



Socio-Economic Agreement Program Review

FINAL REPORT

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List of Acronyms

BC	British Columbia	NAFTA	North American Free Trade Agreement
BIP	Business Incentive Policy	NGO	Non-government Organizations
CBA	Community Benefit Agreement	NIRB	Nunavut Impact Review Board
CDO	Career Development Officer	NL	Newfoundland and Labrador
CIRNAC	Crown-Indigenous Relations and Northern Affairs Canada	NSMA	North Slave Métis Alliance
CSR	Corporate Social Responsibility	NTMN	Northwest Territory Métis Nation
C-NLOPB	Canada-Newfoundland and Labrador Offshore Petroleum Board	NU	Nunavut
DBC	De Beers Canada Inc.	NWT	Northwest Territories
DKFN	Deníinu Kéé First Nation	NWTMN	Northwest Territory Métis Nation
DPRA	DPRA Canada Inc.	PA	Partnership Agreement
EA	Environmental Assessment	QIA	Qikiqtani Inuit Association
ECE	Education, Culture and Employment	REDI	Resource and Energy Development Information
EDO	Economic Development Officer	SEA	Socio-economic Agreement
EFAP	Employee and Family Assistance Program	SEED	Support for Entrepreneurs and Economic Development
EIR	Environmental Impact Review	SEEMP	Socio-economic Environmental Effects Monitoring Plan
EPCM	Engineering, Procurement, and Construction Management	SEMC	Socio-economic Monitoring Committee
FEIS	Final Environmental Impact Statement	SEMA	Socio-Economic Monitoring Agreement
GED	General Education Development	SEMP	Socio-economic Monitoring Program
GNWT	Government of the Northwest Territories	SEMWG	Socio-economic Monitoring Working Group
HR	Human Resource	SFA	Student Financial Assistance
HRDP	Human Resource Development Plan	SK	Saskatchewan
HSS	Health and Social Services	SSA	Supply Service Arrangement
IBA	Impact Benefit Agreement	STEM	Science, technology, engineering and mathematics
IBP	Industrial Benefit Planning	STI	Sexually Transmitted Infection
IIBA	Inuit Impact Benefit Agreement	TAC	Technical Advisory Committee
IQ	Inuit Qaujimataluqangit	TAP	Technical Advisory Panel
ISET	Indigenous Skills and Employment Training	YK	Yukon
ITI	Industry, Tourism and Investment	YKDFN	Yellowknives Dene First Nation
KIA	Kitikmeot Inuit Association		
LKDFN	Łutsel K'e Dene First Nation		
LMTA	Labour Market Transfer Agreement		
MTS	Mine Training Society		
MVEIRB	Mackenzie Valley Environmental Impact Review Board		

Glossary

Commitment: An agreement to do something within a specified period of time. Each socio-economic agreement (SEA) lists commitments made by both the GNWT and the Proponent (company/developer) to support the maximization of benefits (e.g., employment opportunities) and minimization of negative impacts (e.g., increased rates of disease) from the resource development project: may also refer or apply to an activity (developing a plan).

Performance Indicator: A marker or measure of accomplishment or progress. It is measurable information used to determine if signatories of a SEA are implementing the SEA as expected and achieving their outcomes.

Performance Measurement: collecting and analyzing performance information to track progress towards achieving goals and to generate reliable data in order to evaluate the effectiveness and efficiency of programs.

Socio-economic Agreement: SEAs are formal agreements negotiated between the GNWT and a Proponent to capture the obligations of, and commitments made by, the Proponent and the GNWT prior to the construction and during the operation and closure phases of a resource extraction project (e.g., mine, pipeline) in the NWT.

Target: A quantified goal or objective identified in the SEA that a signatory of the SEA agrees to achieve by a certain date (e.g., hire 10 local residents each year).

Appendices

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- Appendix B: Agreement and Annual Report Summary Template
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Executive Summary

Introduction

The Government of the Northwest Territories (GNWT) has a major role in ensuring Northern residents, communities and businesses benefit from natural resource extraction projects. Socio-economic agreements (SEAs) were established to address concerns about the impacts of diamond mining on communities. They were envisioned as follow-up programs for the GNWT and resource developers to cooperatively create benefits and opportunities for Northwest Territories (NWT) residents, communities, and businesses. In addition, SEAs provide a tool through which the government can address socio-economic considerations associated with mineral and natural resource extraction projects in the NWT.¹

SEAs identify a range of socio-economic considerations including:

- Employment and business opportunities;
- Cultural well-being and traditional economy;
- Community, family, and individual well-being;
- Net effects on government; and
- Sustainable development.

The Department of Industry, Tourism and Investment (ITI) holds the mandate for Industrial Initiatives and negotiates SEAs on behalf of the GNWT. ITI oversees the implementation of these agreements and coordinates government commitments and efforts under each agreement while monitoring how well each company carries out its respective responsibilities. The Department of Education, Culture and Employment (ECE) and the Department of Health and Social Services (HSS), as signatories to the agreements, contribute to the negotiations, and participate in implementation activities.

SEAs are formal agreements negotiated between the GNWT and a company/developer to capture the obligations of, and commitments made by, the proponent and the GNWT prior to the construction and during the operation and closure phases of a resource extraction project (e.g., mine, pipeline) in the NWT. The SEAs list commitments made by both the GNWT and the proponent to support capacity building and economic opportunities, as well as details on required monitoring and mitigation activities to minimize potentially negative socio-economic effects. Under the SEAs, the proponents and the GNWT are each responsible for reporting on the status of their commitments.

¹ GNWT, ITI. (2021). *GNWT Invitational Short Form RFPs Supply Service Arrangement (SSA) Holders. SEA Program Review*.

The following is a list of current SEAs with active mines:

- Ekati: Dominion Diamond Mines, signed October 1996;
- Diavik Diamond Mines: Rio Tinto and Dominion Diamond Mines, signed January 1999, amended January 2015; and
- Gahcho Kué Diamond Mine: DeBeers, signed June 2013.

Questions have been raised regarding the performance of the SEAs, as there is a need to further develop formal compliance mechanisms to address unfulfilled commitments or to assess whether intended outcomes are being achieved. SEAs are also limited in scope, focusing on individual development projects which may not fully account for the wider, cumulative socio-economic related impacts of development projects.

As part of the Mandate of the Government of the Northwest Territories 2019-23, ITI is leading a commitment in collaboration with the Department of Finance to adopt a benefit retention approach to economic development. This means that NWT residents and businesses should benefit from economic development in the NWT to the greatest extent possible. The goals under this mandate are to:

- Maximize the benefits under development while maintaining competitiveness;
- Increase the success in meeting objectives in SEAs; and
- Increase opportunities for equity participation with local and Indigenous governments in economic development projects.

In response to the questions and concerns, and in effort to increase success in meeting SEA objectives, a review is being conducted to evaluate the SEA Program and to develop recommendations to improve achievement of the objectives set out in SEAs. The review is focused on the three active mines – Ekati, Diavik and Gahcho Kué – and on four key areas and four key questions:

1. Effectiveness: Have the SEAs achieved their intended outcomes?
2. Relevance: Are the current SEA indicators the most relevant ways to document performance against desired outcomes and areas for improvement?
3. Administration: Are SEAs the most appropriate mechanism through which to garner socio-economic benefits from large projects?
4. Sustainability: Are benefits sustained after the life of the project? What are the net benefits over time?

The purpose of the Socio-Economic Agreement Review Report is to present analyzed findings from both primary and secondary qualitative and quantitative data collection methods and evidence-based recommendations for consideration by the GNWT.

Approach and Methodology

The review was conducted by DPRA Canada (DPRA), a Yellowknife-based consulting firm, in consultation with and guidance from: the Manager, Socio-Economics; a GNWT SEA Working Group comprised of representatives from the departments of ITI, HSS, ECE, and Finance; and a Technical Advisory Panel (TAP) composed of representatives from Indigenous Governments and Organizations.

The review employed a mixed methods approach which entailed the collection and analysis of quantitative and qualitative primary and secondary data. Four key methods of data collection were implemented for this review. The purpose of the Socio-Economic Agreement Review Report is to present analyzed findings from both primary and secondary qualitative and quantitative data collection methods and evidence-based recommendations for consideration by the GNWT.

Methods	Description
Administrative Data Review	The administrative review focused primarily on the SEAs and any amendments (to identify the specific objectives, commitments, targets/indicators and measures) as well as the annual reports prepared by the mines and the GNWT.
Engagement	The engagement provided participants with the opportunity to share their opinions regarding the SEA content and processes. The following data collection methods were used: <ul style="list-style-type: none">• Roundtable discussion with TAP members (6)• Interviews (29)• Focus group discussions (10)• Online/email surveys (7)
Jurisdictional Scan	Online searches for publicly availability socio-economic agreements between proponents and territorial/provincial governments from the following jurisdictions were carried out: Yukon, Nunavut, Newfoundland and Labrador, and Saskatchewan. The scan was intended to compare and contrast NWT SEAs and other jurisdictions' SEAs, with the goal of identifying new commitments/indicators, processes and supports that might be considered for inclusion in the NWT SEAs. A search of academic and non-academic literature was also carried out to identify any assessment of the SEAs and best practices in the area of maximizing benefits and minimizing impacts.
Desktop Review	The desktop review involved examining internal organization-specific documents (e.g., policies, strategies, plans, etc.) as well as peer-reviewed and non-academic literature provided by the GNWT (ITI, HSS and ECE), the three proponents, TAP members and other engagement participants. The review documents provided specific information on internal policies and procedures, the effectiveness of the SEAs and best practices.

Limitations

There were a number of limitations encountered during data collection for each of the four methods:

- administrative: insufficient, inconsistent or missing data;
- engagement: interviewees were unavailable or lacked specific knowledge of or experience with SEAs, telecommunications difficulties, COVID19;
- jurisdictional scan: limited applicability based on publicly available documents unique to other agreements, lack of literature on socio-economic agreements;
- desktop review: some available documents lacked relevance and appropriate context, uncertainty about reliability of the information.

While these limitations may have impacted the quantity and quality of information collected, the use of multiple methods, multiple data sources, and multiple indicators as well as the triangulation of findings across all lines of evidence, helps to overcome these constraints and strengthen the overall validity and reliability of the findings.

One overarching limitation of this review was the lack of a SEA program design, including a Program logic model, clearly identifying the intended outcomes of the program.

Conclusions

Effectiveness: Have the SEA achieved their intended outcomes?

Overall, the findings show that most employment and business development targets for the construction phase were achieved or exceeded by the proponents, while operations-phase targets were only sometimes achieved. While training and education targets were consistently met or exceeded by the proponents, that was not always the case in the two areas of cultural well-being and traditional economy opportunities and individual, family and community well-being.² For the GNWT, most commitment non-target measures have been addressed – particularly in the areas of employment and business development; while in the areas of training and education, and individual, family and community well-being, most, but not all measures, have been addressed.

The review findings revealed that the SEAs have had both positive and negative effects on impacted NWT communities, NWT businesses, and the NWT. Areas reported by engagement respondents to have had positive effects include employment, training and contracting opportunities. It was also noted by respondents that the SEAs have contributed to increased skill levels among some members of impacted communities and have resulted in enhancements to infrastructure in those communities, and they have had some positive effects on Indigenous businesses (e.g., growth of economic development corporations).

² It is important to note that Gahcho Kué did not respond to the request to identify measures which have been addressed / not addressed by the time of producing this report.

Although the GNWT is required, through the SEAs, to report annually on specific economic, education, social, and health and well-being indicators,³ it is not possible to exclusively attribute any of the associated outcomes/effects or changes in outcomes, to the SEAs or mines, given the complexity of these indicators and the numerous determinants/drivers at play that may contribute positively and/or negatively to the outcomes. Comments made in the 2016 Mackenzie Valley Review Board Report of Environmental Assessment and Reasons for Decision Dominion Diamond Ekati Corp. Jay Project, speak to: challenges encountered in demonstrating causal links between diamond mining and impacts on communities; the fact that the GNWT has no threshold upon which to determine when acceptable rates of change become unacceptable; challenges experienced by the GNWT in developing intervention strategies in light of the difficulty identifying causality; and, that at the time, studies had not been undertaken to look specifically at the mines' effects on communities.

The findings suggest that some Indigenous communities feel there have been limited benefits from the SEAs due to challenges such as: lack of access to training for the employment opportunities; employment opportunities limited to entry-level positions; lack of capacity for smaller communities and businesses to participate in mining opportunities; limited opportunities for women; tendency for the mines to work with larger, more well-established and closely situated Indigenous businesses thus eliminating opportunities for smaller Indigenous businesses; lack of business development training and supports; and a lack of housing and parental supports for potential workers.

