

# Equity, Diversity and Inclusion (EDI) Toolkit Resource: Guide to Community Identity and Collaboration







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**For more information, contact:**

**Mining Industry Human Resources Council**

50 Frank Nighbor Place, Unit 105

Kanata, Ontario K2V 1B9

(613) 270-9696

[info@mihr.ca](mailto:info@mihr.ca)

**Or visit the website at:**

[www.mihr.ca](http://www.mihr.ca)

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# Guide to Community Identity and Collaboration

## TSM Equitable, Diverse and Inclusive Workplaces Protocol<sup>1</sup> Relevance:



(Facility Criteria)

## TSM Indigenous and Community Relationships Protocol<sup>2</sup> Relevance:



(Corporate Criteria)



(Facility Criteria)



(Facility Criteria)

This guide helps organizations understand how to meet the requirements described in the TSM Equitable, Diverse and Inclusive Workplaces Protocol. It also supports organizations in meeting the TSM Indigenous and Community Relationships Protocol requirements.

<sup>1</sup> See: [Towards Sustainable Mining: Equitable, Diverse and Inclusive Workplaces Protocol](#).

<sup>2</sup> See: [Towards Sustainable Mining: Indigenous and Community Relationships Protocol](#).



# Using this Guide

Collaboration with designated communities is crucial to sustainable, successful mining operations. Employment or business opportunity agreements<sup>1</sup> between mining companies and designated communities are common approaches for developing collaborative relationships in the sector and establishing related objectives, in areas such as employment and training.

The first part of this guide addresses the need for mining companies to meet the Mining Association of Canada's Towards Sustainable Mining (TSM) Equitable, Diverse and Inclusive Workplaces Protocol, Indicator 2, Level B, Criteria 3.<sup>2</sup> More specifically, this Guide focuses on collaboration with respect to Indigenous identity and status given the TSM EDI Protocol's recognition that "[i]n the Canadian context, economic and employment opportunities should be prioritized for Indigenous rightsholders."<sup>3</sup>

Laying a strong foundation for collaborative, trusting relationships supports mutually beneficial outcomes, including land stewardship and knowledge-sharing, recruitment and procurement. Given this potential, facility staff can prepare by committing significant time, learning and resources to establish and sustain meaningful place-based relationships with Indigenous rightsholders.

In addition, to meet the targets of priority employment or business opportunity agreements with members of designated communities, mining facilities can also provide a range of educational opportunities aimed at supporting Indigenous rightsholders within their organizations.<sup>4</sup> This guide also sets out some approaches to consider in this regard.

- 1 Which may be set out in any variety of forms including: Impact Management Agreements, Participation Agreements, Impact Benefit Agreements, Socio-Economic Agreements, and Environmental Agreements
- 2 "Where there are existing priority employment or business opportunity agreements for members of designated communities, the facility and community collaboratively establish a process to validate the identity and status of candidates and businesses." MAC TSM EDI Protocol, 7.
- 3 MAC TSM EDI Protocol, 24. TSM adds, "Some companies may already have formal agreements with Indigenous communities regarding such opportunities. Outside of Canada, other types of local rightsholders or underrepresented groups may also be relevant."
- 4 See MAC TSM EDI Protocol Indicator 2, Level AA, Criteria 1b Processes are implemented that aim to achieve a workforce that reflects local demographics and provides economic, employment, and training opportunities for local rightsholders and/or members of underrepresented groups, 8.





## Employment and Validation of Indigenous Identity (Individual)

Validating the Indigenous identity and/or status<sup>5</sup> of members of designated communities as potential candidates for employment or other opportunities, such as training or scholarships, is important for maintaining respectful relationships with local communities. It also helps companies meet recruitment targets and collect accurate employee diversity data, in support of employment or business agreements or commitments.

While mining companies set their own hiring criteria, many are subject to the terms and conditions set out in agreements, which often include targets for hiring locally. Some may also set goals for scholarships and training to be provided for people from specific communities, bands and/or with Indigenous status. In these situations, mining companies use collaborative processes to verify candidate identity and address issues where identity is questioned. It is helpful to refer initially to any existing employment or business agreements or commitments to identify what guidance, if any, they offer with respect to the established criteria and/or for validating the identity and status of individuals.

Indigenous nations have the right to define their own membership. For Indigenous peoples, this right is enshrined within the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)<sup>6</sup>. Canada's passage of legislation establishing a framework for implementing UNDRIP, strengthens this right within the country.

<sup>5</sup> For a comprehensive overview of status, band membership, treaty relations and related matters, see [H. McCue \(2020\)](#).

<sup>6</sup> United Nations, *UNDRIP*, 24.





