of lithium and rare earths, and presentations related to oil sands.

## TAILINGS WORKING GROUP — ANNUAL REPORT

Chair: Greg Puro, Global Practice Lead Tailings - Vale Base Metals

### **MAC's Response to the *Global Industry Standard on Tailings Management***

In 2020, the Global Industry Standard on Tailings Management (GISTM) was launched. The GISTM was developed collaboratively by the International Council on Mining and Metals (ICMM), the United Nations Environment Programme, and the Principles for Responsible Investment. MAC was represented on the advisory group to the expert panel that wrote the GISTM.

The GISTM prescribes 77 requirements across 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

After the release of the GISTM, MAC conducted an analysis of its requirements compared to those in the:

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

This analysis concluded that there is good alignment between TSM and the requirements in the GISTM, with TSM requirements exceeding many of the GISTM requirements. Commonalities between TSM and the GISTM include:

- Both standards share very similar objectives, focused on minimizing harm
- Both address many of the same themes and topics, including:
  - Establishing corporate commitment and accountability
  - Implementing a tailings management system
  - Developing, implementing, and reviewing OMS manuals
  - Managing change
  - Conducting independent review
  - Developing and testing plans for emergency preparedness and response
  - Engaging communities
- There are many technical aspects addressed by both TSM and the GISTM, including:
  - Setting performance objectives, indicators, and criteria and evaluating performance to ensure that they are met
  - Assessing risk and developing and implementing risk management plans
  - Documenting information on site characterization, and tailings facility design and construction
  - Managing quality
  - Water management
  - Climate change adaptation

This analysis identified significant strengths of TSM, compared to the GISTM, including:

- TSM guidance and requirements facilitate a more integrated and systematic approach to tailings management, which is essential to improved decision-making and mitigating key risks associated with human factors in tailings management.
- TSM explicitly addresses both physical and chemical risks associated with tailings management.
- The Table of Conformance is a mandatory tool for detailed performance measurement against the criteria in the *Tailings Management Protocol* and provides a very high level of rigour in performance measurement.

The analysis and experience with implementation of the GISTM have also identified strengths of the GISTM compared to TSM, including:

- Stronger and more detailed requirements related to tailings facility design.
- Stronger requirements for community engagement specific to tailings management.
- More detailed and explicit requirements for disclosure of information related to tailings management.

As an outcome of the analysis, MAC embarked on a two-phase process for updating TSM requirements and guidance for tailings management provided in the Tailings Guide, OMS Guide, *Tailings Management Protocol*, and Table of Conformance. Major updates to these documents had last been completed in 2019.

### **First Phase of Updates to the TSM Requirements and Guidance for Tailings Management**

The first phase of updates was intended to address minor gaps in TSM in a timely manner. Updates to the Tailings Guide and OMS Guide were completed in 2021, followed by updates to the *Tailings Management Protocol* and Table of Conformance in 2022.

Updates to the TSM guidance for tailings management, primarily in the Tailings Guide, included:

- Increased level of detail about the roles and responsibilities for the Accountable Executive Officer, Responsible Person, and Engineer of Record.
- Added details regarding the documentation of site characterization information, the design and construction of tailings facilities, and closure plans.
- Moved text on control of documented information from the OMS Guide to the Tailings Guide and revised it to make it applicable to a wider range of documents, not just OMS manuals.
- Added details in the Tailings Guide about communications, including moving relevant text from the OMS Guide to have a single, consolidated discussion of this important topic.

Following the updates to the Tailings Guide and the OMS Guide, the *Tailings Management Protocol* and the Table of Conformance were updated accordingly in 2022, including:

- Extended the mandatory scope of application of the Protocol to include inactive tailings facilities (closed facilities and those on long-term care and maintenance).
- Significant new details in the Table of Conformance to align with the changes to the Tailings Guide:
  - Accountability and responsibility, and the roles and responsibilities of the Accountable Executive Officer, Responsible Person, and Engineer of Record.
  - Documentation of information related to site characterization, tailings facility design and construction, and closure planning.
  - Communications.

In 2023, there was a further update to the *Tailings Management Protocol*, adding risk-based conditions under which the frequency of TSM reporting could be reduced for inactive tailings facilities, as well as conditions under which the normal frequency of reporting would need to resume.

### **Second Phase of Updates to the TSM Requirements and Guidance for Tailings Management**

The second phase of updates was initiated in early 2023 with a review of proposed revisions to the Tailings Guide. The intent is to drive continual improvement in TSM requirements and guidance for responsible tailings management, and thus continual improvement in performance of owners of tailings facilities. Increased alignment with the GISTM is a secondary but strategically important objective.

The review is informed by:

- The gap analysis conducted by MAC after the GISTM was released in 2020.
- Experience with implementation of the TSM requirements and guidance for tailings management.
- MAC participation in the development of the ICMM's 2021 Tailings Management: Good Practice Guide.
- Evolving practices related to tailings management and practices of leading practitioners.
- Experience in implementing GISTM including by MAC members who are also ICMM members.

Proposed revisions to the Tailings Guide will provide a stronger conceptual basis for a systematic approach to tailings management, improved guidance on governance and technical aspects of tailings management, and improved guidance on community engagement related to tailings management. The proposed revisions would also allow the Tailings Guide to be more effectively and meaningfully applied to the planning, design, and initial construction phases of new tailings facilities and help facilitate improved decision-making during those life cycle phases.