The review revealed a wide variety of factors that both facilitate and challenge successful implementation of SEA commitments. Examples of key facilitators include: engaged employers, training providers, prospective students, trainees, and employees; properly resourced programs; positive relationships between the mines and GNWT departments; established local and Indigenous businesses with the capacity to provide services and supports to the mines; targeted training and community-based programming; regular communication among the parties named in the SEAs (e.g., mines, the GNWT, communities, training partners); established recruitment policies that focus hiring efforts on individuals from target groups (e.g., Indigenous people, women, summer students, NWT residents); and mine training supervisors knowledgeable about the SEAs and the commitments related to hiring priorities and supporting education and training related to those needs.

Examples of key challenges to implementation include: a small pool of potential human resources, in particular for semi-skilled and skilled positions; inconsistent communication, data sharing and reporting between GNWT departments and between the GNWT and mines; competition between mines for employees from targeted groups; lack of availability of technology (internet and/or equipment) in some of the smaller communities to support submission of applications; lack of targeted mine education and training programs for community members; misunderstanding regarding criminal records and mine hiring policies; lack of meaningful engagement between the mines and the Indigenous groups; lack of community accessible data and reports; encouraged competition between Indigenous Governments and Organizations; and difficulties supporting access to cultural activities and traditional foods and supporting individuals or families in communities when their family member works at the mine. One of the notable challenges of the SEAs that affect successful implementation is the fact that they are written as if each Indigenous group and community are the same, rather than acknowledging their different strengths, needs and capacities when determining targets and measures.

³ Refer to Table 15 for a complete listing of the indicators GNWT is required to report on.

To help support more successful implementation of SEAs, and address the many challenges, a number of actions were proposed:

- Improving communication, collaboration and relationship building among the parties, in particular between the GNWT, the mines, and Indigenous Governments and Organizations, through more regular reporting of data and greater willingness to share information relevant to the SEA objectives.⁴
- Creation of an adequately funded and supported Advisory Board as a component of each SEA to ensure meaningful input from all parties, as well as ongoing support and guidance for monitoring and mitigation efforts.
- Reliance on the *Mineral Resources Act* and related regulations to enhance compliance with commitments and improve enforcement.
- Mining companies provide project employment and training needs far enough in advance to allow the GNWT time to work with training partners to develop and deliver programs required to meet specific employer and community member needs.
- Continued implementation of existing mine supports/programs that were created to address identified challenges (e.g., progression plans, science, technology, engineering and math (STEM) programming, internal/external recruiters).
- Continued creation of plans, strategies, and policies that focus on: improving health and well-being in communities; improving education, training, skill development; maintaining cultural identity; addressing local procurement opportunities; and targeting recruitment policies.
- Requirement that SEAs focus on post-closure (i.e., remediation) and development of transferrable skills.

The findings show that while there are a number of areas in which the SEAs are being implemented as intended by the proponents and the GNWT, there are others where it is either unclear or where it appears commitments are not being addressed as expected. Activities that demonstrate proponents meeting their commitments as intended include: developing recruitment strategies; undertaking a range of training activities; developing policies to support the participation of Northern businesses; and supporting community social and cultural events. GNWT programs offered by ITI (e.g., Mining North Works, Mining Matters and REDI) and ECE (e.g., regional ECE Career Centres, Employee Training Program, Trades and Occupations Wage Subsidy Program, Skills Development Program and Community Training Partnerships) as well as supports provided to the Mine Training Society, Aurora College and community learning centres are said to demonstrate that the SEAs are being implemented as intended.

The review found that in one area in particular – Northern employment targets – SEAs are not being implemented as intended overall, particularly during the operations phase. This is attributed to factors such as strong competition between the mines for the same potential skilled workforce, a lack of skilled Northern workers due to low literacy, workers under impact benefit agreement (IBA) partnerships that are not counted towards the employment targets, and challenges hiring for many positions within a short time span. Other factors that impact implementation generally include the GNWT having no leverage to ensure compliance by the mines and the lack of understanding of the reality on the ground in each community.

⁴ SEAs were established to address concerns about the impacts of diamond mining on communities. They were envisioned as follow-up programs for the GNWT and resource developers to cooperatively create benefits and opportunities for NWT residents, communities, and businesses. In addition, SEAs provide a tool through which the government can address socio-economic considerations associated with mineral and natural resource extraction projects in the NWT (GNWT, ITI. (2021). GNWT Invitational Short Form RFPs Supply Service Arrangement (SSA) Holders. SEA Program Review). Objectives specific to each project are identified in the relevant SEAs.

To help ensure the SEAs are implemented as intended, with the parties to the SEA addressing their commitments under the agreement, it was suggested through the engagement that meetings among all parties (proponents, the GNWT, Indigenous Governments and Organizations) be held at certain stages to allow for SEA review and revisions to account for changes in policies and the broad contextual environment; that more effective partnerships between training providers and the mines be developed; and that the GNWT provide targeted programming or supports specific to implementation of SEAs, relying instead on general programming, which limits their success.

The findings also reveal that certain SEA commitments contribute more to the achievement of SEA intended objectives than others. For instance, among the areas of employment (e.g., employment of Northern residents, Indigenous peoples); business development (e.g., the purchase of goods and services from NWT and Indigenous businesses); training and education (e.g., training provided by the Mine Training Society, trades training, proponent scholarships, GNWT training to increase NWT education levels); and community, family and individual well-being (e.g., total employment income, average individual income), those commitments which were focused on career advancement of Northern residents and Indigenous peoples and number of registered NWT businesses appear to have contributed the least to achieving SEA objectives.

The review found that there are both positive and negative unintended outcomes associated with the SEAs. It is important to note that it is not possible to say with certainty whether these outcomes are directly attributable to the SEAs or the mines more generally. Perceived positive unintended outcomes identified during the engagement consist of the transferability of skills learned through mine employment to other work opportunities and the growth of some businesses working with the mines that has enabled their expansion into other markets. Examples of perceived negative unintended outcomes include: increased division in the communities between the “haves” and “have nots”; workers who obtain additional training, experience and skills are more likely to leave their community for better employment opportunities, reducing community resilience; and increases in rates of mental illness and substance abuse.

The findings indicate that while the SEAs are somewhat effective in monitoring potential impacts, they show limited effectiveness in mitigating or adaptively managing those impacts. It was suggested that although SEAs can help monitor some project benefits, they are much less effective in monitoring the effects of the mines on social issues (such as substance abuse or poverty). Moreover, because of the absence of fulsome data and reporting, as well as the social and economic complexity of the NWT (of which diamond mining is only one influence) it is not possible to demonstrate causality between most indicator trends and the mining projects, which may contribute to a lack of meaningful discussion about the impacts or potential adaptive management strategies. Additionally, while the SEAs are important and provide needed mechanisms, it was suggested they should not be the only mechanism in place to mitigate adverse social issues that may arise from projects particularly given their limited enforcement capacity.

Relevance: Are the current SEA indicators the most relevant ways to document performance against desired outcomes and areas for improvement?

The findings indicate that while the indicators are well-suited to contribute to measurements of progress in some instances, in other instances they are not appropriate for ensuring there is adequate context to understand the results or for capturing the full impact of a project or its SEA commitments. It was suggested that more qualitative information is required to illustrate what is actually happening on the ground and that more regular monitoring needs to take place to ensure the data is being collected, reported and used in any meaningful way. Aligned with these suggested changes to the indicators, there were recommendations for the adoption of an adaptive management approach to ensure that effects from resource development activities are fully understood at the beginning, middle, and end of a project.

Through the engagement, participants identified a variety of new mine and GNWT indicators that focus on employment, income, training, education, business forecasting, and scholarships that should be included in the SEAs. Additionally, a need was expressed for more indicators that address individual, family and community health and well-being as well as environmental indicators such as number of caribou (given the link between Indigenous health and wellness and reliance on country food). It was also suggested that the indicators chosen for each SEA should be tailored for each project and its potential impacts and community characteristics and that they be revisited and refreshed during the life of the project, updated based on actual possible achievements and actual available workforce.

While some participants indicated that no new commitments should be added to the SEAs until there is improved performance on existing commitments, others identified a variety of additional commitments for consideration. Many of the new commitments focused on improving the effectiveness of employment, training and business development targets and included suggestions such as better data, coordination of information and collaboration among parties and projects. Suggestions included improving the identification of skill needs and their timing in the project, as well as their linkages to the available labour pool and training programs. Cooperative recruitment initiatives and training coordination that includes local, territorial, federal and Indigenous governments was also identified. In addition, specific targets for hours worked by locally hired workers, and the development of specific skills and capacities (in particular, technical skills) were identified as more effective commitments.

To improve effectiveness of business development commitments, suggestions included encouraging joint ventures and the direct-award of contracts to local firms; requiring bids to detail expected local benefits and enforcing those actions through suppliers; requiring contractors to have a base of operations in the territory; providing annually updated five-year business opportunities forecasts to government; and regularly assessing the success in obtaining local content and developing action plans for improvement. New commitments that help to improve or extend the legacy of investments made during the project were also identified, including establishing a long-term education and training fund and/or contribution to an education and research legacy or innovation centre, training supports to improve worker and business capacity to participate in initiatives post closure or remediation (i.e., transferrable skills), and infrastructure investments.

Additionally, new commitments were suggested to address protecting archeological resources, providing more robust cultural and mental well-being and family assistance resources, and increasing oversight and management of SEAs through specific processes for dispute resolution, oversight and enforcement of agreements, and requiring plans for compliance with commitments and for holding contractors to commitments as well.

In general, the review found that for the most part, SEA commitments have remained relevant over the life of the projects, but that they may benefit from ongoing review and continued refinement as required. The ability to revise commitments would help incorporate lessons learned through experience and new initiatives that unfold during the life of the project as well as changes that occur in community priorities and capacity. It was suggested that commitment relevance could be enhanced if the SEA Program adopted clear program outcomes, measures, monitoring and reporting processes, review schedules and required the development of an evaluation and performance measurement framework.

Sustainability: Are benefits lasting beyond the life of the project? What are the net benefits over time?

Benefits from the SEA projects are lasting beyond the life of the projects. A number of commitments were identified as having benefits that last beyond the life of the project. The most prominent examples noted were in the areas of skills training, business capacity and experience gained by workers and contractors that are transferrable outside of the mining project. Infrastructure improvements or legacy investments in communities were also identified as having a lasting impact (e.g., donations to hospitals or of equipment to communities).

The findings suggest that maximizing the sustainability of benefits requires a range of actions that begin in the project design phase and continue post-closure. This ongoing sustainability process requires planning for projection completion and post-closure transition be integrated into training and recruitment/retention strategies from the project outset. In addition, taking a holistic view of the project, and being aware of the connections between the built and natural environments as well as the economic objectives, the social environment and quality of life, help ensure a stronger network is in place to sustain project benefits. Operationalizing this integrated approach to sustainability requires the deliberate and explicit involvement of NWT community members and the application of sustainable development principles.

The findings identify implementation practices for seven (7) components that should be incorporated into projects, based on best practices and sustainable development principles, to maximize and sustain benefits. Each of these components include the expectation that the parties explicitly acknowledge the commitment to maximize the sustainability of benefits and design their practices and processes to implement that commitment. The components include: mobilization of resources; intention of the proponent; increase in abilities of community; government intervention; community involvement; integration of innovative practices; and implementation of a monitoring system.

The review also found that the sustainability of benefits is enhanced by including both an intra- and inter-generational equity lens (ensuring equal consideration is given to the present and future generations) to support the appropriate sharing of benefits across time, and by focusing on the development of capacity (for individual workers, businesses and communities), infrastructure, and legacy funding to extend project investment into the future. Actions that support these approaches include: encouraging alliances between suppliers; requiring suppliers to identify knowledge transfer and succession plans as part of bid submissions; and expanding participation of local workers and businesses as it increases confidence and education/skills, which are lasting benefits.

Recommendations

The SEA Program Review clearly shows that efforts have been made by the parties to the SEAs to advance the objectives of these agreements and the spirit of their intent. However, the findings also suggest there are opportunities to further strengthen the SEA Program and the individual SEAs to maximize benefits for NWT communities, businesses, and the NWT as a whole. The following evidence-based recommendations are put forth for consideration by the GNWT.