This important concept is also supported by the Truth and Reconciliation Commission<sup>7</sup> and the Inquiry into Missing and Murdered Indigenous Women and Girls.<sup>8</sup>

Membership in a nation hinges on more than ancestry. For example, case law<sup>9</sup> and the Mi'kmaq of Nova Scotia state that to be a citizen of an Indigenous nation requires both a family connection and acceptance as a member of the nation.<sup>10</sup> Others have pointed to kinship, receiving cultural teachings from Elders and knowledge keepers as well as adoption of non-Indigenous people, which includes the transmission of language, cultural teachings and values to become members of a nation, emphasizing the importance of Indigenous nations as authorities when identifying members.<sup>11</sup>

Recognition of an individual as a member of an Indigenous nation (e.g., Métis, Inuit, Mi'kmaq, Cree, Mohawk) rests with the nation themselves and should not be confused with Indigeneity<sup>12</sup> more broadly, which this guide does not address.

No organization or individual has the ability to decide who belongs; it is a nation's prerogative to make this determination. Mining companies and stakeholders can support reconciliation, decolonization and anti-racism by supporting this right of Indigenous nations. Accordingly, mining companies' efforts to recruit talent from (or offer related opportunities to people) in local Indigenous communities are best guided by the communities themselves, especially regarding candidate claims of membership or Indigenous identity. A collaborative, respectful approach is critical to a company's effective involvement in community processes and decision-making.

7 Government of Canada, *Truth and Reconciliation*, 10.

8 MMIWG, *Reclaiming Power and Place*, 171

9 See [Megan Furi and Jill Wherrett](#), for example.

10 Assembly of Nova Scotia Mi'kmaq Chiefs, *Wula na kinu*.

11 Simon, Cheryl, 2021.

12 Related originally to concepts of ethnicity, Indigeneity is evolving to describe the state of being Indigenous or related to Indigenous-ness. As Indigenous Peoples recognize Indigeneity, Indigenous-ness and/or Indigenous identity. Indigenous-ness for many can relate to specific territory, culture, community and traditions. [Defining Decolonizing and Indigenizing | Queen's University \(queensu.ca\)](#)





Working together, mining facilities and local communities can establish a mutually agreed upon process for validating the Indigenous identity of job candidates.

**Suggested steps to establish this process include:**

1. Creating a statement of accountability on the part of the company regarding identity validation.
2. Engaging in transparent discussions with the legal and recognized sovereign nations on whose territory the project occupies affirming that the company seeks to recruit employment candidates with validated Indigenous identity.
3. Affirming that only those qualified, whose identity can be validated as per an approved validation process, be considered for any role designated for Indigenous peoples.
4. Determining the roles nations can and want to play in the validation process.
5. Reviewing and deciding on the types of identity evidence that will be applied and accepted as valid. For example, does the criteria relate to Indigenous identity (First Nation, Métis, Inuit), nation, band or community membership, recognized rightsholders, status or other related elements. Second, do the validating documents and/or mechanisms for proof align with the criteria?
6. Drafting and discussing the identified review process to be used for employment/training candidates. The process will be revised and finalized in consultation with the communities involved.
7. A schedule of process review and ongoing adjustment, as determined by the parties involved.





Mining facilities can adopt an Indigenous identification validation process for employment candidates based on the conditions that were approved in agreement (or related commitments) with the local communities. The review process may involve community members, as determined by the role they wish to play in the process.

**A suggested process for Human Resources to follow includes the steps described below<sup>13</sup>:**

1. Publish the position or opportunity as a designated, where only Indigenous applicants (or community or band members, for example) will be considered or where Indigenous applicants are preferred over non-Indigenous applicants.
2. Communicate the requirement for applicants to provide information to verify their Indigenous identity within the application, clearly describing the process.
3. Conduct the identity verification process for short-listed applicants only, prior to the applicant being invited for an interview.
4. Collect the information required to verify the identity of the candidate.
5. Review the information, verifying identity, based on the established process. Additional information may be requested of the candidate, in consultation with the collaborating community to complete the assessment.
6. Provide the outcome of the assessment in writing to the hiring manager, with a copy maintained by Human Resources.
7. Proceed to the interview stage of the hiring process only with applicants whose identity has been positively verified.
8. Document and retain the details of the identity verification process in the recruitment and employment files.

<sup>13</sup> Adapted from: Wilfrid Laurier University, *Indigenous Identity Verification Process*.



## Identity Validation Evidence

Once criteria, related documentation/evidence, process, roles and responsibilities are agreed upon, validation of individual identity claims can begin. Anyone identifying as Indigenous must be granted the right to have their claim of Indigenous identity fully and thoroughly investigated. Depending on the claim, validation can take different forms.

