Towards Sustainable Mining

Equitable, Diverse and Inclusive Workplaces Protocol

Minerals Council of Australia

TSM

EQUITABLE, DIVERSE, AND INCLUSIVE WORKPLACES FRAMEWORK

Equity, diversity, and inclusion are strategic priorities and shared values for the mining sector, contributing to safe and respectful workplaces that are free from physical and psychological harm. We recognise that high-performing, qualified people are our greatest asset and that an equitable, diverse, and inclusive workforce facilitates effective problem-solving, creativity and innovation. There is no place for inequity, harassment, discrimination, violence, or hatred, in any form, within the mining sector. We are therefore committed to taking company-specific actions in support of the following objectives:

- Continue to advance equity, diversity, and inclusion in all aspects of workplace culture, policies, procedures, and practices.

- Seek to identify, acknowledge, and mitigate conscious and unconscious bias, as well as individual and systemic prejudice and discrimination in all its forms.

- Reinforce efforts to increase representation of individuals who are underrepresented in the mining industry, including, among others, Indigenous peoples, people with disabilities, women, individuals of diverse racial, ethnocultural, linguistic, religious, national backgrounds and/or citizenship status, neurodivergent individuals, and individuals of diverse sexual orientations or gender identities. Efforts to increase representation of these individuals apply across the mining sector workforce, leadership, supply chain, and boards of directors.

- Provide leadership and share effective and proven tools, resources, practices, and lessons learned.

- Enhance reporting on objectives, actions, and performance.

Together, we aim for a mining industry that reflects the diversity of the countries and communities where we operate and demonstrates a culture of belonging and inclusion—where everyone is welcome, safe, respected, valued, and empowered to excel.

EQUITABLE, DIVERSE, AND INCLUSIVE WORKPLACES PROTOCOL

A Tool for Assessing Performance on Equitable, Diverse, and Inclusive Workplaces

Purpose

The purpose of this TSM protocol is to facilitate continual performance improvements and to achieve workplaces that practice equity, diversity, and inclusion through the development and implementation of associated strategies, commitments, programs, and objectives. While some companies may begin these efforts by focusing on specific underrepresented groups, the ultimate objective is to create a workplace that is equitable and inclusive for everyone.

Performance Indicators

To assess performance and measure progress, the Equitable, Diverse and Inclusive Workplaces Protocol outlines criteria with three indicators:

1. Leadership and strategy (to be measured at the corporate level)
2. Advancing equity, diversity, and inclusion (to be measured at the facility level)
3. Monitoring, performance, and reporting (to be measured at the facility level)

As with any performance assessment tool, professional judgment is required to assess alignment with each indicator and associated criteria. Application of this protocol will therefore require a level of expertise in auditing, systems assessment, related subject matter, and relevant regulatory regimes and requirements. This protocol is not a guarantee of the effectiveness of a company's efforts to achieve equitable, diverse, and inclusive workplaces, but is intended to create the awareness, practice and corporate culture needed for success. In collaboration with workers and relevant communities of interest, companies should adapt their application of this protocol to the legal, cultural, and social contexts in which they operate.

This protocol is closely linked to the Indigenous and Community Relationships Protocol and the Safe, Healthy, and Respectful Workplaces Protocol. The former includes requirements for companies to prioritise access to jobs, training, and education for rightsholders, and to engage with underrepresented groups. The Equitable, Diverse, and Inclusive Workplaces Protocol expands upon these requirements by prioritising the involvement of Indigenous peoples and other underrepresented individuals in companies' approaches to equitable, diverse, and inclusive workplaces. Companies implementing this protocol are encouraged to refer to the Indigenous and Community Relationships Protocol for additional guidance in areas like identifying and engaging with communities of interest and providing opportunities for local rightsholders and members of underrepresented groups.

With an overarching objective of preventing harm, the Safe, Healthy, and Respectful Workplaces Protocol includes facility-level requirements to promote, protect, and support physical and psychological safety, wellbeing, and respect, among other objectives. The Equitable, Diverse, and Inclusive Workplaces Protocol serves as an important basis for the achievement of safety and respect in the workplace—and vice versa. Companies may need to engage internal subject matter experts across safety, health, human resources, and other domains to ensure a collaborative approach to implementation of both protocols.

INDICATOR 1: LEADERSHIP AND STRATEGY (CORPORATE CRITERIA)

Purpose

To confirm that the corporate office engages to develop a corporate strategy for equitable, diverse, and inclusive workplaces.

Assessment Criteria

Level	Criteria
C	The facility does not meet all Level B criteria.
B	1. There is a corporate commitment to foster an equitable, diverse, and inclusive workplace. 2. There is an action plan to meet all Level A requirements.
A	1. There is a corporate commitment aligned with the TSM Framework on Equitable, Diverse, and Inclusive Workplaces. 2. A corporate strategy is developed through engagement with a cross-section of people who bring diverse perspectives and experiences. This includes relevant labour or worker groups and individuals who are underrepresented in the mining industry. The strategy includes: • Internal objectives supported by action plans. • Training or awareness programs. • A process for annual management review of the strategy and progress towards internal objectives, with results reported to corporate leadership. • Clear roles, responsibilities, accountabilities, and resources. 3. The corporate strategy is communicated to workers and, where relevant, to external communities of interest. 4. The board is aware of the corporate strategy and receives updates on progress towards implementation. 5. There is a process to report to corporate leadership the number and types of issues reported to the organisation's reporting and response mechanisms, as well as anonymised information on the response, resolution, and remediation of such issues.
AA	1. The strategy developed at Level A is implemented. 2. There is a process for ongoing engagement to review and update the corporate strategy. 3. Workers receive updates on implementation of the corporate strategy and the number and types of issues reported to the organisation's reporting and response mechanisms. 4. Objectives are set for equitable, diverse, and inclusive recruitment, retention, and representation among corporate leadership, with public reporting on progress towards these objectives.