Work on the OMS Guide will begin in 2024 and will be done in parallel with work on the Tailings Guide. Work on the *Tailings Management Protocol* and Table of Conformance will begin once work on the two guides is substantively complete. MAC is aiming to complete all of the updates by the end of 2025.



### **International Engagement**

MAC's international engagement on tailings management intensified in 2019 with MAC's involvement in the Global Tailings Review that led to the 2020 publication of the GISTM, and MAC's participation as a lead author in the development of the ICMM's 2021 *Tailings Management — Good Practice Guide*.

In early 2023, the Church of England Pensions Board, representing the Principles for Responsible Investment, provided a detailed outline for plans for the establishment of a Global Tailings Management Institute to oversee implementation of the GISTM. In late 2022, MAC had provided input to the development of this plan. In 2023, MAC had ongoing engagement with the staff person responsible for setting up the Institute, including providing updates and MAC's ongoing work described above, and getting updates in the status of GTMI formation. As of the end of 2023, the Institute had not yet been formally launched. MAC continues to work towards alignment between TSM and the GISTM, with the goal of having recognition of TSM as an acceptable and effective alternative to implementing the GISTM.

## 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 2023, MAC worked with the Taxation Committee to engage with the federal government, advocating for sound, competitive fiscal and tax policies, and emphasizing the fiscal environment's importance to Canada's competitiveness for new mineral investment. Most collaboration within the Committee and engagement occurred before the Government of Canada's 2023 Federal Budget, through MAC's budget submissions, and consultations on advancing key budget 2023 priorities (Investment Tax Credits), as well as consultations on the proposed modernization of Canada's Transfer Pricing Rules.

**Budget 2023 Submission:** MAC engaged the Tax Committee to develop a submission to the Government of Canada's pre-Budget 2023 consultation process. The submission focused on measures that would support the implementation of Budget 2022 funding, operationalize the Critical Minerals Strategy, and adopt fiscal/tax incentives to level the playing field with the United States' IRA, especially concerning upstream raw material production, mineral processing, and battery manufacturing plants. Measures included in the submission signaled Canada's attractiveness as a destination for battery manufacturing by prioritizing a secure, sustainable, and long-term supply of domestic battery-grade materials, including expanded production of the raw inputs essential for their manufacturing.

**Budget 2023:** MAC welcomed the government's budget investments in the mining industry's foundational role in establishing global critical minerals supply chains in Canada. The range of new tax and fiscal measures included a new Clean Technology Manufacturing Tax Credit, increased spending from the Strategic Innovation Fund to support critical mineral projects, and the establishment of the Critical Minerals Infrastructure Fund to unlock priority mineral deposits.

Additionally, MAC was pleased with the Budget 2023 announcement of a 15 percent refundable tax credit for eligible investments in clean electricity generation systems, including large-scale and small modular reactors. This is especially significant as eligibility is extended to include publicly-owned utilities, which will accelerate necessary investment in electric infrastructure, including in northern Canada, such as the Atlin Hydro Expansion Project and the Kivalliq Hydro-Fibre Link. This tax credit may help mining projects located in remote areas by reducing the effective cost of producing electricity (for those not close to the grid), making projects more likely to be built.

**Government of Canada's Consultation on Advancing Key Budget 2023 Priorities:** On August 4, 2023, the Department of Finance released a package of draft legislation to implement various Budget 2023 Investment Tax Credits (ITCs). This included proposed legislation on the Clean Technology ITC, but it did not comprise of draft legislation on the Clean Technology Manufacturing ITC. MAC collaborated with the Taxation Committee to develop a submission to the Government of Canada concerning the

Committee's proposed methodology and architectural framework for effectively implementing the Clean Technology ITC and the proposed Clean Technology Manufacturing ITC, including:

- Clean Technology Manufacturing ITC: Eligible Expenses
- Timely Rebates
- Available for Use
- Clean Technology Manufacturing ITC: Metals Requirement
- Clean Technology ITC: Recapture Rules
- Labour Requirements: Administrative Burden
- Clean Technology ITC: Clean Technology Properties

**Government of Canada's Consultation for the Proposed Modernization of Canada's Transfer Pricing**

**Rules:** The Taxation Committee developed a submission to the Department of Finance's consultation process on modernizing Canada's transfer pricing rules. The proposed legislation suggests a different approach to transfer pricing, where transactions are delineated by tax authorities, and profit sharing would be considered a proper way to establish a transfer price. This approach differs from what any of the four countries presented in the Consultation Paper are doing. To avoid unnecessary disputes with foreign countries, MAC's Taxation Committee recommended that Canada should align its transfer pricing legislation with that of its main trading partners and follow OECD guidelines. Additionally, members of the Taxation Committee held a meeting with the Minister's staff at the Department of Finance.

## TRANSPORTATION COMMITTEE

2023 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.*

Canada’s strength in mining rests on its ability to produce and process minerals competitively and to transport products efficiently to and from domestic and international markets. Mining companies require a reliable transportation network to access markets and compete internationally. This is especially true for Canada, the world’s second largest country by land mass.

The mining industry is one of the largest users of Canada’s transportation sector, is the single largest industrial customer group of Canada’s railways and is a major user of Canada’s ports.

Annually, the industry accounts for approximately 50% of total rail freight revenue generated and is the largest single shipping sector in volume by both rail and marine modes of transit.