**Types of evidence that are commonly accepted include<sup>14</sup>:**

Status First Nations	Métis documentation	Inuit documentation
Government-issued Certificate of Indian Status (Status Card).	Métis cards issued by a recognized body.	A letter from a government organization such as Inuvialuit Regional Corporation or Nunatsiavut in Labrador, the latter of which also issues a card.
Letter from First Nations Community- The letter should be on letterhead, include the Band Registration / Treaty Number and be signed by a Band Administrator.	A letter or card issued by a Métis settlement.	Inuit Beneficiary cards issued through organizations such as Nunavut Trust, Nunavut Tunngavik Incorporated, etc.

<sup>14</sup> Adapted from: First People's Group, *Queen's University*.





Other approaches may also be acceptable, as determined in collaboration with the designated community. For example, anyone identifying as Indigenous (i.e., First Nations, Métis, or Inuit) at the time of their application and who may be unable to provide any proof listed may submit a personal, written story clearly citing relatives and relationships that do not go beyond their grandmother's or grandfather's related to lineage.

These personal stories can include photos and any other relevant information. Candidates must also include the following three references: a familial reference; a First Nations, Métis or Inuit citizenship elected leader reference; and a professional reference. Any story about family lore or long-ago relatives should be stated in the form of an affidavit that would be signed indicating that if any of the information is false, the employment contract would be invalid.



## Validation of Indigenous Identity (Business)

When required or seeking to partner with or hire an Indigenous business, mining facilities may need to validate the status of the business' identity. In Canada, an Indigenous business is defined as being at least 51% owned and controlled by Indigenous peoples. Indigenous business owners, directors of Indigenous corporations, and in the case of cooperatives – voting members can provide evidence of Indigenous identity through one of the following<sup>15</sup>:

- Indian Status Card / Inuit Beneficiary Card
- Northwest Territories Land Claim Settlement Beneficiary
- Confirmed Alberta Métis Settlement Member
- Northwest Territory Métis Nation Citizenship
- Métis Nation citizenship as affirmed through the registry of a Métis National Council Governing Member, which includes the Manitoba Metis Federation, Métis Nation-Saskatchewan, Métis Nation of Alberta, Métis Nation British Columbia, and Métis Nation of Ontario.
- For Non-Status Indians, recognition of an individual can be verified through a First Nation Citizenship, Membership Code, the Status Card of a parent or grandparent, or verification of heritage in writing from elected First Nation leadership.

<sup>15</sup> Adapted from: Imagination Group, *Defining Indigenous Business in Canada*. P. 4.





## Collaborating with Indigenous Communities

Mining companies' ability to operate and recruit talent from local Indigenous communities depends on establishing collaborative relationships with said communities. The Truth and Reconciliation Commission of Canada's Calls to Action (2015) call on companies to "ensure that Aboriginal peoples have equitable access to jobs, training, and education opportunities in the corporate sector, and that Aboriginal communities gain long-term sustainable benefits from economic development projects."<sup>16</sup> Nations, places and cultures have their own knowledge systems and ways of knowing, including protocols, laws or frameworks for sharing and engaging with others. Mining facilities can improve their ability to meet local hiring targets by developing their understanding of the systems and priorities of local Indigenous communities and integrating these into educational opportunities for local rightsholders (See TSM EDI Protocol, Indicator 2, Level AA, Criteria 1b).

<sup>16</sup> Government of Canada. *Truth and Reconciliation*, 10.



# Training

There are a variety of approaches that support local rightsholders' access to training opportunities. These may be included in employment and business opportunity agreements in the form of objectives, programs, participating organizations or other related elements. In establishing or identifying programs appropriate to a facility and local rightsholders, collaborative processes can account for or consider a number of factors, including:

- Short and long-term learning trajectories and outcomes.
- Learning across the lifespan as well as across the spectrum of knowledge, skills and experience including essential, practical, applied, conceptual and big-picture learning and thinking.
- Integrating local, Indigenous knowledge and ways of knowing and learning.
- Supporting learning that accounts for diverse identity factors and their intersection, such as gender, language, age, disability.
- Creating opportunities for people to change positions, evolve (in) their roles, innovate, share their learning/expertise with one another.
- Guiding and teaching one another.
- Developing abilities to work in different ways within the organization, including independently, as part of a group, receiving and giving guidance/direction, taking on different forms of responsibility.

In Canada, the Mining Industry Human Resources Council (MiHR) has work readiness training programs for Indigenous peoples that teach skills using industry examples, tools, documents and traditional Indigenous teaching methods.