Level	Criteria
AAA	1. There is an independent review at least every three years of: • Workplace culture, the scope of which is aligned with the corporate strategy and based on priorities identified by management and workers. Results are used to inform further engagement and updates to the corporate strategy. • The competency of corporate leadership related to equitable, diverse, and inclusive workplaces. 2. The corporate strategy includes implementation of the requirements of indicators 2 and 3 of this protocol at all offices and sites. 3. Board and management structures, accountabilities, responsibilities and reporting processes related to the governance of equity, diversity and inclusion are in place. 4. There is public reporting on the number and types of issues reported to the organisation's reporting and response mechanisms. 5. Objectives for diverse recruitment, retention, and representation among corporate leadership set at Level AA are met and reported publicly, along with plans for continual improvement.

INDICATOR 2: ADVANCING EQUITY, DIVERSITY, AND INCLUSION (FACILITY CRITERIA)

Purpose

To confirm that effective processes have been established to foster a workplace culture of equity, diversity and inclusion and that engagement occurs with relevant groups and individuals from development through to evaluation.

Assessment Criteria

Level	Criteria
C	The facility does not meet all Level B criteria.
B	1. Some initiatives or processes are in place to foster a workplace culture of equity, diversity, and inclusion. 2. Workplace communications are accessible, inclusive, and culturally appropriate. 3. 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. 4. There is an action plan to meet all Level A requirements.
A	1. Procedures and processes are developed to foster a workplace culture of equity, diversity, and inclusion. These are informed through engagement with a cross-section of people who bring diverse perspectives and experiences and includes relevant labour or worker groups and individuals who are underrepresented in the mining industry. The processes include: • Clear roles, responsibilities, accountabilities, and resources to promote shared responsibility for equity, diversity, and inclusion. • Review of existing processes, including recruitment, performance management, skills development, retention, and advancement, to identify biases or barriers to equity and inclusion. • Analysis of patterns of inequities in worker compensation and benefits. 2. Training or awareness programs related to equity, diversity, and inclusion are available to all workers and management.

Level	Criteria
AA	1. Processes are implemented that aim to: • Mitigate potential for bias in recruitment, performance management, skills development opportunities, retention, and advancement processes. • Achieve a workforce that reflects local demographics and provides economic, employment, and training opportunities for local rightsholders and/or members of underrepresented groups. • Promote diverse representation consistent with regional or national demographics if workers are recruited from outside of local communities. • Provide pathways to achieve diverse representation at different levels of the organisation and across different employment fields. • Address patterns of inequities in worker compensation and benefits identified at Level A. 2. The facility makes suppliers and service providers aware of its processes to advance equity, diversity, and inclusion.
AAA	1. There is an evaluation of effectiveness at least every three years of the Level A and Level AA criteria. • The evaluation engages a cross-section of people who bring diverse perspectives and experiences and includes relevant labour or worker groups and individuals who are underrepresented in the mining industry. • Results of the evaluation are communicated to workers and reported publicly. 2. There are processes in place to ensure that workers and management participate in training or awareness programs related to equity, diversity, and inclusion. 3. The facility integrates the principles of equity, diversity, and inclusion into its procurement processes and contractor relationships.

INDICATOR 3: MONITORING, PERFORMANCE, AND REPORTING (FACILITY CRITERIA)

Purpose

To confirm that the facility engages to develop an approach to data collection and reporting on equitable, diverse, and inclusive workplaces.

Assessment Criteria

Level	Criteria
C	The facility does not meet all Level B criteria.
B	1. The facility collects data on demographic diversity (except in jurisdictions that prohibit collection of such data). 2. A preliminary scope is defined, and methods are developed for data collection and reporting on equitable, diverse, and inclusive workplaces. 3. There is an action plan to meet all Level A requirements.
A	1. Scope and methods for data collection and reporting are informed through engagement with a cross-section of people who bring diverse perspectives and experiences and includes relevant labour or worker groups and individuals who are underrepresented in the mining industry. 2. The facility publicly reports information on demographic diversity (except in jurisdictions that prohibit collection of relevant data) and conducts ongoing monitoring and analysis of this data. 3. Where worker information or feedback is requested as part of the information gathering process, in compliance with any relevant data privacy laws, there is clear communication to workers of: • The purpose for which the worker information or feedback will be used. • The confidential and voluntary nature of worker participation in the process. • Processes to protect worker anonymity when analysing and communicating results. • Safe and ethical storage, and intended use, of any information

Level	Criteria
AA	1. The facility publicly reports qualitative and/or quantitative information related to equitable, diverse, and inclusive workplaces and conducts ongoing monitoring and analysis. 2. The facility sets performance objectives, or applies performance objectives set at the corporate level, related to equitable, diverse, and inclusive workplaces. These include: • Collaboration with local rights holding communities and underrepresented groups to set objectives for employment of individuals from those communities. • Action plans developed to achieve performance objectives. • Demonstration of progress towards performance objectives and internal reporting on this progress.
AAA	1. There is public reporting that describes progress towards the performance objectives set at Level AA.

APPENDIX 1: FREQUENTLY ASKED QUESTIONS

Definitions

The definitions below are provided to support a common understanding of protocol criterion, it should be recognised that some may be defined by safety and health law applicable to the jurisdiction in which the facility operates.

