

GBA+ Preparedness in the Canadian Mining Sector: A Baseline Study

A Report by Oxfam Canada, prepared for the Impact Assessment Agency of Canada

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1. Introduction

On August 28, 2019, the new *Impact Assessment Act* came into force with a new requirement to consider the intersection of sex and gender with other identity factors when assessing the impacts of a project under the Act. Gender Based Analysis Plus (GBA+) is an analytical framework that will be used to assess these intersectional considerations.

While GBA+ is a new requirement for federal assessments of major projects, several resource sector firms and impact assessment practitioners already apply some GBA+ principles and approaches in their work. This baseline study aims to understand the current state of GBA+ implementation within the mining sector – the resource sector that makes up the largest number of projects subject to federal impact assessment.

Oxfam Canada reviewed the policies and operational practices of 12 leading mining companies in Canada to assess the degree to which they are currently incorporating GBA+ into their policies and practices. This included a review of their most recent sustainability reports, their company website and, wherever possible, conducting a 30 to 45-minute interview with a company representative to ensure accuracy and completeness.

Companies selected for this study all have active mining operations in different regions of the country, could be considered major or mid-tier sized companies, and are members of the Mining Association of Canada. Eight of the companies are headquartered in Canada (Agnico Eagle, Baffinland, Barrick Gold, Dominion Diamond Mines, IAMGOLD, New Gold, Pan American Silver and Teck Resources), while the remaining four operate in Canada with their corporate headquarters in other jurisdictions (BHP, Newmont, Rio Tinto and Vale).

The research methodology took as a starting point to examine how Canadian mining companies talk about gender issues and other intersecting identities in their sustainability reports. Gender-based analysis in general and the Government of Canada's GBA+ Framework in particular have not been used widely within the industry. The research involved teasing out how the key concepts and elements of GBA+ are being applied within the industry, even if the terminology and analytical frameworks differed. Through the desk research, several industry good practices that contained key elements of GBA+ implementation were identified. The company representative who were interviewed for the study were excellent sources of information on their respective company's practices and what motivates their organizations to apply gender-based analysis.

One challenge faced during the research process was the difficulty of scheduling interviews with the company representatives. This research project fell during a busy time of year, with the PDAC Convention being held in early March and the onset of the COVID-19 pandemic later in the month. As a

result, only four out of the 12 interviews were conducted, despite expressions of interest from several company representatives who wanted to participate but were not available during the interview period.

Another limitation of the research was basing it on the most recently available company sustainability reports, many of which were published at least a year ago. Given that gender diversity and inclusion is such a quickly evolving field within the mining industry, some interviewees reported that more up-to-date information about their activities would be published shortly in their 2019 sustainability reports. As such, the findings should be read as a snapshot in time and not the definitive assessment of any company's policies or practices.

The following two sections present the key findings of this policy scan, and Oxfam Canada's recommendations to the Impact Assessment Agency of Canada and the Canadian mining industry on the recommendations for implementation of GBA+ in the sector and how to address current gaps.

2. Key Findings

The *Impact Assessment Act* (2019) and its gender provisions are still too new to have prompted a widespread uptake of GBA+ terminology or methods by the mining industry. Most company representatives interviewed were relatively unfamiliar with the Government of Canada's GBA+ Framework, nor have companies made an explicit commitment to applying it to their policies, plans and operations. Nevertheless, the review of company documents revealed that several principles and approaches of GBA+ were being incorporated by the mining sector already. Six elements emerged as most relevant to applying GBA+ within the industry:

- Making high-level policy commitments to gender equality and equity
- Developing analytical skills and expertise on gender equity and diversity issues
- Using gender-disaggregated data to understand problems and make better decisions
- Taking an intersectional approach that looks at overlapping identity factors, beyond sex and gender
- Listening to affected populations to help mitigate potential bias within the organization
- Developing and implementing mitigation plans to address identified gender and other inequities

The baseline study has been organized along those six areas, which emerged from the desk research of reviewing company reports against the GBA+ process.

High-Level Policy Commitments

Integrating GBA+ into corporate decision-making can be made easier when such a commitment is clearly linked to existing high-level policy commitments. Companies are taking a variety of approaches to how gender inequality and other forms of marginalization and oppression are addressed in their corporate policies. Commitments to non-discrimination can be found in codes of ethics and business conduct, human resources policies, human rights policies or sustainability policies. In some cases, companies

have adopted stand-alone diversity and inclusion policies. Such commitments are likely to facilitate the uptake of GBA+ commitments and approaches by companies.