Redesign the SEA Program

1. The review findings overwhelmingly demonstrate the need for a clearly defined program that will provide the regulatory requirements for the development of SEAs between the GNWT and resource development proponents. Findings from the evaluation suggest that the NWT SEAs were best designed to address benefit retention, rather than adaptively manage impacts from resource development. It is recommended that the existing SEA Program be redesigned to incorporate explicit goals, objectives, outcomes, a program logic model, and a performance measurement and evaluation framework. Furthermore, it is recommended that the role and purpose of SEAs are clearly defined in the redesign of the SEA program. *[Recommendation specific to GNWT]*

Develop Regulations under the *Mineral Resources Act* to Comply with SEA Commitments

2. SEAs are not a necessary condition/measure of the environmental assessment (EA) or environmental impact review (EIR) processes but are ultimately negotiated as a follow-up to the EA or EIR. It is up to the Mackenzie Valley Environmental Impact Review Board to recommend a SEA as a formal measure of the EA or EIR. It is recommended that the new regulations under the *Mineral Resources Act* include provisions that require SEAs become a mandatory component of a relevant regulatory process. *[Recommendation specific to GNWT]*
3. Although SEAs are enforceable as contracts, stakeholders raised concerns around the degree to which they are enforceable or binding in practice. To ensure that SEAs are implemented as intended, and that implementation can be enforced, it is recommended that when drafting regulations under the *Mineral Resources Act* (MRA), the GNWT consider including provisions requiring the parties to the agreements (GNWT and proponent) to comply with SEA commitments. Since the benefits provisions of the MRA is limited to regulating benefits and not impacts, SEAs would need to be tailored towards benefits to align with the MRA. *[Recommendation specific to GNWT]*

Focus SEAs as benefit retention agreements, leaving impacts to be mitigated under other mechanisms

4. SEAs have been identified as an insufficient tool for monitoring and mitigating impacts from mining projects. There is difficulty with SEAs in monitoring structural issues and establishing causality between negative socio-economic trends and active mining projects, as it was suggested that SEAs were not intended to be impact mitigation or adaptive management tools. However, SEAs do provide helpful monitoring of benefits from projects. It is recommended that SEAs be tuned to focus on the effective monitoring and improvement of benefits, leaving it should leave impacts to be monitored and mitigated under other regulatory processes. This would not remove SEAs from the complete impact mitigation framework, as other processes could still refer to SEAs for benefit monitoring purposes. It would, however, focus the scope within SEAs to only address benefits.

Use Stronger Language

5. There are specific clauses within the SEAs that represent “aspirational, or soft, targets without penalties for noncompliance and with few actions required of the company” and language that makes reference to “best efforts”, “all reasonable steps”, and “acting in good faith”. To improve accountability of the SEA signatories and to help ensure achievement of commitments, it is recommended that the language used in the SEAs be strengthened through hard targets and penalties for noncompliance. A review of commitments from agreements found in other jurisdictions could inform changes to SEA language. For example, scan found an agreement that includes commitments for additional project oversight such as pre-determined financial remedies if the proponent fails to meet specific agreed upon project milestones.
[Recommendation specific to GNWT and proponents]

Include Implementation Plan

6. The SEAs are developed without any direction on how they are to be implemented to ensure that the stated objectives and intent of the SEAs are achieved as intended. It is recommended that the SEAs include a commitment requiring the development of an implementation plan by each of parties, that details the steps that need to be taken to effectively operationalize the commitments. These plans should be developed in collaboration with the impacted communities and efforts should be made to coordinate efforts across plans to help streamline activities.
[Recommendation specific to GNWT, proponents, and any other named party in the SEA]

Address Mine Closure

7. In the past, issues concerning mine closure and remediation were not considered a priority when preparing the SEAs. As a number of projects have or are near the end of operations the economic opportunities associated with closure and remediation efforts are significant for NWT communities, NWT businesses and the NWT as a whole. It is recommended that the SEAs include project closure commitments that promote sustainable social and economic development.
[Recommendation specific to GNWT and proponents]

Identify Commitment Outcomes

8. There is currently no link between the SEA commitments and specific outcomes for impacted communities and by extension, their residents and businesses. As such, there is no clear understanding of the effects (positive and negative) that the SEAs have on impacted communities. It is recommended that the commitments be linked to specific outcomes, that align with each SEA's objectives and intentions, and that can be monitored for achievement. *[Recommendation specific to GNWT and proponents]*
9. While monitoring requirements under the SEAs encompass the collection of qualitative/narrative type data that provides contextual information that speaks to the success/failure of commitments, the requirements are inconsistent between the SEAs and this information is generally not reported. Without the reporting of more qualitative information, it is not possible to capture a full picture of the benefits or impacts of the projects on the impacted communities. It is recommended that more qualitative data collection and reporting be required by the GNWT and proponents and that this information be used to address impacts and strengthen benefits. *[Recommendation specific to GNWT, proponents, and any other named party in the SEA responsible for data collection and reporting]*

Include Realistic and Achievable Targets

10. If commitments are to be revised to reflect hard targets and penalties for non-compliance (refer to Recommendation #5) it is necessary for the signatories of the SEAs to determine the actual capacity required to successfully achieve the commitments (during the lifetime of the mine) and to be aware of the current and potential capacity (with confirmed and committed education and training opportunities) available across the territory (and in particular within communities located close to mine sites who are more likely to be employed). It is recommended that during the development of each SEA, targets be identified that are specific, measurable, attainable, relevant, and time-based (e.g., specific mine phase) to help set the stage for successful implementation. These targets should be reviewed and updated by the GNWT, the proponent and other signatories as relevant, every three to five years, or more frequently, as required. *[Recommendation specific to GNWT, proponents, and possibly other signatories]*

Ensure Greater Collaboration between GNWT Departments and Address the Need for Sufficient Human Resources Capacity within GNWT Departments

11. There is currently limited cooperation and collaboration between the participating GNWT department signatories (i.e., ITI, ECE and HSS) with respect to implementation of the SEAs. To foster a more integrated approach between the departments, it is recommended that the GNWT establish a formal mechanism that supports improved communication and collaboration with explicit roles and responsibilities to allow for improved data sharing, reporting, and fulfilment of commitments within and between these departments. *[Recommendation specific to GNWT]*
- The SEAs represent significant economic activity and wealth for the NWT, its residents and communities. The review found that the GNWT does not have sufficient capacity to effectively implement the current SEAs. If, after improved communication and collaboration mechanisms have been put in place, the GNWT finds it is still lacking in the requisite capacity, it is recommended that the GNWT conduct an internal review of the human and financial resources currently allocated to the implementation of the SEAs in each of the departments – ITI, ECE and HSS - to determine the capacity necessary to support successful maximize of benefits and minimization of impacts.

Increase Involvement of Impacted Communities

12. The SEAs contain numerous commitments, that must be met over the lifetime of the project (e.g., employment, training, procurement), and that directly affect communities in close proximity to the mine site (i.e., impacted communities). These communities have a strong and vested interest in the agreement(s). It is recommended that:

- Prior to the development of each SEA, that an Advisory Committee be established. The Advisory Committee should include participation by the GNWT, proponent, impacted communities, and other SEA partners (dependent on the specific SEA) and meet at least once annually. The Advisory Committee will help ensure monitoring, mitigation and adaptive management processes are occurring as required and by doing so will improve socio-economic outcomes for impacted communities. *[Recommendation specific to GNWT, proponents, and others who may sit on the Advisory Committee]*
- SEAs include a commitment requiring the development of an Engagement Plan, prepared in collaboration with impacted communities, that details the manner in which these communities will be engaged and the frequency of these engagements, to ensure that all impacted communities are kept up-to-date on SEA implementation, and that they have an opportunity to share experiences and perspectives, and advise on future decision-making. *[Recommendation specific to GNWT and proponents]*

Target Education and Training

13. There is a need to offer more targeted education and training programs to meet the needs of impacted community members so that they can take advantage of mine employment opportunities. Although not mandated to provide education and training programs itself, GNWT is required to support access to training and skills development. It is recommended that the GNWT continue to work with its training providers and the impacted communities to identify the types of programs and supports required to develop the specific skills and abilities needed for employment and that the GNWT provide the funding needed by training providers and/or community organizations to effectively delivery those programs. It is also recommended that these targeted programs be delivered in the small communities to encourage increased uptake by community members who are not willing/able to leave their home community. *[Recommendation specific to GNWT]*

Regular Review of SEAs

14. The SEAs generally span a project lifetime that can range from 10 to over 20 years, and as such it is important to confirm the continued relevance of the commitments. To help ensure that commitments remain suitable over time, it is recommended that:

- SEA commitments be aligned with specific phases of the mine (e.g., construction, operations, closure); and
- SEA commitments be regularly reviewed (e.g., at project milestones) by the named parties to ensure they continue to reflect the contextual environment that the parties are operating within.
- In situations in which commitments are found to no longer be relevant or are outdated, that amendments to the SEA be permitted.
- A review of commitments from agreements found in other jurisdictions could also be used to inform revisions to SEA commitments to help increase local benefits, particularly related to areas found to be challenging to achieve through the SEA program review (e.g., local employment). Commitments found in other jurisdictions that relate to local employment and building capacity address activities such as: collaboration between local and non-local firms if work cannot be carried out locally; proponent funding for local research and development projects approved by the government proportionate to any shortfall in local employment against targets; carrying out studies to explore additional activities; and provision of a set amount of funding for a local academic research centre. *[Recommendation specific to GNWT and proponents]*

1. Introduction

The Government of the Northwest Territories (GNWT) has a major role in ensuring Northern residents, communities and businesses benefit from natural resource extraction projects. Socio-economic agreements (SEAs) were established to address concerns about the impacts of diamond mining on communities. They were envisioned as follow-up programs for the GNWT and resource developers to cooperatively create benefits and opportunities for Northwest Territories (NWT) residents, communities, and businesses. In addition, SEAs provide a tool through which the government can address socio-economic considerations associated with mineral and natural resource extraction projects in the NWT.⁵

SEAs identify a range of socio-economic considerations including:

- Employment and business opportunities;
- Cultural well-being and traditional economy;
- Community, family, and individual well-being;
- Net effects on government; and
- Sustainable development.

The Department of Industry, Tourism and Investment (ITI) holds the mandate for Industrial Initiatives and negotiates SEAs on behalf of the GNWT. ITI oversees the implementation of these agreements and coordinates government commitments and efforts under each agreement while monitoring how well each company carries out its respective responsibilities. The Department of Education, Culture and Employment (ECE) and the Department of Health and Social Services (HSS), as signatories to the agreements, contribute to the negotiations, and participate in implementation activities.

SEAs are formal agreements negotiated between the GNWT and a company/developer to capture the obligations of, and commitments made by, the proponent and the GNWT prior to the construction and during the operation and closure phases of a resource extraction project (e.g., mine, pipeline) in the NWT. The SEAs list commitments made by both the GNWT and the proponent to support capacity building and economic opportunities, as well as details on required monitoring and mitigation activities to minimize potentially negative socio-economic effects. Under the SEAs, the proponents and the GNWT are each responsible for reporting on the status of their commitments.

The following is a list of current SEAs with active mines:

- Ekati: Dominion Diamond Mines, signed October 1996;
- Diavik Diamond Mines: Rio Tinto and Dominion Diamond Mines, signed January 1999, amended January 2015; and
- Gahcho Kué Diamond Mine: DeBeers, signed June 2013.

⁵ GNWT, ITI. (2021). *GNWT Invitational Short Form RFPs Supply Service Arrangement (SSA) Holders. SEA Program Review*.

Questions have been raised regarding the performance of the SEAs, as there is a need to further develop formal compliance mechanisms to address unfulfilled commitments or to assess whether intended outcomes are being achieved. SEAs are also limited in scope, focusing on individual development projects which may not fully account for the wider, cumulative socio-economic related impacts of development projects.

As part of the Mandate of the Government of the Northwest Territories 2019-23, ITI is leading a commitment, in collaboration with the Department of Finance, to adopt a benefit retention approach to economic development. The goals under this mandate are to:

- Maximize the benefits under development while maintaining competitiveness;
- Increase the success in meeting objectives in SEAs; and
- Increase opportunities for equity participation with local and Indigenous governments in economic development projects.

Increased success in meeting objectives under the socio-economic agreements will be met through three activities:

1. Conducting an independent review;
2. Developing recommendations to increase the success in meeting the objectives set out in socio-economic agreements; and
3. Implementing a redesigned SEA program based on the finding of the review and associated recommendations.

In response to the questions and concerns, and in an effort to increase success in meeting SEA objectives, a review is being conducted to evaluate the SEA Program and to develop recommendations to improve achievement of the objectives set out in SEAs. The review is focused on four key areas and four key questions:

1. **EFFECTIVENESS:** Have the SEAs achieved their intended outcomes?
2. **RELEVANCE:** Are the current SEA indicators the most relevant ways to document performance against desired outcomes and areas for improvement?
3. **ADMINISTRATION:** Are SEAs the most appropriate mechanism through which to garner socio-economic benefits from large projects?
4. **SUSTAINABILITY:** Are benefits sustained after the life of the project? What are the net benefits over time?

The purpose of the Socio-Economic Agreement Review Report is to present analyzed findings from both primary and secondary qualitative and quantitative data collection methods and evidence-based recommendations for consideration by the GNWT.

2. Approach and Methodology

2.1 Review Approach

The review was conducted by DPRA Canada (DPRA), a Yellowknife-based consulting firm, in consultation with and guidance from:

- The Manager, Socio-Economics;
- A GNWT SEA Working Group comprised of representatives from the departments of ITI, ECE, HSS, and Finance; and
- A Technical Advisory Panel (TAP) made of representatives from Indigenous Governments and Organizations including:
 - Yellowknives Dene First Nation (YKDFN)
 - Łutsel K'e Dene First Nation (LDFN)
 - Northwest Territory Métis Nation (NTMN)
 - North Slave Métis Alliance (NSMA)
 - Tłı̨chǫ Government
 - Denínu Ké First Nation (DKFN)

The review was also guided by the development of an evaluation matrix (refer to Appendix A). The evaluation matrix maps the program context/expected program outcomes against the key evaluation questions and sub-questions, the identified measures/indicators, the data sources, and data collection methods. It also helps to direct the analysis, ensuring that all the data collected was analyzed and triangulated, and identifies any gaps in the information. The matrix provides a clear path from the evaluation questions to the findings that are presented in this report.