1. What are some key terms and definitions related to equitable, diverse, and inclusive workplaces?

The Canadian Centre for Diversity and Inclusion has published a glossary that may be useful for companies looking to understand key terms related to equitable, diverse, and inclusive workplaces. The glossary includes terms related to inclusion, diversity, equity, and accessibility, as well as terms on topics like age, gender, physical ability, race, and more.

Canadian Centre for Diversity and Inclusion. 2022. Glossary of Terms: A Reference Tool.

Other useful resources that define terminology on these issues include:

The University of British Columbia. n.d. Equity & Inclusion Glossary of Terms.

Canadian Race Relations Foundation. 2015. CRRF Glossary of Terms.

Government of Canada. 2022. Guide on Equity, Diversity, and Inclusion Terminology.

2. What is an 'annual management review'?

Annual management reviews are intended to ensure continual improvement by evaluating the effectiveness of the strategies, processes, and policies in place and the status of actions from the previous management review. The management review process should identify opportunities for improvement, describe associated action plans, and identify and evaluate the potential significance of changes since the previous review. The review should also provide a summary of any significant performance issues identified, including compliance with legal requirements, conformance with other standards, policies and commitments, and the status of corrective actions.

3. What is an 'independent review'?

Broadly speaking, an independent review involves commentary, advice and recommendations that are objective and expert in nature and meant to assist in identifying, understanding, and managing risks. The intention of the term 'independent' is that the reviewer should not be directly involved in the policies, processes, or functions under review. Where a potential conflict of interest exists, such conflicts should be identified and declared. For example, it is acceptable to have an independent reviewer who is employed by the same company, provided the intent of 'independent' is met. This is further reinforced by maintaining a clear understanding that an independent reviewer may need to abstain from a discussion or withhold an opinion when a conflict of interest may apply.

An independent review of workplace culture involves an expert who is tasked with identifying ongoing strengths, opportunities, and challenges to equitable, diverse, and inclusive workplaces. The reviewer independently validates improvements over time and provides recommendations to improve workplace culture. The scope of this review should be defined based on priorities identified through engagement processes with management and workers. The independent reviewer may conduct employee engagement surveys, interviews, reviews of documents, or other methods they deem necessary to carry out the agreed scope of the review. Any findings or recommendations resulting from the review should inform further engagement and updates to the corporate strategy. If a company selects a reviewer employed within the company, who meets the definition of 'independent' outlined above (e.g., an internal audit function), the individual(s) should demonstrate at least basic knowledge of the subject matter being assessed.

4. What is 'public' reporting?

The intent of the term 'public' when referring to objectives, information, or reporting in TSM is that this information is made available to the public in some manner. For example, publication of the information on a corporate website, information included in annual sustainability or other corporate reporting processes, sharing of the information in a public forum, and information made available to any interested party upon request.

5. What is an 'evaluation of effectiveness'?

An evaluation of effectiveness is an assessment of whether the intended results of the management system are being achieved, beyond determining whether a criterion has been met. It considers both the extent to which planned activities have been realised and the extent to which performance objectives and indicators have been achieved.

6. What is 'ethical storage'?

In Indicator 4 Level AA, 'ethical storage' refers to the notion that companies and facilities protect personal data, store it safely and securely, and seek informed consent of workers when acquiring and using it. Facilities should give workers examples of how the data will be used and have a mechanism for workers to withdraw consent for use of their personal data at anytime. The data should not be used for any other purpose other than that for which it was collected. If the data is required for another purpose, the facility must seek worker's consent for any additional. Companies should also ensure anonymity when disclosing any workforce diversity data. Local data privacy laws and legislations should be followed in addition to this guidance.

Protocol Specific Guidance

7. Which groups are underrepresented in the mining sector?

In different national and local contexts, different groups are likely to be underrepresented and to experience varying degrees of vulnerability and marginalisation in the mining sector. Companies are encouraged to review relevant local legislation and available workforce and demographic data and collaborate with workers and relevant communities of interest to identify underrepresented groups in their respective local and national contexts.

The United Nations, for example, references "international instruments to combat specific forms of discrimination, including discrimination against indigenous peoples, migrants, minorities, people with disabilities, discrimination against women, racial and religious discrimination, or discrimination based on sexual orientation and gender identity".

In Canada, the Employment Equity Act identifies four employment equity groups: women, Aboriginal peoples, persons with disabilities, and members of visible minorities. In Australia, there are various legal frameworks in place to ensure employees are not unfairly disadvantaged on account of traits such as race and ethnicity, gender, religious affiliation, age, sexual orientation, socioeconomic status, or physical and mental disability.

The Australian Human Rights Commission has statutory responsibilities under the Age Discrimination Act 2004, Australian Human Rights Commission Act 1986, Disability Discrimination Act 1992, Racial Discrimination Act 1975, and the Sex Discrimination Act 1984.

In addition to the federal legislation, each state and territory in Australia has equal opportunity and anti-discrimination agencies, with statutory responsibilities. Commonwealth laws and the state/territory laws generally overlap. However, the laws apply in different ways and employers must comply with all legislation.

Companies are not limited by the definitions of international and local legal instruments and might use these as a starting point for discussion with their workers and relevant communities of interest when identifying groups underrepresented in the jurisdictions where they operate. While some companies

may begin these efforts by focusing on certain underrepresented groups, the ultimate objective should be to create a workplace that is equitable, diverse, and inclusive for everyone.

For more information, see:

United Nations. n.d. Equality and Non-Discrimination. (This webpage contains links to international instruments to combat specific forms of discrimination.)