Another high-level reference point for corporate sustainability policies are the United Nations' Sustainable Development Goals, which include one goal specifically dedicated to gender equality. Several mining companies refer to the SDGs in their sustainability reporting and see their responsible business conduct as contributing to society's wider efforts to achieve the goals by the year 2030. Framing the application of GBA+ to company policies and operations as a contribution to the SDGs could provide an additional motivation or entry point for mining industry engagement.

Companies with standalone human rights policies also showed evidence of using gender-based analysis or intersectional approaches in their implementation. Most corporate human rights policies aim to align with the UN Guiding Principles on business and human rights. Leveraging corporate human rights policies to advance the mainstreaming of GBA+ will be easier following the publication of a new guidance document in June 2019 on how to apply a gender lens in implementing the UN Guiding Principles. While the guidance is less than a year old and may not have changed company practices yet, it could be a helpful tool over time to move all business sectors, including the mining industry, to adopt more gender-responsive approaches.

In the case of New Gold, one of the smaller companies to be included in this study, annual sustainability reporting is closely tied to its implementation of the Towards Sustainable Mining (TSM) initiative of the Mining Association of Canada (MAC). To date, TSM has been devoid of gender-based analysis and, as a result, New Gold efforts to integrate gender-sensitive actions into its operations have not been reported through its sustainability report. This will likely change in the future, as the MAC published a new protocol on Indigenous and community relations at the beginning of 2020, which will come into effect in 2021. The new protocol includes provisions that assess a company's capacity to identify under-represented groups and populations through their stakeholder mapping process, and engage such populations in a proactive manner. As MAC member companies begin to measure their performance against the new TSM protocol, it is likely that GBA+ and other intersectional approaches will be of increasingly interest and utility to the industry.

Developing Analytical Skills and Expertise on Gender Equity and Diversity

Applying GBA+ to company decision-making will become easier as the mining industry expands its efforts to raise awareness within its own workforce on issues of systemic oppression and marginalization. Gender intelligence workshops, potential bias trainings, respectful workplace trainings, cultural awareness training, sexual harassment trainings are all examples of employee trainings that increase the literacy and awareness on gender issues and other intersectional issues. Several companies reportedly measure the success of these trainings through periodic employee engagement surveys, which provide opportunities for employees to give feedback on their company's diversity and inclusion efforts.

Responsibility for diversity and inclusion issues rests within different structures or positions depending on the company. For instance, Newmont and Teck Resources have created new positions called the Director of Inclusion and Diversity. Pan American Silver has formed a Diversity and Inclusion Advisory

Committee at the corporate level, and Diversity and Inclusion sub-committees at each of its mine sites. These roles are primarily focused on internal diversity and inclusion issues, relating to a company's own workforce and its contractors. Building up in-house skills and expertise on gender-based analysis is a critical step in preparing to apply GBA+.

All of the companies surveyed recognize the need to increase workforce diversity as a strategic imperative, given looming labour shortages and competition from other sectors. Companies are engaged in various initiatives to recruit and retain more women and other people from diverse backgrounds, and change their workplaces to be more accommodating and inclusive. This trend is beginning to move the industry to examine their current policies and operations through a gender lens and consider other intersecting identity factors, like age, ethnicity and disability.

Mining companies are also enhancing their community engagement and Indigenous engagement practices in order to engage a more diverse and representative segment of potentially affected communities. Improved stakeholder mapping is helping to identify under-represented groups and efforts are being undertaken to reach these groups and hear their priorities and concerns. Company staff or teams responsible for conducting social impact assessments, implementing corporate human rights policies or allocating community investment funds are most likely to be employing stakeholder mapping and engagement tools that resemble elements of the GBA+ approach.

Several of the companies have adopted human rights policies and report on human rights impact assessments (HRIAs) conducted periodically at their mine sites. The industry's experience of conducting HRIAs has likely built up some of the skills and expertise that will be valuable in applying GBA+ to policies, plans and operations. Adopting a human rights-based approach requires the company to take into account differing forms of oppression and marginalization that will affect different identity groups. Some companies use their human rights impact assessments internally to improve their plans and operations procedures based on the findings, while other disclose publicly the key findings and reflect them back to their communities of interest.