2.2 Review Methods

This review used a mixed methods approach, which means that both quantitative and qualitative primary and secondary data were collected and jointly analyzed to produce comprehensive findings. Four (4) key methods of data collection were implemented for this evaluation:

Administrative Data Review	Engagement	Jurisdictional Scan	Desktop Review
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Data collection took place from April to November 2021.

Each method is described in more detail below.

2.2.1 Administrative Review

A review of the administrative data pertaining to the three (3) active diamond mines was conducted. The intent of the review was to determine the degree to which the mine proponents and the GNWT have reported on, and fulfilled, the stated objectives and commitments identified in the SEAs from the contract date of signature to the present day:

- Ekati: Dominion Diamond Mines, signed October 1996;
- Diavik Diamond Mines: Rio Tinto and Dominion Diamond Mines, signed January 1999, amended January 2015; and
- Gahcho Kué Diamond Mine: DeBeers, signed June 2013.

Where publicly available, any amendments made to the individual SEAs were taken into consideration in reviewing the commitments.

The administrative review focused primarily on the SEAs themselves (to identify the specific objectives, commitments, targets/indicators and measures) as well as the annual reports prepared by the mines and the GNWT. The SEAs and annual reports were either provided by ITI or were located through searches of publicly available websites. A full listing of documents reviewed for the administrative review is provided in Section 9 - References.

Data from the documents reviewed during the administrative review process was summarized in table format, identifying, report by report/year by year any data pertaining to the targets and commitments identified in each SEA. A separate table was created for each SEA, structured into the main themes of: Employment and Business Opportunities; Training Programs; Cultural Well-being and Traditional Economy Opportunities; Community, Family, and Individual Well-being; Net Effects on Government; and Sustainable Development – with sub-themes included as appropriate and associated commitments and targets as per the specific SEA. Administrative data was reviewed against the identified commitments and targets and recorded in the table – a separate column for each report reviewed. An example of the summary table template is provided in Appendix B. The full completed summary tables are found in Appendix E through Appendix H.

To determine whether SEA measures (these are non-target/non-indicator commitments) have been carried out (since this information is not provided in the annual reports), a measures checklist for each mine and for the GNWT departments of ECE, HSS and ITI (specific to each mine) was prepared and sent to the appropriate group for self-response (refer to Appendix C-1 through Appendix C-4 for the checklist templates). The checklist measures were divided into the following areas: Employment; Training and Education; Business Development; Community, Family and Individual Well-being; Cultural Well-Being and Traditional Economy Opportunities; and Monitoring/Reporting.

Examples of mine proponent measures include:

- Training programs developed with a focus on: collaboration with the GNWT in the development of pre-employment preparation, skill development training, on-the-job training, and re-training programs to better enable Northerners to take advantage of employment opportunities deriving from the Project;
- Employee and Family Assistance Program (EFAP) for employees and their immediate families maintained, with services provided primarily by local and trusted people;
- To support long term economic and Business Development for NWT Residents, in relation to the Project, subject to and in accordance with the GNWT policy and programming in effect from time to time: Registry maintained of businesses eligible under the GNWT Business Incentive Policy, which is accessible to the Proponent; and
- Space at the mine site provided and maintained for spiritual and cultural pursuits.

Examples of GNWT measures include:

- Information disseminated to employees and in communities related to awareness prevention areas such as: substance abuse, sexually-transmitted infections and family violence in collaboration with Aboriginal Authorities and the GNWT;
- Employee designated to act as a liaison between the Proponent, the GNWT, Aboriginal Authorities, and NWT businesses (the Proponent is solely responsible for selection of this position, which position will remain throughout mine Construction, Operations and Closure);
- Pre-employment training programmes for Northern Residents continued to be offered and resources committed in order to ensure availability to Northern Residents; and
- Activities which strengthen understanding of the Business Development resulting from this Project supported.

These self-reported measures checklists help identify the degree to which the SEAs met their objectives.

2.2.2 Engagement

The overall approach to the engagement was guided by the GNWT's Public Engagement Employee Guide and the Open Government Policy which articulates the GNWT's commitment to providing its residents with meaningful opportunities to take part in engagement activities to inform decisions affecting their lives. The principles guiding this policy reflect the expectation that all GNWT employees approach public engagement in a way that promotes departmental consistency, strengthens relationships, demonstrates respect, builds trust, and models the principles of openness, transparency, and accountability.⁶

⁶ GNWT. (March 2019). *Public Engagement Employee Guide*. https://www.eia.gov.nt.ca/sites/eia/files/gnwt-public_engagement_guide.pdf

In consultation with ITI and members of the other support groups/committees, a list of participants was prepared. Engagement participants include the following:

- GNWT departments
- Industry
- Indigenous Governments and Organizations
- NWT businesses
- Women's organizations
- Regulators
- Educational and training organizations

The objective of the engagement was to provide selected participants with the opportunity to take part in the review process by sharing their opinions and experiences as they relate to effectiveness, relevance, administration, and sustainability. The following data collection methods were used:

- Roundtable discussion
- Interviews
- Focus group discussions
- Online/email surveys

Due to COVID-19 public health restrictions, it was not possible to facilitate in-person engagement activities. Virtual sessions were held instead which allowed participants from across the NWT to take part. A total of 90 potential participants were contacted and 42 took part in one or more of the various engagement activities.

2.2.2.1 Roundtable Discussions

A roundtable discussion was held with the TAP members during a regularly scheduled meeting with ITI and DPRA. In total, six (6) people participated in this discussion representing LKDFN, NSMA, NWTMN, YKDFN and the Tłı̨chǫ Government.⁷ The session was approximately two (2) hours in length.

2.2.2.2 Interviews

Interviews were conducted with individuals representing the following groups:

- GNWT departments
- Industry
- Indigenous Governments and Organizations
- NWT businesses
- Women's organizations
- Regulators
- Education and training providers

⁷ A DKFN representative did not attend the meeting and was the only TAP member who did not participate.

In total, 29 participants took part in the interview process. Interviews were conducted via Microsoft Teams, Zoom, and telephone, and included one (1) to three (3) participants. Some individuals elected to provide their responses to the questions in writing. In some instances, given the length of the interview question sets, a follow-up interview was required.

A representative from DPRA contacted each participant to confirm a mutually agreed upon time for the interview, and then a calendar invitation including the respective question set was sent. Notes were taken during the interviews. Once the interviews were concluded, the notes were then reviewed, edited for clarity, and anonymized, and saved to a secure folder housed in DPRA's internal computer system.

2.2.2.3 Surveys

In total, seven (7) surveys were completed (four (4) Microsoft Word document responses and three (3) completed online). Surveys were made available to participants via a link to SurveyMonkey or through a Word document emailed to them. The SurveyMonkey and Word document versions contained the same set of questions, although multiple question sets were distributed depending on the stakeholder group. The surveys were estimated to take approximately 30-45 minutes to complete and consisted of a combination of multiple-choice, short, and long answer questions. Once the engagement period ended, online survey data was downloaded from the SurveyMonkey site, and the data was then reviewed, edited for clarity and anonymized for review.

2.2.2.4 Focus Groups

In total, three (3) focus groups took place with two (2) Indigenous Governments, with a total of 10 participants. The focus groups lasted one (1) to two (2) hours and took place via Microsoft Teams or Zoom. The SEA Program Review background document and appropriate question sets were attached to the meeting invitation for review prior to the scheduled date of the meeting. Notes were taken during the sessions. After the focus groups were completed, the notes were then reviewed, edited for clarity, anonymized, and saved to DPRA's secure internal computer system. The notes from two (2) focus groups were sent to the participants for review and edit.

2.2.3 Jurisdictional Scan

Online searches were carried out for publicly availability socio-economic agreements from the following jurisdictions:⁸

- Nunavut (NU)
 - Meadowbank
- Newfoundland and Labrador (NL)
 - Voisey's Bay
 - Hibernia
 - Kami
- Saskatchewan (SK)⁹
 - McClean Lake

⁸ Although British Columbia (BC) was identified as a selected jurisdiction, our scan search did not identify any publicly available agreements between the provincial government and the proponent or any publicly available monitoring programing/plans. For the Yukon (YK), a monitoring program was found but no publicly available agreements between the territorial government and the proponent were identified.

⁹ While SK was not identified as a jurisdiction of interest by the Client, during the search for information, information relevant to socio-economic agreements was identified and considered germane to the scan.

The intent of the searches was to identify agreements related to socio-economic aspects between proponents and territorial/provincial/state government in the target jurisdictions. The keywords used for the online scan included terms related to socio-economic elements, capacity building, economic opportunity, natural resource activity (e.g., mining), and agreements. A grey literature report on policies relevant to socio-economic benefits prepared by a subject-matter expert was also used to inform searches for additional agreements.¹⁰ Where publicly available, any amendments made to agreements were taken into consideration in reviewing the commitments. A description of the jurisdictional scan agreements identified along with the NWT SEAs is found in Appendix I-1.

The agreements found in the other jurisdictions were compared against the SEAs currently active in the NWT (Ekati, Diavik¹¹, Gahcho Kué) and the SEA for Snap Lake¹² to identify any commitments that were substantively different or missing from those found in the NWT SEAs. Any commitments related to the following areas were considered out-of-scope given the focus of the evaluation on socio-economic project benefits:¹³

- General agreement matters (e.g., severability, applicable laws, and existing formal requirements such as permits, notices, closing, suspension and termination, amendment, control and assignment, start and end dates of agreement, warranties, relationship between proponents, prior agreements, data format, confidentiality, force majeure, and default)
- Duties of parties other than the government or proponent
- Separate plans attached to the agreement as schedules
- Technical procedures (e.g., assaying procedures)
- Environmental aspects (e.g., caribou collaring)
- Original agreement to lease the land (government)/use the land (proponent)¹⁴
- Royalties¹⁵

The jurisdictional agreements were also compared with the NWT SEAs to determine: whether these agreements included requirements to track the fulfilment of commitments or targets in the agreements; whether they referenced a companion agreement that supported tracking (e.g., monitoring plan, human resources plan); and/or, whether they were silent on the process. If supporting tracking tools were identified, searches were conducted to identify them. When the tools could not be found online, searches for reports related to the tools were undertaken. An online search was also carried out using search terms related to socio-economic elements, capacity building, economic opportunity, natural resource activity (e.g., mining), program, monitoring, and requirements to determine if additional tools existed for the five (5) selected jurisdictions. The search included alternative terms such as socioeconomic/socio-economic, and for natural resource activity, a range

¹⁰ Werker, Eric; Cascadden, Maggie; Zmuda, Katherine; O'Reilly, Kevin. (April 23, 2017). *Policies for generating socioeconomic benefits from natural resource extraction projects: A research report for the Government of the Northwest Territories*. Retrieved from: https://www.jstor.org/stable/community.27990109?seq=1#metadata_info_tab_contents

¹¹ Socioeconomic Monitoring Agreement (SEMA)

¹² Snap Lake was included for completeness as indicators and measures for this mine were previously identified as requested by the SEA Program Review Working Group.

¹³ Additional plans attached to agreements were omitted from review, except where they related to the maximization of benefits or minimization of impacts.

¹⁴ Commitments related to the agreement regarding the lease were included.

¹⁵ Royalties are related to benefits but were omitted as they fall outside the scope of the SEA Program Review.

of related terms such as resource extraction, mining, mine, natural gas extraction, oil and gas, hydroelectric, hydroelectricity, pipeline, LNG, natural gas, and power generation. If specific tools could not be found but reports were identified, then these reports were reviewed for reporting components. A review of publicly available literature was also conducted to identify any research on monitoring tools and other tools that support maximization of benefits. See Appendix I-2 and Appendix I-3 for lists of the plans required under the jurisdictional agreements and jurisdictional monitoring tools identified.

The jurisdictional agreements were also reviewed to determine whether they addressed sustainability of benefits in any way, and if so, what benefits did they consider sustainable after the life of the project. In addition, a search of grey literature was conducted to identify any other information on sustainability within the context of socio-economic agreements. For the purposes of this review, the Organization for Economic Co-operation and Development (OECD) Development Assistance Committee (DAC) Network on Development Evaluation definition of sustainability was adopted: “[t]he extent to which the net benefits of the intervention continue or are likely to continue”.¹⁶

A full listing of documents reviewed for the jurisdictional scan is provided in Section 5 – References.