Australian Human Rights Commission. 2014. Good practice, good business – A quick guide to Australian discrimination laws. (This document provides information on the areas covered by Federal, State and Territory laws)

8. *What is the relationship between 'equity' and 'merit'?*

Merit involves assessment based on a clear definition of someone's knowledge, experience, and ability through formal evaluation of performance and achievement. It is a concept that attempts to replace pre-existing systems based on inherited privilege. It is understood, however, that factors such as class, gender and race continue to contribute to unearned access, benefits, and opportunities for individual members of historically privileged social groups with high levels of power. Harvard University's Glossary of Diversity, Inclusion and Belonging (DIB) Terms defines privilege as: An unearned, sustained advantage that comes from race, gender, sexuality, ability, socioeconomic status, age, and other differences.

The Champions of Change Coalition (2016) highlighted the need for merit to consider both performance and potential. They note that past performance can be assessed but the evaluation of potential is subjective resulting in a bias that may over value experience and under value transferable skills and experience.

It is understood that people experience individual discrimination as well as systemic discrimination-- institutionalised practices that are embedded in social institutions such as government, policy, religion, education, and organisations. These practices present barriers that prevent or impose restrictions on members of society from accessing, using, or doing something that is readily available to others.

Equity seeks to eliminate barriers to full participation of individuals and groups in society by identifying and accommodating diverse needs. One common example involves constructing ramps to facilitate entry into buildings, meeting the needs of people in wheelchairs, as well as those with strollers, luggage, canes, etc. Another example is the construction of private, gender-neutral bathroom and shower facilities at a mine site. Employment equity, not to be confused with affirmative action programs, involves policies and practices that encourage workplaces to be free of barriers and to correct conditions of disadvantage in employment.

For more information see:

Harvard Human Resources. n.d. Glossary of Diversity, Inclusion and Belonging (DIB) Terms.

Champions of Change Coalition. 2016. In the eye of the beholder – avoiding the merit trap

9. *What should a company consider when developing a strategy for equitable, diverse, and inclusive workplaces?*

The TSM Framework on Equitable, Diverse, and Inclusive Workplaces provides a collective set of commitments to which companies should refer when developing a corporate strategy. Through engagement and analysis, companies should seek to identify gaps and opportunities, set objectives, and develop action plans.

The Mining Industry Human Resources Council (MiHR) also offers a Gender Equity in Mining program that supports companies in identifying, analysing, setting objectives for equitable, diverse, and inclusive workplaces, specifying the importance of changing processes. It is a year-long program that builds networks of like-minded mining companies or sites who collaborate to learn from one another,

share successes and challenges, and offer mutual support to remove unintended barriers to gender inclusion.

Important guidance on developing a corporate strategy is available from:

The Centre for Global Inclusion. 2021. [Global Diversity, Equity & Inclusion Benchmarks: Standards for Organizations Around the World](). (This document provides a detailed benchmarking standard that can be used by organisations as a strategic planning tool on diversity, equity, and inclusion.)

Canadian Centre for Diversity and Inclusion. 2014. [Locking in Your Leadership: Toolkit for Developing a Diversity and Inclusion Strategy](). (This document provides a framework for creating a diversity and inclusion strategy document that can be customised to different organisations.)

The University of British Columbia. 2022. [Activating Inclusion Toolkit: Equity, Diversity, and Inclusion through Systems Change](). (This document supports organisations in understanding equity, diversity, and inclusion initiative in the broader organisational context and in articulating their strategic plans for change.)

10. How can a company effectively engage with a cross-section of people who bring diverse perspectives and experiences, including individuals who are underrepresented in the mining industry?

In developing strategies and processes at Level A, corporate offices and facilities are required to engage people with a wide range of perspectives and experiences, including from relevant labour or worker groups, and with a particular focus on individuals from groups that tend to be underrepresented in the mining industry. The intent of this criterion is to ensure that companies promote shared responsibility for equitable, diverse, and inclusive workplaces by engaging with people both internal and external to the company. Engagement with external communities of interest is of particular importance if a company's internal worker base includes a limited number of individuals from underrepresented groups. Within the company, efforts should also be made to involve people from a variety of business areas (e.g., procurement, finance).

Companies should plan inclusive and accessible feedback or engagement processes that provide opportunities for all people, particularly individuals belonging to underrepresented groups or populations that may be at heightened risk of vulnerability or marginalisation. While not all individuals or groups will participate in these processes, the company should demonstrate that these engagement opportunities are available.

To facilitate participation from a wide range of people, the company should consider creating space for engagement during regular working hours and treat worker involvement in these processes as part of regular business activities—not an additional volunteer responsibility. Participation may be encouraged through inclusive planning but should remain voluntary. Using mixed strategies that facilitate discussion (e.g., focus groups) as well as opportunities for anonymous or confidential input (e.g., surveys) may also be helpful. To foster meaningful participation, engagement processes may, for example:

- use clear and inclusive language

- use a neutral facilitator who can create a psychologically safe environment

- provide options for individuals of varying abilities.

- integrate different approaches to support dialogue, listening, and creative thinking.

- establish or refer to 'rules of engagement' (e.g., respect, valuing diversity).

- implement processes to ensure confidentiality, where appropriate or requested.

- have worker support available (e.g., employee assistance program)

11. What are some ways to assess the competency of corporate leadership related to equitable, diverse, and inclusive workplaces?

Independent experts engaged to assess corporate leadership competency may use a variety of methodologies, such as:

- annual self-reflection exercises using questionnaires.

- a facilitated reflection session.

- verification that basic training has been completed.

- demonstration of how inclusion and respect are considered in decision-making processes.