Using Gender-Disaggregated Data to Understand Problems and Make Better Decisions

Collecting gender-disaggregated data is a key step in understanding how a company's policies and operations affect people differently according to gender and other identity factors. Companies reviewed in this study tend to collect gender-disaggregated data in two areas: composition of the company's workforce and beneficiaries of community investment programs. Gender diversity and inclusion in workforce recruitment, retention and advancement has been identified as a strategic business issue within the mining industry. In their community investment programs, companies appear to have been influenced by wider efforts in the social development sector to target investments and programs to meet the needs of more marginalized and vulnerable segments of the populations. As such, leading companies have begun to target their community investment programs to reach women, Indigenous people or others who have not traditionally benefited from more direct economic opportunities provided by the mining sector. As community investment programs are not core to the business, this section focuses more on how gender-disaggregated data is leading to changes in workplace policies and culture.

Most companies surveyed are tracking and reporting on women's representation within their organizations, from the board of directors through senior management and the global workforce. Several companies also report on the percentage of their workforce that identifies as Indigenous, or Northern residents for operations in the three territories in Canada's North. Companies like New Gold and Newmont have reached or exceeded 40% women's representation on their board of directors. There is a wide range of women's representation in company workforces, with some companies below 10% and others as high as 22%.

BHP Billiton has set a goal of reaching gender parity (50% women) in its global workforce by 2025. Setting ambitious goals can be an important driver for realizing gender equality, particularly when accompanied by interim milestones to track progress. In some cases, companies that did not meet their women's employment milestones in 2018 disclosed the fact openly in their sustainability reports and discussed some of the possible challenges or lessons learned for continuous improvement.

Some leading companies report they have created and measure separate other metrics related to gender diversity and inclusion metrics. Beyond counting the number of women, a few companies reported on associated metrics in achieving better women's representation. For example, BHP and Newmont reported on the employee attrition rate by gender, both finding that women's turnover rate stood around 10%, compared to 6% for men. BHP also reported on the percentage of employees who took parental leave, disaggregated by gender, and the percentage of employees who returned to work following a parental leave.

Several companies report joining a multi-company initiative to advance their diversity and inclusion work. For example, Newmont has joined the Paradigm for Parity, which aims for gender parity within leadership positions. Teck Resources joined a Gender Decalogue launched by the mining industry in Chile that involves companies agreeing to 10 commitments to advance gender equality in the sector. One company representative reported that joining a broader initiative has helped their leadership learn from business executives in other industries who share their commitment to gender inclusion and diversity. Importing lessons from other sectors into the mining industry may help to drive faster progress.

Several companies, including Barrick, BHP, New Gold and Teck, have conducted internal studies to measure the gender wage gap within their operations. From their sustainability reports, it was not clear if consistent methodologies are being used between different companies. Surprisingly, the few companies that reported measuring the gender wage gap found little discrepancy between earnings for male and female employees. Given that the gender wage gap in Canada stand around 32% and has moved little in the past decade, it is hard to understand how the mining industry could find only minimal variations in wages according to gender.

While such gender-disaggregated data is disclosed in sustainability reports, there is less reporting on how this data is being used to inform decision-making and modify corporate strategies and plans. Further research is needed to drill down into to what extent and how this data is changing policies and practices around human resources or community investment.

Beyond Gender – Other Intersecting Identities

In conducting comprehensive GBA+ analysis, a multitude of different identity factors beyond sex and gender are considered. Based on the review of sustainability reports, the most widely considered identity factor by the Canadian mining sector by far appears to be Indigenous status. All 12 companies report on how they are making efforts to establish and maintain good relationships with Indigenous peoples and assess their impacts of these populations. While the companies reviewed may adopt different high-level policy positions with respect to Indigenous peoples, use different consultation and engagement techniques and integrate Indigenous perspectives and traditional knowledge to differing extents within their operations, it is safe to say that building on the industry's efforts around analyzing impacts on Indigenous peoples is one of the more promising avenues for extending GBA+ approaches throughout the sector.

One avenue through which companies are identifying impacts on with Indigenous peoples and making commitments to enhance benefits or mitigate adverse impacts are impact benefits agreements (IBA). Given the secrecy around most IBAs, it is difficult to know to what extent companies are integrating GBA+ or intersectional approaches into such agreements. Opening up IBA processes to be more consultative and inclusive, with more diverse negotiating teams and clear targets and outcomes that are disclosed publicly would increase the ease of incorporating GBA+ into such agreement-making.

