Native Women's Association of Canada

L'Association des femmes autochtones du Canada

Indigenous Gender-based Analysis for Informing the Canadian Minerals and Metals Plan

Policy Paper

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Contents

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Introduction and Background

The Native Women's Association of Canada (NWAC) is a National Indigenous Organization representing the political voice of Indigenous women, children, Two-Spirit, and gender diverse people in Canada, inclusive of First Nations on and off reserve, status and non-status, disenfranchised, Métis, and Inuit. An aggregate of twelve Indigenous women's organizations, NWAC was founded on the collective goal to enhance, promote, and foster the social, economic, cultural and political well-being of Indigenous women within their respective communities and Canadian societies.

For over 44 years, NWAC has established strong and lasting governance structures, decision-making processes, financial policies and procedures, and networks to help achieve its overall mission and goals. Today, NWAC engages in national and international advocacy aimed at legislative and policy reforms that promote equality for Indigenous women, girls, Two-Spirit, and gender diverse people, including LGBTQ+ people. Through advocacy, policy, and legislative analysis, NWAC works to preserve Indigenous culture and advance the well-being of all Indigenous women, girls, and gender-diverse people, as well as their families and communities.

NWAC has undertaken this Indigenous gender-based analysis of the effects of exploration and mining activities on Indigenous women for the purpose of informing the Minerals and Metals Plan. This analysis identifies the positive and negative effects of the mining industry on Indigenous women and children as identified in the existing body of literature and statistics, proposes recommendations to minimize the deleterious effects of exploration and mining activities while maximizing the benefits, and identifies areas of needed further research. In particular, the lack of primary data on the experiences of Two-spirited and gender-diverse Indigenous peoples is a major impediment to analysing and understanding the effects of mining activities on these groups.

NWAC acknowledges the financial support of the Government of Canada with developing this submission.

Summary

This paper is the product of a culturally relevant, gender-based analysis of the existing literature, law and statistics related to exploration and mining activities that may have disproportionately positive and negative effects on Indigenous women, girls, Two-spirited, and gender-diverse persons. While the lack of data and information on the experiences of Two-spirited and gender diverse Indigenous persons has constituted a major impediment to conducting a gender-based analysis of the effects of mining activities on these groups, it is ultimately an important finding that primary research into these effects must be supported.

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Indigenous women have unique and more proximate social and cultural relationships with nature than non-Indigenous groups. The intersectionality of their gender and indigeneity equip Indigenous women and girls with special roles, knowledge and responsibilities, but also expose them to greater risks. The socio-cultural relationships of Indigenous women with nature and their physiology result in pronounced negative effects of local mining-related environmental impacts.

While exploration activities tend to have comparatively minor environmental impacts to mining activities, the marginalization of Indigenous women from the discussions and negotiations related to industrial projects, even exploration activities, highlights the gender inequity that is perpetuated when industry and governments fail to adequately engage with them on these matters.

Indigenous women continue to engage in mixed economic activity, including traditional gathering practices as a means of complementing nutritional sources. These traditional activities are important not only for cultural and spiritual well-being, but also for physical health due to the disproportionate rates at which Indigenous women and children face food insecurity and poverty.

The physiological life stages some women pass through also exposes them to disproportionate environmental effects due to heightened vulnerability during pregnancy and the accumulation of toxins in fat cells. The bioaccumulation of mining-related toxins exposes women to greater risks of disease and complications during pregnancy. The geographical and socio-cultural proximity to mining-related environmental effects compounds this vulnerability and results in disproportionate negative environmental effects on Indigenous women than non-Indigenous persons and even Indigenous men.

While Indigenous women likely suffer disproportionate negative environmental effects from mining activities locally, the potential role of the mining industry in supporting the transition to renewable energies may result in some significant environmental benefits for Indigenous women. Moreover, because Indigenous women disproportionately suffer from the negative effects of climate change, the important role of Canada's mining industry in combating climate change will result in significant benefits for Indigenous women, should the transition to renewable energies be successful.

The purposeful exclusion of Indigenous women from community decision making, consultations, and negotiations with the private sector perpetuate the continued disproportionate negative environmental and social-economic effects of industrial activities on Indigenous women and girls. Consultation processes require good faith on the part of both the Crown and community. The marginalization of the voices and concerns of Indigenous women from these processes undermine the legitimacy of the ultimate decisions and agreements.

Sexual violence, harassment and discrimination are prevalent realities for Indigenous women that are often exacerbated by the presence of industrial projects, including mining projects. The persistence of "rigger culture" in mining work sites and work camps perpetuates a form of racism and misogyny the undermines the human worth of Indigenous women and exposes them to heinous and entirely intolerable acts of sexual violence and discrimination. Whatever the positive economic

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effects of mining activities are or may be, the continued prevalence of these offences slides the scale firmly against a net socio-economic benefit for Indigenous women.

The failure of mining companies to exterminate rigger culture and the failure of governments to impose adequate administrative conditions and legislative and regulatory requirements to protect Indigenous women is not only a mammoth burden for Indigenous women to shoulder, it is a major obstacle for the industry to access a much-needed workforce and stands firmly in the way of developing trust-based relationships with local communities. Ultimately, so long as the presence of mining activities constitutes a threat of sexual violence, there cannot be a reasonable conclusion that the industry is a positive force for Indigenous women and girls. No community can ever be reasonably expected to support a project that puts their women and children at risk of rape.

Whether mining activities cause positive or negative effects on the public services and infrastructure on which Indigenous women depend will vary from project to project. The investments made by mining companies in building infrastructure, particularly in remote and northern regions, can bring significant benefits and opportunities to communities that have been, and would otherwise continue to be, secluded from mainstream economies. Company-community agreements can result in the attraction of jobs and spending that raise families out of poverty, but projects can also result in increased rates of substance abuse, criminal activities and mental health issues that strain public health, policing resources, and prevent individuals from participating in income earning.

Ensuring that the presence of mining activities results in net benefits to the public services and infrastructures of Indigenous peoples requires careful planning and discussions. Failure to account for the concerns and interests of Indigenous women in these processes will ensure that all the important variables are not properly accounted for and the negative effects of the project are far more likely to outweigh the positive ones.

The mining industry presents a significant opportunity for employment that can address poverty among Indigenous women while bridging the labour gap in mining operations. A lack of education and training in fields relevant to exploration and mining activities relegates most Indigenous employees to lower-income, entry-level positions while rigger culture and systemic racism create employment barriers that impede Indigenous women from advancing their careers in the industry.

Both employers and Indigenous women would benefit from more proactive approaches to education and training as well as familial and cultural accommodations. The industry faces a significant labour gap in the coming decade that can most reasonably be filled by a properly trained Indigenous workforce. Efforts to attract and support Indigenous women in education and training courses relevant to mining can equip the women with the tools they need for long-term successful careers while providing employers with the skilled workforce they require. Representing between three and five percent of Canada's gross domestic product and directly employing over 400,000 people, the importance of the industry to the national economy cannot be overstated.

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The ongoing gender gap in the industry must be addressed through concerted efforts to eliminate rigger culture and to accommodate the familial and cultural responsibilities of Indigenous women. Employers should undertake genuine efforts to equip Indigenous women and gender-diverse employees with training and education necessary to access career advancement. This will also require meaningful efforts on the part of governments to address education needs of Indigenous children at the primary and secondary levels. Moreover, industry must take responsibility for educating their non-Indigenous employees on creating culturally-safe spaces for Indigenous women employees. Efforts to reduce barriers to employment and career advancement for Indigenous women will provide a sizeable qualified workforce to narrow the labour and wage gap facing the industry.

Exploration and mining activities present both positive and negative environmental and socioeconomic effects. Ultimately, however, the continued prevalence of sexual violence, discrimination, and harassment inflicted upon Indigenous women in relation to, and by, these activities will eclipse the purported benefits. Eliminating these despicable actions and effects of mining activities is vital for the well-being of Indigenous women, the health of the lands and waters, the success of the industry, and Canada's transition to a low-carbon economy.

Glossary

Country food: Traditional food sources among Indigenous cultural practices, including game meat, fruits, vegetables, and natural fats.

Deleterious effects: Effects that cause harm to the environment, human health, social structures or institutions, or culture.

Deleterious substances: Classes of substances that can cause harm to human health and the environment. For instance, Prescribed Deleterious Substances set out under section 3 of the *Metal and Diamond Mining Regulations* (SOR/2002-222) under the *Fisheries Act*, including arsenic, copper, cyanide, lead, nickel, zinc, suspended solids, and radium 226

Disproportionate impacts: Impacts of certain activities, policies, decisions or systems, which present more commonly or which have greater effect on certain – often disadvantaged or marginalized – groups in comparison to other groups or the broader population in general.

Life resources: An all-encompassing term for the lands, waters, animals, plants, and creatures which sustain all life on Mother Earth (also understood as 'natural resources').

Intersectionality: The intersection of oppressive institutions such as racism, sexism, homophobia, transphobia, classism, etc.

Two-spirited: Some Indigenous people choose to identify as Two-Spirit rather than, or in addition to, identifying as lesbian, gay, bisexual, trans or queer, as an acknowledgement of intersecting

identities or in acknowledgement of pre-colonial gender and sexuality norms. The term is a translation of the Anishinaabemowin term *niizh manidoowag*, 'two spirits'. The term was coined by Myra Laramee at a gathering of native American and Canadian LGBTQ people in Manitoba in 1990. Other nations have terms or understanding in their languages that demonstrate distinct understandings of gender and sexuality.

Gender diverse persons: Refers to the range of possible identities and expressions of sex and gender that sexist outside of heterosexuality and the labels of male and female. Other umbrella terms for non-heterosexual and non-cisgendered peoples include gender-diverse, queer, and non-binary.

Note: The word 'woman', 'women' and female pronouns, where used, are meant to include all cis-women, trans-women, Two-Spirit people and gender diverse people unless otherwise stated.

Purpose

The purpose of this policy paper is to determine whether Indigenous women experience disproportionate negative and positive effects from exploration and mining activities, to identify the potential causes of these disproportionate effects, and to present recommendations on how the negative effects may be mitigated or eliminated and the positive effects may be enhanced.

Disclaimer – The purpose of this paper is to provide information, understanding, analysis, and recommendations of and on various impacted areas of mining activities for Indigenous women. It is not intended to be a substitute for community consultation with Indigenous women on resource extraction initiatives.

Issues and Research Questions

1. Whether exploration and mining activities have disproportionate positive and/or negative environmental impacts on Indigenous women, girls and Two-spirited and gender-diverse persons.
   a. Whether these disproportionate effects are related to the proximity of Indigenous communities to mining sites.
   b. Whether decision-making regarding the assessment and approval of mining projects sufficiently represents the views, concerns and interests of Indigenous women, girls and Two-spirited and gender-diverse persons.
2. Whether exploration and mining activities have disproportionate positive and/or negative socio-cultural impacts on Indigenous women, girls and Two-spirited and gender-diverse persons.
   a. Whether industrial projects have disproportionate effects on rates of sexual violence against Indigenous women and girls.
   b. Whether the impacts of mining activities on community resources and local infrastructure are positive or negative.
   c. Whether exploration and mining activities affect the traditional economic roles of Indigenous women.
   d. Whether the mining industry disproportionately affects Two-spirited and gender diverse people.
3. Whether exploration and mining activities have disproportionate positive and/or negative economic impacts on Indigenous women, girls and Two-spirited and gender diverse persons.
   a. Whether the mining industry constitutes a significant part of the Canadian economy.
   b. Whether there are economic opportunities for Canada's mining industry in a low-carbon, sustainable future.

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    c. Whether Indigenous women have equal opportunity to benefit from economic opportunities in the mining industry.

Scope

This paper looked at the effects of exploration and mining activities on Indigenous women at the national scale. While regions inevitably experience the benefits and burdens of particular economic activities differently across the country, the focus of this analysis has been on the environmental, social, economic and cultural effects at the national scope.

The analysis encompassed mining activities from exploration to resource extraction, the spiritual and cultural importance of the land and life resources for Indigenous women, and the economic importance of the mining industry's corporate operations; however, the primary focus of the analysis is on the industrial activities as this is where the bulk of the negative effects take place and where the greatest economic opportunities exist.

While it was the intent of this paper to assess the positive and negative effects of the industry on Two-spirited and gender diverse people, the lack of existing research and data on these groups has made such an analysis untenable other than to find that there is insufficient data and to recommend that primary research be supported to gain a better understanding of these issues and opportunities.

Methodologies

Environmental Scan
NWAC undertook an environmental scan of relevant research (community and academic), statistics, government reports, legislation, and jurisprudence to identify sources relevant to the effects of exploration and mining activities on Indigenous women and girls, Two-spirited and gender-diverse persons. This process identified existing sources of information on the issues, but also, importantly, areas of missing information.

The sources were organized based on their relevance to the categories of positive and negative effects, including environmental, social and cultural, and economic.

Literature Review
The purpose of the literature review was to summarize the findings of existing research, available statistics, relevant legislative provisions, and the findings of the court in the relevant matters. This process allowed the authors to review the relevant sources, to begin the gender-based analysis process, and to organize the information for the purpose of writing this paper.

Through the completion of the literature review, sources were further organized in to sub-categories of positive and negative impacts: environmental effects were subdivided into climate change and direct local environmental effects; social and cultural effects were sub-categorized into

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violence, harassment, discrimination, and cultural and spiritual traditional practices; and economic effects were subdivided into industry importance, employment and employment opportunities, and barriers to employment and advancement.