2.2.4 Desktop Review

The desktop review involved examining internal organization-specific documents as well as peer-reviewed and grey literature. The proponents for each of the active mines (Diavik, Ekati, Gahcho Kué) and the GNWT departments named in the SEAs (ITI, HSS and ECE) were asked to provide resources identified in SEA commitments (e.g., policies, strategies plans, etc.) as well as any other documents they felt spoke to the SEAs, their implementation, and/or associated outcomes.¹⁷ Engagement participants as well as the TAP members were also asked to share any documents that were relevant to the SEA Program Review process.

Documents and/or references reviewed were provided by the following groups/departments /organizations:¹⁸

- TAP
- GNWT ECE
- GNWT HSS
- GNWT ITI
- De Beers (Gahcho Kué mine)¹⁹
- Rio Tinto (Diavik mine)
- Native Women’s Association of the NWT
- Northwest Territories and Nunavut Chamber of Mines
- Det’ón Cho Corporation

¹⁶ OECD. (n.d.). *Evaluation Criteria*. Retrieved from OECD website: <https://www.oecd.org/dac/evaluation/daccriteriaforevaluatingdevelopmentassistance.htm>

¹⁷ Relevant information from the documents and literature provided by the proponents and GNWT has been included in this report.

¹⁸ Arctic Canadian Diamond Company recently acquired Ekati mine and is in the process of developing documents and policies identified under the SEA in collaboration with the GNWT. For this reason, documents were not provided to support the review.

¹⁹ Documents were shared but many of those identified in the SEA were not provided.

The information collected through this method was used to answer questions relating to all four review theme areas – effectiveness, relevance, administration, and sustainability.²⁰

A full listing of documents reviewed for the desktop review is provided in Appendix J. A full listing of the documents, which provided results for the desktop review is provided in Section 9 – References.

2.3 Limitations

This section identifies the limitations encountered during data collection for each of the four methods. While these limitations may have impacted the quantity and quality of information collected, the use of multiple methods, multiple data sources, and multiple indicators as well as the triangulation of findings across all lines of evidence, helps to overcome these constraints and strengthen the overall validity and reliability of the findings.

One overarching limitation of this review was the lack of a SEA Program logic model clearly identifying the intended outcomes of the program.

2.3.1 Administrative Review Limitations

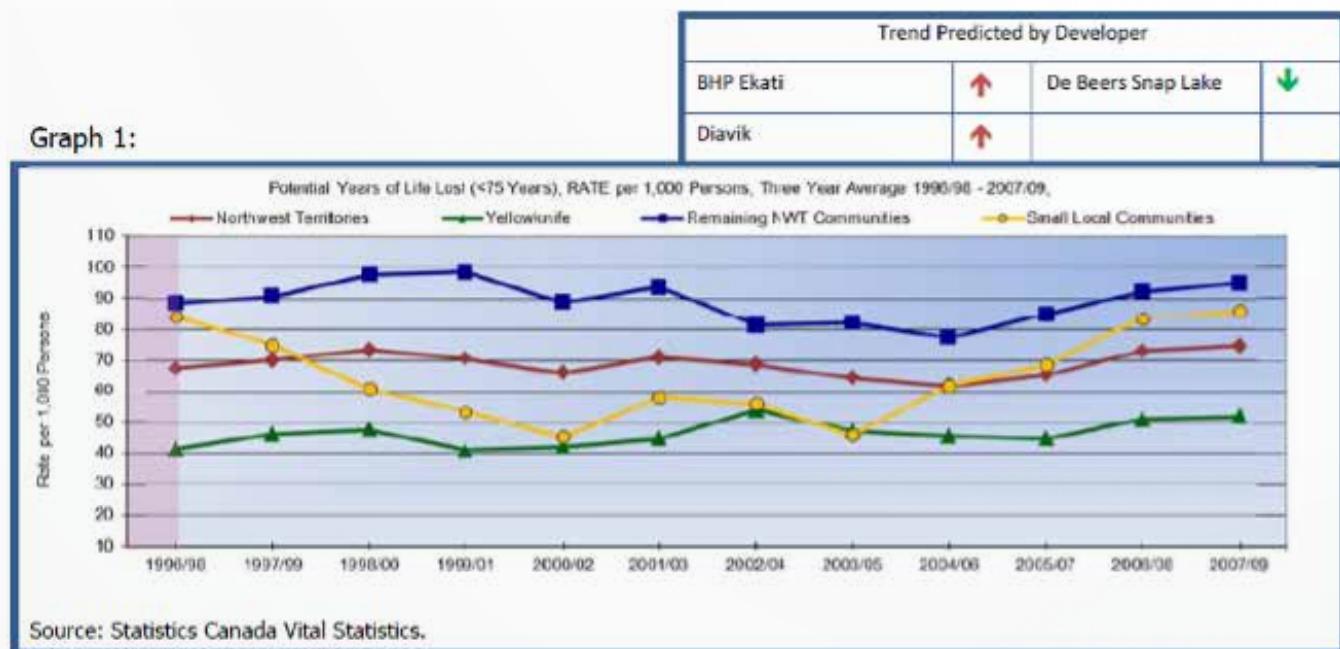
The administrative review process may be limited by the following factors:

- The review is based on publicly available annual reports. In some cases, there is a discontinuity in years (i.e., there is not a report for each and every year in which the mine has been active).
- The contents of annual reports for the same mine vary from year to year, leading to discontinuity in data (i.e., a data point provided in 2015 was not presented in 2016).
- The ways in which data is reported on the same indicator sometimes varies from year to year which leads to a difficulty or inability to accurately track data over the life of the mine.
- The inability to exclusively attribute certain economic, education, social and health and well-being outcomes, required to be reported by GNWT, to the SEAs or the mines.
- Due to the nature of an administrative review and the type of information that is reported in annual reports, it is not possible to speak to the context of the data or the process(es) that supported an activity taking place (e.g., in one SEA, with respect to the commitment regarding apprenticeships, the report simply says, *"Two apprenticeship positions were filled during the year by existing [mine] employees, both from [the local] communities."* – there is no bigger picture discussion of how the apprenticeship program is going in general, whether any changes have been made, etc. – just numbers with limited information to explain the numbers.)

²⁰ Data retrieved from these documents, that overlaps with the information reviewed and presented in the Administrative Review (e.g., employment figures, total spend with northern businesses), have not been included in the desktop review findings.

- The indicators and measures for which the GNWT is responsible for reporting on, as per the SEAs, reflect conditions in the NWT as a whole and are not specific to the territory's diamond mines. It is therefore important to avoid making assumptions about the effects and impacts of the diamond mines on the territory for these indicators and measures.
- There are significant gaps in the data for many GNWT SEA indicators due to the fact that the Communities and Diamonds/GNWT Annual reports for the years 2010, 2011, 2014, 2015, 2016, 2018, and 2019 provide trend data as opposed to numerical data, as demonstrated in **Figure 1** below.

Figure 1: Sample Trend Data Representation in Communities and Diamonds Report (2011)



- The proponents for the Gahcho Kué mine declined to confirm which of the measures they had committed to carrying out under the SEAs were addressed. For this reason, it was not possible to assess whether any measures, which were not reported on in their annual reports, have been addressed.
- The proponent for the Ekati mine has only recently acquired ownership of the mine, so self reports of the commitment measures completed, may be limited by the knowledge of the staff remaining after the acquisition.
- The assessment of whether measures were addressed was based on self-reports and depend on the knowledge and interpretation of the measures by the respondents from the mine proponents/the GNWT.

2.3.2 Engagement Limitations

The following limitations may have affected the engagement findings:

- In early October 2021, the NWT faced their largest outbreak of COVID-19 since the pandemic began, forcing many people to begin working at home and some to be seconded to different divisions to assist with efforts to mitigate the spread of COVID-19. As a result, some of the people/organizations DPRA attempted to contact were not available due to personal commitments and/or because they had been redeployed and consequently lacked the time necessary to participate.
- In total, DPRA engaged with 47 of stakeholders, despite having contacted 85 people. All participants were contacted at least three (3) times, either by email or phone, with the average number of follow-up attempts being four (4) (plus the initial invitation). Due to the internet and broadband limitations in the North, and the fact that a number of participants had to pivot to work-from-home situations, a number of people did not have access to their regular work telephones, voicemail boxes, and email addresses, contributing to the low response rate.
- Targeted question sets were created for the various groups. Because of the lower than expected overall response rate, and a lower than expected question response rate (i.e., participants elected not to respond to certain questions because they felt they lacked the knowledge to answer appropriately), there were some questions with limited input. Additionally, because not all groups were expected to address each evaluation sub-question (refer to the evaluation matrix in Appendix A), and in some cases because of the sheer length of the question sets, it was not always possible to address all of the questions.
- Because of the proprietary nature of some of the mining company information, some participants were not able to fully respond to a question.
- It is challenging to separate the effects of the SEAs from related Partnership Agreements (PAs) or IBAs signed by communities. Although engagement participants were asked about the SEAs and their effects, it is possible that some of their responses refer to experiences with the PAs or IBAs. Additionally, there are a number of other programs, services and supports available to NWT residents that may have played a role in improved levels of health, well-being, education, training and apprenticeship, so attribution is an issue.

2.3.3 Jurisdictional Scan Limitations

The jurisdictional scan findings may be limited by the following factors:

- The scan is based on publicly available socio-economic agreements. The scope of the project did not allow for interviews with representatives from the selected jurisdictions nor a request for resource materials from the jurisdictions. As such, the scan should be in no way considered exhaustive as there may be other socio-economic agreements and/or supporting tools that were not made public.
- The information contained within each jurisdictional socio-economic agreement is specific to a certain development project, location, and local context (e.g., characteristics of the development project, local population). As such, the uniqueness of each agreement must be recognized when considering novel commitments and sustainable benefits.

- While there is a significant amount of literature discussing socio-economic benefit agreements between proponents and Indigenous groups and communities (e.g., IBAs, Community Benefits Agreements (CBAs)), there is a comparative dearth of literature assessing the relevant merits and shortcomings of socio-economic agreements between proponents and governments.

2.3.4 Desktop Review Limitations

The following limitations may have impacted the desktop review findings:

- The desktop review is limited to the documents/references that were provided by review participants.
- A number of documents/references provided were not relevant to the evaluation questions.
- There are instances in which the evaluation matrix indicates the desktop review as a source of information to respond to specific sub-questions; however, upon reviewing the documents provided, because of a lack of relevant information, it was not always possible to answer every one of the sub-questions.
- Reports of activities carried out by the proponents and the GNWT were considered in the context of their respective SEA commitments. However, it is not possible to determine with certainty the degree to which actions were carried out as a result of the SEAs. Other reasons may have played a role (e.g., operational requirements, strategic considerations). Similarly, it was not possible to determine if testimonial comments in some proponent documents intended to showcase mine activities could be attributed to the SEA or the result of some additional activity; context was also often limited surrounding the quotes.
- Although the proponents for the Gahcho Kué and Diavik mines did provide documents that are included in this review, some of these documents are not related to these mines/to their SEAs, specifically, but rather to their respective parent company. With some exceptions, documents that were identified under the Gahcho Kué SEA (e.g., policies) were not provided. For the Ekati mine, as noted earlier in this report, because the mine is under new ownership, many of the guiding and strategic plans and policies are still under development and were not available. For this reason, it was not possible to review these documents.
- Where a document lacked an identified author, methodology, data, and sources for the assertions it contained, this information could not be reliably included in the review.

²¹ These agreements are typically confidential.

3. Key Effectiveness Findings

This section presents the effectiveness findings necessary to answer the evaluation question:
Have the SEAs achieved their intended outcomes?

Based on the evaluation matrix, findings for following effectiveness sub-questions will presented:

- To what extent have each of the SEAs achieved their intended objectives? (Sub-question 1.1)
- What effects have the SEAs had on communities, NWT businesses, the NWT? (Sub-question 1.2)
- What is facilitating/challenging proponents/the GNWT from achieving/progressing toward the intended objectives in their SEA? How are/were these challenges addressed by proponents/the GNWT? (Sub-question 1.3)
- How are the SEAs being implemented? Are the SEAs being implemented as intended? If not, what factors are affecting implementation of the SEAs? (Sub-question 1.4)
- Have there been any unintended (positive or negative) outcomes associated with the SEAs? (Sub-question 1.5)
- Have SEAs been effective in monitoring, mitigating, and adaptively managing potential impacts? (Sub-question 1.6)
- How well-suited are the indicators for measuring progress/ achievement of SEA commitments? (Sub-question 1.7)

The findings for each sub-question are presented by data collection method – administrative review, engagement (GNWT Departments, proponents, Indigenous Governments, and Others (NWT and NU chamber of Mines, NWT businesses, women's organization, regulator, education and training providers)), jurisdictional scan and desktop review – and then a summary of all findings from all methods is included at the end of each sub-question.

Please note that based on the evaluation matrix (refer to Appendix A), not every data collection method addresses each question.