Beyond gender and Indigenous status, other identity factors – such as sexual orientation, gender identity and expression (SOGIE), age and disability – are being integrated into company policies and operations to varying degrees. A few companies, like BHP and Newmont, have established internal employee-led committees of LGBTIQ2 employees and allies to work on inclusion and awareness raising activities. These structures could provide avenues for companies to consult LGBTQI employees and understand how they are affected differently by company policies and operations. Age is another identify factor that was touched upon in some company reporting. Pan American Silver recognized in its sustainability report that generational diversity is important and the company should strive to understand the different needs and expectations of workers at different stages of life. Some companies, like Dominion Diamonds, referred explicitly to the importance of including youth and elders in Indigenous consultations.

Supporting further research by LGBTQI, youth and disability rights organizations, as well as interviewing senior mining industry representatives, could help to understand what barriers and challenges must be overcome to ensure full intersectional approaches are being applied by the mining industry.

Consulting affected populations to help mitigate potential bias within an organization

A key element of good GBA+ application is consultation with potentially affected people in all their diversity. Listening to stakeholders provides important inputs that can inform company decision-making and help challenge assumptions and mitigate conscious or unconscious bias that can exist within organizations. Public consultation and engagement practices are relatively well developed in the mining industry. GBA+ provides opportunities to enhance consultations to become even more representative and diverse by removing barriers that specific groups may face in participating and being heard.

This could be an area in which cross-functional learning within a company, or even between different companies, could be fruitful. Promoting learning between company personnel who are responsible for workforce diversity and inclusion and those who are responsible for community engagement and Indigenous relations could provide important sharing of good practices and what works and what does not. Intersectional approaches are equally relevant in both areas of work.

One interesting example comes from Baffinland and its Arnait Action Plan. As part of its Inuit Impact Benefits Agreement, the company and local communities agreed to develop an action plan to address barriers facing Inuit women from gaining employment at the Mary River iron ore mine. The consultation process to develop the plan involved three focus groups: current female employees; women in local communities who could be prospective employees; and regional organizations, including a women's rights organization, Pauktuutit Inuit Women. The action plan will tackle barriers to Inuit women's employment, including the lack of affordable childcare and other issues raised in the consultations. In reaching conclusions on how to respond to social impacts of resource extraction, Baffinland referred directly to research findings by Pauktuutit, the national Inuit women's rights organization, as a factor that influenced their decision-making.

Developing and implementing mitigation plans to address identified gender and other inequities

While the Canadian mining industry is starting to make progress on addressing gender barriers in the workplace, the review of sustainability reports found less evidence of gender-differentiated analysis and mitigation plans for environmental, social and health impacts on local communities. This is an area where applying a GBA+ approach could enhance the industry's understanding of how different stakeholder groups experience the impacts of mining operations differently.

As stated earlier, social impact assessments and human rights impact assessments are avenues through which companies are developing some expertise on analyzing differentiated impacts on different populations. Some companies reported engaging local people in community-led environmental monitoring programs, which could be a promising avenue to investigate how environmental and health effects impact different populations. Learning from impact monitoring processes that are participatory and responsive to the priorities and needs of local people could help companies that are striving to apply GBA+ within their environmental impact assessment processes.

Several leading companies have strict zero-tolerance policies on sexual harassment and violence in the workplace but fewer have made explicit commitments on how they will address gender-based violence in the surrounding communities where they operate. The sustainability reports reviewed in this study were all published prior to the release of the Final Report of the National Inquiry on Missing and Murdered Indigenous Women and Girls in June 2019. Five of the 231 Calls for Justice in the Final Report are directed specifically to extractive and development industries, as key players in the Canadian economy whose actions and decisions can either reduce or increase levels of gender-based violence. The mining industry may find opportunities to apply GBA+ in how it responds to the Calls for Justice, some of which relate directly to impact assessments of major projects.

3. Recommendations to Advance GBA+ within the Canadian Mining Sector

The Canadian mining industry does not have much direct experience with the Government of Canada’s GBA+ Framework and how it works. There are several opportunities for the Impact Assessment Agency to accelerate the application of GBA+ methods and approaches within the sector. In addition, companies themselves can take actions to increase their capacity to apply GBA+ in their decision-making. Industry trends around workforce diversity and inclusion, and better stakeholder mapping can be leveraged to open up space for GBA+. Opportunities for learning within companies and between companies can be nurtured. Targeted efforts may be required to ensure the under-examined dimensions of GBA+ -- such as gender identity and expression, or ability/disability – are adequately supported in the future. Together these recommendations can help to prepare the Canadian mining industry to meet the new legislative requirements of the *Impact Assessment Act* and the broader social expectations that underpin them.