12. What kinds of objectives can a company set for equitable, diverse, and inclusive recruitment, retention, and representation among corporate leadership?

There are a range of evidence-based objectives that a company can set for corporate leadership recruitment, retention, and engagement. These might include quantitative objectives (e.g., diverse representation; compensation equity; retention rates for individuals from underrepresented groups; budget allocation to relevant initiatives) or qualitative objectives (e.g., reported feelings of belonging, inclusion, or engagement assessed via regular surveys or interview). A company may also set process-related objectives (e.g., implementing a policy that all candidate pools meet certain diverse representation requirements; requirements for training awareness related to equity, diversity, and inclusion; establishment of a senior-level committee).

13. How can companies promote board accountability for equitable, diverse, and inclusive workplaces?

An important way to improve accountability is through enhanced reporting to the board on key metrics related to equitable, diverse, and inclusive workplaces. For example, the Minerals Council of Australia (MCA) has developed an industry toolkit with metrics on sexual harassment that can be reported as part of safety reporting, providing more complete information on both physical and psychological health and safety in the workplace.

Minerals Council of Australia. 2021. Respect@Work: Board Reporting Framework.

14. What types of training or awareness programs are relevant for workers and management?

Facilities may consider a wide range of training or awareness programs and formats related to equity, diversity, and inclusion. For example, programs related to:

- bystander interventions

- psychological safety

- discrimination

- stereotyping

- cross-cultural awareness and competency

- conscious and unconscious bias

- microaggressions

- mental health

- anti-racism and anti-oppression

- power and privilege

- harassment and violence, including sexual and gender-based acts

- allyship (i.e., nurturing relationships to support inclusion of individuals from underrepresented groups)

Facilities should identify and prioritise training needs through engagement with workers and other relevant communities of interest. Facilities can also identify training needs through the results of internal or external reviews, or analysis of issues reported through worker response mechanisms. Training requirements should be embedded in onboarding processes and on an ongoing basis. To encourage meaningful participation by workers and management in training and awareness programs, companies should consider articulating to workers how these programs are linked to the organisation's overall vision and mission.

Examples of relevant training programs include the Mining Industry Human Resources Council's online training programs on Indigenous and intercultural awareness:

Mining Industry Human Resources Council. 2022. Indigenous Awareness Training.

Mining Industry Human Resources Council. 2020. Intercultural Awareness Training.

Other useful resources include:

ACEC British Columbia. 2022. Allyship Practices to Foster Inclusion and Belonging.

HCMA. 2018. Designing for Inclusivity Strategies for Universal Washrooms and Change Rooms in Community and Recreation Facilities.

15. Can corporate actions be used to meet facility-level criteria?

Corporate policies, programs, or reporting can be used to meet criteria at the facility level. For example, corporate policies on human resources can be used to meet facility-level requirements if the facility can demonstrate that these policies are in fact being implemented. Corporate reporting can also be used to meet facility-level reporting requirements if information is disaggregated by facility. For example, a corporate report with baseline data on equitable, diverse, and inclusive workplaces (e.g., proportion of women or Indigenous people in the organisation) would need to provide this information for each facility. In the absence of corporate policies or strategies, facilities can design and implement their own processes to meet the requirements of Indicators 2 and 3.

16. How can a facility ensure that workplace communications are accessible, inclusive, and culturally appropriate?

Facilities can refer to several expert resources for guidance on workplace communications. For example:

IncludeAbility. 2021. Guide: Creating Accessible and Inclusive Communications. (This document provides guidance for organisations to establish, employees' communication needs, use inclusive language, and ensure access and inclusion in both written communications and in meetings.)

Queensland Government. n.d. Inclusive Communications Guide. (This document provides key principles and examples of practices to avoid when it comes to inclusive language, interactions, decision-making, meetings, and more.)

Karapita, Mike, e.d. 2017. Inclusive Language in Media: A Canadian Style Guide. (This document provides guidance to media practitioners in Canada on how to address and describe disability in communications.)

Public Works and Government Services Canada Translation Bureau. 2015. Elimination of Stereotyping in Written Communications. (This webpage lists examples of stereotyping and how to resolve them in written communications.)

17. What are examples of pathways to achieve diverse representation at different levels of the organisation and across different employment fields?

There are many ways in which a facility can provide pathways to improve diverse representation at different levels of the organisation and across different functional areas of the company. For example:

- Training to support workers' career progression or to develop skills in new functional areas of interest to workers

- Participating in mentorship

- Succession planning that takes diversity objectives into consideration

- Identification and application of competencies related to equity, diversity, and inclusion in job descriptions.

18. How can a facility identify and address biases or barriers to equity, diversity, and inclusion in its existing processes?

There are many types of reviews or analyses that can be conducted to identify biases or barriers to equity and inclusion in existing processes. Some examples include:

- review of recruitment or procurement processes, including recruitment agencies.

- survey of worker perception of fair treatment, including through exit interviews.

- effort to ensure equitable access to information about available jobs, skills development opportunities, and benefits, including for employees on leave.

- resources and support for training and development opportunities.

- accessibility audit to assess whether physical facilities are safe, inclusive, and welcoming to all.

- review of performance management practices, and retention and promotion policies.

- review of dress code and grooming policies.

To address the biases and barriers identified, there are several steps that facilities can take. For example, ensuring at least one candidate from an underrepresented group in every interview process for an open position.

19. What kinds of training opportunities can facilities provide for local rightsholders and underrepresented groups?

Facilities may provide direct or indirect training opportunities for local rightsholders and underrepresented groups, with the aim of supporting their recruitment and advancement within the organisation. The facility is responsible for working with its communities of interest to define and identify relevant local rightsholders and underrepresented groups. For example, a facility could:

- provide on-the-job training to an individual or cohort of individuals.