### **Confidence in Canada’s Supply Chain**

The reliability of the domestic supply chain is a significant determinant for mining industry investment given the volume of mineral and metal products transported in Canada. In recent years, reliability in Canada’s supply chain has deteriorated significantly due to:

- Increasing frequency of transportation infrastructure failures due to extreme weather events;
- Shippers paying increasingly excessive rates for service from the Class 1 railways;
- Labour actions by railway and port workers; and,
- Civil disruption in the form of rail blockades.

The increasing frequency of these events has led to growing concern by users of Canada’s transportation network, foremost among them, Canada’s “captive shippers” (most MAC members) who are reliant or “captive” (with no competition) to the single Class 1 railway that provides service to the remote location of their operations. In 2023, shipper advocacy coalitions, of which MAC is a member, ramped up efforts to raise awareness of shipper captivity, railway fuel surcharges, and railroad claims on Canada’s rail shipping rates.

### **Persistent Railway Challenges due to Canada’s Railway “Dual Monopoly”**

Canada’s rail freight system operates primarily as a dual monopoly. Canadian National Railway Company (CN) and Canadian Pacific and Kansas City Southern (CPKC) are Canada’s only Class 1 railways. Many communities and businesses, particularly those in remote and northern regions of Canada, are captive to the single Class 1 railway that serves their communities, and this is the case for many MAC members.

The result of the lack of competition is railway market power that is exercised through railway internal/operational decisions that result in rail shippers paying excessive rates and receiving inadequate service.

### **Railways profiting by charging fuel surcharges (FSCs) that exceed the cost of fuel**

In 2023, a shipper coalition-commissioned study confirmed railway profiting by charging fuel surcharges (FSCs) that exceed costs of fuel. While both CN and CPKC claim their FSCs are mechanisms for recovering fuel costs not covered by their base rates, the study confirmed the overcharging by both of Canada's Class 1 railways:

- Net CN and CPKC gains from excess fuel surcharges (source railway public disclosures):
  - **CN net gain: C\$566 million** (2013-2022)
  - **CPKC net gain: \$C311 million** (2014-2022)

Over the period covered by the study, CN and CPKC fuel surcharges outpaced increases in their respective fuel costs by 40% (CN) and 31% (CPKC). MAC and other shippers believe that the scope and scale of this issue merits a robust examination, including formally, by the Canada Transportation Agency, in its capacity as Canada's economic regulator of railways.

### **Transport Canada Rail Review**

In 2023, MAC participated in a Transport Canada review of federal rail policy. MAC appreciated the inclusion of some longstanding mining industry priority areas (transparency and data) and emerging issues, including railway fuel surcharges. MAC advocacy continues as Transport Canada determines next steps.

### **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.

The International Maritime Organization (IMO) is the global body that regulates pollution and safety practices at sea. MAC continues to appreciate constructive and solutions-oriented engagement with Transport Canada, who lead and coordinate Canada's delegation to the IMO, on a range of marine issues.

As a regular observer on Canadian delegations to IMO, MAC appreciates Canada's reputation for excellence and collaboration at the IMO, and attributes this to the hard work and expertise of our diplomats and technical experts in these areas.

## INTERNATIONAL SOCIAL RESPONSIBILITY (ISR) COMMITTEE

Chair: Monica Moretto, Vice President, Social Sustainability, Diversity and Inclusion, Pan American Silver

Vice Chair: Simon Jimenez, Chief Advisor, Human Rights & Social Performance, Rio Tinto

*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)**

CORE investigations of Canadian companies (in the three sectors covered by the CORE mandate: garment, mining, and oil and gas) commenced in 2023. This included publication by the CORE of initial assessment reports that provide additional information and status on the complaint in question and the CORE process.

MAC continues to support a CORE mandate focused on proven, collaborative dispute resolution and that employs joint fact finding to resolve conflicts between companies and communities. We were pleased to note, in 2023, the successful facilitation by the CORE of an “off-ramp” resolution of a complaint, whereby the company and complainant agreed to a path to resolve their differences, a successful outcome for all involved.

As with every year since the launch of the CORE's complaint process/portal in April 2021, the majority of complaints submitted in 2023, and those being processed at various stages, were related to Canadian garment companies operating abroad. At the conclusion of calendar year 2023, garment sector complaints being processed by the CORE outnumbered those relating to other sectors covered by CORE's mandate:

<b>CORE 2023 ACTION ON COMPLAINTS</b>	<b>FULL INVESTIGATION</b>	<b>INTAKE STAGE</b>	<b>INITIAL ASSESSMENT STAGE</b>
<b>Garment sector</b>	8	5	5
<b>Mining</b>	1	1	1
<b>Oil &amp; Gas</b>	0	0	0

MAC's constructive engagement with the CORE continued in 2023, including quarterly meetings to review and discuss the status of complaints received to date, with a focus of those received and activity in the most recent quarter.

#### **Bill S-211, the Fighting Against Forced Labour and Child Labour in Supply Chains Act**

became law in May 2023 and established a mandatory annual reporting regime for Canadian companies (from all sectors who meet the reporting entity threshold) to assess supply chains and outline company action to eradicate forced or child labour. MAC contributed mining sector

perspectives to the Bill's sponsor, Quebec Senator Julie Miville-Dechêne, and engaged in the legislative process as it progressed through Parliament.