3.1 To what extent have each of the SEAs achieved their intended objectives?

Question 3.1 Summary Overview

In general, the administrative data showed that most employment and business development targets for the construction phase were met or exceeded by the proponents, while operations phase targets were sometimes met. Training and education targets (primarily apprenticeships) were consistently met or exceeded.

For the proponents, measures to address commitments were identified for all of the five (5) key areas: employment; business development; training and education; cultural well-being and traditional economy opportunities; and individual, family, and community well-being. In general, most proponent measures to address commitments under the SEAs were addressed, although fewer were addressed in the two (2) areas of cultural well-being and traditional economy opportunities and individual, family, and community well-being. For the GNWT, most of the measures have been addressed – particularly in the areas of employment and business development, while in the areas of training and education, and individual, family, and community well-being, most – but not all – measures have been addressed. Two (2) of the three (3) SEAs (Ekati and Gahcho Kué) do not have measures for the GNWT in the area of cultural well-being and traditional economy opportunities.

In addition, the GNWT provides a variety of programs and supports to NWT residents which assist in the fulfillment of SEA objectives. These programs and supports are related to the areas of business development; training and education; and individual, family, and community well-being.²²

3.1.1 Administrative Review

3.1.1.1 Ekati SEA – Proponent Objectives Achieved and Not Achieved

This section presents findings (targets/indicators, measures) in relation to the stated objectives and intentions identified in the SEA for the proponent (Ekati).²³ Findings are provided for the following areas:

- Employment
- Business Development
- Training and Education
- Cultural Well-being and Traditional Economy Opportunities
- Community, Family, and Individual Well-being

Each section area identifies the objectives/intentions from the SEA that are relevant to the specific targets/indicators and measures.

²² It is important to note that Gahcho Kué did not respond to the request to identify measures which have been addressed / not addressed by the time of producing this report.

²³ As such, there are targets/indicators and measures not reported on.

Employment

In sections 4.3.1 and 4.3.2 of the SEA for the BHP Diamonds Inc. (BHP) Diamonds Project (“Ekati”), the proponent “BHP” agrees to establish objectives for employing Northern Residents in schedules to the main agreement. Accordingly, Schedule A Employment Objectives, Construction Phase states, “*Northern Resident employment throughout the phase will be 33% of the total employment associated with the Construction Phase of the Project, including Contractors. Aboriginal employment will make up at least 44% of the Northern Resident employment during this period*”.²⁴

Schedule B Employment Objectives, Operation Phase states, “*Northern Resident employment throughout the Operation Phase will be 62% of total employment associated with the Operation Phase of the Project, including Contractors, and 72% during the period of operations at 18,000 tpd... Aboriginal employment will equal at least 50% of the Northern Resident employment*”.²⁵

In the schedules noted above, there is mention of reporting requirements for other data points (e.g., number of women employees in traditional and non-traditional occupations); however, there are no targets set for any of these other reporting points. The commitment in the schedule is specific to reporting.

Section 4.2.1 of the Ekati SEA states that, “*It is the intent of the Parties that BHP shall provide Northern Residents with the opportunity to maximize the economic opportunities from the Project, in the form of employment, recruitment and training that may be obtained during all phases of the Project, whether those employment opportunities are provided directly by BHP or by its Contractors. To such end, BHP undertakes to implement the human resources strategy outlined below*”.²⁶

There are, however, no clear indicators associated with this intent.

Section 4.5.2 of the Ekati SEA states that, “*BHP shall, to the greatest extent possible, and subject to Section 4.5.3 [BHP may require Northern Residents obtain appropriate qualifications as a condition of employment/promotion with BHP as sole judge] and 4.5.4 [BHP implements reasonable standards and procedures in determining qualifications of personnel it hires, BHP sole judge], employ Northern Residents throughout the range of job classifications in the Operation Phase and to provide training and apprenticeship programmes with the intent of promoting qualified Northern Residents into as many management positions as possible.*”²⁷

There are, however, no clear indicators associated with this objective.

²⁴ BHP Diamonds Inc. and the Government of the Northwest Territories. (1996). BHP Diamond Project Socio-Economic Agreement.

²⁵ BHP Diamonds Inc. and the Government of the Northwest Territories. (1996). BHP Diamond Project Socio-Economic Agreement.

²⁶ BHP Diamonds Inc. and the Government of the Northwest Territories. (1996). BHP Diamond Project Socio-Economic Agreement.

²⁷ BHP Diamonds Inc. and the Government of the Northwest Territories. (1996). BHP Diamond Project Socio-Economic Agreement.

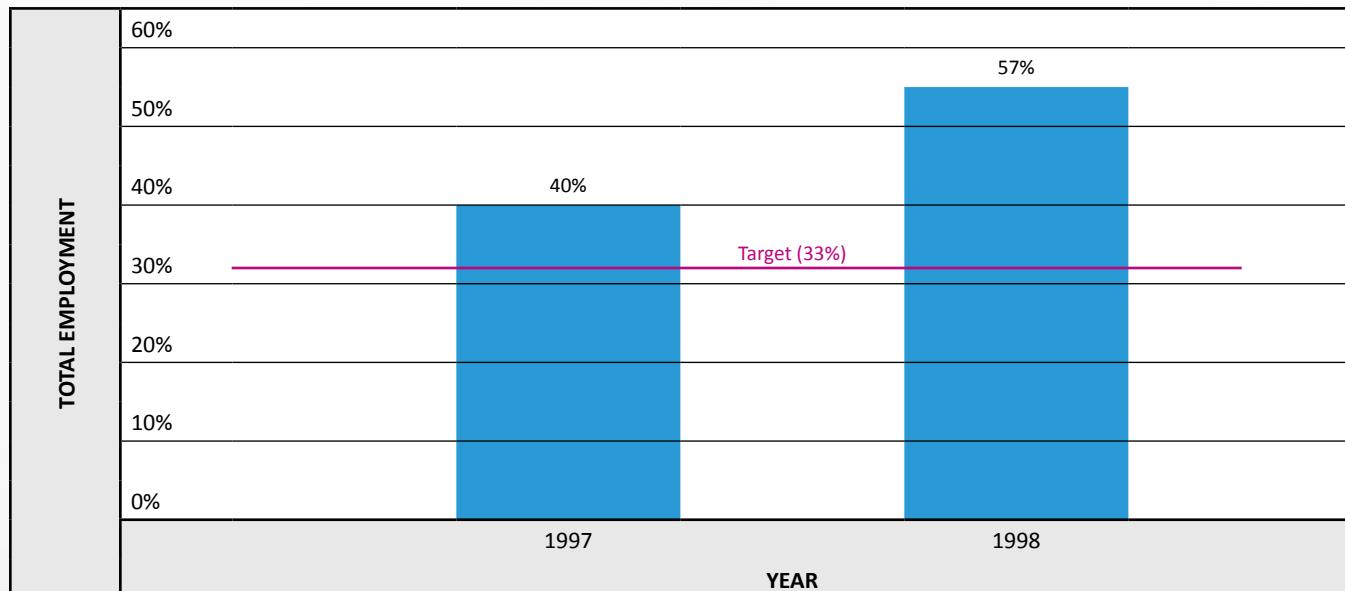
Table 1: Employment Targets Supporting Employment Objectives - Ekati

Target / Indicator	Year(s) Achieved ^{28, 29}
Northern Resident employment throughout the phase will be 33% of the total employment associated with the Construction Phase of the Project, including Contractors.	1997, 1998
Aboriginal employment will make up at least 44% of the Northern Resident employment during this period [Construction Phase].	1997, 1998
Northern Resident employment throughout the Operation Phase will be 62% of total employment associated with the Operation Phase of the Project, including Contractors, and 72% during the period of operations at 18,000 tpd. [62% target applied to all reports reviewed]	1999, 2000
Aboriginal employment will equal at least 50% of the Northern Resident employment [applicable to the Operation Phase]	1998, 1999, 2000, 2005, 2009, 2016, 2017, 2018, 2019

Sources: Annual Northern and Aboriginal Employment Reports/Annual Report on Northern Employment and Spending (1997, 1998, 1999, 2000, 2001, 2002, 2002, 2005; Living and Working in the NWT report (2004); Ekati Diamond Mine Annual Socio-Economic (Agreement) Reports (2009, 2016, 2017, 2018, 2019)

Figure 2 shows Northern employment as a percentage of total employment in the construction phase against the agreement objective. The objective-target was exceeded during all years of the construction phase.

Figure 2: Construction Phase Northern Employment – Ekati



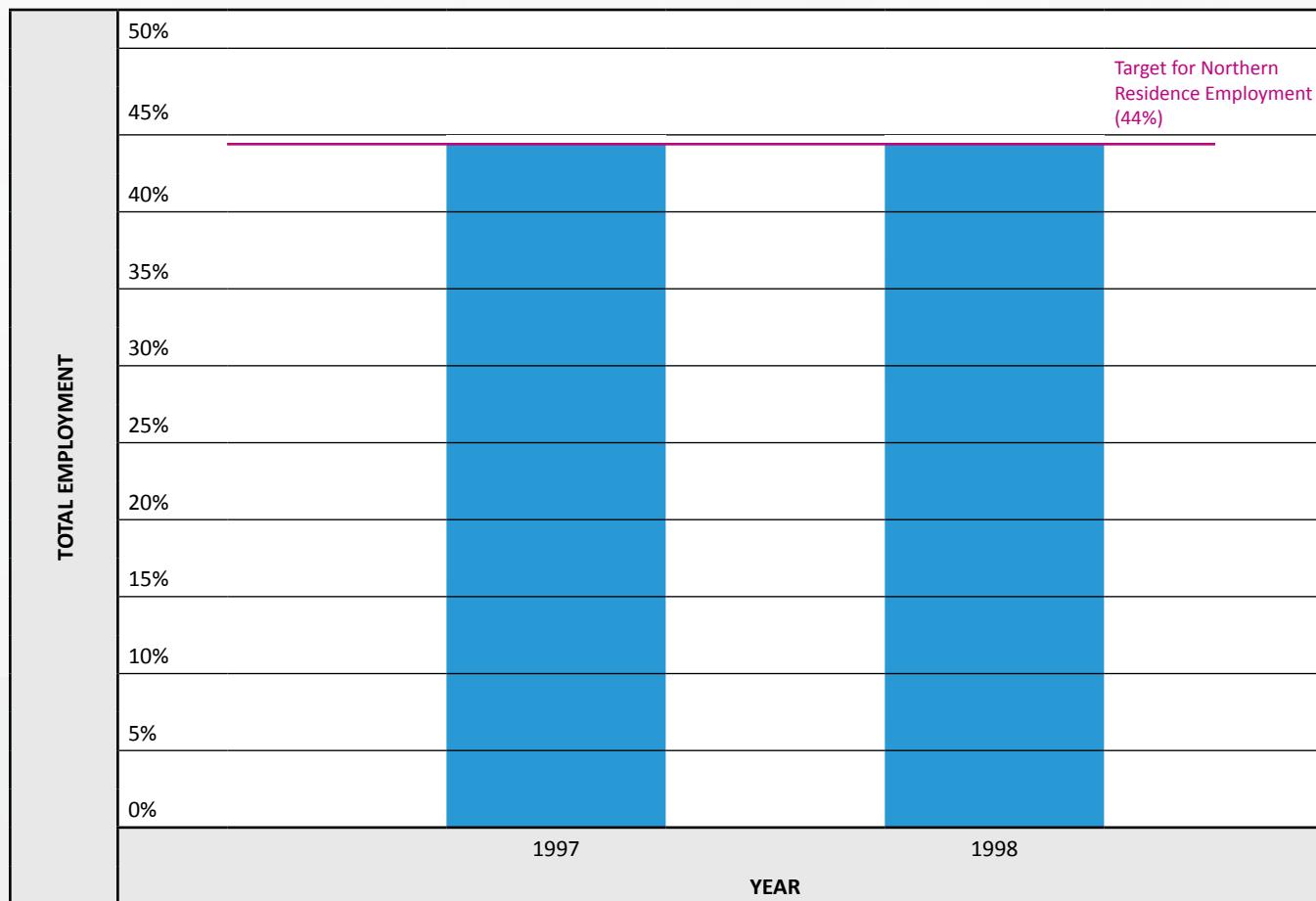
Sources: Ekati Annual Northern and Aboriginal Employment Reports (1997, 1998).

²⁸ Note that the construction and operation phases overlapped in 1998; data for the months attributed to each phase were reported separately against the targets.

²⁹ Although there was a change to the definition of person years (one person year covered 2,184 hours from 2005 onwards, up from 1,750 hours), the targets are based on relative employment and as the definition applied to all employees, target achievement was not thought to be impacted.

Figure 3 shows Indigenous employment as a percentage of Northern Resident employment in the construction phase against the agreement objective. The objective-target was met during the construction phase.