## Evaluation and Reporting

The tools and methods typically used by companies to evaluate a project or program may not fully reflect or align with the values of Indigenous collaborators. There are a number of Indigenous-centred evaluation methods that use sharing formats more conducive and relevant to Indigenous cultures. The outcomes of any collaborative efforts, including identity validation, recruitment from local communities and training, can be evaluated and shared to inform next steps and future collaborations. Activities related to evaluation and reporting can and should align with to the objectives set out in employment and business agreements or commitments, while also reflecting and infusing Indigenous worldviews and perspectives into both the evaluation process and reporting mechanisms, including documents, meetings and/or gatherings, for example.

## Conclusion

This Guide to Community Identity and Collaboration addresses the need for mining companies to meet TSM Equitable, Diverse and Inclusive Workplaces Protocol requirements for an Indigenous identity validation process as well as offers general support to companies in terms of Indigenous education/training opportunities and monitoring/evaluation of activities and initiatives, generally.

# Key Terms<sup>17</sup>

## Decolonization

- Challenging and changing the supremacy and privilege of Western thought, ideologies, systems and ways of doing things.
- Centering and respecting Indigenous knowledge systems, legal and governance systems and ways of knowing and doing.

## Elder

Elders are respected individuals with life experience who play vital roles in Indigenous communities. Explicitly named by members of their community, Elders are important knowledge keepers who also help to ensure cultural continuity.

## Indigenous Knowledge

The knowledge held by First Nations, Inuit, and Métis peoples. It is place-based, usually transmitted orally, rooted in the experience of multiple generations and is determined by a specific community's spirituality, environment, region, culture and language.

## Place-based approach

An approach to relationship-building that takes the specific circumstances of a place into account and that enables local people and organizations to decide, define, design and implement a project.

## Reconciliation

An ongoing process of repairing, (re)establishing and maintaining respectful relationships, reconciliation involves non-Indigenous people, governments and other organizations taking responsibility for repairing damaged trust by making apologies, providing individual and collective reparations, and following through with concrete actions that demonstrate real societal change.

## Rights-holder<sup>18</sup>

- This term identifies Indigenous peoples as more than stakeholders, rather as 'rights and title holders' with constitutionally protected rights.
- Indigenous peoples' rights relate to land (title), subsistence resources and activities, self-determination, treaty-making and culture and can be summarized as "the right to independence through self-determination regarding governance, land, resources and culture."<sup>19</sup>

<sup>17</sup> Adapted from IPCA Knowledge Basket, Beyond Conservation.

<sup>18</sup> The Mining Association of Canada's TSM Protocol on EDI acknowledges that "identification of local rightsholders should be conducted in consultation with local communities of interest," 22.

<sup>19</sup> [Henderson, W., & Bell, C. \(2019\). Rights of Indigenous Peoples in Canada.](#)



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# Community Identity and Collaboration

Mining facilities with employment or business opportunity agreements that prioritize members of designated communities must establish a process to validate the identity and status of candidates and businesses.

A collaborative, respectful approach to community collaboration is critical.

## Guiding Process for Validating the Indigenous Identity of Local Rightsholders

### Review

Review any existing employment or business agreements or commitments to identify what guidance, if any, they offer with respect to the established criteria and/or for validating the identity and status of individuals.

### Recognize

Recognize the rights of Indigenous nations to define their own membership.

### Statement

Create an organizational statement of accountability regarding identity validation.

### Engage

Engage in transparent discussions with the legal and recognized sovereign nations on whose territory the project occupies.

### Affirm

Affirm that only those qualified, whose identity can be validated as per an approved validation process, be considered for any role designated for Indigenous peoples.

### Roles

Determine the roles nations can and want to play in the validation process.

### Evidence

Review and decide on the types of identity evidence that will be applied and accepted as valid.

### Finalize

Consult with the communities involved and finalize the draft review process.

### Review

Establish a review schedule for ongoing improvements.



## Individual Identity Validation Evidence

Types of evidence commonly accepted:

### Status First Nations documentation:

- Government-issued Certificate of Indian Status (Status Card)
- Letter from First Nations Community

### Métis documentation:

- Métis cards issued by a recognized body
- A letter or card issued by a Métis settlement

### Inuit documentation:

- A letter from a government organization
- Inuit Beneficiary cards

### Other:

- Personal written story of relatives/relationships and references

## Business Identify Validation Evidence

(at least 51% owned and controlled by Indigenous peoples)

- Indian Status Card / Inuit Beneficiary Card
- Northwest Territories Land Claim Settlement Beneficiary
- Confirmed Alberta Métis Settlement Member
- Northwest Territory Métis Nation Citizenship
- Métis Nation citizenship as affirmed through the registry of a Métis National Council Governing Member
- For Non-Status Indians, verification through a First Nation Citizenship, Membership Code, the Status Card of a parent or grandparent, or verification from elected First Nation leadership