In June of 2023, the Liberal government announced both their support for Bill S-211 and intention to expand its reach, by introducing in 2024 legislation that would expand measures in S-211 to include mandatory human rights due diligence measures. MAC engagement on the planned legislation is ongoing, and as with S-211, MAC is providing mining sector perspectives where appropriate

#### **MAC Participation in the Development of an RBC Standard for Canada**

A key component in Global Affairs Canada's (GAC) renewed 2022 Responsible Business Conduct (RBC) Strategy for Canada was the development of a voluntary national standard for human rights due diligence. The process is being run by the Canadian General Standards Board and MAC staff are participating, including serving as Vice Chair of the Technical Committee.

#### **Dialogue with Investment Community**

In June, MAC, in partnership with ESG consulting firm Millani, held the 2023 Investor Dialogue in Montreal on the side of the Finance Montreal conference. The '23 Dialogue focused on biodiversity, building on the recent COP held in Montreal earlier in 2023. **The dialogue took place in two parts with a well-attended, open invite panel discussion that attracted over 50 investors and MAC members and an invite only round table discussion that provided an opportunity to highlight TSM's biodiversity protocol.** As with previous dialogues, this dialogue resulted in the publication of a [discussion paper highlighting Canadian mining leadership in biodiversity and key priorities for investors in this space](#) that received high levels of engagement through Millani's investor distribution network.

## ENERGY AND CLIMATE CHANGE COMMITTEE

Chair: Chris Adachi, Director, Climate Change, Teck Resources Limited

*The Energy and Climate Change Committee promotes overall emissions performance and energy management.*

The Energy and Climate Change committee had a busy year in 2023, with multiple consultations on a range of climate change policies, mechanisms, regulations and legislation.

**Clean Electricity Standard (CER):** MAC staff collaborated with the Climate Change and Energy Committees on a submission to government regarding the proposed Clean Electricity Regulations published in Canada Gazette, Part I, Volume 157, Number 33 on August 19, 2023, recommending prioritization of:

1. **Electricity Affordability:** Emphasizing cost-competitive and clean electricity to attract long-term private sector investment and meet climate targets.
2. **Technological Viability:** Urging increased government support for non-emitting technologies like SMRs, hydrogen, CCUS, and energy storage to match climate mitigation ambitions.
3. **Self-Consumption Exemption:** Supporting exemptions for generators not supplying electricity to the grid.
4. **Green Bond Framework:** Advocating for technology-neutral federal funding, including nuclear power, to support net-zero programs.
5. **Reliability:** Stressing the importance of safe and reliable electricity delivery.
6. **Off-Grid Realities:** Supporting exemptions for remote locations with limited abatement opportunities.

MAC had reiterated perspectives that were included in our April 2022 submission as a means to continue stressing the importance of these topics as the government drafts regulatory text for the CER, including: sensitivity to off-grid operations and increased access to clean non-emitting electricity, as well as an efficient federal permitting regime to ensure that large scale power generation projects don't get gummed up in red tape, delaying urgent decarbonization progress Canada requires.

### **Amendments to the Clean Fuel Regulation for the Inclusion of Mining Electric Vehicles without**

**Onboard Rechargeable Batteries in Credit Generation:** In collaboration with the Climate Change Committee, MAC staff submitted a letter to the Minister of Environment and Climate Change (ECCC) outlining our concerns regarding the Clean Fuel Regulation's (CFR) credit generation framework. Specifically, MAC has proposed the inclusion of mining electric vehicles without onboard rechargeable batteries to be eligible for credit generation under Compliance Category 3. This adjustment aims to accelerate decarbonization by supporting the mining sector's efforts and acknowledging the environmental benefits of these vehicles.

Tethered Electric Vehicles (TEVs) refer to mining electric vehicles without onboard rechargeable batteries, similar to trolley-busses used in cities across Canada. These vehicles maintain a connection to an external source of electricity — displacing diesel consumption and delivering significant greenhouse gas (GHG) emissions reductions. They will act as a key transitional technology on the route to fully electric vehicles.



Presently, the CFR does not encompass such technologies, permitting only electric vehicles “propelled by an electric motor whose source of electricity is a rechargeable battery that is charged from a source of electricity that is not on board the vehicle,” as defined in the CFR definition. MAC is requesting a reconsideration of the definition(s).

Furthermore, MAC staff met with ECCC’s Minister’s Office as well as departmental officials to discuss our request in more detail. While both the Minister’s Office staff and departmental officials recognize the benefits of this technology in delivering GHG emissions reductions, they noted that the definition(s) are enshrined in the law and would require reopening the CFR regulations. At this point, there is no intention to open up the regulations, but this will be an area of consideration for the 2027 regulatory review. The regulatory review process will likely take almost 2 years to complete. Therefore, no amendment is likely before 2029 or at a point when BEV technology may likely be ready. MAC staff is also considering other options or pushing our advocacy to address this issue sooner.

**Industry/Government Climate Policy Working Group:** MAC has continued to participate as a member in the Industry/Government Climate Policy Working Group to discuss climate and energy transition policy with industry colleagues and representatives from the Government of Canada at the Assistant Deputy Minister (ADM) level. ADM-level representatives from ECCC, ISED, Finance Canada, PCO, NRCan, ACOA, and Transport are involved. MAC staff has participated in three working group meetings (Fall 2022, Winter 2023, Spring 2023, Fall 2023).