Targeted Telephone Interviews

Targeted telephone interviews were undertaken with experts in the matter of the impacts of industrial projects on Indigenous women and girls. The aim of these interviews were to further discuss issues identified in the literature and gain further clarity and opinions on the causes of negative impacts and to explore potential solutions.

The interviewees are not quoted verbatim in this paper, however, their insights and policy prescriptions have informed the analysis and recommendations set out below.

The interviewees include: **Courtnay Hughes,** Senior Manager, Diversity & Inclusion Initiatives**,** Mining Industry Human Resources Council, and **Dr. Ginger Gibson,** Director, IBA Team Lead, The Firelight Group.

Culturally Relevant Gender-based Analysis

Upon collecting, reviewing and organizing the relevant sources and undertaking targeted telephone and in-person interviews with experts in the field, the authors applied a culturally relevant gender-based analysis of the information. This analysis identified the positive and negative effects of exploration and mining activities on Indigenous women and girls and informed the paper's recommendations.

Applying a culturally relevant and gendered lens to the information is important to better understand whether and how Indigenous women and girls are disproportionately impacted by mining and mining-related activities. Indigenous women and girls live experiences different from non-Indigenous peoples and Indigenous men as a result of the intersectionality of multiple racial, gender, and cultural identities. Indigenous women's identities encompass world views, cultural practices, social responsibilities, and economic realities that are significantly different from non-Indigenous peoples. Indigenous women's close cultural, spiritual and physical relationships with the environment and life resources create an intimacy with the land that equips them with invaluable knowledge and responsibility. When allowed to grow, this intimacy is a powerful tool in cultural and environmental conservation. This intrinsic relationship also exposes Indigenous women and children to experiencing environmental violence more deeply than other populations.

The social roles of Indigenous women may vary from community to community; however, there are commonalities and realities that many Indigenous women share across the country. The more weighted role of caring for children and environmental stewardship are responsibilities and experiences that are often shared among Indigenous women. There is also solidarity in the devastating effects of violence, harassment and discrimination shared among far too many Indigenous women, disproportionately to the non-Indigenous population.

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Understanding that Indigenous women experience societal and natural phenomenon differently than current non-Indigenous structures consider as a result of the intersectionality of their identities enables us to better understand the underlying causes of these different experiences and to assess measures to stop the legacy of violence, abuse and marginalization while embracing equity, rights recognition, and opportunity.

Analysis

Indigenous Women and the Land

Indigenous women cover every geographical region in Canada representing cultures rich in knowledge, history, skills, and environmental stewardship. Historically, Indigenous women were sustaining societies, totally reliant on the bounty of the lands. Indigenous women's close relationship and dependence on the land is based on their understanding that life and livelihood is dependent upon the nurturing and caring of the land. Despite colonial impositions, Indigenous women have retained their roles as stewards of the land and are calling attention to the potential impacts of climate change and environmental violence on a population that is already vulnerable.

Land lies at the heart of social, cultural, spiritual, political, and economic life for Indigenous women. Land, water, and life resources are key assets for cultural and economic growth and development. Today, most Indigenous economies continue to rely heavily on agriculture and natural resources for a significant share of income, food needs, and employment. Land claims and land rights allocated by governments often conflict with traditional territories of First Nations, Inuit, and Métis communities. Settlers utilized deliberate and systemic means against Indigenous communities in attempts to quell traditional practices and beliefs as part of colonization and forced assimilation. As a result, community norms have been disrupted, including the roles and responsibilities of Indigenous women. Colonization is greatly responsible for the overthrowing of Indigenous forms of governance and self-determination such as the near termination of matriarchies.

Indigenous women were coerced into new ways of living, limiting their capacity to care for the land. Current governing structures within Indigenous communities no longer recognize women's participation and contributions to the same extent as that of traditional Indigenous societies. Indigenous women, girls, and gender-diverse individuals continue to face under representation and a lack of political voice in local, regional and national governments. Respectful and responsive reconciliation will empower Indigenous women by returning their voices and knowledge to their rightful place as decision-makers.

The relationship between Indigenous women and the land is often one of responsibility. Responsibility to the land and non-human entities means ensuring they are healthy and viable for future generations. Such responsibilities can range from acting as keepers and teachers of community-based ecological knowledge, to initiating action to protect the land and environment when it is threatened. What these specific responsibilities look like differ across communities.

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Despite responsibility differences, the health of the land is vital for Indigenous women's survival and the survival of their families and cultures. Any changes to biodiversity and access to traditional territories will directly affect Indigenous women's and girls' health, wellbeing, and identity.

Most of the responses to rapid environmental change, such as climate change, among Indigenous communities are unplanned and often occur as a natural response to loss of control of their lands, cultures and natural resources. Rapid change often means Indigenous people must quickly adjust to ecological, social, political, or economic systems as well as imposed values and resource use. However, change is crucial if a traditional way of living is to be sustained for future generations. This will require the full acknowledgement that Indigenous women and girls need to regain their traditional roles as leaders and teachers within their communities.

Environmental Effects

1. *The direct environmental effects of mining have disproportionately negative impacts on Indigenous women and girls due to their socio-cultural relationship with nature and their physiological vulnerabilities; however, the potential positive environmental effects of the industry's contributions to renewable energies may have significant and positive environmental effects with particular benefits for Indigenous women.*

The Indigenous population in what is now Canada is more likely to be affected by the environmental effects of mining activities due to the geographic proximity of exploration and mining activities to Indigenous people's territories and their social and cultural relationships with nature[1].

Most producing mines or exploration properties are located within 200 kilometers of Indigenous communities, and are often located on traditional lands.[2] Although the decades-long trend of urban migration among Indigenous populations continues, about half of Canada's Indigenous population continues to live in communities of fewer than 30,000 people.[3] About half of status First Nations people live on reserve and nearly three quarters of Inuit live in Inuit Nunangat (from Labrador, Nunavik, Nunavut and the Inuvialuit region of the Northwest Territories).[4]

As would be expected, about half of on-reserve populations are women and girls[5] and, importantly, the Indigenous population is young (averaging 32 years)[6] and is growing at a rate more than four times that of the non-Indigenous population (42.5%)[7]. While Canada has a relatively low

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[1] National Collaborating Centre for Aboriginal Health, "State of knowledge of Aboriginal Health: A Review of Aboriginal Public Health in Canada" (2012) at 24 < https://www.ccnsa-nccah.ca/docs/context/RPT-StateKnowledgeReview-EN.pdf > [NCCAH].
[2] Mining Association of Canada (2017) "Facts and Figures 2017: Facts and Figures of the Canadian Mining Industry" Retrieved from < http://mining.ca/sites/default/files/documents/Facts-and-Figures-2017.pdf > at p 45 [MAC].
[3] StatsCan, "Aboriginal peoples in Canada: Key results from the 2016 Census", The Daily (25 October 2017) https://www150.statcan.gc.ca/n1/daily-quotidien/171025/dq171025a-eng.htm [StatsCan –Key Results].
[4] National Household Survey, "Aboriginal Peoples in Canada: First Nations People, Métis and Inuit" StatsCan, at p 11 and 14, https://www12.statcan.gc.ca/nhs-enm/2011/as-sa/99-011-x/99-011-x2011001-eng.pdf.
[5] O'Donnell, Vivian and Wallace, Sussan, "First Nations, Métis and Inuit Women" StatsCan (July 2011) at p 14.
[6] StatsCan – Key Results, supra note 3, at p 2.
[7] Ibid, at p 1.

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population density when juxtaposed to other countries, the non-Indigenous population tends to be concentrated along the southern boarder while the Indigenous population tends to be distributed in more northern and remote locations.[8] The Largest concentrations of First Nations populations are in Ontario (24.2%) and Quebec (9.5%).[9] The highest concentrations of metal mining facilities are also located in Ontario and Quebec.[10]

Indigenous peoples tend to have a greater risk of exposure to heavy metals from industrial emission than non-Indigenous persons[11] because of their cultural, economic and spiritual relationships with nature[12] and their proximity to industrial waste[13].

Indigenous women are particularly disproportionately affected by these environmental effects as a result of life stages physiology[14] and their socio-economic vulnerability[15]. While exploration and mining activities often pose disproportionate risks to the environment and health of Indigenous women, the industry also presents some of the most important opportunities to combat climate change and provide meaningful employment and income to combat poverty among Indigenous women and their children. While Indigenous peoples are particularly vulnerable to the effects of climate change,[16] it is unrealistic to expect Indigenous women to genuflect to the detrimental effects of mining activities directly affecting them for the benefit of addressing climate change.

This section examines the impact that exploration and mining activities can have on natural environments vital to the physical, socio-economic and cultural well-being of Indigenous women, and provides recommendations on how governments and industry can minimize negative effects while maximizing benefits.

Exploration Activities
Canada's landscapes are rich in a wide variety of natural life resources, including forests, energy resources, and minerals and metals. Identifying these resources can be accomplished through processes as simple as observing the surface of the earth to ones which are highly complex, technical and invasive. Moreover, mineral and metals exploration activities include techniques that have almost no environmental effects, such as surveying, remote sensing, mapping and small-scale

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[8] NRCan, "Selected Thematic Maps: Population", (30 October 2017) https://www.nrcan.gc.ca/earth-sciences/geography/atlas-canada/selected-thematic-maps/16880.
[9] StatsCan –Key Results, supra note 3.
[10] Environment and Climate Change Canada, "Status Report on the Performance of Metal Mines Subject to the Metal Mining Effluent Regulations in 2015" (2015), at p 3 http://publications.gc.ca/collections/collection_2018/eccc/En11-14-2015-eng.pdf [Report - Mining Effluent].
[11] NCCAH, supra note 1, at p 24
[12] Ibid, at p 49.
[13] Ibid, at p 56.
[14] Mining Watch Canada, "Overburdened: Understanding the Impact of Mineral Extraction on Women's Health in Mining Communities" (May 2004) [https://miningwatch.ca/sites/default/files/Overburdened_0.pdf, at p 5 [Mining Watch].
[15] Statistics Canada. (24 December 2015). *Aboriginal Statistics at a Glance: 2nd Edition*. Retrieved from https://www150.statcan.gc.ca/n1/en/pub/89-645- x/89-645-x2015001-eng.pdf?st=UC2AaQmQ, at p 30 [At a Glance].
[16] Ford, James D., "Indigenous Health and Climate Change", American Journal of Public Health (July 2012) Vol 102, No 7, 1260-1266, at p 1260.

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sampling but also includes significantly more impactful techniques, such as trenching, stripping,[17] drilling, and support infrastructure[18].

Indigenous women often continue to engage in subsistence and mixed economic activities.[19] Despite the relatively minor environmental impacts of exploration activities, Indigenous women have clearly vested interests in the activities on the lands which they depend for sustenance and the processes for permitting exploration activities must consider these concerns.

Except where mineral and metal exploration falls within federal jurisdiction, provincial legislation governs these activities.[20] The concerns of local Indigenous peoples regarding exploratory activities can affect the extent of the Crown's duty to consult and accommodate prior to the issuance of exploratory permits despite the typically minimal environmental effects.[21] The federal government has been undertaking significant legislative amendment processes over the last two years in an effort to improve public confidence in environmental assessment processes.[22] These legislative amendments are discussed further below. It is suffice here to draw attention to the importance of involvement of Indigenous women in the impact assessment processes of mining activities given the potential for the materialization of disproportionate environmental effects on Indigenous women and girls.

Recommendation 1: Guidance documents and best practices for consultations with Indigenous women in regard to exploration activities should be developed in consultation with Indigenous women. These documents and best practices should ensure early, good faith engagement, open and transparent communication, and a focus on gender-specific issues and concerns.

Mining Activities

Minerals and metals mining activities in Canada are regulated at both the provincial[23] and federal[24] levels of government. Canada's minerals and metals supply important resources for a wide variety of products in the global economy; however, the domestic reserves and production capacity for 14 of the 19 metals and minerals needed for the production of typical solar panels[25] suggests that these resources may be even more important in tomorrow's low-carbon economy.

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[17] NRCan, "Canadian Mineral Exploration", (28 March 2017) https://www.nrcan.gc.ca/mining-materials/exploration/8290.

[18] *Eabametoong First Nation v Minnster of Northern Development and Mines*, 2018 ONSC 4316 (CanLII) at 33 and 36 [*Eabametoong*].

[19] Kuokkanen, R. (2011). From Indigenous Economies to Market-Based Self-Governance: a feminist Political Economic Analysis. *Journal of Political Science, 44*(2), 275, at p 288 [kuokkanen].

[20] See for example, *Exploration Plans and Exploration Permits*, O Reg 308/12 (*Mining Act*, RSO 1990, c M 14) and *Permit Regulation*, BC Reg 99/2013 (*Mines Act*, RSBC 1996, C 293).

[21] *Eabametoong*, supra note 18, at 91

[22] Government of Canada, *Environmental and Regulatory Reviews: Discussion Paper*, (June 2017) < https://www.canada.ca/en/services/environment/conservation/assessments/environmental-reviews/share-your-views/proposed-approach/discussion-paper.html >.

[23] See for example, *Mining Act,* RSO, 1990, c M 14 and *Mines Act*, RSBC 1996, C 293.

[24] *Metal and Diamond Mining Effluent Regulations*, SOR/2002-222 (*Fisheries Act*).

