

# CMSI Consultation Response

## Respondent Details

NAME

Kyla Horsting-Minnabarriet

COUNTRY

Canada

PERMISSION

Yes, CMSI can disclose my feedback, name, and organisation.

STAKEHOLDER

Indigenous peoples / organisation

ORGANISATION

Citxw Nlaka'pamux Assembly

## COMMENTS & QUESTIONS BY DOCUMENT

Document:  
Standard

### General comment on Performance Area

COMMENT:

*The Standards seem disjointed. Different performance areas have very different levels of requirements. For example, in performance area 19 one of the foundational practices is developing a biodiversity management plan, but a good practice in performance area 7 is "Adopting appropriate measures to protect and support the health and wellbeing of pregnant workers" and "protect against all forms of discrimination and harassment". While biodiversity is important, it shouldn't be more foundational than human rights.*

*Recommendation: Have a more fulsome review of the standards and ensure there is alignment across performance areas.*

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COMMENT:

*The Standards don't include rights-holders in necessary performance areas. Rights-holders should be included at minimum any time Stakeholders are listed.*

*Recommendation: Have a more fulsome review of the standards and ensure there is alignment across performance areas.*

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### Introduction

COMMENT:

*Practices that are in line with industry standards and international norms, frameworks, and guidelines are the minimum required and should be foundational. Good practice must be above industry standards.*

*Recommendation: Change the definition for "Foundational Practice" to the definition of "Good Practice"*

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## **Performance Area 1: Corporate Requirements**

SECTION: 1.1 Board and Executive Accountability, Policy and Decision, Making, Good Practice

COMMENT:

*Having a "commitment" as the requirement for good practice is too low of a standard. Commitments are meaningless until they are actioned.*

*Recommendation: Change or move to Foundational Practice*

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SECTION: 1.4 Risk Assessment, Leading Practice, 1

COMMENT:

*It is vital to include rights-holders in the risk assessment process.*

*Recommendation: Include rights-holders in this requirement or have a separate bullet (i.e.. Collaborate with rights-holders in the risk assessment process).*

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SECTION: 1.5 Crisis Management and Communications, Foundational Practice, 1

COMMENT:

*It is vital to identify credible potential crisis scenarios that are likely to arise to right-holders, not just the company, stakeholders and the environment.*

*Recommendation: Include right-holders to the list of those who could be significantly impacted by a potential crisis.*

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SECTION: 1.5 Crisis Management and Communications, Good Practice, 1

COMMENT:

*It is vital to include rights-holders in the Corporate Crisis Response plan, specifically in bullets d and e.*

*Recommendation: Include rights-holders in this requirement.*

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## **Performance Area 10: Emergency Preparedness and Response**

SECTION: 10.1 Emergency Preparedness and Response Planning, Foundational Practice, 3

COMMENT:

*Does communities include Indigenous communities? If not state that rights-holders need to be notified.*

*Recommendation: Clarify and/or add rights-holders to lists of people who need to be notified.*

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SECTION: 10.1 Emergency Preparedness and Response Planning, Leading Practice

COMMENT:

*A leading practice must include proponents providing funding for community emergency response plans (including rights holders) and supplies that are needed in case of an emergency.*

*Recommendation: Include this as a leading practice.*

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## **Performance Area 11: Security Management**

SECTION: 11.1 Security Management, Good Practice, 1

COMMENT:

*This is a foundational practice.*

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## **Performance Area 12: Stakeholder Engagement**

SECTION: 12.1 Stakeholder Identification and Engagement, Good Practice, 3

COMMENT:

*Include rights-holders. Good practice 3 and 4.*

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## **Performance Area 14: Indigenous Peoples**

SECTION: 14.1 Managing Engagement, Impacts and Opportunities with Indigenous Peoples, Foundational Practice, 4

COMMENT:

*Cultural Awareness training is as important as safety training. All workers, contactors, management, corporate staff, and board of directors have to be provided cultural awareness training.*

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SECTION: 14.1 Managing Engagement, Impacts and Opportunities with Indigenous Peoples, Good Practice, 12

COMMENT:

*This should be for all workers, management, corporate staff, and the board of directors. All levels of workers, starting at the Board of Directors, make decisions that impact Indigenous Peoples.*

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SECTION: 14.1 Managing Engagement, Impacts and Opportunities with Indigenous Peoples, Leading Practice, 2

COMMENT:

*This should be a requirement for all workers, management, corporate staff, contractors, and the board of directors. All levels of workers, starting at the Board of directors, make decisions that impact Indigenous Peoples and need to be informed on these topics.*

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## **Performance Area 17: Grievance Management**

SECTION: 17.1 Grievance Mechanism for Stakeholders and Rights, Holders, Leading Practice

COMMENT:

*The grievance mechanism and its effectiveness should be reviewed independently as well.*

*Recommendation: Include external review of grievance mechanism at defined intervals.*

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## **Performance Area 18: Water Stewardship**

SECTION: 18.1 Water Management and Performance, Good Practice, 8

COMMENT:

*Rights-holders need to be specified where it says identified water users as well.*