**Nuclear Energy Agency’s virtual session on Small Modular Reactors for Industrial Applications on Mining:** In May 2023, MAC’s Climate Change and Energy Committee participated at a virtual online session hosted by the Nuclear Energy Agency (NEA) on their Small Modular Reactors for Industrial Applications (SMIA) on Mining case study.

The NEA is advancing a series of case studies related to near-term applications of small modular reactors in hard to abate sectors. Case studies include small modular reactors for coal replacement, district heating, heavy industry, and off-grid mining. These case studies will inform policymakers about the main decision drivers in these markets, as well as requirements and timelines for each market application.

**2023 Federal Budget & Fall Economic Statement:** MAC was pleased with Budget 2023’s announcement of a 15 percent refundable tax credit for eligible investments in clean electricity generation systems, including large-scale and small modular reactors. MAC also welcomed the Fall Economic Statement’s update to the Green Bond Framework to include nuclear energy, a measure that was included in MAC’s pre-budget submission.

## NORTHERN AFFAIRS COMMITTEE

Chair: Vacant

*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 economic driver in Canada's North. Mining, quarrying and oil and gas extraction were responsible for 15% of the GDP in the Yukon, 22% of GDP in the Northwest Territories, and 41% of GDP in Nunavut. The mines operating in the Northwest Territories and Nunavut are the largest private sector contributors to each territory's economy. For example, in the Northwest Territories, diamond mining (\$1.2 billion in 2022) was a larger industry than public administration (\$800 million), construction (\$328 million) or retail trade (\$163 million)<sup>13</sup>.

Nunavut produced \$2.6 billion of minerals and metals (excluding coal) in 2022, and Yukon produced \$491 million. The Northwest Territories produced \$2.2 billion of non-metals in 2022, but production value for metals was not yet available in late 2023. Statistics Canada deemed the value of aggregate production in the Northwest Territories confidential.

There are three diamond mines operating in the Northwest Territories. In Nunavut, there are three gold mines and one iron mine in operation. Yukon has three operating mines: one gold, one silver, and one copper mine. Fifteen of Canada's top 100 exploration projects are located in the North. Among these projects, seven are for precious metals, six are for base metals, one is for diamonds, and one is for uranium.

Proportionally, the industry is the largest private sector employer of Indigenous people in the country, and the territories host the highest per-capita demographic of Indigenous people of any sub-national jurisdiction in Canada. Arctic College in Nunavut offers mining-related training and education. Mining is also the largest private sector business partner of Indigenous-owned enterprises in the North, responsible for helping to develop many successful Indigenous businesses, some that have grown and now serve customers beyond the mining sector. As such, more so than any other region in the country, strengthening northern peoples and communities means advancing Indigenous economic reconciliation.

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.

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, Nunavut’s Gray’s port and road project, the T’licho Road in the NWT, a segment of the McKenzie Valley Highway in the NWT, and the Kivalliq Hydro Fibre Link. MAC has actively supported these projects through letters of support, joint advocacy with Indigenous communities, and presentations at northern forums.

The North is essential for Canada’s critical minerals and battery value-chain objectives, as most of Canada’s current nickel and cobalt production are mined off-grid. Strategic investments in energy infrastructure, such as the Taltson and Kivalliq Hydro grids, the British Columbia/Yukon power grid interconnection, and promising emerging technologies like off-grid small modular reactors are all essential to reducing northern reliance on costly and higher-emitting fossil fuels. Communications and transportation infrastructure are also essential to enhancing the mining supply chain and come at a much higher cost than those sites located in less-remote jurisdictions.

### **Federal Budget 2023**

MAC welcomed the government’s budget investments in recognizing the mining industry’s foundational role in establishing global critical minerals supply chains in Canada. These investments are in response to MAC’s pre-budget submission, which highlighted the industry’s importance in bolstering Canada’s economic competitiveness and national security. The range of new tax and fiscal measures includes a new Clean Technology Manufacturing Tax Credit, increased spending from the Strategic Innovation Fund to support critical mineral projects, and the establishment of the Critical Minerals Infrastructure Fund under the responsibility of Natural Resources Canada. These measures may seek to offer support in unlocking priority mineral deposits in northern regions.

Additionally, MAC was pleased with the Budget 2023 announcement of a 15 percent refundable tax credit for eligible investments in clean electricity generation systems, including large-scale and small modular reactors. This is especially significant as eligibility is extended to include publicly-owned utilities, which will accelerate necessary investment in electric infrastructure, including in northern Canada, such as the Atlin Hydro Expansion Project and the Kivalliq Hydro-Fibre Link. This tax credit may help mining projects located in remote areas by reducing the effective cost of producing electricity (for those not close to the grid), making projects more likely to be built.

### **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.

Unfortunately, work on the Framework was delayed due to COVID-19 and did not resume in 2023.

### **Climate Change And Energy**

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.

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. Better policy cohesion is required in the critical minerals, climate, Indigenous reconciliation, and clean technology spaces to ensure the prosperity that mining has brought to Canada's North, and the future Canada needs the North to play, isn't compromised.