[25] Clean Energy Canada, "Mining for Clean energy" (June 2017) < http://cleanenergycanada.org/report/mining-clean-energy-2017/ at p 5[Clean Energy Canada].

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Canada's long, nearly 150-year, history of mining has resulted in an estimated 10,000 abandoned sites.[26] Governments in Canada have spent over $1 billion addressing abandoned mines since 2002,[27] a significant financial cost to the public because of past mining companies' unwillingness or inability to remediate their sites. While today's regulatory sectors have introduced financial assurances requirements for mine closures,[28] the legacy of abandoned mines under the jurisdiction of the federal government alone have compelled the Government of Canada to commit $3.5 billion to the assessment and remediation of contaminated sites through the Northern Contaminated Sites Program[29].

Today, mining facilities report regular exceedances of deleterious substances, including total suspended solids (TSS), acidity (pH), radium-226 and nickel.[30] While there has been a 54% decrease in reported mine exceedances since 2003,[31] the prospect of major releases or accidents are a significant concern for Indigenous peoples in close proximity to mining activities.

While Indigenous communities tend to be among the financially poorest populations, their lands are often rich in natural resources. Despite this counterintuitive reality, Indigenous communities are often left to deal with the impacts of environmental violence following resource extraction activities, while receiving little, if any, benefit from the mining activities.[32]

Abandoned mines can pose a range of environmental and public health risks, depending on each case. Giant Mine, NWT leached arsenic over the land surrounding the mine[33] and elevated copper levels from the Mount Washington Mine in British Columbia had devastating impacts on the fisheries in the Tsolum River[34] for example. Some key environmental effects of mining activities on the environment include: climate change, acid rock drainage, leaching of toxic substances into the water, air and soil, erosion and sedimentation and tailings management.[35] Major accidents are somewhat inevitable, and when they occur they are devastating. The Mount Polly tailings-dam disaster, for example, saw millions of cubic meters of mine water leak from containment, resulting in significant negative effects on biodiversity and the livelihoods of local First Nations fishers.[36]

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[26] Tremblay, G.A. and Hogan, C.M., *Managing Orphaned and Abandoned Mines – A Canadian Perspective*, Paper presented at the "Dealing with Derelict Mines Summit", Singleton, NSW, Australia (December 2016) < https://www.abandoned-mines.org/en/document/publication/ >, at p 2 [Tremblay].

[27] Ibid, at p 16.

[28] See for example, *Mining Act*, RSO, 1990, C M14, at s 145.

[29] Tremblay, Supra note 26, at p 16.

[30] Report - Mining Effluent, supra note 10, at p 7.

[31] Ibid, at p 7.

[32] LaDuke, W. (1999). *All our Relations*. Cambridge: Haymarket Books, at p190 [LaDuke].

[33] NOAMI, *Lessons Learned on Community Involvement in the Remediation of Orphaned and Abandoned Mines: Case Studies and Analysis* (February 2003) < http://www.abandoned-mines.org/wp/wp-content/uploads/2015/06/LessonsLearnedCI2003.pdf >, at p 4.

[34] Ibid, at p 4.

[35] HATCH Ltd, *Environmental Analysis of the Mining Industry in Canada*, Canadian Mining Innovation Council, (April 2013) < http://www.cmic-ccim.org/wp-content/uploads/2013/07/HatchScopingReport.pdf > at p 11.

[36] Mack, J. & Williams, L. (2018, May 16). Time for mining to clean up its act. Vancouver Sun, Retrieved from https://vancouversun.com /opinion/op-ed/jacinda-mack-and-loretta-williams-time-for-mining-to-clean-up-its-act

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Indigenous women in the area, like Loretta Williams, have been warning against Mount Polly environmental disasters for years, but their warnings continued to be ignored.[37]

Additionally, the release of effluent within regulatory limits is often of cold comfort in the context of cumulative effects. While the regulatory environment may work to reduce the risk of projects producing independently significant effects, Indigenous people know that a series of insignificant effects might at some point result in significant effects.[38]

Health and Proximity to Mining Activities

1.a. *Indigenous women experience disproportionately negative environmental effects of mining activities as a result of their greater proximity to mining sites, socio-cultural intimacy with the natural environment, physiology, and economic vulnerability.*

The natural environment is incredibly important to the physical, social, cultural and economic well-being of Indigenous women, particularly the ability to harvest and participate in land-based activities and transmission of traditional knowledge.[39]

As was set out above, partly due to the proximity of Indigenous peoples to mining activities, Indigenous women are more likely to be exposed to mining-related toxic substances than non-Indigenous persons. Geographic proximity is not the only factor that augments the risk of health-related deleterious effects of mining activities on Indigenous women. Factors such as physiology and gender-specific socio-economic factors must also be taken into consideration in understanding these disproportionate impacts.

Women's[40] vulnerability to environmental contaminants may be affected by biological and non-biological factors. Physiology and socio-economic circumstances affect Indigenous women's susceptibility to disease resulting from mining-related contamination. As women are more deeply impacted by poverty-related health effects (due to societal and systemic marginalization), these are underlying and contributing factors which disproportionately affect women's health.[41]

An intersection of systemic marginalization of and natural physiological characteristics of women make them more susceptible to health risks from environmental contaminants. Many toxins are stored primarily in fat cells, increasing toxin-related disease risks for illnesses such as breast cancer which disproportionately affect women.[42] Life stages also affect a woman's physiology, presenting different risks in various stages, including pregnancy and breastfeeding, childhood, puberty and

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[37] Ibid

[38] Friends of the West Country Assn. v. Canada (Minister of Fisheries and Oceans), [2000] 2 FC 263, 1999 CanLII 9379 (FCA), at 39.

[39] Dalseg, Sheena Kennedy; Kuokkanen, Rauna; Mills, Suzanne; and Simmons, Deborah, "ender Environmental Assessments in the Canadian North: Marginalization of Indigenous Women and Traditional Economies" The Northern Review, 47 (2018) 135-166, at p 149 [Dalseg].

[40] It is important to reiterate here that the use of 'women' in this text refers to cis-women, trans-women, Two-Spirit, and gender diverse individuals.

[41] Mining Watch, supra note 14, at p 3.

[42] Ibid, at p 5.

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aging. Women are particularly vulnerable to health effects at various life stages from many mining-related toxins, including cadmium,[43] lead,[44] mercury,[45] and copper[46]. For example, Brittany Luby's 2015 study titled, *"From Milk-Medicine to Public (Re)Education Programs: An Examination of Anishinabek Mothers' Responses to Hydroelectric Flooding in the Treaty #3 District, 1900–1975,"* examines how hydroelectric development that occurred along the Winnipeg River, "jeopardized Anishinabek women's access to local resources that were essential for mother-work"[47]. Traditional food sources such as whitefish were contaminated, and Indigenous women risked poisoning their infants with methylmercury, "if they relied upon traditional foods while pregnant or breastfeeding"[48]. An elder who grew up in this territory, on Dalles 38C Indian Reserve, recalls how she was taught since she was a little girl that, "expectant mothers who consumed whitefish produced the highest quality of breast milk, a teaching that she passed down to her daughter and grand-daughter"[49]. With hydroelectric development and methylmercury contamination, whitefish were no longer a safe and viable food source. Although this is not a mining activity, this is an all too common example of how resource extraction, "affected the environment's ability to provide necessary resources to maintain women's reproductive health"[50]. This is just one example of how environmental degradation influences and disrupts the connection between land, body, and culture.

Moreover, Indigenous women often engage in subsistence and mixed economic activities.[51] Although industrial camps may be several kilometers away from Indigenous communities, the activities may still affect the ability of Indigenous peoples to engage in traditional economic activities as these activities are exercised throughout their traditional territories.[52] While the environmental effects of mining depend on the specific context of each project, resource exploitation causes environmental damage that can endanger traditional livelihoods as well as social and cultural institutions and violence committed against the land is intrinsically linked to violence committed against Indigenous women's bodies and cultures.[53]

The high cost of food and generally low income of Indigenous peoples results in food insecurity rates for Indigenous populations two to three times higher than the non-Indigenous population and this disproportionate rate of food insecurity is even more pronounced among Indigenous women and girls.[54] Indigenous women experience a 57% wage gap compared to non-Indigenous men who

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[43] Ibid, at p 7-8.
[44] Ibid, at p 9-12.
[45] Ibid, at p 12-13.
[46] Ibid, at p 14.
[47] Luby, Brittany. (2015). From Milk-Medicine To Public (Re)Education Programs: An Examination Of Anishinabek Mothers' Responses To Hydroelectric Flooding In The Treaty #3 District, 1900–1975. *CBMH/BCHM, 32*(2), 364.
[48] Ibid
[49] Ibid
[50] Ibid, 365
[51] Kuokkanen, supra note 19, at p 288.
[52] Gibson, G., Yung, L., Chisholm & Quinn, H. with Lake Babine Nation & Nak'azdli Whut'en. (2017). *Indigenous Communities and Industrial Camps: Promoting healthy communities in settings of industrial change*. Victoria, B.C.: The Firelight Group. Retrieved from http://www.thefirelightgroup.com/thoushallnotpass/wp-content/uploads/2016/03/Firelight-work-camps-Feb-8-2017_FINAL.pdf, at p 19 [Firelight].
[53] Kuokkanen, supra note 19, at p 276.
[54] Ata a Glance, supra note 15, at p 30.

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are the highest earners in Canada. This capitalist food insecurity results in an even greater reliance on traditional sources of country foods. Moreover, if country foods such as wildlife and plant life, are contaminated by metal and mineral leeching, food insecurity is exacerbated to dangerous and unsustainable levels.

Ultimately, due to the geographical distribution of Indigenous women, their traditional socio-economic practices, economic vulnerability and physiology, Indigenous women are likely more at risk of the negative environmental effects of mining activities than non-Indigenous people and Indigenous men.

Recommendation 2: Reclamation of abandoned mines must be prioritized, especially on deleteriously affected Indigenous lands, in order to evidence the sincere commitment of governments and industry to the protection of the natural environments that are of central importance to the physical, social, cultural and economic well-being of Indigenous women and girls.

Recommendation 3: More active, efficient and transparent communications mechanisms must be implemented to ensure that Indigenous communities, particularly vulnerable members of the communities, are made aware of the environmental risks and effects of mining activities on traditional lands.

Recommendation 4: Public policy and proponent community engagement must prioritize the reduction of food insecurity, including through training and employment programs, among Indigenous women and youth as a means of reducing their disproportionate vulnerability to environmental contaminants.

Recommendation 5: Further primary research must be supported to gather quantitative data on the environmental effects of mining-related deleterious substances on Indigenous women and girls throughout their life stages.

Decision-Making & UNDRIP

   1.b. *The exclusion of Indigenous women from decision-making processes regarding industrial projects on traditional lands can undermine the legitimacy of administrative decisions, perpetuate the disproportionate distribution of project burdens on Indigenous women, and create market instability.*

Section 35 of the *Constitution, 1982* guarantees Indigenous and treaty rights equally to male and female persons.[55] Moreover, the equal Indigenous rights of women and men are also articulated under Article 44 of UNDRIP.[56] Given the constitutional guarantee of equal Indigenous rights of men and women, it is important that the duty to consult, and the potential duty to obtain free, prior

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[55] *Constitution Act*, 1982, Schedule B to the *Canada Act, 982* (UK), 1982, c 11, at 35(4).
[56] UN General Assembly. (2 October 2007). *United Nations Declaration on the Rights of Indigenous Peoples: resolution/adopted by the General Assembly*. Available at <http://www.un.org/esa/socdev/unpfii/documents/DRIPSen.pdf > at Art 44 [UNDRIP].

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informed consent, based on Indigenous rights guaranteed under section 35 ensure that Indigenous women are afforded the opportunities to fully and meaningfully participate in consultation processes. The failure to adequately meet consultation and consent requirements, including the adequate representation of Indigenous women, exposes decisions on industrial projects to judicial review and undermines market certainty and disregards Indigenous women's rights.

Despite the Supreme Court of Canada's 2004 clarification on the minimum standard for the Crown's duty to consult – grounded in the honour of the Crown – with Indigenous peoples when their rights may be affected by government decision making,[57] Indigenous peoples in Canada continue to pull together important legal wins due to the failure of governments to properly consult with affected Indigenous peoples[58].

It is exceedingly important to emphasize that – especially in the context of Canada's domestic implementation of UNDRIP[59] - charges of failure to adequately consult and accommodate can be avoided by obtaining the consent of interested Indigenous groups.[60] Obtaining the free, prior and informed consent of Indigenous peoples prior to decisions and actions which will or may affect their rights is not only a reliable approach to ensuring the legitimate approval of well-planed industrial project, but may also become the new standard of consultation given the government's promises to implement UNDRIP domestically and Parliament's passing of Bill C-262. Failures to adequately consult and accommodate Indigenous peoples regarding industrial projects may result in "unacceptable deficiencies[61] which may, in turn, contribute to market uncertainty.

Studies suggest that women and gender-related analysis tend to be excluded from environmental assessment processes.[62] While the government's proposed legislative amendments to the federal impact assessment legislation would require the consideration of effects project approvals on gender and Indigenous rights,[63] it is well-documented that Indigenous women are often excluded from decision-making in their home communities on matters related to themselves and their families.[64] Ensuring that administrative decision makers consider the effects of projects for Indigenous women, then, will require they are provided with opportunities and resources to meaningfully engage in the assessment processes.

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[57] *Haida Nation*, [2004] 3 SCR 511, at 523, 2004 SCC 73 (CanLII).