- organise and fund training sessions or programs administered by a third party to support the development of skills and knowledge required for employment in different areas of the facility.

- provide scholarships or other forms of financial support for advanced training at colleges or universities.

In Canada, the Mining Industry Human Resources Council (MiHR) has work readiness training programs for Indigenous peoples that teaches skills using industry examples, tools, documents and traditional Indigenous teaching methods and mediums. More information is available at:

MiHR. 2022. Mining Essentials: Work Readiness Training for Indigenous Peoples.

MiHR. 2022. [Mining Potential: Engaging Women, Youth, and Newcomers in Mining](#).

20. How can facilities analyse patterns of inequities in worker compensation and benefits?

Many government and non-government organisations have developed guidance on the analysis of worker compensation inequities along with tools to help employers design equitable remuneration policies that address the systemic nature of pay discrimination, ensuring individuals receive equal pay for work of equal value. In some operations, benefits may be determined at the corporate level. Where this is the case, facilities can use this information in their analysis. See, for example:

Australian Government. 2019. [The gender pay gap calculator](#). (This tool helps companies calculate gender representation gaps, gender pay differentials and relative gender pay gaps, among other useful variables.)

Australian Government. 2017. [Quick guide to designing an equitable remuneration policy](#). (This webpage provides useful examples and leading practices for gender-equitable remuneration policies.)

Australian Government. 2017. [Pay equity and legal risk management](#). (This webpage provides a series of considerations to manage legal risk in relation to pay equity.)

Australian Government. 2016. [Guide to gender pay equity](#). (This document helps organisations to identify and analyse gender-related pay gaps and establish strategies to manage and improve gender pay equity.)

In some jurisdictions, compensation equity analyses or action may already be prescribed. In these cases, companies will need to align their practices with jurisdictional requirements. For example, in the Canadian context, the Pay Equity Act ensures that employees in federally regulated workplaces receive equal pay for work of equal value. The Canadian Human Rights Act also states that "[I]t is a discriminatory practice for an employer to establish or maintain differences in wages between male and female employees employed in the same establishment who are performing work of equal value". In the Canadian province of Quebec, a provincial Pay Equity Act further establishes requirements "to redress differences in compensation due to the systemic gender discrimination suffered by persons who occupy positions in predominantly female job classes".

For more information on these examples of legislation, see:

[Pay Equity Act](#) (S.C. 2018, c. 27, s. 416).

[Canadian Human Rights Act](#) (R.S.C., 1985, c. H-6).

E-12.001. [Pay Equity Act](#).

Pay Equity Commission. 2019. [Guide to Understanding the Pay Equity Act](#).

21. How can a facility promote equitable, diverse, and inclusive workplaces in their supply chains?

A facility can take a variety of actions to promote equitable, diverse, and inclusive workplaces within their supply chains. In cases where procurement decisions are made at the corporate office, corporate policies and practices that apply at the facility level can be used to meet requirements for supply chain engagement. For example:

- Develop internal processes that consider supplier commitments and actions to foster equitable, diverse, and inclusive workplaces, among other factors, as part of the supplier selection process.

- Require vendors to sign off on a code of conduct that includes commitments related to equity, diversity, and inclusion.

- Apply a diversity lens to the ownership profile of potential suppliers and consider this factor in the supplier selection process.

- Set objectives for equity, diversity, and inclusion in the facility's supply chain.
- Provide awareness and training programs for contractors and suppliers related to equity, diversity, and inclusion.

22. Which individuals or groups should be considered 'local'?

Indicator 1 of the TSM Indigenous and Community Relationships Protocol requires facilities to have processes in place for identifying communities of interest, including those underrepresented within the local context. As part of this process, and in consultation with communities of interest, facilities can define parameters for considering individuals or groups as 'local', 'regional', or other distinctions that may be useful in supporting engagement. Who is considered 'local' will vary from site to site. Identification of local rightsholders should be done in consultation with local communities of interest.

23. What is the difference between 'information' and 'relevant data'?

Data are the facts or details from which information is derived. Individual pieces of data are rarely useful alone. For data to become information, data needs to be put into context. In order to report information on demographic diversity, the facility first needs to collect relevant data based on the scope and methods defined as per Indicator 3, Level A, Clause 1. The data collected should then be analysed and contextualised to develop the information that will then be reported as per Indicator 3, Level A, Clause 2.

24. What types of qualitative and quantitative data can be used to measure equitable, diverse, and inclusive workplaces?

There are a range of approaches that facilities can use to measure and assess equitable, diverse, and inclusive workplaces. For example, worker engagement and belonging surveys, culture surveys, audits of pay equity, human rights assessments, exit interviews, and disability management audits. Priority areas for and approaches to data collection should be identified through engagement with workers and relevant communities of interest.

Some examples of reporting frameworks related to equity, diversity, and inclusion include:

Global Reporting Initiative. 2016. GRI 405: Diversity and Equal Opportunity. (This document provides examples of data and information that can be reported related to diversity and equal opportunity. For example, gender and age data for an organisation's governance bodies or workforce.)

Bloomberg. 2022. Gender Reporting Framework. (This document includes detailed information on how to measure and track data related to the achievement of gender equity in the workplace.)

Minerals Council of Australia. 2021. Example Culture Survey. (This document provides an example of questions that can be asked by an organisation in a culture survey, which can provide important data related to equity, diversity, and inclusion.)