### **Nunavut Land Use Plan**

In June 2023, the Nunavut Planning Commission (NPC) released a Recommended Nunavut Land Use Plan (RNLUP), which is now being considered by the signatories to the Nunavut Agreement (Canada, Nunavut and the Nunavut Tunngavik Inc.). While the RNLUP recognizes the role of mining in Nunavut and commits to balancing social, environmental, and economic interests, outstanding issues with the approach for addressing areas where existing mineral rights and proposed ancillary activities overlap with proposed Limited Use areas. Working closely with the Northwest Territories and Nunavut Chamber of Mines, MAC has developed constructive recommendations that would strengthen the Plan's approach to addressing existing rights and offer a path forward for projects in Nunavut. In 2023, MAC engaged members of the Northern Affairs Committee with Nunavut projects/operations and organized several meetings with senior officials from key federal departments to discuss the RNLUP.

## 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.*

Canada's mining sector is a global leader. Its presence in more than 100 countries raises living standards and reduces poverty. Canada boasts the industry's best exploration firms and a capital market that is home to more than half of the world's publicly traded mining companies. Canada's international mining leadership, powered by innovative and dynamic approaches, boosts our strong reputation for sustainable mining and responsible business conduct, and creates new opportunities to increase investment, particularly in the critical minerals space, and enhances market access for Canadian products, goods and services.

Canada's mining sector produces valuable goods that are used both domestically and internationally. Canada's mineral exports increased to \$153 billion in 2022, making up 21% of Canada's total merchandise exports. The bulk of Canada's exports, 57% in 2022, were to the United States. The United Kingdom (9.2% in 2022) and the European Union (7.8%) were also significant export destinations.

Canada is the leading global centre for mining finance. The Toronto Stock Exchange (TSX) and TSX Venture Exchange (TSX-V) list 43% of the world's publicly traded mining companies. Combined, the two exchanges accounted for more mining equity capital raised (\$44 billion, or 37% of the total raised worldwide) than any other exchange.

Free trade, investment and taxation agreements help facilitate the trade of mining products and investment flows. They reduce barriers for investment, enhance transparency and advance cooperation. Investment agreements, complete with dispute resolution mechanisms, provide mining investors with greater certainty over the investments that companies make in foreign jurisdictions. Labour mobility and regulatory cooperation mechanisms enable companies to secure the key skills they need for project development and operation and promote dialogue through the complex process of obtaining regulatory approvals. Part of maintaining Canada's global leadership requires ensuring that Canadian mining and supply sectors have access to modern and comprehensive trade and investment vehicles to meet the world where they do business.

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 Foreign Investment Promotion and Protection Agreement (FIPAs).

### **Critical Minerals**

In 2020, Canada and the US 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 communications technology, aerospace and defence, and clean technology.

Over the course of the last several years, 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.

MAC also engages in the Critical Minerals Dialogue (which has several bi-lateral forums with key partners), the Raw Materials Dialogue under the Canada-EU Comprehensive Economic and Trade Agreement, and ongoing consultations on trade negotiations, as appropriate.

### **Trade Working Group Activities in 2023**

Considering heightened geo-political tensions, new trade disputes, and trends towards national protectionism, MAC established a working group focused on trade-related issues in late 2021. This resulted from an initial survey of MAC members about the association's trade-related engagement and members' respective trade-related priorities. Of the four survey respondents who saw opportunities for MAC to enhance engagement in this space, members felt that MAC could be more supportive in understanding how trade negotiations and irritants directly affect mining companies and the broader Canadian economy. MAC will engage with the small group of members interested in this work over the course of 2024.

MAC has engaged with the Chamber of Commerce in response to a request for input on interests and policy priorities relating to sanctions and export controls. MAC engaged with the Trade Working Group to prepare recommendations and facilitated a follow-up call between the Chamber and a MAC member to provide more detail. MAC has also engaged with the Trade Working Group to prepare responses to trade related questions raised by the U.K. government on critical minerals.

Additionally, MAC collaborated with the Trade Committee to develop a submission to the Treasury Board of Canada Secretariat (TBS)'s Supply Chain Regulatory Review, published in the Canada Gazette, Part I, Volume 157, Number 46 on November 18, 2023.

Given our interest in enabling a circular economy for critical minerals in Canada, MAC submitted overarching comments and recommendations on the identified consultation themes, including:

- The role of mining and metals in a circular economy.
- Border operations must work within a circular economy model.
- Improving supply chain resilience should be a top priority.
- Supply chain infrastructure should be upgraded to improve the flow of critical minerals.
- High-quality data and credible standards are needed to improve the traceability of critical minerals.

## **MINING INDUSTRY HUMAN RESOURCES COUNCIL**

Executive Director: Ryan Montpellier

Board Chair: Jenine Ellefson, VP, Human Resources, North America Newmont

Board Vice-Chair: Sherry Iskander, Principal Advisor, Talent, Rio Tinto

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's vision is to build an inclusive, skilled and sustainable Canadian mining workforce that anticipates and adapts to volatility and innovation — and its sector-specific LMI and human resource (HR) research, National Occupational Standards (NOS), worker certification, essential skills and work-readiness training form the backbone of industry's collaborative approach to addressing workforce issues.

Financially supported by the Mining Association of Canada (MAC), the Government of Canada and program revenue, MiHR is governed by a 13-person Board of Directors that includes nine representatives from MAC and its member companies. Members include representatives from Agnico Eagle, Cameco, Newmont, Ring of Fire Metals, Rio Tinto, Suncor, Teck and Vale. Other Board seats are filled with representatives from organized labour, industry contractors and post-secondary educational institutions. 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 Strategic Plan focuses 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.