[58] Gallagher, Bill, "Natives win their 250th court ruling on Canada's road to resources (14 December 2017, http://billgallagher.ca/peel-watershed/.

[59] Bill C-262, *An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples*, 1st Sess, 42nd Parl, 2018,

[60] *Tsilhqot'in Nation v British Columbiai,* 2012 SCC 44, at par 97, [2014] 2 SCR 257.

[61] See, for example, *Tsleil-Waututh Nation v Attorney General of Canada*, 2018 FCA 153, at para 5 and 557; *Clyde River (Hamlet) v. Petroleum Geo-Services Inc*., [2017] 1 SCR 1069, 2017 SCC 40 (CanLII), <http://canlii.ca/t/h51gv>, at para 52; and *Gitxaala Nation v. Canada*, [2016] 4 FCR 418, 2016 FCA 187 (CanLII), <http://canlii.ca/t/gscxq> 313

[62] Dalseg, supra note 39, at p 146.

[63] Bill C-69, An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts, Sess 1, Parl 42, at 183(2)(c) and (d).

[64] Ibid, at p 289.

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Impact assessment processes should be refocused to ensure that a culturally relevant gender lens is employed to identify the negative impacts of projects on Indigenous women and children as well as opportunities for them to safely participate in the resource extraction economy.[65]

The duty to consult is not a one-sided responsibility. The Supreme Court of Canada has recognized that Indigenous peoples must also engage in consultation processes in good faith or risk bringing the duty to consult to an end in the relevant matter.[66] The marginalization of Indigenous women from the consultation processes raise the issue of whether an Indigenous community is engaging in consultation processes in good faith. The purposeful exclusion of vulnerable groups in a community undermine the legitimacy of the process. In order to ensure that consultation processes are valid, both the government and Indigenous communities must ensure that imported patriarchy into Indigenous communities is removed allowing the voices and concerns of Indigenous women to be properly represented.

Where consultation processes fail to adequately include the participation of Indigenous women, their equal rights guaranteed under section 35 are violated and ultimate decisions on industrial projects related to those consultations may result in the perpetuation of the disproportionate distribution of environmental and socio-economic burdens on Indigenous women.

Industry, too, has an important role to play in facilitating reconciliation in matters related to industrial decision-making on traditional lands. The Truth and Reconciliation Commission of Canada (TRC) has specifically called on industry to adopt UNDRIP as a reconciliation framework in matters involving Indigenous peoples and their lands and resources. [67]

Company-community mining agreements (also known as "Impact and Benefit Agreements")[68] respecting the distribution of the benefits and negative impacts from projects are increasingly seen as important components of sustainable development in the mining sector;[69] however, the unsafe male-dominant culture in the mining industry may deter the participation of Indigenous women in the agreement processes[70].

Currently, there are approximately 400 active bilateral agreements in Canada between mining companies and Indigenous communities, which often include commitments by the companies to provide education, training, and employment and business opportunities as well as financial payments that aim to ensure long-lasting benefits of the projects for local communities.[71]

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[65] Firelight, Supra note 52, at p 61.
[66] *Ktunaxa Nation v British Columbia (Forest, Lands and Natural Resources Operations)*, 2017 SCC 54, [2017] 2 SCR 386, at para 87.
[67] Truth and Reconciliation Commission of Canada, "Calls to Action" (2015) http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Calls_to_Action_English2.pdf at recommendation 92 [TRC].
[68] Hart, R. & Mining Watch Canada. (2012, September). Green Mining or Green Washing? Corporate Social Responsibility and the Mining Sector in Canada. Retrieved from https://miningwatch.ca/sites/default/files/Green_Mining_or_Green_Washing.pdf
[69] Keenan, JC., Kemp, DL. & Ramsay, RB. (2016). Company-Community Agreements, Gender and Development. *Journal of Business Ethics, 135*(4), 607 at p 609 [Keenan].
[70] Ibid, at p 611.
[71] MAC, supra note 2, at p 61.

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Agreements with one community, however, can make it difficult for employers to recruit from other Indigenous communities that may have an experienced workforce[72] and the exclusion of women from the negotiation processes prevents the agreements from addressing their concerns and interests, perpetuating the disproportionate distribution of negative environmental and socio-economic effects.

While some Indigenous women may perceive the mining industry positively in terms of training opportunities, there are confounding concerns about environmental impacts. These concerns often may be addressed through formal agreements, specifically concerning shared visions of land management and conflict resolution.[73] However, the participation of women in the company-community agreement process varies depending on a number of socio-economic factors including local culture, social status, prevalence of violence, historical patterns, and legal and political climates.[74]

Indigenous women are often bypassed in agreement negotiations for large resource projects on Indigenous lands, which contributes to further exclusion from the benefits of mining and continue to primarily experience its economic, social and environmental costs.[75]

Company-community agreements must be understood in the context of historical and ongoing gender inequality;[76] however, there is currently no jurisdiction that requires such agreements ensure gender equity is respected[77]. Successful engagement with Indigenous women requires their rights and interests be incorporated into the agreements between their communities and mining companies.[78] The incentive to institutionalize formal requirements for gender balance in the agreement process will not likely come from the private sector, because companies do not want to be viewed as infringing on Indigenous cultural rights[79] despite the equal guarantee of Indigenous rights and freedoms to men and women[80].

Many First Nations are also exploring agreements with the government to obtain self-governance and resource management power as a means of replacing the paternalistic *Indian Act* and to create local self-sufficiency and economic self-reliance.[81] Federal and provincial governments, on the other hand, often view modern treaties as a means to create stable investment environments.[82] Without the full, equal and meaningful participation of women in these negotiation processes,

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[72] Mining Industry Human Resources Council. (2016). *Strengthening Mining's Talent Alloy: Exploring Aboriginal Inclusion.* Retrieved from < https://www.mihr.ca /pdf/publications /MiHR_Aboriginal_Report_EN_WEB.pdf > at p 10 [MiHR – Aboriginal].
[73] Deonandan, R., Deonandan, K. & Field, B. (2016). *Mining the Gap: Aboriginal Women and the Mining Industry.* Ottawa, ON: University of Ottawa, at p 4-5.
[74] Keenan, supra note 69, at p 609-610.
[75] O'Faircheallaigh, C. (2013). Women's absence, women's power: indigenous women and negotiations with mining companies in Australia and Canada. Ethic and Racial Studies, 36(11), 1789.
[76] Keenan, Supra note 69, at p 607.
[77] Ibid, at p 612.
[78] Ibid, at p 609.
[79] Ibid, at p 612.
[80] UNDRIP, supra note 56 at Art 44.
[81] Kuokkanen, supra note 19, at p 283.
[82] Ibid, at p 286.

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however, neither the effort to decolonize nor create a stable investment environment is likely to succeed.

Governments and companies cannot avoid gender-balance requirements in consultation and negotiation processes. Requirements that the rights and interests of Indigenous women be represented in consultation processes is not an infringement of the right of Indigenous peoples to select their leadership; rather, it is a recognition of the equal rights of Indigenous men, women, and gender-diverse people.

Furthermore, Canada's mining industry will play an important role in providing necessary resources for the global transition to renewable energies. These efforts are of particular importance for Indigenous peoples due to their vulnerability to the effects of climate change. Indigenous women have a particular interest in Canada not only meeting, but significantly exceeding, its nationally determined contribution target of reducing greenhouse gas emissions by 30% below 2005 levels by 2030[83] under the Paris Agreement.[84] The renewable energy industry contains barriers of its own for Indigenous women, and until systemic changes are successfully implemented, Indigenous women will continue to bear the social and economic costs. These systemic changes must address the ongoing legacy of disproportionate environmental contamination of Indigenous lands and bodies of Indigenous women, the exclusion of women from decision-making processes, and the barriers to mining-related economic opportunities.

With a long history of deceit and exploitation perpetrated by Canadian extractive industry in Indigenous communities, it is imperative these industries reconcile with Indigenous peoples and prioritize making long-term, systemic changes. Building trust is a long-term process and industry must prove they are ready to safely and effectively include Indigenous women. Full, fair and meaningful participation of Indigenous women in the assessment and decision-making processes regarding industrial activities on their traditional lands is an important step toward reconciliation and better planning for socially and environmentally sustainable projects.

Recommendation 6: When engaging in consultations or negotiations with Indigenous peoples, governments and industry must ensure Indigenous women are provided with opportunities to meaningfully participate in expressing their concerns and perspectives, and be assured their contributions will be responded to and heard. While every consultation process is unique, governments and companies must ensure Indigenous women are provided with safe, accessible and culturally appropriate environments to engage in consultations. With regard to environmental (or "impact") assessment processes in particular, a culturally-relevant gender lens should be employed to identify the negative effects of projects on Indigenous women and children as well as opportunities for the amelioration of their socio-economic conditions.

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[83] Environment and Climate Change Canada, "Canada's Seventh National Communication on Climate Change and Third Biennial Report – Actions to meet commitments under the United Nations Framework Convention on Climate Change (2017) http://unfccc.int/files/national_reports/national_communications_and_biennial_reports/application/pdf/82051493_canada-nc7-br3-1-5108_eccc_can7thncomm3rdbi-report_en_04_web.pdf, at p 132.

[84] *Paris Agreement* (Dec. 13, 2015), *in* UNFCCC, COP Report No. 21, Addenum, at 21, U.N. Doc. FCCC/CP/2015/10/Add, 1 (Jan. 29, 2016)Art 4.2.

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Recommendation 7: Industry should ensure Indigenous women are included in the negotiation processes for company-community agreements and their rights and interests are adequately considered and addressed in the final agreements.

Recommendation 8: Consultation processes should conform with UNDRIP, including recognizing the right of Indigenous peoples to give or withhold their free, prior and informed consent prior to the implementation of administrative measures that may affect them (Article 19) and to give or withhold such consent with respect to the storage or disposal of hazardous materials in their lands or territories (Article29.2).

Recommendation 9: Primary research should be supported to gather quantitative data on the participation rates of Indigenous women in environmental assessment processes, self-government negotiations, and company-community negotiations. This includes supporting Indigenous communities in reclaiming traditional protocols, processes, and understandings around ways of knowing and what it means to gather data.

Social & Cultural Effects

2. *Answer: Exploration and mining activities have both positive and negative socio-cultural effects on Indigenous women and girls. The discussion on the potential positive effects of the industry is eclipsed, however, by the devastating and wholly unacceptable effects of mining activities on rates of sexual violence against Indigenous women and girls.*

The connection between land, body, and culture is one of highest importance to Indigenous women. The relationship to the land is one that connects women today to their ancestors who have come before them, and the generations to come. These land-body relationships for Indigenous women are inseparable from cultural knowledge, teachings, and identity. The identities of Indigenous women and children are often shaped by time spent, knowledge learned, and gifts given from the land. Environmental degradation and extractive industries influence their ability to be able to carry out our responsibilities to the land, or engage in land-based activities integral to Indigenous cultural identities. From this, Indigenous women have learned that violence on the land translates directly into violence against the bodies of Indigenous women and their ability to carry out and transmit their culture.

Violence can irreparably damage the foundations of trust that are needed to build lasting relationships. This is true for relationships between individuals, and it is true for relationships between communities and organizations/institutions. The epidemic of violence against Indigenous women and girls is too often exacerbated by the presence of industrial projects, and the consequences of this violence are too severe to be overlooked.

Should the mining industry continue to fail in its efforts to effectively address the reprehensible actions of violence and sexual violence carried out by mining workers against Indigenous women and girls, it cannot build the requisite relationships for successful projects. Fundamentally, mining companies must undertake meaningful and vehement efforts to address the systemic racism and

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worksite culture that causes the targeting of Indigenous women and girls for sexual violence, harassment, discrimination, and human trafficking.

No community can ever be reasonably expected to support a project that puts their women and girls at risk of sexual violence because the presence of violence overrides any positive consequences that may come from project development. The mining industry must become a partner in protecting Indigenous women and girls from all forms of violence. This first requires a complete systemic review and restructuring of the industry. Only then can meaningful programs and relationship-building on the part of industry to combat racism and sexism begin.

Sexual Violence & Industrial Projects
> 2.a. _Answer:_ _Industrial projects have disproportionate negative effects on rates of sexual violence against Indigenous women and girls._

Violence-related deaths among Indigenous women is five times higher than the national average for Canadian women.[85] The risk of sexual violence, substance abuse and sexually transmitted infections due to rape and sex trafficking is particularly high for Indigenous women and girls in proximity to industrial camps.[86]

Indigenous women are disproportionately affected by the negative socio-economic effects of development and are less likely to benefit from employment opportunities.[87]

Though limited data is available on the experience of gender-diverse Indigenous peoples in the mining industry, one study found that 43% of gender-diverse Indigenous participants in Ontario had experienced physical or sexual violence and 67% had been forced to move as a result of their gender identity.[88] These rates could be exacerbated by the discriminatory culture of industry, but more research is needed for a definitive correlation to be drawn. Moreover, the research most likely does not exist because of the fear of self-identifying in oppressive, patriarchal structures.

Despite Indigenous communities, and Indigenous women and children in particular, being most vulnerable to the negative effects of industrial camps, the social and cultural effects of these camps, including increased rates of sexual violence, are not effectively considered in the planning processes.[89] Additionally, many of these camps fall below the threshold requirements for environmental assessments, leaving their potential for adverse effects on Indigenous women and girls sometimes unassessed.[90]

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[85] Kuokkanen, supra note 19, at p 288.
[86] Firelight, Supra note 52, at p 7-8.
[87] Dalseg, supra note 39, at p 139.
[88] Scheim, supra note 52, at p 115.
[89] Firelight, Supra note 52, at p 6.
[90] Firelight, Supra note 52, at p 59.