Recommendations to the Impact Assessment Agency

A1. Policy Dialogue

Convene policy dialogues with the mining industry, federal government departments, and gender-equity-seeking organizations (e.g. Indigenous women’s organizations, women’s rights organizations, LGBTQI organizations) to discuss how the mining industry can integrate GBA+ into their policies and operations. The six elements of the industry’s GBA+ preparedness identified in this baseline study could provide a framing for such policy discussions.

A2. Collaborative Pilot Projects on Gender Impact Assessment

Support pilot projects for mining companies and gender-equity-seeking organizations to conduct collaborative gender impact assessments of existing mining operations that are not currently undergoing a federal regulatory review, to foster a “learning by doing” approach to GBA+. Action plans resulting from such impact assessment processes can be monitored using GBA+ approaches to demonstrate the utility of GBA+ in monitoring and evaluation.

A3. Full and Timely Implementation of the MMWIG Calls for Justice

Contribute to the federal government’s implementation of the 231 Calls for Justice of the National Inquiry on Missing and Murdered Indigenous Women and Girls, with particular focus on Calls 13.1 to 13.5 related to extractive and development industry activities. The Agency is particularly well placed to take action on Call 13.2 on gender-based impact assessments; 13.4 on supporting further research on the link between violence and resource extraction; and 13.5 on anticipating increased social infrastructure needs, which can be assessed and addressed through federal review processes and decision statements.

A4. Tools for Local Communities

Provide support to gender-equity-seeking organizations (e.g. Indigenous women’s organizations, women’s rights organizations, LGBTQI organizations) to develop tools for local communities in existing or emerging mining districts to facilitate their participation in regulatory impact assessment processes, including how GBA+ works and can strengthen their capacity and agency.

A5. Community of Practice

Support a Community of Practice of impact assessment practitioners and consultants, Indigenous women's organizations, women's rights and civil society organizations, and academic researchers that provides a forum to share experiences and research findings and promotes greater collaboration in advancing GBA+ in the context of impact assessment.

Recommendations to mining companies

B1. Public Commitments to GBA+

Make a public commitment to incorporate GBA+ into company decision-making at all levels, including by the board of directors, senior management and local operations. GBA+ can enhance corporate decision-making in the management of both internal and external issues and risks. Companies can adapt the Government of Canada's tools and approaches to suit their industry. At a minimum, they should include the following elements: make a high-level policy commitment to GBA+ and communicate publicly on GBA+ activities, develop analytical skills and expertise on gender and diversity, collect and use gender-disaggregated data, listen to affected populations to mitigate potential bias, and implement mitigation plans effectively.

B2. Consistent Training of Workforce

Deliver consistent training on GBA+ approaches as part of training programs for employees and contractors so all segments of the company can contribute to such analysis and help enhance operations.

B3. Internal Learning Opportunities

Foster cross-functional learning opportunities between company staff and departments who are working on inclusion and diversity internally (e.g. human resources) and externally (e.g. Indigenous relationships, community relations, community-led environmental monitoring, social impact assessment, human rights).

B4. Collaborative Pilot Projects on Gender Impact Assessment

Collaborate with gender-equity-seeking organizations to conduct gender impact assessments of existing mining operations that are not currently undergoing a federal regulatory review, to foster a "learning by doing" approach to GBA+. Action plans resulting from such impact assessment processes can be monitored using GBA+ approaches to demonstrate the utility of GBA+ in monitoring and evaluation. (Junior companies wishing to collaborate in gender impact assessments can refer to the gender guidance published in 2019 by the Prospectors and Developers Association of Canada.)

B5. Leveraging Industry Association Frameworks

Work with industry peers in the Mining Association of Canada to map out how GBA+ methods and approaches can support their implementation of Towards Sustainable Mining's newly updated protocol on Indigenous and community relationships.

B6. Full and Timely Implementation of the MMWIG Calls for Justice

Make a public commitment to work in collaboration with Indigenous organizations and Canadian governments to implement all relevant Calls for Justice of the National Inquiry on Missing and Murdered Indigenous Women and Girls, with particular focus on Calls 13.1 to 13.5 directed to extractive and development industries.