Canada's mining industry is facing a people crisis, with a tightening labour market caused by numerous factors including an ageing workforce with rising retirements while fewer young people enter the industry; shrinking post-secondary mining programs; and continued challenges to attract and retain underrepresented groups. A tight, and tightening, labour market drives up company costs in recruitment, wages and advertising, and increases the need for competitors to inefficiently poach talent from each other.

Challenges that result in labour supply shortages must be addressed to ensure the sustainability and competitiveness of Canada's mining sector. The sector will need a robust pipeline of qualified and skilled workers to support expansion and avoid ongoing labour shortages. Yet, Canada's mining talent pipeline is shrinking.

MiHR is therefore undertaking a review of its strategic plan to chart its course forward in 2025 to 2029 and address challenges caused by a tightening mining labour market.

### **Program Highlights**

To address labour market challenges, MiHR secured \$17 million in funding from Employment and Social Development Canada's (ESDC) new Sectoral Workforce Solutions Program (SWSP) for the Mining Sector Skills and Solutions Strategy for the Clean Economy (M4S) project — the largest agreement in MiHR's history.

M4S was a collaborative, multi-stakeholder project that included strategic initiatives in response to mining's numerous labour market challenges, including: an aging workforce; a lack of diversity; increased need for Indigenous recruitment and training; negative youth perceptions of mining careers; a disconnect between employer needs and education programs; lack of national training standards and employee credentialing; and skills recognition and challenges with labour mobility.

Supported by MAC, the Prospectors and Developers Association of Canada (PDAC), the Canadian Institute of Mining, Metallurgy and Petroleum (CIM), organized labour and numerous other mining stakeholders in Canada, M4S delivered a series of activities to attract, recruit and develop a diverse, skilled and safe Canadian mining workforce in support of the industry's role in building a clean economy. It focused on:

- The importance of labour market intelligence for the Canadian mining sector.
- Initiatives to attract more youth to mining careers.
- A national mining skills development and recognition strategy.
- Sector-based equity, diversity and inclusion solutions.
- All funding for M4S ended March 31, 2024.

**Labour Market Information (LMI):** MiHR's sector specific and recognized go-to LMI forecasting model strengthens industry's capacity to understand labour market demand and supply factors and how they are influenced by a variety of conditions. This enables the sector to address challenges like recruitment, retention, inclusion, training, talent gaps and barriers to employment.

MiHR has analyzed labour supply gaps, workforce barriers and diversity goals — and developed occupational and skills labour force profiles, career planning tools, an engagement and outreach strategy and an LMI analytics system. Of note, MiHR released the [Canadian Mineral Exploration HR Outlook 2023](#) in partnership with PDAC; the [2024 Canadian Mining Outlook](#); the [Equity Deserving Groups in Canada's Mining Industry](#) report; the [Addressing Systemic Employment Barriers in Canadian Mining](#) report; the [From Classroom to Mine Site—A Review of Canada's Postsecondary Education Pipeline for the Mining Sector 2023](#) report; and a new dashboard/data visualization tool to expand and communicate MiHR's LMI with high visibility, value and useability.

**Mining Career Awareness and Engagement:** In 2020, MiHR led the development of the [National Youth Mining Career Awareness Strategy 2021-2026](#) to guide research and program development to make youth more aware of mining careers, transform their perceptions and promote diversity.



Stemming from the Strategy, MiHR developed [We Need Mining. Mining Needs You.](#) to showcase modern mining and raise awareness of mining and its profile, support industry HR efforts and make mining a career of choice for students. Through M4S, MiHR expanded *We Need Mining. Mining Needs You.* to increase industry, employer, employee, youth and mining job seeker participation.

Highlights for 2023 include:

- **Careers Committee:** Established to assist with the development and execution of MiHR's career awareness and development initiatives. The Careers Committee consists of mining company and other industry representatives, education and youth.
- **Youth Perception Polling:** Building on polling conducted in December 2020, MiHR conducted polling of 1501 youth aged 15 to 30 on their perceptions of mining careers. Results indicated youth continue to have negative perception of the sector and its careers, with a slight positive increase in results from 2020 to 2023.
- **We Need Mining. Mining Needs You. Career Ambassador Program:** Developed in partnership with CIM, nearly 40 Career Ambassadors have been recruited to deliver in person and virtual mining career presentations to youth.
- **National Mining Needs You Virtual Career Fair:** Presented annually in partnership with PDAC and CIM, the November 2023 event featured 24 exhibitors and 700 job seekers.
- **I Chose Mining. Mining Chose Me. Scholarship Program:** Launched in 2021 to celebrate MiHR's 25th anniversary, the program is awarding 10 scholarships of \$2,500 each over five years to support mining students — with a minimum of one of the two scholarships awarded each year provided to a member of an underrepresented group.
- **We Need Mining. Mining Needs You. Social Media and Poster Campaign:** MiHR produced 15 social media videos and 15 corresponding posters, using them in a campaign to showcase why we need mining and why mining needs youth to enter the industry.
- **Mining Needs You Educational Curriculum:** Mining career curriculum for grade 7 to 10 educators is available at [www.miningneedsyou.ca](http://www.miningneedsyou.ca) and is being promoted nationwide.
- **Financial Scholarship Support Program:** To help address drastic decreases in enrolment to mining-related post-secondary programs, ESDC - SWSP provided an additional \$1 million in funding in September 2023 to M4S for MiHR to deliver a one-time Financial Scholarship Support Program for students enrolled in the Fall 2023 and Winter 2024 semesters. ESDC further agreed to moving an additional \$1 million from other M4S activities to be added to the Financial Scholarship Support Program, which supported over 700 students on their journeys to rewarding careers in mining.