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While existing issues of systemic and overt racism are certainly important variables in the increased rates of sexual violence against Indigenous women in proximity to industrial camps, the hyper-masculine, sexist, homophobic and apathetic culture that often develops in camps and operations and field sites, referred to as "rigger culture"[91], is also a major factor in perpetuating this issue. More research is needed to better understand the contributing factors of systemic and overt racism and rigger culture to rates of sexual violence against Indigenous women and girls; however, it is quite likely that, regardless of the factors which contribute to these rates of sexual violence, the dehumanization of Indigenous women and girls demands a solution that is purposeful and genuine.[92]

The temporary industrial camps which accommodate the fly-in-fly-out (FIFO) model create workforces that are disconnected from the regions in which they operate, likely contributing to historical patterns of violence against Indigenous women.[93] The shift toward the FIFO camp model became pronounced in the 1990s, resulting in increases in mobile workforce's that have little or no connection to the local community which contributes to rates of sexual violence and substance abuse .[94] This aspect of "rigger culture" where the mobile, mostly male, workforce are un-invested and disconnected from the local community likely leads some individuals to engage in behaviour they would not engage in their home communities.[95]

The values established by employers at industrial camps can influence how Indigenous women are treated in the area. The racist and sexist views held of Indigenous women in some work camps can only be changed thorough policies and meaningful relationships with local peoples.[96]

The literature suggests that government departments and agencies should work together to plan programs and services in advance of industrial projects to address the potential perpetuation of cycles of historic trauma.[97] The issuance of guidance and best practices by government to industry could clarify expectations for the industry and ensure that many systemic socio-economic concerns are resolved and preventative measures are put in place.[98]

The below discussion on violence, discrimination and harassment experienced by Indigenous women in mining industry workplaces is highly relevant to this discussion, as the basis of this crisis in the industry is rooted in systemic cultural views and attitudes. While some mining companies have taken measures at the corporate level to address "rigger culture", and these measures may be effective in corporate workplace environments, there is an ongoing challenge in the industry to force the trickle down of acceptable and appropriate workplace behavior in work camps, production sites and field sites.[99]

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[91] Firelight, Supra note 52, at p 20.
[92] Targeted telephone interview with Dr. Ginger Gibson
[93] Firelight, Supra note 52, at p 6.
[94] Firelight, Supra note 52, at p 19.
[95] Firelight, Supra note 52, at p 20.
[96] Firelight, Supra note 52, at p 59.
[97] Firelight, Supra note 52, at p 62.
[98] Firelight, Supra note 52, at p 65.
[99] Targeted Telephone Interview: Courtnay Hughes, MiHR.

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The disproportionately higher rates of sexual violence experienced by Indigenous women and girls compared to the non-Indigenous population are amplified in proximity to Industrial work camps. The synergistic effects of historical and ongoing systemic racism and sexism and rigger culture present significant and dangerous risks for Indigenous women in proximity to mining activities. A purposeful and holistic approach to addressing this issue must be devised and undertaken in consultation with Indigenous communities and Indigenous women, in particular.

Such measures should distinguish between corporate culture and workplace culture, as it is the place-based rigger culture that influences these sexual violence rates despite efforts to address this issue through corporate culture initiatives. Company-led diversity training that identifies and addresses overt and systemic discrimination in combination with company-community cultural exchanges and relationship building activities may work to break down stereotypes and prejudices and induce workers to behave as they would in their home communities. Not only must these trainings be comprehensive and taken seriously, the employees who undergo this training must be held accountable to act in accordance.

While diversity training initiatives and cultural exchange activities may be effective in addressing systemic factors, which contribute to sexual violence, harassment and discrimination against Indigenous women and girls in proximity to industrial activities, there are inevitable "bad apples". The priority of the health and safety of local Indigenous peoples, especially Indigenous women and girls given the risks they face, must be the highest priority for any and all mining companies operating on or near Indigenous lands and communities.

Companies who become aware of incidents of violence or discrimination should implement a zero-tolerance policy and undertake immediate actions to address any ongoing threats, and conduct a thorough investigation. Furthermore, if it is determined that criminal activity may have occurred, the company must inform the police and culturally-safe supports should be provided to Indigenous women who then have to navigate a difficult and traumatic process.

Importantly, employers must not assume a passive approach to sexual violence, harassment and violence on the part of their employees in the workplace and in neighboring communities. Employers must actively educate employees of the workers' code of conduct in the workplace and in neighboring communities. Supervisors and managers must be trained to be responsive to indicators that the code of conduct has been violated or is at risk of being violated.

It is important that employers work at the policy level to address systemic and overt discrimination inside and outside the workplace; however, at the individual level, where an employee violates or risks the physical, psychological or cultural security of an Indigenous woman, immediate and proportionate action must be taken by the company.

Recommendation 10: Primary research should be supported to collect data on the rates of harassment, sexual violence, and bullying experienced by Two-spirited and gender diverse Indigenous persons employed in the mining industry or who are proximate to mining activities.

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Recommendation 11: Companies should work with consenting local Indigenous communities to develop and implement initiatives and activities designed to break down stereotypes and prejudices and to build productive and respectful relationships with local Indigenous communities.

Recommendation 12: Companies should develop and implement workers' codes of conduct that address sexual violence, violence, harassment and discrimination which are applicable in the workplace and local communities. The companies should be active in their approach to ensuring that its workforce is properly educated on the workers' code of conduct and issues of discrimination and violence and should train its supervisors and managers to identify red flags that the code of conduct has been breached.

Recommendation 13: Companies must be proactive in identifying and addressing, with zero tolerance, instances of sexual violence, violence, harassment and discrimination by its employees in the workplace and neighboring communities.

Recommendation 14: Further research should be supported to gather primary data on the rates of sexual violence, violence, harassment and sexual harassment suffered by women, children, Two-spirited and gender diverse people in Indigenous communities neighboring mining camps and work sites.

Recommendation 15: Preventative measures should be prioritized to ensure the safety and well-being of Indigenous women and girls is never put at risk because of the presence or actions of extractive industries.

Community Services & Infrastructure
> 2.b. <u>Answer:</u> *Mining activities can put added pressure on already stressed public services and infrastructure; however, early engagement and proper planning can ensure that both mining companies and Indigenous communities benefit from shared investments in programs and infrastructure.*

The transient nature of mining activities can increase the presence of drugs and alcohol in mining areas which pass through worker camps into communities. Consequently, rates of substance abuse and addiction increase resulting in significant family impacts[100] and these increases in substance abuse, in turn, put pressures on the already limited capacity of community health and social services. Because there is no legislative framework for the decentralization of the planning and control for public service delivery, the federal government continues to control community services on First Nations' territories with substantially less money per capita spent on basic government services for First Nations than the non-Indigenous population.[101] Where mining

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[100] Gibson, Ginger and Klinck, Jason, "Canada's Resilient North: The Impact of Mining on Aboriginal Communities"
Pimatisiwin: A Journal of Aboriginal and Indigenous Community Health, Vol 3, No 1 (2005) 115-141, at 123-4 [Gibson].
[101] Borrows, John, "Freedom and Indigenous Constitutionalism" University of Toronto Press (2016: Toronto) at p 168-9.

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activities increase rates of substance abuse/ addiction and contribute to social traumas, this puts pressures on already strained and underfunded essential public services. Moreover, community service providers proximate to industrial camps often report being uninformed of camps in their areas and unprepared for the sexual violence committed by people working in those camps.[102]

Furthermore, Indigenous women are more likely to experience spousal abuse,[103] often including various forms of financial abuse such as being denied knowledge of or access to family income.[104]

Although Indigenous women are more likely to be educated than Indigenous men, they are less likely to be employed than Indigenous men, yet less likely to be unemployed.[105,106] This suggests that Indigenous women are less likely to be in the job market than Indigenous men and, therefore more likely dependent on the income of a spouse. While further information gathering is needed to better understand the economic vulnerability of Indigenous women and the implications of that vulnerability to domestic abuse, it is clear that there is a significant need for public services that address domestic abuse issues.

The intergenerational trauma of sexual violence and human trafficking must be properly represented and understood when addressing the cycle of violence against Indigenous women and girls. Sexual violence against Indigenous women and girls contains a deeply rooted history in colonization where it was, and continues to be, used a weapon of war. A common misconception is that the epidemic of sexual violence against Indigenous women is a problem internal to Indigenous communities, but this is false. Sexual violence has been a primary tool of conquest and colonization since the day European settlers first stepped foot on Turtle Island, what is today North America. The ongoing epidemic merely continues the history of widespread human rights abuses against Indigenous women.

In Canada today, girls who are sexually abused when they are young, or whose parents were sexually abused, are more likely to be victims of trafficking.[107] There are a number of factors which may contribute to the likelihood of an individual becoming a victim of human trafficking, including sexual abuse, social devaluation, violent victimization, family disorganization, and substance abuse.[108] Indigenous girls are indoctrinated into the sex trade at an unparalleled rate by experiencing and witnessing violence, sexual abuse and addiction through intergenerational trauma or through transient workers.[109]

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[102] Firelight Groups, supra note 52, at p 23.
[103] Louie, Dustin William. 2016. "Preventative Education for Indigenous Girls Vulnerable to the Sex Trade." PhD Thesis, Calgary, AB: University of Calgary, at p 38 [Louie].
[104] Brennan, Shannon, "Violent victimization of Aboriginal women in the Canadian provinces, 2009" Statistics Canada (17 May 2011) at p 11.
[105] Arriagada, Paula, "Women in Canada: A Gender-based Statistical Report" Statistics Canada (23 February 2016) https://www150.statcan.gc.ca/n1/en/pub/89-503-x/2015001/article/14313-eng.pdf?st=A75aO1bx, at p 16 and 19.
[106] Ibid at p 22.
[107] Louie, supra note 103, at p 7.
[108] Ibid, at p 4.
[109] Ibid, at p 57.

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Mining companies must take a more active role in addressing the workplace culture and bigotry that facilitates sexual violence against Indigenous women and girls and ensure its presence does not undermine the capacity of local communities and organizations to combat the cyclical nature of these issues in their own way.

Industrial projects can have the effect of both straining and alleviating infrastructure pressures resulting in a mix of both positive and negative potential impacts of the industry. This mixed bag of resource sharing can affect transportation, drinking water, energy and waste management.[110]

The primary driver of cost variation for mining projects is transportation infrastructure.[111] Mining companies often make significant investments building infrastructure in order to access resources in northern and remote regions.[112] These infrastructure investments can benefit remote Indigenous communities as access to roads present new economic opportunities. While investment in infrastructure by mining companies may present new economic opportunities, it also presents new risks to public health and safety.[113]

There is an estimated $40 billion infrastructure gap – the cost of repairing public and private infrastructure – on First Nations reserves alone.[114] About 30% of on-reserve First Nations people and Inuit live in crowded homes that are often in need of major repairs.[115] The infrastructure gap deprives hundreds of thousands of Indigenous peoples in Canada of access to clean drinking water, housing, energy, and transportation.

Investments by industry in infrastructure needed to access remote resources may be one means of closing the infrastructure gap; however, the need for investment in infrastructure must be weighed against the risk of added pressures to existing infrastructure and public services. Ensuring that the development of mining projects results in net benefits to local infrastructure and public services requires early engagement with local communities and the participation of Indigenous women in the impact assessments of projects and the negotiations of company-community agreements.

Recommendation 16: Indigenous peoples, particularly Indigenous women, must be engaged in the planning and impact assessment processes of proposed projects at the earliest possible stages in order to ensure that impacts on community infrastructure and public services are understood and arrangements are implemented to ensure the minimization of negative effects and the maximization of win-win results.

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[110] Firelight, Supra note 52, at p 36-37.

[111] Mining Association of Canada, "Leveling the Playing Field: Supporting Mineral Exploration and Mining in Remote and Northern Canada" (April 2015) https://www.acec.ca/source/2015/SourceExpress/MiningStudy/pdf/levelling-final.pdf, at p 14.

[112] Ibid at 15.

[113] Pfeiffer, Michaela; Viliani, Francesca; and Dora, Carlos, "Managing the public health impacts of natural resource extraction activities: A framework for national and local health authorities – Discussion Draft" World Health Organization (2010) https://commdev.org/wp-content/uploads/2015/06/WHO-Managing-the-public-health-impacts.pdf, at p 14.

[114] Press, Jordan, "Infrastructure bank could help build Indigenous projects, chairwoman says" CTV News (16 November 2017) https://www.ctvnews.ca/politics/infrastructure-bank-could-help-build-indigenous-projects-chairwoman-says-1.3680947.

[115] Kelly-Scott, Karen and Smith, Kristina, "Aboriginal Peoples: Fact Sheet for Canada", StatsCan (3 November 2015, https://www150.statcan.gc.ca/n1/en/pub/89-656-x/89-656-x2015001-eng.pdf?st=WmZRlFmO.

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Recommendation 17: Companies should work actively and purposefully with Indigenous communities to identify stresses and overburdens on community and civil society programs and ensure that programs are in place to address violence and discrimination against Indigenous women, girls, Two-spirited and gender-diverse persons.