25. What are some examples of performance objectives for equitable, diverse, and inclusive workplaces?

There are a range of approaches for setting qualitative or quantitative performance objectives related to equitable, diverse, and inclusive workplaces. Any performance objectives should be set based on data, analysis, and engagement to identify key challenges and opportunities to promote equitable, diverse, and inclusive workplaces. It is important to set objectives across all three areas. For example:

- Equity-related objectives – such as targets to debias processes related to compensation, benefits, engagement, and advancement, or targets for employee training.
- Diversity-related objectives – such as increases in representation and retention rates for workers or supply chain stakeholders, or across functional areas.
- Inclusion-related objectives – such as improvements in reported worker belonging or allyship practices.

For more examples, see:

Canadian Centre for Diversity and Inclusion. 2014. [Locking in Your Leadership: Toolkit for Developing a Diversity and Inclusion Strategy](#). (This document offers several examples of possible objectives that a company might set related to equity, diversity, and inclusion.)

The Centre for Global Inclusion. 2021. [Global Diversity, Equity & Inclusion Benchmarks: Standards for Organizations Around the World](#). (This document provides a detailed benchmarking standard that can be used by organisations as a strategic planning tool on diversity, equity, and inclusion.)

APPENDIX 2: EQUITABLE, DIVERSE AND INCLUSIVE WORKPLACES

SELF ASSESSMENT CHECKLIST

Facility Name:		Company Name:	
Assessed By:		Date Submitted:	

Supporting Documentation / Evidence:	
NAME OF DOCUMENT	**LOCATION**

Interviewees:			
NAME	**POSITION**	**NAME**	**POSITION**

INDICATOR 1: LEADERSHIP AND STRATEGY (CORPORATE CRITERIA)

	QUESTION	Y	N	NA	DESCRIPTION & EVIDENCE
Level B	1. Is there a corporate commitment to foster an equitable, diverse, and inclusive workplace?				
	2. Is there an action plan to meet all Level A requirements?				
	If you have answered "Yes" to all the Level B questions, continue to the Level A questions. If you have not answered "Yes" to all the Level B questions, assess the facility as a Level C.				
Level A	1. Is there a corporate commitment aligned with the Framework on Equitable, Diverse, and Inclusive Workplaces?				
	2. Has a corporate strategy been developed through engagement with a cross-section of people who bring diverse perspectives and experiences and includes relevant labour or worker groups and individuals who are underrepresented in the mining industry? Does the strategy include:				
	a. Internal objectives supported by action plans?				
	b. Training or awareness programs?				
	c. A process for annual management review of the strategy and progress towards internal objectives, with results reported to corporate leadership?				
	d. Clear roles, responsibilities, accountabilities, and resources?				

	QUESTION	Y	N	NA	DESCRIPTION & EVIDENCE
Level A	3. Is the corporate strategy communicated to workers and, where relevant, to external communities of interest?				
	4. Is the board aware of the corporate strategy and does it receive updates on progress towards implementation?				
	5. Is there a process to report to corporate leadership the number and types of issues reported to the organisation's reporting and response mechanisms, as well as anonymised information on the response, resolution, and remediation of such issues?				
	If you have answered "Yes" to all the Level A questions, continue to the Level AA questions. If you have not answered "Yes" to all the Level A questions, assess the facility as a Level B.				
Level AA	1. Is the strategy developed at Level A implemented?				
	2. Is there a process for ongoing engagement to review and update the corporate strategy?				
	3. Do workers receive updates on implementation of the corporate strategy and the number and types of issues reported to the organisation's reporting and response mechanisms?				
	4. Are objectives set for equitable, diverse, and inclusive recruitment, retention, and representation among corporate leadership, with public reporting on progress towards these objectives?				
	If you have answered "Yes" to all the Level AA questions, continue to the Level AAA questions. If you have not answered "Yes" to all the Level AA questions, assess the facility as a Level A.				

	QUESTION	Y	N	NA	DESCRIPTION & EVIDENCE
Level AAA	1. Is there an independent review of the following at least every three years of:				
	a. Workplace culture, the scope of which is aligned with the corporate strategy and based on priorities identified by management and workers? Are results used to inform further engagement and updates to the corporate strategy?				
	b. The competency of corporate leadership related to equitable, diverse, and inclusive workplaces?				
	2. Does the corporate strategy include implementation of the requirements of indicators 2 and 3 of this protocol at all offices and sites?				
	3. Are board and management structures, accountabilities, responsibilities, and reporting processes related to the governance of equity, diversity and inclusion in place?				
	4. Is there public reporting on the number and types of issues reported to the organisation's reporting and response mechanisms?				
	5. Are objectives for diverse recruitment, retention, and representation among corporate leadership set at Level AA and are they met and reported publicly, along with plans for continual improvement?				
	If you have answered "Yes" to all the Level AAA questions, assess the facility as a Level AAA. If you have not answered "Yes" to all the Level AAA questions, assess the facility as a Level AA.				
	ASSESSED LEVEL OF PERFORMANCE FOR INDICATOR 1			**Level: ____**	

INDICATOR 2: ADVANCING EQUITY, DIVERSITY, AND INCLUSION (FACILITY CRITERIA)

	QUESTION	Y	N	NA	DESCRIPTION & EVIDENCE
Level B	1. Are some initiatives or processes in place to foster a workplace culture of equity, diversity, and inclusion?				
	2. Are workplace communications accessible, inclusive, and culturally appropriate?				
	3. Where there are existing priority employment or business opportunity agreements for members of designated communities, has the facility and community collaboratively establish a process to validate the identity and status of candidates and businesses?				
	4. Is there an action plan to meet all Level A requirements?				
	If you have answered "Yes" to all the Level B questions, continue to the Level A questions. If you have not answered "Yes" to all the Level B questions, assess the facility as a Level C.				
Level A	1. Are procedures and processes developed to foster a workplace culture of equity, diversity, and inclusion? Are these informed through engagement with a cross-section of people who bring diverse perspectives and experiences and do they include relevant labour or worker groups and individuals who are underrepresented in the mining industry? Do these processes include:				
	a. Clear roles, responsibilities, accountabilities, and resources to promote shared responsibility for equity, diversity, and inclusion?				
	b. Review of existing processes, including recruitment, performance management, skills development, retention, and advancement, to identify biases or barriers to equity and inclusion?				