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SECTION: 18.1 Water Management and Performance, Good Practice

COMMENT:

*Engagement with water users (including Rights-holders) in relation to water management and performance is a foundational practice, not good practice.*

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SECTION: 18.2 Collaborative Watershed Management, Foundational Practice, 4

COMMENT:

*Rights-holders need to be specified where it says identified water users as well.*

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SECTION: 18.2 Collaborative Watershed Management, Good Practice, 1

COMMENT:

*Rights-holders need to be specified where it says identified water users as well.*

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SECTION: 18.2 Collaborative Watershed Management, Good Practice, 2

COMMENT:

*Rights-holders need to be specified where it says identified water users as well.*

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SECTION: 18.2 Collaborative Watershed Management, Good Practice, 3

COMMENT:

*Rights-holders need to be specified where it says identified water users as well.*

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SECTION: 18.2 Collaborative Watershed Management, Leading Practice, 3

COMMENT:

*Rights-holders need to be specified where it says identified water users as well.*

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## **Performance Area 2: Business Integrity**

SECTION: 2.1 Legal Compliance, Foundational Practice, 2

COMMENT:

*What does "significant legal obligation" mean, and how is it determined what is significant or not?*

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## **Performance Area 22: Pollution Prevention**

SECTION: 22.6 Accidental Polluting Releases, Foundational Practice

COMMENT:

*Notify stakeholders and rights holders of accidental pollution releases.*

*Recommendation: Include this as foundational practice.*

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SECTION: 22.6 Accidental Polluting Releases, Leading Practice, 1

COMMENT:

*Include rights holders in this requirement.*

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SECTION: 22.7 Noise, Vibration and Light pollution/nuisance, Leading Practice, 1

COMMENT:

*Include rights holders in this requirement.*

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## **Performance Area 23: Circular Economy**

SECTION: 23.2 Additional Requirements for Smelters, Leading Practice, 3

COMMENT:

*Include rights holders in this requirement.*

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## **Performance Area 24: Closure**

SECTION: 24.1 Closure Management, Leading Practice

COMMENT:

*Support/collaborate on closure and/or reclamation research.*

*Recommendation: Include research as a leading practice.*

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COMMENT:

*Establish financial assurance for all closure and post closure costs, including closure risks, and the reasonable worst case scenarios that could occur during closure and/or post-closure.*

*Recommendation: Include this as a leading practice.*

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SECTION: 24.1 Closure Management

COMMENT:

*Include more social closure requirements. Develop a plan with communities and rights-holder about opportunities available during closure and post-closure to support the surrounding economy and support the social transition into closure.*

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## **Performance Area 4: New Projects, Expansions and Resettlement**

SECTION: 4.2 Land Acquisition and Resettlement, Foundational Practice, 1

COMMENT:

*Who determines when and where displacement is unavoidable? If it is the proponent determining when it is unavoidable, economic reasons cannot be the main or only reason for not being able to avoid physical or economic displacement.*

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SECTION: 4.2 Land Acquisition and Resettlement, Leading Practice, 1

COMMENT:

*From communities' perspective, this is a good practice but a leading practice would be having these programs collaboratively developed*

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SECTION: Intent

COMMENT:

*In the intent section it states that management plans must be developed in consultation with affected stakeholders. This must also include affected right-holders.*

*Recommendation: Right-holders to also be included in the development of management plans.*

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## **Performance Area 7: Rights of Workers**

SECTION: 7.1 Workers' Rights Risk, Mitigation and Operational Performance, Good Practice

COMMENT:

*These are all foundational practices. Anything less than fulfilling these fails workers and the broader impacted community.*

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SECTION: 7.1 Workers' Rights Risk, Mitigation and Operational Performance

COMMENT:

*The requirements for this whole section are far too low. Companies should be required to do more than not violate human rights in order to achieve Good Practice and Leading Practices should be above and beyond that.*

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SECTION: 7.2 Grievance Mechanism for Employees and Contractors (Workers), Good Practice

COMMENT:

*These are foundational practices*

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## **Performance Area 8: Diversity, Equity, and Inclusion**

SECTION: 8.1 Governance of Diversity, Equity, and Inclusion (Corporate Level), Good Practice, 1

COMMENT:

*This is a foundational practice.*

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SECTION: 8.1 Governance of Diversity, Equity, and Inclusion (Corporate Level), Leading Practice, 2

COMMENT:

*This should be moved to Good Practice and a leading practice should require progress towards these objectives.*

*Recommendation: Move to Good Practice and create a new requirement under Leading Practice that reflects the company seeing progress/success on these objectives.*

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## **Performance Area 9: Safe, Healthy and Respectful Workplaces**

SECTION: 9.2 Psychological Safety and Respectful Workplaces, Good Practice

COMMENT:

*These are foundational practices. Good Practice 1, 3, 4*

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SECTION: 9.4 Monitoring, Performance and Reporting, Good Practice, 5

COMMENT:

*While mining is inherently dangerous, having employees not die at work is the bare minimum. Investigating the cause of a death and working to ensure it doesn't happen again is also the bare minimum.*

*Recommendation: Move to foundational practices.*

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