The Traditional Economy

> 2.c. <u>Answer:</u> *Exploration and mining activities affect the traditional economic activities of Indigenous women on which they depend for sustenance and cultural and spiritual traditions.*

Traffic, construction, and pollution can affect traditional hunting and food harvesting activities on traditional lands and the presence of the transient workforce may increase competition for traditional resources depended on for sustenance, culture and well-being.[116] This may pose particular concerns for Indigenous women who often engage in mixed economic activities[117] which are reflective of cultural traditions, and capitalist structures. This mix is important as an effort to preserve traditional food practices and offset the high rate of food insecurity among Indigenous women and girls[118].

Indigenous peoples, and Indigenous women in particular, approach environmental risks from the perspective of access to clean drinking water, food security and cultural and spiritual tradition compared to mining companies who approach the environmental risks of their projects from the perspective of regulatory limits on deposits and emissions. A private company's duty to its shareholders and an Indigenous women's duty to her family and community are not necessarily incompatible; however, deficiencies in communication, understanding, and recognition of rights will too often degrade opportunities for benefits into losses.

Recommendation 18: Impact assessment processes must ensure that the consent of Indigenous women is acquired before project approvals which may negatively affect their traditional economic activities, particularly in relation to food security.

Recommendation 19: Fora should be established to build dialogue between consenting Indigenous women, industry and government to share knowledge and understanding about the importance of traditional economic activities to the health and cultural well-being of Indigenous women and girls and to share information about proposed mining activities.

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[116] Firelight, Supra note52, at p 34.
[117] Kuokkanen, supra note 19, at p 288.
[118] Firelight, Supra note 52, at p at p 19.

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Two-spirited & Gender Diverse People

> 2.d. _Answer: There is insufficient data on the effects of exploration and mining activities on Two-spirited and gender-diverse Indigenous persons._

There is insufficient information on the effects of exploration and mining activities on Two-spirited and gender-diverse Indigenous persons.

**Recommendation 20: Governments and industry must support Indigenous communities in reaching out to Two-Spirit and gender-diverse community members to safely share information on the socio-economic effects of mining and to undertake quantitative and qualitative information sharing to better understand the effects of the industry.**

Economic Effects

> 3. _Answer: Exploration and mining activities have disproportionate negative economic impacts on Indigenous women, girls and Two-spirited and gender diverse persons, with the potential of having short-term positive impacts._

At the same time that Indigenous women and girls are particularly vulnerable to the harmful effects of mining, investments in socio-economic improvements generally result in improved short-term economic and societal well-being for communities.[119]

Industrial projects can create many important benefits for proximate Indigenous communities, including attracting community members back home, employment, business opportunities, sales for local businesses, investments in local infrastructure, and greater cultural understanding.[120] The potential economic benefits of mining are significant, especially in the context of the ongoing economic challenges facing many Indigenous communities as a result of continued colonial invasion and assimilation.

There are strong desires among some Indigenous communities to maximize the benefits of industrial projects, including increased revenues, strong local economies, business development and the return of community members; however this desire is weighed against the desire to prevent the disproportionate distribution of burdens being imposed on Indigenous women.[121] This puts communities in the position of weighing the safety of their women with the much needed economic inflow, and this can be difficult when Indigenous women are continuously left out of consultation processes. Communities also weigh the risk of "boom-bust" cycles that are often associated with short-term projects, though there is sometimes desire for the industry to pursue more long-term projects. Managing the economic effects of mining activities requires long-term planning to ensure communities can diversify their economies while having any mining-related economic benefits.[122]

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[119] Gibson, supra note 100, at p 133.
[120] Firelight, Supra note 52, at p 16-17.
[121] Firelight, Supra note 52, at p 60.
[122] Firelight, Supra note 52, at p 16.

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The disproportionate distribution of mining-related burdens on Indigenous communities as mining activities impose Indigenous territories, and Indigenous women in particular as a result of their social, economic and geographic proximity to the effects of industrial projects, is an important factor in understanding Indigenous opposition to mining activities. At the same time, the needed benefits of mining-related jobs and business opportunities are important in understanding Indigenous support for mining projects. It is important to note that both views are in response to colonial impositions and land divisions that have impacted Indigenous communities in differing ways.

Indigenous peoples in Canada, while sharing a common unique identity rooted in deep social, economic and cultural relationships with the land based on over ten-thousand years of original existence on the land, are not a singular political or social group sharing the same beliefs and values. The diversity of social and political thought and values have important implications for the receptiveness of Indigenous communities to proposed industrial projects.

Ultimately, exploration and mining activities have both positive and negative impacts on Indigenous communities and Indigenous women in particular. The values, experiences and socio-economic circumstances of each community will be hugely influential in determining the receptiveness and readiness of each community to proposed projects; however, the level of sincere and genuine efforts on the part of industry and government to undertake assessment and consultation processes that are properly designed to minimize the deleterious effects while maximizing opportunity will also be largely influential in determining whether Indigenous communities can consent to any particular project.

With 75% of Canada's status First Nation population living on reserves[123] and half of Canada's Indigenous population under the age of 25[124], mining activities in northern regions present important employment and business opportunities to young, remote Indigenous peoples. The disproportionate social and environmental burdens borne by Indigenous women coupled with barriers to employment advancement in the industry raise serious questions about the benefits of mining activities for Indigenous women in particular.

The scales of benefits and burdens will be weighed project by project and community by community; however, where the weights of injustice continue to fall disproportionately on the shoulders of Indigenous women and girls, the justification for any project remains unethical.

Recommendation 21: Further research must be supported to better understand the precise economic effects of mining activities on Indigenous women, particularly Indigenous women in proximity to industrial projects.

Recommendation 22: Consultation and impact assessment processes for mining activities must actively seek out information on the baseline economic condition of Indigenous women

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[123] Kelly-Scott, supra note 115, at p 3.
[124] Ibid, at p 4.

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potential affected by the proposed project and barriers for them in accessing the potential economic benefits of the project.

The Mining Industry in Canada

    3.a. *The mining industry constitutes a significant part of the Canadian Economy.*

The mining industry's $57.6 billion contribution to Canada's GDP in 2016 can be subdivided into mineral extraction ($24.5 billion) and mineral processing and manufacturing ($32 billion).[125] The Industry typically represents between 2.7% and 4.5% of Canada's GDP[126] and accounts for about 19% of the country's goods exports[127]. It also contributes to both local and major urban economies as the industry's business activities stretch from exploration and mineral extraction to global financial markets[128].

Despite the major contributions of the mining industry to Canada's GDP and exports, Canada's share of the international exploration investment has fallen for the last five consecutive years.[129] As discussed below, the necessary transition to renewable energies may create significant demand for minerals and metals in Canada, potentially reversing this trend.

The mining industry is the largest private sector employer of Indigenous peoples, representing 5% of the mining industry's workforce compared to the 3% share of Indigenous peoples in Canada's labour market[130] and this rate of Indigenous employment in the industry continues to grow.[131]

The industry directly employs over 400,000 people in Canada and indirectly employs almost an additional 200,000 people, with employment in the industry likely to increase.[132] In 2017, 95,300 people were employed in extraction and milling positions alone[133] with a 10-year cumulative hiring requirement for the industry projected between 87,830[134] and 106,000 with new positions representing over 11,000 of those positions.[135]

Uncertainties in Canada's policy landscape may be contributing to a significant outflow of investment dollars in Canada's mining industry. These challenges include legislative amendments to environmental assessment processes, climate change policies and transportation and

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[125] MAC, supra note 2, at p 6.
[126] Ibid, at p 12.
[127] Ibid, at p 6.
[128] Ibid, at p 6.
[129] Ibid, at p 6.
[130] MiHR – Aboriginal, Supra note 72, at p 3.
[131] MAC, supra note 2, at p 45.
[132] Ibid, at p 6.
[133] Mining Industry Human Resources Council. (2017). *Canadian Mining Labour Market Outlook, 2017*. Retrieved from https://www.mihr.ca/pdf/publications/National-Report 2017_EN_WEB.pdf, at p 23 [MiHR – Outlook].
[134] Ibid, at p 51.
[135] Mining Industry Human Resources Council. (2016). *Strengthening Mining's Talent Alloy: Exploring Diversity and Inclusion*. Retrieved from https://www.mihr.ca/pdf /publications/MiHR_Diversity_Report_EN_WEB.pdf, at p 3 [MiHR – Diversity].

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infrastructure issues.[136] Despite these changes, the industry will very likely continue to be a major component of the national economy. However, the issues of the gender gap and rigger culture must be addressed to ensure that the lives of Indigenous women are not the cost to Canada's economic prosperity.

Regulatory uncertainty should not be addressed through simple elimination of regulations. Complex regulatory structure can provide certainty. As explained above, the federal government is undertaking significant reforms to the impact assessment legislation governing federally regulated projects. Regulatory requirements to ensure Indigenous rights are respected can provide a level of certainty that can simultaneously assuage regulatory concerns of industry. As such, a regulatory environment would more effectively work toward FPIC through early engagement and meaningful consultation.

Exploration and mining activities are already important components of Canada's economy and the transition to renewable energies strongly suggests that the industry is bound to grow in importance in the coming years and decades. Despite the importance of the industry to the national economy, the effectiveness of mining companies in translating reserves into low-carbon economy products will be largely determined by the balance of benefits and burdens weighed by Indigenous women.

Mining & Climate Change

3.b. *The transition to a low-carbon economy presents significant economic opportunity for Canada's mining industry.*

This territory's rich abundance of minerals and metals will play an important role in the transition toward renewable energies in a low-carbon, sustainable economy. While climate policies have been implicated as a challenge to investment in mining in the country, it is very likely that climate action will generate significant new opportunities for the mining industry as Canada and the global economy transition to renewable energies in order to meet international GHG emission reduction commitments.[137]

The transition from fossil fuels to the key low-carbon renewable energy technologies – solar, wind and batteries[138] – presents significant economic opportunities for the Canadian mining industry.[139] In 2016, 73 gigawatts (equal to more than half of Canada's entire electricity grid capacity) of new capacity came online.[140] The growing demand for solar photovoltaic (PV) capacity is driving demand for the metals and minerals used to manufacture the panels.[141]

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[136] MAC, supra note 2, at p 7 – 8.

[137] MAC, supra note 2, at p 9, 11 and 59.

[138] International Bank for Reconstruction and Development, "The Growing Role of Minerals and Metals for a Low Carbon Future" (June 2017) < http://documents.worldbank.org/curated/en/207371500386458722/The-Growing-Role-of-Minerals-and-Metals-for-a-Low-Carbon-Future > at p 7 [IBRD].

[139] Clean Energy Canada, supra note 25, at p 5. [CEC]

[140] Ibid, at p 2.

[141] Ibid, at p 2.

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To reduce the risks associated with climate change, solar PV capacity will need to increase 17-fold by 2050 and the global capacity for the renewable energy source is already projected to double by 2021.[142] The World Bank estimates that increasing demand for wind and solar PV power will result in increasing demand for the metals necessary for the manufacturing of those technologies to the tune of 250% and 300% respectively by 2050.[143]

While all forms of electricity generation have negative environmental effects, solar PV technologies have fewer environmental impacts than traditional fossil fuel-based electricity generation.[144] Canada has significant reserves and production capacity for 14 of the 19 metals and minerals needed for the production of the typical PV panel and could emerge as a key supplier of these resources[145] as the global economy transitions toward renewable energies.

Climate change is both a scientific/technical challenge as well as an issue of racial and economic inequality with Indigenous peoples disproportionately impacted by the effects of the Western lifestyle phenomenon.[146] The vulnerability of Indigenous women to the effects of climate change strongly suggests that actions to address climate change will produce environmental benefits of particular importance for Indigenous women.

With the emerging opportunities in the global low-carbon economy, it is important that measures by governments and industry be undertaken early to address the unequal availability of employment opportunities in the mining industry. Failure to ensure the full, equal and rewarding participation of Indigenous women in today's industry risks perpetuating this marginalization and repeating the historical pattern of excluding Indigenous women from economic and political opportunities.

Recommendation 23: Ensure Indigenous women are encouraged to pursue education and training in mining-related trades and professions if they wish, and that they are provided with opportunities for advancement. In particular, employers should endeavor to ensure the Indigenous workforce is not confined to the lower strata positions or the jobs most vulnerable to automation.

Recommendation 24: Federal, provincial and territorial, and Indigenous governments should form working groups with the mining industry to develop and implement measures that will help facilitate the transition to renewable energies as a means of reducing greenhouse gas emissions.

Recommendation 25: Measures to facilitate the transition to renewable energies must be designed in ways that ensure Indigenous women and children are not disproportionately exposed to socio-economic and environmental risks associated with mining projects and that

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[142] Ibid, at p 3.
[143] IBRD, Supra note 138, at p 15.
[144] CEC, Supra note 139, at p 5.
[145] Ibid, at p 5.
[146] LaDuke, supra note 32.

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Indigenous women are provided with meaningful access to social and economic benefits from mining activities.

Recommendation 26: There should be a coordinated effort among industry, governments and Indigenous peoples to ensure the renewable energy transition does not come at the expense of the physical, psychological, cultural or spiritual well-being of Indigenous women and children and that Indigenous women are provided with meaningful and robust opportunity to participate in the low-carbon economy.