	QUESTION	Y	N	NA	DESCRIPTION & EVIDENCE
Level A	c. Analysis of patterns of inequities in worker compensation and benefits?				
	2. Are training or awareness programs related to equity, diversity, and inclusion available to all workers and management?				
	If you have answered "Yes" to all the Level A questions, continue to the Level AA questions. If you have not answered "Yes" to all the Level A questions, assess the facility as a Level B.				
Level AA	1. Are processes implemented that aim to:				
	a. Mitigate potential for bias in recruitment, performance management, skills development opportunities, retention, and advancement processes?				
	b. Achieve a workforce that reflects local demographics and provides economic, employment, and training opportunities for local rightsholders and/or members of underrepresented groups?				
	c. Promote diverse representation consistent with regional or national demographics if workers are recruited from outside of local communities?				
	d. Provide pathways to achieve diverse representation at different levels of the organization and across different employment fields?				
	e. Address patterns of inequities in worker compensation and benefits identified at Level A?				
	2. Does the facility make suppliers and service providers aware of its processes to advance equity, diversity, and inclusion?				
	If you have answered "Yes" to all the Level AA questions, continue to the Level AAA questions. If you have not answered "Yes" to all the Level AA questions, assess the facility as a Level A.				

	QUESTION	Y	N	NA	DESCRIPTION & EVIDENCE
Level AAA	1. Is there an evaluation of effectiveness at least every three years of the Level A and Level AA criteria?				
	a. Does the evaluation engage a cross-section of people who bring diverse perspectives and experiences and includes relevant labour or worker groups and individuals who are underrepresented in the mining industry?				
	b. Are results of the evaluation communicated to workers and reported publicly?				
	2. Are there processes in place to ensure that workers and management participate in training or awareness programs related to equity, diversity, and inclusion?				
	3. Does the facility integrate the principles of equity, diversity, and inclusion into its procurement processes and contractor relationships?				
	If you have answered "Yes" to all the Level AAA questions, assess the facility as a Level AAA. If you have not answered "Yes" to all the Level AAA questions, assess the facility as a Level AA.				
	ASSESSED LEVEL OF PERFORMANCE FOR INDICATOR 2			**Level: ____**	

INDICATOR 3: PSYCHOLOGICAL SAFETY AND RESPECTFUL BEHAVIOUR

	QUESTION	Y	N	NA	DESCRIPTION & EVIDENCE
Level B	1. Does the facility collect data on demographic diversity (except in jurisdictions that prohibit collection of relevant data)?				
	2. Is a preliminary scope defined, and methods developed for data collection and reporting on equitable, diverse, and inclusive workplaces?				
	3. Is there an action plan to meet all Level A requirements?				
	If you have answered "Yes" to all the Level B questions, continue to the Level A questions. If you have not answered "Yes" to all the Level B questions, assess the facility as a Level C.				
Level A	1. Are the scope and methods for data collection and reporting informed through engagement with a cross-section of people who bring diverse perspectives and experiences and include relevant labour or worker groups and individuals who are underrepresented in the mining industry?				
	2. Does the facility publicly report information on demographic diversity (except in jurisdictions that prohibit collection of such data) and conduct ongoing monitoring and analysis?				
	3. Where worker information or feedback is requested as part of the information gathering process, in compliance with any relevant privacy laws, is there clear communication to workers of:				
	a. The purpose for which the worker information or feedback will be used?				
	b. The confidential and voluntary nature of worker participation in the process?				
	c. Processes to protect worker anonymity when analysing and communicating results?				

	QUESTION	Y	N	NA	DESCRIPTION & EVIDENCE
Level A	d. Safe and ethical storage, and intended use, of any data or information collected?				
	If you have answered "Yes" to all the Level A questions, continue to the Level AA questions. If you have not answered "Yes" to all the Level A questions, assess the facility as a Level B.				
Level AA	1. Does the facility publicly report qualitative and/or quantitative information related to equitable, diverse, and inclusive workplaces and conduct ongoing monitoring and analysis?				
	2. Does the facility set performance objectives, or apply performance objectives set at the corporate level, related to equitable, diverse, and inclusive workplaces? Do these include:				
	a. Collaboration with local rights holding communities and underrepresented groups to set objectives for employment of individuals from those communities?				
	b. Action plans developed to achieve performance objectives?				
	c. Demonstration of progress towards performance objectives and internal reporting on this progress?				
	If you have answered "Yes" to all the Level AA questions, continue to the Level AAA questions. If you have not answered "Yes" to all the Level AA questions, assess the facility as a Level A.				
Level AAA	1. Is there public reporting that describes progress towards the performance objectives set at Level AA?				
	If you have answered "Yes" to all the Level AAA questions, assess the facility as a Level AAA. If you have not answered "Yes" to all the Level AAA questions, assess the facility as a Level AA.				
	ASSESSED LEVEL OF PERFORMANCE FOR INDICATOR 3			**Level: _____**	