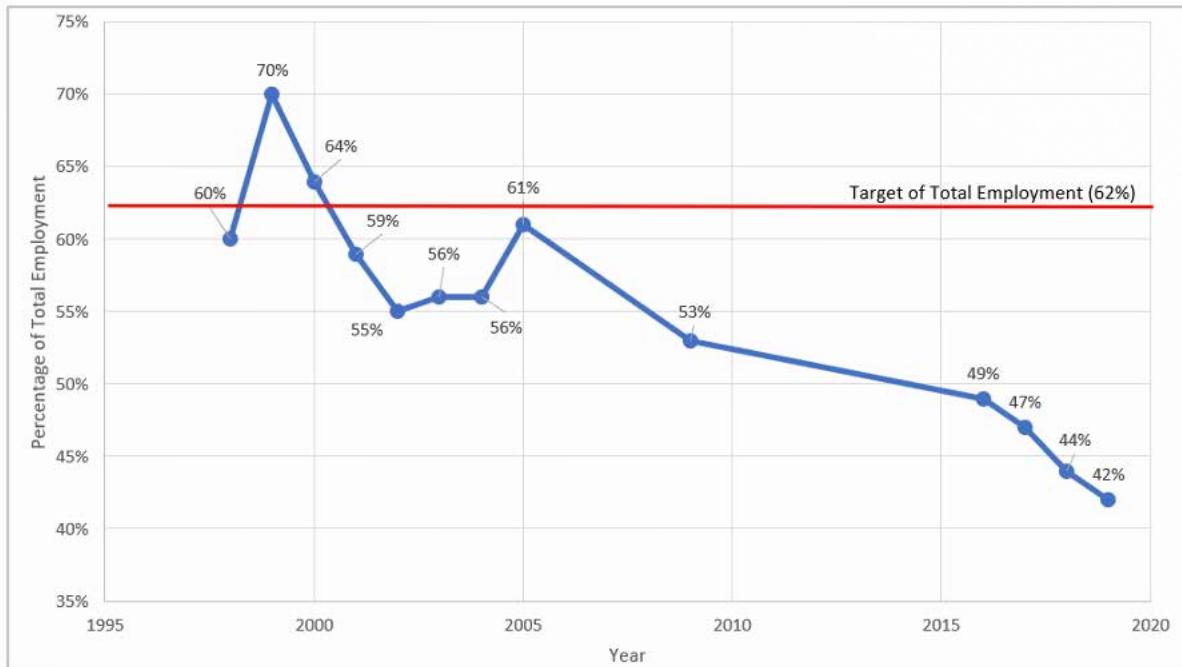
Figure 3: Construction Phase Indigenous Employment – Ekati



Sources: *Ekati Annual Northern and Aboriginal Employment Reports (1997, 1998)*.

Figure 4 shows Northern Resident employment as a percentage of total employment in the operation phase³⁰ against the agreement objective. The objective-target was exceeded in two years (1999, 2000). During the remaining years for which reports were found, the objective was not met.

Figure 4: Operation Phase Northern Resident Employment – Ekati

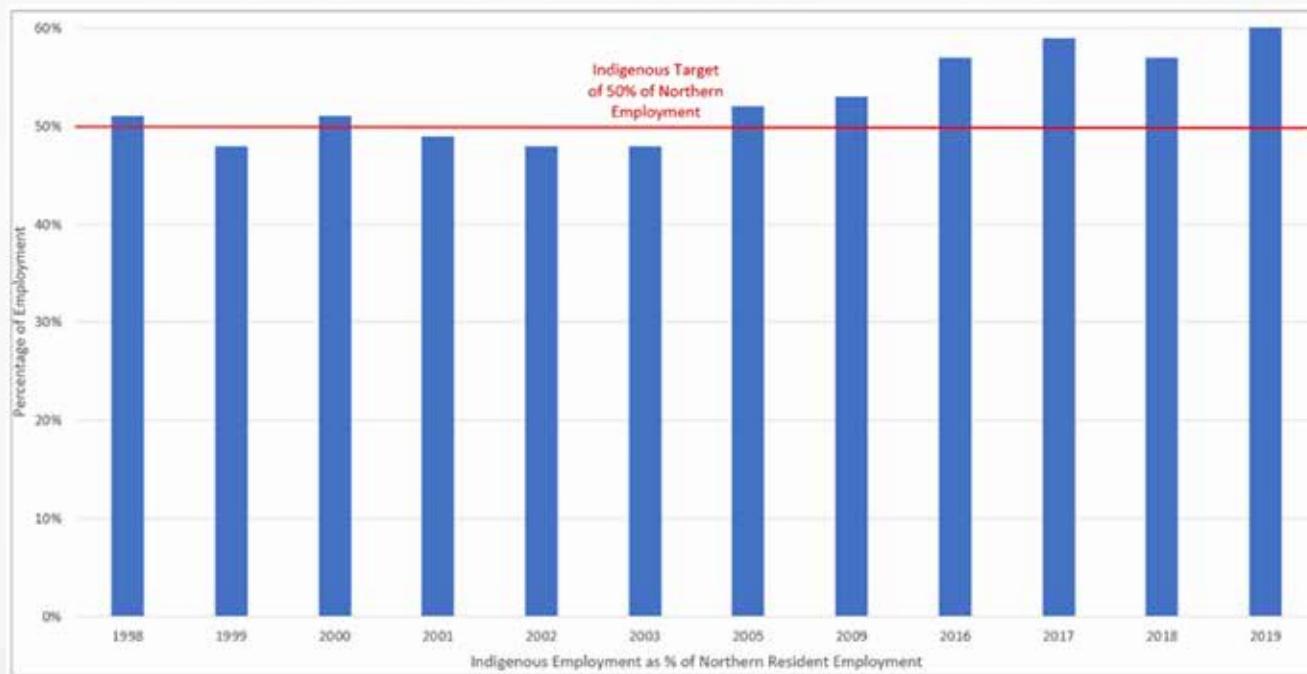


Sources: *Ekati Annual Northern and Aboriginal Employment Reports / Annual Report on Northern Employment and Spending (1998, 1999, 2000, 2001, 2002, 2005); Living and Working in the NWT report (2004); Annual Socio-Economic Report (2009, 2016, 2017, 2018, 2019)*

³⁰ Ekati's construction phase was 1996-1997; its construction phase started in 1998 and is expected to continue until 2028.

Figure 5 shows Indigenous employment as a percentage of Northern employment in the operation phase against the agreement objective. Based on the reports reviewed, the objective-target was exceeded in eight of the years during the operation phase (1998, 2000, 2005, 2009, 2016, 2017, 2018, 2019).

Figure 5: Operation Phase Indigenous Resident Employment – Ekati



Sources: *Ekati Annual Northern and Aboriginal Employment Reports / Annual Report on Northern Employment and Spending (1998, 1999, 2000, 2001, 2002, 2005); Living and Working in the NWT report (2004); Annual Socio-Economic Report (2009, 2016, 2017, 2018, 2019)*

In addition to achieving specific employment targets, the proponent also committed in the SEA to addressing a number of employment measures. The list below identifies the specific employment measures which were addressed, not addressed, or not identified as addressed or not addressed.

- *BHP agrees to provide encouragement to women who apply to be employed in non-traditional occupations; shall develop a strategy for the training, recruitment and employment of women in traditional and non-traditional occupations (Sec. 4.3.4) [addressed]*
- *BHP agrees to provide special considerations for Northern Residents who have completed designated training programs (Sec. 4.3.5) [addressed]*
- *BHP agrees to hire based on personal aptitude as well as standard employment criteria such as education, experience and qualifications (Sec. 4.3.6) [addressed]*
- *BHP and the GNWT agree to work cooperatively to exceed the objectives set forth in 4.3.1 [re: employment of Northern Residents during the Construction phase] and 4.3.2 [re: employment of Northern Residents during the Operations phase] hereof and to advance the interests expressed in 4.3.4 hereof. (Sec. 4.3.7) [addressed]*
- *BHP agrees to cooperate with the GNWT in the development of labour market information (Sec. 4.4.1) [addressed]*

- *BHP shall... make summer employment available to Northern Resident students (priority granted to Aboriginal students) during the Operation Phase (Sec. 4.7.1) [addressed]*
- *BHP will report annually, within two (2) months of the end of the calendar year, on Northern Resident employment. The first Northern Resident employment report will report on the 1997 year. (Schedule A, Sec. 2) [addressed]*
- *If... after the end of the first two years of the Operation Phase, BHP has failed to employ Northern Residents in the manner set forth in Schedule "B"... then BHP shall take further steps to actively encourage a Northern Resident workforce consistent with the targets identified in Schedule "B". (Sec. 4.3.3) [not identified as either addressed or not addressed]*
- *BHP commits to take all reasonable steps to ensure that its Contractors at the Project adopt a hiring policy that is consistent with this Agreement (Sec. 4.5.1) [addressed]*
 - *Require all Contractors to expressly state their commitment to hiring Northern Residents (Sec.4.5.1. (i)) [addressed]*
 - *Evaluate bids on the basis of whether appropriate commitments to hire Northern Residents are included or planned for in the bid (Sec.4.5.1. (ii)) [addressed]*
 - *Incorporate the successful bidder's commitments to hire Northern Residents into the contract document (Sec.4.5.1. (iii)) [addressed]*
 - *Require all contractors to regularly report on their Northern Resident hires and to explain their performance to management." (Sec.4.5.1. (iv))³¹ [addressed]*

Refer to Appendix D of this report for a full listing of Ekati proponent measures.

Business Development

In sections 7.3.1 and 7.3.2 of the Socio-Economic Agreement for the BHP Diamonds Project (“Ekati”), the proponent “BHP” agrees to establish objectives for purchasing goods and services from Local Businesses in schedules to the main agreement. Accordingly, Schedule F Business Objectives, Construction Phase states, “Local Businesses will supply 28% of the total annual value of goods and services purchased”.³²

Schedule G Business Objectives, Operation Phase states, “Local Businesses will supply 70% of the total annual value of goods and services purchased”.³³

In the schedules above, there is mention of reporting requirements for other data points (e.g., total annual value of goods and services purchased from Aboriginal businesses); however, there are no targets set for any of these other reporting points. The commitment in the schedule is only for reporting.

Section 7.2.1 of the Ekati SEA states that, “*It is the intent of the Parties that BHP will apply every reasonable effort consistent with the targets established pursuant to Section 7.3. to purchase goods and services provided by Local Businesses to the extent that such purchases do not add materially to the cost of the Project or compromise the quality or timing of the Project*”.³⁴

³¹ BHP Diamonds Inc. and the Government of the Northwest Territories. (1996). BHP Diamond Project Socio-Economic Agreement.

³² BHP Diamonds Inc. and the Government of the Northwest Territories. (1996). BHP Diamond Project Socio-Economic Agreement.

³³ BHP Diamonds Inc. and the Government of the Northwest Territories. (1996). BHP Diamond Project Socio-Economic Agreement.

³⁴ BHP Diamonds Inc. and the Government of the Northwest Territories. (1996). BHP Diamond Project Socio-Economic Agreement.

Table 2 below lists the targets/indicators for the above objectives by phases and identifies the years they were achieved.

Table 2: Procurement Targets Supporting Business Development Objectives - Ekati

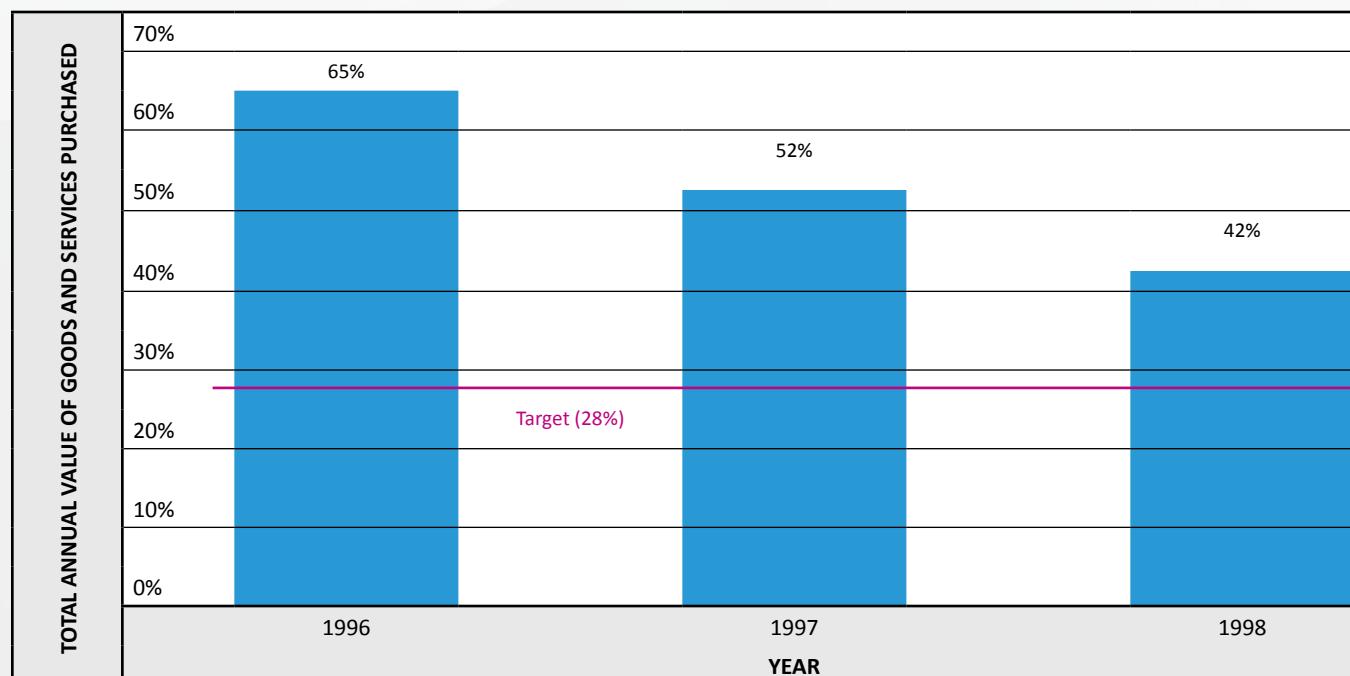
Target / Indicator	Year(s) Achieved
Local Businesses supply 28% of the total annual value of goods and services purchased in the Construction Phase	1996, 1997, 1998
Local Businesses supply 70% of the total annual value of goods and services purchased in the Operation Phase	1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006*, 2007*, 2008*

Sources: *Ekati Annual Northern Local Purchases Reports/ Annual Reports on Northern (and Aboriginal) Spending (1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2009); 2003 Socio-Economic Agreement Report Presentation by BHP Billiton March 12, 2004; Ekati Diamond Mine Annual Socio-Economic Agreement Reports (2016, 2017, 2018, 2019).*

Note: * stand-alone annual reports were not found for these years but percentages for these years were reported in the Annual Socio-Economic Reports (2009, 2018, 2019).