**Canadian Mining Skills Development Strategy (CMSDS):** Through M4S, MiHR developed and implemented the CMSDS that consists of a series of programs and initiatives built on relevant and current National Occupational Standards (NOS) used to inform and align training and guide workplace experience — culminating with the development and recognition of training, skills and competencies.

- **The Mining Industry's Suite of NOS:** The NOS are the foundation for the industry's CMSDS, reflecting the shifting skills resulting from technology, automation and emerging environmental, social and governance standards.
- **The Canadian Mining Training Recognition Program (CMTRP) & National Occupational Training Standards (NOTS):** The creation of a suite of NOTS informed standardized industry training development and delivery. The CMTRP assesses a training programs' learning outcomes

and objectives to recognize alignment with industry needs and contribution to an individuals' competency.

- **Training & Micro-Learning:** Essential and Work Readiness Training Programs; face-to-face Common Competency, Diamond Driller, Underground Miner and Minerals Processing Operator training; and delivery of upskilling opportunities to the existing workforce through the delivery of face-to-face Industry Trainer and Frontline Supervisor occupational training.
- **Canadian Mining Certification Program (CMCP):** Recognizes workers who have demonstrated their competencies and expertise by meeting the NOS developed by the Canadian mining industry available for diamond drillers, frontline supervisors, hoist operators, industry trainers, mineral processing operators, surface miners and underground miners. Over 2000 CMCP certificates have been issued thus far.
- **Mining Essentials and Mining Potential:** Industry validated national mining training programs for Indigenous peoples and for youth, women and new Canadians to develop the essential skills, knowledge and confidence needed to achieve rewarding employment in mining. Since inception, over 800 learners have enrolled in Mining Essentials.

Equity, Diversity and Inclusion (EDI) Supports: Through M4S, MiHR developed action-oriented programs, tools, resources and indicators that help build an inclusive, diverse and sustainable Canadian mining workforce:

- **Mining for Diversity Toolkit:** A series of guides, tools and reports to help mining organizations develop and implement a corporate EDI strategy — based on the Towards Sustainable Mining (TSM) Equitable, Diverse, and Inclusive Workplaces Protocol developed by the Mining Association of Canada.
- **Augmented Integration of Persons with Disabilities into the Workforce:** A report on the opportunities for enhanced integration of persons with disabilities owing to automation.

### **Other Strategic Programs to Address Labour Market Challenges**

**Gearing Up:** The Government of Canada provided MiHR over \$18 million in funding over the past seven years through ESDC's Student Work Placement Program for the Gearing Up project, which helps ensure the mining sector's sustainability and competitiveness by creating work-integrated learning (WIL) opportunities for post-secondary students. Mining employers who create WIL opportunities are offered a wage subsidy of up to \$7,000. Gearing Up has seen significant uptake by MAC members, with over 200 mining companies, contractors and suppliers have participated in the program. MiHR has provided over \$14 Million in funding to support 2100 post-secondary students since program inception.

MiHR secured an extension to the Gearing Up Agreement for an additional \$1.7 million to provide 230 work placements for the 2024-25 fiscal year.

**Green Jobs:** NRCan's Science, Technology & Innovation Program (STIP) provided MiHR over \$700,000 in funding support in 2022 for the Green Jobs program, helping youth gain relevant and meaningful mining work experience. Twenty job placements were completed, and MiHR received an additional \$2 million in funding support from NRCan's STIP in 2023 for 80 placements of up to 12 months in duration — split between fiscal years 2023-2024 and 2024-2025. Mining organizations can apply

to MiHR to receive a wage subsidy to a maximum of \$24,000 for job-ready youth and \$30,000 for Indigenous youth, youth living with a disability and Northern and remote youth.

**Bias, Systemic Discrimination and Anti-Racism, Intercultural Awareness, Indigenous Awareness and**

**Gender Equity eLearning:** Online learning programs that promote intercultural competencies critical to our changing industry; strategies that help attract, integrate and retain a more diverse workforce; Indigenous values, histories, peoples and experiences to gain enhanced awareness and the ability to build respectful relationships with Indigenous peoples in communities, the mining workplace and supply chain (MAC mandated that all its staff undertake the Indigenous Awareness Training); and how to promote inclusive workplaces by removing systemic barriers within policies, processes and procedures. The Bias and Anti-Racism eLearning was launched in March 2024, and the original eLearning offerings continue to have significant uptake from industry stakeholders:

- Gender Equity in Mining Training: over 4,400 enrolments
- Intercultural Awareness Training: over 4,400 enrolments
- Indigenous Awareness Training: over 3,700 enrolments

**Safe Workplaces for All:** In 2021, the Department of Justice provided nearly \$400,000 in funding support to MiHR for a three-year project ending March 31, 2024, to support mining and mineral exploration companies to expand their knowledge of and to address sexual harassment in the workplace. The program developed a program report, infographic and multiple public legal education information on workplace sexual harassment.

**For More Information:**

Visit [MiHR.ca](https://mihr.ca), [MiningNeedsYou.ca](https://miningneedsyou.ca), or contact Ryan Montpellier, Executive Director, at [rmontpellier@mihr.ca](mailto:rmontpellier@mihr.ca)

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