Mining & Indigenous Women
> 3.c. *Indigenous women face barriers in mining workplaces that obstruct their opportunities to advance in the industry.*

Discrimination and Violence

There is overwhelming evidence that women are more likely to be negatively impacted by mining activities and less likely to benefit from the economic opportunities associated with mining.[147] While Indigenous women are often understandably skeptical of industrial projects,[148] there is agreement that resource development projects can be beneficial for Indigenous peoples if they are provided the education and training necessary to participate in the labour market.[149]

Mining continues to be a male-dominated industry.[150] Women who work in the industry recognize that improvements in gender equity are being made in the workplace culture; however, the workplace remains characteristically unsafe for women which creates a difficult dynamic for women to advance in their careers.[151] Indigenous women face significant barriers maintaining and advancing employment in the mining industry as a result of systemic and overt racism and sexism, harassment and bulling, sexual extortion and violence. Part of this racism and hyper-masculinity characteristic of rigger culture may be attributable to patterns of gender discrimination and imported patriarchy.[152]

The barriers Indigenous women face in maintaining and advancing employment in the mining industry may be lost on many male employers in the industry. This is evidenced in the disconnect between women workers and male employers on the perceived impediments for women's career advancement opportunities in the mining industry. Where two-thirds of women employees

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[147] Keenan, Supra note 69, at p 609.
[148] Native Women's Association of Canada. (2015). *Resource Development Sector Barriers and Opportunities: Summary of the Findings of the Aboriginal Women Literature Review and Survey Results.* Retrieved from https://www.nwac.ca/wp-content/uploads/2015/05/FINAL-Resource-Development-Sector-Barriers-and-Opportunities-Aboriginal-Women-Summary-of-Findings.pdf, at p 20.
[149] Ibid, at p 24 – 25.
[150] Keenan, Supra note 69, at p 608.
[151] Mining Industry Human Resources Council. (2016). *Strengthening Mining's Talent Alloy: Exploring Gender Inclusion.* Retrieved from https://www.mihr.ca/pdf/publications/MiHR_Gender_Report_EN_WEB.pdf, at p 7 [MiHR – Gender].

[152] Ibid, at p 7.

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identified gender-specific challenges to career advancement, less than 30% of employers agreed.[153] In one study, 58% of respondent employees in the mining sector indicated that it was often or usually harder for women to succeed, with respondent women more likely to agree than men.[154]

Despite requirements under Canadian workplace health and safety legislation at the federal and provincial levels that employees be provided with workplaces free of harassment[155], employers in the mining sector appear to be making little gains in addressing rigger culture. Women are more likely to report seeing or experiencing harassment and bullying, experience greater difficulty balancing work and life demands, are less likely to remain in the industry, and are less likely to be informed of career advancement opportunities.[156] The work environment also affects women's experience with harassment and bullying as rates of these types of incidents are higher among women working in the field than among women working in corporate settings.[157] Moreover, for Indigenous women who live with compounding intergenerational and person traumas, these workplace experiences can be life-changing and extremely detrimental to their wellbeing.

Similar to the disconnect between women employees and male employers with regard to gender barriers in the workplace, there are vastly different perceptions between Indigenous and non-Indigenous employees with regard to employment opportunity for Indigenous peoples. Many Indigenous workers feel that there are limited opportunities for their career advancement in the mining industry, evidenced by the very small proportion of Indigenous employees at the management level, whereas non-Indigenous employees tend to believe that it is easier for Indigenous people to succeed in the industry.[158] A lack of understanding among non-Indigenous workers of the context for Indigenous employment initiatives likely fuels the inaccurate perspective that Indigenous people are unfairly advantaged in the industry. Pre-existing prejudices against Indigenous women may be prodded by hiring policies that prioritize Indigenous women if information about the background and purpose of these polices is not appropriately enforced.

These misunderstandings and tensions may be addressed by employers improving transparency around corporate social responsibility initiatives and by educating their employees about these matters.[159] Transparency in the application of corporate social responsibility policies and company-community agreements are unlikely to suffice as measures to address systemic discrimination and rigger culture. Sincere efforts to build meaningful relationships between industry workers and local Indigenous community members may be a more effective means of addressing the bias and stereotypes that facilitate historical patterns of racism and violence against women.[160]

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[153] MiR – Diversity, supra note 135, at p 4.

[154] Ibid, at p 31.

[155] See for example, *Canada Labour Code,* RSC, 1985, c L-2, at Division XV.1; and *Occupational Health and Safety Act*, RSO, 1990, c O 1 at Part III.0.1.

[156] MiHR – Gender, Supra note 151, at p 1 – 3.

[157] Ibid, at p 19.

[158] MiHR – Aboriginal, Supra note 72, at p 17-18.

[159] Ibid, at p 9.

[160] Ginger Gibson Interview, suggested that meaningfully addressing the dehumanization of Indigenous women may be assisted through the development of relationships between workers and Indigenous peoples.

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The vast majority of employers in the mining industry agree that hiring recruitment of Indigenous peoples is a priority for the company in meeting its hiring needs, whereas less than a third of employers indicated hiring women was a priority.[161] This highlights the vulnerability of intersectionally marginalized people. A genuine commitment to equal rights of Indigenous women can result in tangible benefits in the availability of an experienced, high-level workforce of Indigenous women; however, the initial commitment to improving the socio-economic condition of Indigenous women and children may appear gratuitous or altruistic as the returns may be difficult to discern.

While women tend to face significant challenges accessing career opportunities in the industry, Indigenous women have reported securing positions with relative ease; however, maintaining and advancing positions continues to be a challenge for them as they experience high rates of harassment, violence and bullying in the workplace.[162]

The participation of women in the mining industry grew by 70% between 1996 and 2011, yet women still represented only 17% of the mining workforce (38,600 positions). When compared to the participation in Canada's total labour market at 48%, the industry is remarkably gender imbalanced.[163] The gender gap in mining and exploration is the largest among primary industry categories in Canada.[164] Women employed in the industry are also more likely to be employed on a part-time basis.[165]

Addressing the gender imbalance in the industry, however, may be an effective means of addressing the occupational gap.[166, 167] A lack of diversity in the mining industry's workforce has been identified as a factor contributing to the occupational gap in Canada.[168] In addition to recruiting women workers, there are also opportunities to address the occupational gap by engaging Indigenous peoples, particularly those in close proximity to projects.[169] In fact, a lack of skilled trades people in the industry has already motivated some companies to target Indigenous women for recruitment.[170] However, it is important to recognize Indigenous women may not want to work for mining companies because of the environmental and social impacts they have on culture and communities. These wishes should be respected and it is up to industry to conform to the wishes and consent of Indigenous women's involvement in mining activities.

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[161] MiHR – Aboriginal, Supra note 72, at p 9.
[162] MiHR – Diversity, Supra note 135, at p 12.
[163] MAC, supra note 2, at p 44.
[164] Mining Industry Human Resources Council. (2010). *Ramp-UP: A Study on the Status of Women in Canada's Mining and Exploration Sector*. Retrieved from https://www.mihr.ca/pdf/publications/Ramp-UPFinal2010.pdf, at p 4 [MiHR - Ramp-up]
[165] MiHR – Outlook, Supra note 133, at p 15.
[166] MiHR – Outlook, supra note 133, at p 56.
[167] MiHR – Ramp-up, supra note 164, at p 4.
[168] MiHR – Diversity, Supra note 135, at p 4.
[169] Ibid, at p 4.
[170] Keenan, Supra note 69, at p 613.

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Without training, Indigenous employees enter the default entry-level, lower-paying positions while "outsiders" tend to occupy the highest ranked and paid positions.[171] While mining-related jobs can be important benefits for local Indigenous communities, the lifestyles and responsibilities of persons without families are more amenable to the FIFO work model.[172] The attractiveness of the industry to single men perpetuates the male-centric culture of worksites and undermines the capacity of employers to address rigger culture. Measures to provide working arrangements accommodating to women can help facilitate the participation of women in the workforce, narrow the gender gap and erode rigger culture.

Rigger culture can and does permeate throughout all levels of some enterprises in extractive industries, resulting in a "frontier masculinity" excluding women from almost all spaces of the businesses.[173] This persistence in sexism and harassment in the mining industry compelled Susan Lomas, a 30-year veteran geologist in the industry, to start the hashtag #MeTooMining.[174]

While some employers are taking steps to afford greater work-life balance in order to attract women to the industry, these employers are the exception and not the norm.[175] It is clear from years of research that gender inclusion can only be achieved through proactive and intentional efforts to bring about this progress.[176] For employers to overcome these barriers for women in the mining sector, they need to enhance their workplace cultures to address these issues and build career opportunities for women into their organizations, including partnering with educational institutions to attract post-secondary students to the industry, and investing in long-term relationship reparation and rebuilding.[177]

Efforts on the part of mining companies to implement policies and procedures to address mining-related sexual violence and harassment have not sufficed to establish workplace cultures and environments that facilitate equal opportunity for Indigenous women. Hiring priorities are meaningless if the workplace is toxic to the supposed beneficial group. It is simply not enough to declare workplace policies that prohibit discrimination, harassment and violence if the systemic issues which propagate this behavior are left unaddressed.

Employers must be actively engaged in the hunt for inequality. Truly meaningful corporate policies and culture which can reasonably counter the entrenched culture of misogyny and bigotry are those which are actively pursued and not left to the wishful thinking of trickle-down corporate responsibility or left up to women to bring forward.

While many mining companies have certainly taken the issue of sexual violence, discrimination and harassment in the workplace seriously, the continued prevalence of these disgusting vices

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[171] Gibson, supra note 100, at p 131.
[172] Gibson, supra note 100, at p 131
[173] Dalseg, supra note 39, at p 139.
[174] Jane Sponagle, "#MeTooMining digs into sexual harassment, assault in mining industry" CBC News (14 March 2018) https://www.cbc.ca/news/canada/north/metoo-mining-yellowknife-sexual-harassment-geologist-1.4576029.
[175] Ibid, at p 10.
[176] MiHR – Gender, Supra note 151, at p 43.
[177] Ibid, at p 4

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evidences that the level of seriousness with which the matters have been taken has not been met with the corresponding level of effort to provide safe workspaces for Indigenous women. Without a safe workplace, it must be impossible to conclude that opportunities are equally available.

Recommendation 27: Employers must work harder to better identify and track instances of discrimination, harassment and violence and to understand the root causes that lead to these types of unacceptable behaviors, and enact preventative mechanisms.

Recommendation 28: Employers should explore relationship-building opportunities with Indigenous communities, including meaningful apologies, for the purpose of breaking down prejudices and stereotypes. These relationship-building activities should support transparency and information sharing with regard to company-community agreements and hiring policies.

Recommendation 29: Industry should consult with Indigenous women to identify barriers to access to employment and career advancement as well as potential measures to assuage those barriers and facilitate greater participation in the workforce. Efforts to implement these measures must be purposeful and genuine.

Recommendation 30: Employers must do more than adopt corporate policies to address harassment, discrimination and violence in the workplace. They must undertake measures to actively identify these behaviors and hunt-out their perpetrators. Zero tolerance must not be accompanied by blind eyes.

Education and Training

Many barriers to employment, especially in supervisory or high-skilled positions, originate from well-before the involvement of mining companies. A critical challenge for Indigenous peoples and the mining industry is to ensure the Indigenous workforce is equipped with the education and training necessary to gain access to well-paying employment opportunities in the industry.[178]

About half of Canada's Indigenous population between the ages of 25 and 64 have completed post-secondary education – compared to the non-Indigenous rate of 65%; however, Indigenous post-secondary graduates are more likely to have completed a trade or college program rather than bachelor-level studies compared to non-Indigenous peoples.[179] Post-secondary educational credentials are an important determinant for employability among Indigenous peoples, with a difference in employment rates between Indigenous peoples without post-secondary credentials and those with ranging from 34% to 40%.[180] Moreover, Indigenous populations tend to have lower literacy skills than non-Indigenous peoples,[181] which may affect education levels and streams.

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[178] MAC, supra note 2 at p 45.
[179] Kelly-Scott, Supra note 115, at p 6.
[180] Ibid, at p 6.
[181] At a Glance, supra note 15, at p 21.

The extraordinary gender gap in the mining industry is likely also a result of educational pathways women choose in post-secondary education, as young women are unlikely to choose the mining industry as a career destination.[182] Even in the professions within the industry where women are better represented, they are unlikely to hold management positions.[183] This suggests that long-term approaches to education, beginning in primary and secondary school, must be undertaken to enhance opportunities for Indigenous girls to gain access to university level education necessary for employment in high-skilled positions.

The Truth and Reconciliation Commission (TRC) called on the federal government to develop a joint strategy to eliminate educational and employment gaps between Indigenous and non-Indigenous Canadians.[184] Given the proximity of many mining projects to Indigenous communities,[185] as well as the potential influence of the transition to renewable energies on the mining industry, educational and employment projects to meet this call to action will likely need to have some focus on exploration and mining activities.

Recommendation 31: Concerted efforts to improve literacy, science and mathematics education at the primary and secondary levels must be undertaken to remove barriers to higher educations in science and engineering necessary to access high-skilled jobs in the mining industry.

Recommendation 32: Employers should develop training and education programs targeted for current Indigenous women employees with the aim of equipping them with the skills necessary for career advancement.

Lifestyle and Culture

While some Indigenous employees may choose to leave the industry due to overt or systemic racism, others may leave for personal or family reasons, including the strains of the FIFO work schedule on family life and cultural norms.[186]

The top working conditions that challenge women's success in the industry are flexibility in work arrangements, workplace culture, ample notice of travel and remote work, and child care and parental leave.[187] Other challenges women face in career advancement in the industry include: lack of mentorship, work-life conflicts, inequalities in HR policies, lack of female leaders, internal barriers, lack of awareness of opportunities, and lack of professional/ career development opportunities.[188] Attracting and retaining more women in the industry will require a variety of measures, from encouraging girls to pursue math and science studies to ensuring more women have access to career advancement and leadership opportunities.[189]

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[182] MiHR – Ramp-up, supra note 164, at p 10.
[183] Ibid, at p 12.
[184] TRC, supra note 67, at p 2.
[185] Natural Resources Canada. (2018, August 2). *Indigenous Mining Agreement, Interactive Map. Lands and Minerals Sector*. Available at http://atlas.gc.ca/imaema/en/.
[186] MiHR – Aboriginal, Supra note 72, at p 13-14.
[187] MiHR – Ramp-up, supra note 164, at p 13
[188] Ibid, at p 15.
[189] MiHR – Gender, Supra note 151, at p 7.

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In order to ensure that the rate of Indigenous representation in the industry continues to grow, and that meaningful career development opportunities are made available to Indigenous peoples, long-term training and development strategies must be implemented.[190]

Recommendation 33: Employers should develop policies, in consultation with Indigenous women, that accommodate familial and cultural responsibilities while facilitating career advancement.

Recommendation 34: Employers should undertake concerted efforts to equip Indigenous women with the skills and experience necessary to fill supervisorial and managerial positions with an aim of workforce diversification for the purposes of eroding rigger culture and attracting young Indigenous workers to the industry.

Conclusion

The brutalization of Indigenous women in the historic military invasions, and then the mining campaigns of the 1800s is well documented. Indigenous women understand the relationship between taking Indigenous lands and seeking to destroy Indigenous women. This has continued for generations, yet at this new time, the increased violence against Mother Earth in the process of extreme extraction, mining, exploding the bedrock, pumping lethal chemicals, climate change, and watching a land perish, is parallel and highly impactive to Indigenous women and communities who live in the violence. Violence on the land becomes violence against women. And, the invasion of Indigenous territories has increased dramatically through mining activities.

As mining activities increase around Indigenous communities, industry must take deliberate considerations to stop, reverse, and repair in good faith, the violence that is carried out against Indigenous women and their children. Governments and industry must recognize and take up their responsibilities to ensure the safety and success of Indigenous women and their communities. Any economic benefits that correlate to mining activities can *never* supersede the safety and wellbeing of Indigenous women or their spiritual relationships with Mother Earth.

Indigenous women recognize that it is the same ethic that allows mining companies and governments to feel entitled to desecrate sacred lands allows them to feel entitled to the bodies of Indigenous women and children. This colonial and capitalist worldview has no space in Indigenous communities, and industry must be held accountable and respond to their role (present and past) in the perpetuation of violence.

As the missing and murdered Indigenous women and girls inquiry comes to a close, it is especially timely that the mining industry begins with a rigorous systemic overhaul to respond to their role

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[190] Ibid, at p 4.

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in trafficking of Indigenous women and girls, sexual violence, economic dependency, poor health conditions, and disruption of cultural transmission, among other aspects.

Summary of Recommendations

The following is a consolidated list of recommendations:

Environmental Effects

Finding 1: The direct environmental effects of mining have disproportionately negative impacts on Indigenous women and girls due to their socio-cultural relationship with nature and their physiological vulnerabilities; however, the potential positive environmental effects of the industry's contribution to renewable energies may have significant and positive environmental effects with particular benefits for Indigenous women.

Respecting Exploration Activities

Recommendation 1: Guidance documents and best practices for consultations with Indigenous women in regard to exploration activities must be developed in consultation with Indigenous women. These documents and best practices should ensure early, good faith engagement, open and transparent communication, and a focus on gender-specific issues and concerns.

Finding 1.a: Indigenous women experience disproportionately negative environmental effects of mining activities as a result of their greater proximity to mining sites, socio-cultural intimacy with the natural environment, physiology, and economic vulnerability.

Recommendation 2: Reclamation of abandoned mines must be prioritized, especially on deleteriously affected Indigenous lands, in order to evidence the sincere commitment of governments and industry to the protection of the natural environments that are of central importance to the physical, social, cultural and economic well-being of Indigenous women and girls.

Recommendation 3: More active, efficient and transparent communications mechanisms must be implemented to ensure that Indigenous communities, particularly vulnerable members of the communities, are made aware of the environmental risks and effects of mining activities on traditional lands.

Recommendation 4: Public policy and proponent community engagement must prioritize the reduction of food insecurity, including through training and employment programs, among Indigenous women and youth as a means of reducing their disproportionate vulnerability to environmental contaminants.

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Recommendation 5: Further primary research must be supported to gather quantitative data on the environmental effects of mining-related deleterious substances on Indigenous women and girls throughout their life stages.

Respecting Decision-Making and UNDRIP

Finding 1.b: The exclusion of Indigenous women from decision-making processes regarding industrial projects on traditional lands can undermine the legitimacy of administrative decisions, perpetuate the disproportionate distribution of project burdens on Indigenous women, and create market instability.

Recommendation 6: When engaging in consultations or negotiations with Indigenous peoples, governments and industry must ensure Indigenous women are provided with opportunities to meaningfully participate in expressing their concerns and perspectives, and be assured their contributions will be responded to and heard. While every consultation process is unique, governments and companies must ensure Indigenous women are provided with safe, accessible and culturally appropriate environments to engage in consultations. With regard to environmental (or "impact") assessment processes in particular, a culturally-relevant gender lens should be employed to identify the negative effects of projects on Indigenous women and children as well as opportunities for the amelioration of their socio-economic conditions.

Recommendation 7: Industry should ensure Indigenous women are included in the negotiation processes for company-community agreements and their rights and interests are adequately considered and addressed in the final agreements.

Recommendation 8: Consultation processes should conform with UNDRIP, including recognizing the right of Indigenous peoples to give or withhold their free, prior and informed consent prior to the implementation of administrative measures that may affect them (Article 19) and to give or withhold such consent with respect to the storage or disposal of hazardous materials in their lands or territories (Article 29.2).

Recommendation 9: Primary research should be supported to gather quantitative data on the participation rates of Indigenous women in environmental assessment processes, self-government negotiations, and company-community negotiations. This includes supporting Indigenous communities in reclaiming traditional protocols, processes, and understandings around ways of knowing and what it means to gather data.

Social and Cultural Effects

Finding 2: Exploration and mining activities have both positive and negative socio-cultural effects on Indigenous women and girls. The discussion on the potential positive effects of the industry is eclipsed, however, by the devastating and wholly unacceptable effects of mining activities on rates of sexual violence against Indigenous women and girls.

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Respecting Sexual Violence and Industrial Projects

Finding 2.a.: Industrial projects have disproportionate negative effects on rates of sexual violence against Indigenous women and girls.

Recommendation 10: Primary research should be supported to collect data on the rates of harassment, sexual violence, and bullying experienced by Two-spirited and gender diverse Indigenous persons employed in the mining industry or who are proximate to mining activities.

Recommendation 11: Companies should work with consenting local Indigenous communities to develop and implement initiatives and activities designed to break down stereotypes and prejudices and to build productive and respectful relationships with local Indigenous communities.

Recommendation 12: Companies should develop and implement workers' codes of conduct that address sexual violence, violence, harassment and discrimination which are applicable in the workplace and local communities. The companies should be active in their approach to ensuring that its workforce is properly educated on the workers' code of conduct and issues of discrimination and violence and should train its supervisors and managers to identify red flags that the code of conduct has been breached.

Recommendation 13: Companies must be proactive in identifying and addressing, with zero tolerance, instances of sexual violence, violence, harassment and discrimination by its employees in the workplace and neighboring communities.

Recommendation 14: Further research should be supported to gather primary data on the rates of sexual violence, violence, harassment and sexual harassment suffered by women, children, Two-spirited and gender diverse people in Indigenous communities neighboring mining camps and work sites.

Recommendation 15: Preventative measures should be prioritized to ensure the safety and well-being of Indigenous women and girls is never put at risk because of the presence or actions of extractive industries.

Respecting Community Services and Infrastructure

Finding 2.b.: Mining activities can put added pressure on already stressed public services and infrastructure; however, early engagement and proper planning can ensure that both mining companies and Indigenous communities benefit from shared investments in programs and infrastructure.

Recommendation 16: Indigenous peoples, particularly Indigenous women, must be engaged in the planning and impact assessment processes of proposed projects at the earliest possible stages in order to ensure that impacts on community infrastructure and public services are understood

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and arrangements are implemented to ensure the minimization of negative effects and the maximization of win-win results.

Recommendation 17: Companies should work actively and purposefully with Indigenous communities to identify stresses and overburdens on community and civil society programs and ensure that programs are in place to address violence and discrimination against Indigenous women, girls, Two-spirited and gender-diverse persons.

Respecting the Traditional Economy

Finding 2.c: Exploration and mining activities affect the traditional economic activities of Indigenous women on which they depend for sustenance and cultural and spiritual traditions.

Recommendation 18: Impact assessment processes must ensure that the consent of Indigenous women is acquired before project approvals which may negatively affect their traditional economic activities, particularly in relation to food security.

Recommendation 19: Fora should be established to build dialogue between consenting Indigenous women, industry and government to share knowledge and understanding about the importance of traditional economic activities to the health and cultural well-being of Indigenous women and girls and to share information about proposed mining activities.

Respecting Two-spirited and Gender Diverse People

Finding 2.d: There is insufficient data on the effects of exploration and mining activities on Two-spirited and gender-diverse Indigenous persons.

Recommendation 20: Governments and industry must support Indigenous communities in reaching out to Two-Spirit and gender-diverse community members to safely share information on the socio-economic effects of mining and to undertake quantitative and qualitative studies to better understand the effects of the industry.

Economic Effects

Finding 3: Exploration and mining activities have disproportionate negative economic impacts on Indigenous women, girls and Two-spirited and gender diverse persons, with the potential of having short-term positive impacts.

Recommendation 21: Further research must be supported to better understand the precise economic effects of mining activities on Indigenous women, particularly Indigenous women in proximity to industrial projects.

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Recommendation 22: Consultation and impact assessment processes for mining activities must actively seek out information on the baseline economic condition of Indigenous women potential affected by the proposed project and barriers for them in accessing the potential economic benefits of the project.

Respecting the Mining Industry in Canada

Finding 3.a: The mining industry constitutes a significant part of the Canadian economy.

Respecting Mining and Climate Change

Finding 3.b: The transition to a low-carbon economy presents significant economic opportunity for Canada's mining industry.

Recommendation 23: Ensure Indigenous women are encouraged to pursue education and training in mining-related trades and professions if they wish, and that they are provided with opportunities for advancement. In particular, employers should endeavor to ensure the Indigenous workforce is not confined to the lower strata positions or the jobs most vulnerable to automation.

Recommendation 24: Federal, provincial and territorial, and Indigenous governments should form working groups with the mining industry to develop and implement measures that will help facilitate the transition to renewable energies as a means of reducing greenhouse gas emissions.

Recommendation 25: Measures to facilitate the transition to renewable energies must be designed in ways that ensure Indigenous women and children are not disproportionately exposed to socio-economic and environmental risks associated with mining projects and that Indigenous women are provided with meaningful access to social and economic benefits from mining activities.

Recommendation 26: There should be a coordinated effort among industry, governments and Indigenous peoples to ensure the renewable energy transition does not come at the expense of the physical, psychological, cultural or spiritual well-being of Indigenous women and children and that Indigenous women are provided with meaningful and robust opportunity to participate in the low-carbon economy.

Respecting Mining and Indigenous Women

Finding 3.c: Indigenous women face barriers in mining workplaces that obstruct their opportunities to advance in the industry.

Respecting Discrimination and Violence

Recommendation 27: Employers must work harder to better identify and track instances of discrimination, harassment and violence and to understand the root causes that lead to these types of unacceptable behaviors, and enact preventative mechanisms.

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Recommendation 28: Employers should explore relationship-building opportunities with Indigenous communities, including meaningful apologies, for the purpose of breaking down prejudices and stereotypes. These relationship-building activities should support transparency and information sharing with regard to company-community agreements and hiring policies.

Recommendation 29: Industry should consult with Indigenous women to identify barriers to access to employment and career advancement as well as potential measures to assuage those barriers and facilitate greater participation in the workforce. Efforts to implement these measures must be purposeful and genuine.

Recommendation 30: Employers must do more than adopt corporate policies to address harassment, discrimination and violence in the workplace. They must undertake measures to actively identify these behaviors and hunt-out their perpetrators. Zero tolerance must not be accompanied by blind eyes.

Respecting Education and Training

Recommendation 31: Concerted efforts to improve literacy, science and mathematics education at the primary and secondary levels must be undertaken to remove barriers to educations in science and engineering necessary to access high-skilled jobs in the mining industry.

Recommendation 32: Employers should develop training and education programs targeted for current Indigenous women employees with the aim of equipping them with the skills necessary for career advancement.

Respecting Lifestyle and Culture

Recommendation 33: Employers should develop policies, in consultation with Indigenous women, that accommodate familial and cultural responsibilities while facilitating career advancement.

Recommendation 34: Employers should undertake concerted efforts to equip Indigenous women with the skills and experience necessary to fill supervisorial and managerial positions with an aim of workforce diversification for the purposes of eroding rigger culture and attracting young Indigenous workers to the industry.

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