Figure 6 shows the proportion of Northern business purchases during the construction phase. The objective-target of 28% was exceeded in all years of the construction phase.

Figure 6: Construction Phase Northern Business Purchases - Ekati



Sources: *Ekati Annual Northern Local Purchases Report (1996, 1997, 1998)*

Table 3 shows the percentage of the total annual value of goods and services purchased during the operations phase. For 10 of the years in which data was reported (1999-2008), the target of 70% was exceeded.

Table 3: Operation Phase Northern Business Purchases – Ekati

Target	70% of the Total Annual Value of Goods and Services Purchased
1999	79%
2000	82%
2001	85%
2002	85%
2003	85%
2004	78%
2005	79%
2006*	78%
2007*	81%
2008*	83%
2009	67%
2010*	60%
2011*	60%
2012*	66%
2013*	62%
2014*	59%
2015*	58%
2016	62%
2017	64%
2018	58%
2019	56%

Sources: *Ekati Annual Local Purchases Report (1999); Ekati Annual Reports on Northern (and Aboriginal) Spending (2000, 2001, 2002, 2003, 2004, 2005, 2009); 2003 Socio-Economic Agreement Report Presentation by BHP Billiton March 12, 2004; Ekati Diamond Mine Annual Socio-Economic Agreement Reports (2016, 2017, 2018, 2019).*

In addition to achieving specific employment targets, the proponent also committed in the SEA to a range of business development measures. The list below identifies the specific business development measures which were addressed, not addressed, or not identified as addressed or not addressed.

- *The GNWT and BHP agree to continue supporting the community mobilization initiatives (Sec. 6.1.1) [not identified as either addressed or not addressed]*
- *BHP agrees to establish a procurement office in the NWT for the Operations Phase (Sec. 7.4.1 a) [not identified as either addressed or not addressed]*
- *BHP agrees to conduct business opportunities workshops and seminars in the Points of Hire and will make the business community aware of its corporate policy respecting procurement guidelines. (Sec. 7.4.1 b) [addressed]]*

- *BHP agrees to make reasonable efforts to provide Local Businesses with information relating to BHP's procurement needs which may include workshops, publications and advertisements in trade magazines. (Sec. 7.4.1 c) [addressed]*
- *BHP agrees to wherever practicable, facilitate subcontracting opportunities for smaller Local Businesses, particularly aboriginal-owned businesses provided that there will be no adverse economic effect on the cost or quality of the Project. BHP will unbundle contracts whenever practicable (Sec. 7.4.1 d) [addressed]*
- *BHP agrees to assist Local Businesses which are awarded contracts in securing down payment monies for the acquisition of goods and equipment (Sec. 7.4.1 e) [addressed]*
- *BHP agrees to identify possible opportunities for joint ventures by Local Businesses and particularly by Aboriginal-owned businesses (Sec. 7.4.1 f) [not addressed]*
- *[Parties to this Agreement agree to] Encourage communities, organizations, and Local businesses to meet and discuss approaches which can be used to increase Local businesses involvement in Project activities. (Schedule "C", Sec.1) [addressed]*
- *[Parties to this Agreement agree to] Distribute information intended to support development of cooperative business efforts (Schedule "C", Sec.2) [addressed]*
- *[Parties to this Agreement agree to] Support activities which strengthen understanding of the business opportunities resulting from this Project (Schedule "C", Sec.3) [addressed]*
- *[Parties to this Agreement agree to] Meet periodically to discuss approaches which will enhance community mobilization (Schedule "C", Sec.3)³⁵ [addressed]*

Reasons why the proponent could not confirm completion of measures includes the measure being outside their area of knowledge or a lack of understanding of what the measure means.

Refer to Appendix D of this report for a full listing of Ekati proponent measures.

Training and Education

There are neither objectives nor targets for the proponent related to training and education identified in the SEA for the Ekati Mine.

There are, however, a number of measures that the proponent committed to addressing in the SEA. The list below identifies the specific training and education measures and indicates which were addressed, not addressed, or not identified as addressed or not addressed.

- *BHP shall, to the greatest extent possible... provide training and apprenticeship programmes with the intent of promoting Northern Residents into as many management positions as possible (Sec. 4.5.2) [addressed]*
- *BHP shall make available to employees who are Northern Residents all opportunities for advancement, including training and apprenticeships, as are ordinarily provided to BHP employees (Sec. 4.5.6) [addressed]*
- *BHP agrees to provide Northern Resident employees with Mine employment orientation programmes (Sec. 4.6.2) [addressed]*

³⁵ BHP Diamonds Inc. and the Government of the Northwest Territories. (1996). BHP Diamond Project Socio-Economic Agreement.

- *BHP... agrees to sponsor Mine related technical education and apprenticeship opportunities at suitable institutions for Northern Residents who are active employees at the project (Sec. 4.6.5) [addressed]*
- *BHP shall provide on-site training to facilitate the reading of international safety symbols (Sec. 4.6.7) [not identified as either addressed or not addressed]*
- *Subject to priority being given to Aboriginal employees, BHP will offer Northern Residents opportunities for training and apprenticeships in order to maximize the number of available jobs and management positions (Sec. 4.8) [addressed]*
- *BHP shall take all reasonable steps to ensure that its Contractors implement training programmes. (Sec. 4.8.1) [addressed]*
- *EHP shall, where appropriate, in connection with bids for contracts on the Project:*
 - require Contractors to expressly state their commitment to Northern Resident training [addressed]*
 - require Contractors to outline their programmes for training Northern Residents; and [not addressed]*
 - evaluate such bids on the basis of whether an appropriate amount was included for Northern Resident training costs (Sec. 4.8.1) [not addressed]*
- *BHP and GNWT will cooperate in promoting training programmes deemed appropriate during the Construction phase (Sec. 4.8.1) [not identified as either addressed or not addressed]*
- *BHP shall, in consultation with the governmental agencies, and subject to employee interest. establish multi-skill development training programmes for employees that include orientation, training in job safety, skills training in various jobs leading to certification, supervisory and management training and selected external training programmes, all with the intention of qualifying employees who are Northern Residents for supervisory positions. Additional training for employees. depending on availability of appropriate staff and sufficient interest could be offered in such areas as business administration, accounting, environmental technology, use of computers, resource development planning, purchasing and warehousing, assaying, geology and exploration. (Sec. 4.8.2) [not identified as either addressed or not addressed]*
- *BHP shall in consultation with the various school administrations establish an information and orientation programme for high school students regarding the mining industry and job opportunities at the Project. BHP will continue its policy of hosting periodic student visits to the Mine to foster interest and familiarity with potential opportunities in the mining industry (Sec 4.7.2) [not addressed]*
- *Subject to priority being granted to Aboriginal students, BHP agrees to make a number of scholarships available to Northern Residents studying in programmes to be mutually agreed upon by the Parties (Sec 4.7.3)³⁶ [addressed]*

The proponent noted that for the measure related to establishing a high school information and orientation program about the mining industry and job opportunities at the project and providing student visits to the mine, it had not been possible to continue these programs with the COVID-19 pandemic. For one of the measures with no response, the proponent noted that they were unable to respond as the measure was related to the Construction Phase and before the start of their employment.

Refer to Appendix D of this report for a full listing of Ekati proponent measures.

³⁶ BHP Diamonds Inc. and the Government of the Northwest Territories. (1996). BHP Diamond Project Socio-Economic Agreement.

Cultural Well-being and Traditional Economy Opportunities

There are neither objectives nor targets for the proponent related to cultural well-being and traditional economy opportunities identified in the SEA for the Ekati mine.

There are, however, a couple of measures that the proponent committed to addressing in the SEA. The list below identifies the specific cultural well-being and traditional economy opportunities measures and indicates that one was addressed, and one was not identified as addressed or not addressed.

- *BHP shall provide cross-cultural orientation and training for all employees focusing on both Aboriginal and non-Aboriginal cultures and mining industry cultures (Sec. 4.6.3) [addressed]*
- *BHP agrees to the use of appropriate NWT Official Languages on signage and other employee communications (Sec. 4.6.6)³⁷ [not identified whether addressed or not addressed]*

Refer to Appendix D of this report for a full listing of Ekati proponent measures.

Community, Family, and Individual Well-being

There are neither objectives nor targets for the proponent related to community, family and individual well-being identified in the Ekati SEA.

There are, however, various measures that the proponent committed to addressing in the SEA. The list below identifies the specific community, family and individual well-being measures and indicates which were addressed, not addressed, or not identified as addressed or not addressed.

- *BHP agrees to collect attitudinal survey information from its employees which will form part of the health and wellness report (Sec. 5.3.2) [not addressed]*
- *BHP, in accordance with its established work schedules, will provide employees, on their own time, with free scheduled round-trip work related transportation to the Mine from the Points of Hire and the following communities: Hay River, Fort Resolution, Fort Smith, Deline, Inuvik, Norman Wells, Fort Simpson and Cambridge Bay (Sec. 4.5.7) [addressed]*
- *BHP shall take reasonable steps to ensure that the Mine is free of non-medical drugs and alcohol (Sec. 4.5.10) [addressed]*
- *BHP shall, in concert with the GNWT, work with banks to provide employee access to banking services in the Points of Hire (Sec. 4.5.12) [not identified whether addressed or not addressed]*
- *Development or support of drug and alcohol support programs (Sec. 4.6.1) [addressed]*
- *Development or support of... money management workshops and other individual support matters (Sec. 4.6.1) [not addressed]*

³⁷ BHP Diamonds Inc. and the Government of the Northwest Territories. (1996). BHP Diamond Project Socio-Economic Agreement.

- *Development or support of other individual support matters assisted. Such assistance may include liaising with Ministries, Territorial Agencies and community mobilization initiatives (as described in Schedule “C” to this Agreement) or other sources having a mandate to deal with such issues.*
(Sec. 4.6.1) **[not identified whether addressed or not addressed]**
- *BHP shall... provide all employees at the Project free professional counselling for career opportunities, personal and family related problems upon request (Sec. 4.6.4)* **[addressed]**
- *BHP agrees to establish a working relationship with frontline health and social service providers employed by the GNWT and its various agencies (Sec. 5.3.1)* **[not identified whether addressed or not addressed]**
- *BHP agrees to work closely with the GNWT and its various agencies to encourage the effective and integrated use of community resources (Sec. 5.3.3)* **[addressed]**
- *No security measures involving the utilization of X-Rays, or other security procedures with potential health risks, will be implemented without full consultation with representatives of the GNWT Department of Health and Social Services (Sec. 4.5.5)³⁸* **[not addressed]**

Reasons given for no response included limited knowledge (i.e., the measure was outside their area) and lack of clarity regarding whether activities completed met the definition of the term found in the measure.

Refer to Appendix D of this report for a full listing of Ekati proponent measures.

3.1.1.2 Ekati - GNWT Objectives Achieved and Not Achieved

This section presents findings (targets/indicators, measures) in relation to the stated objectives and intentions identified in the Ekati SEA for the GNWT.³⁹ Data on objectives/intentions that have been achieved and not achieved are provided for the following areas:

- Employment
- Business Development
- Training and Education
- Cultural Well-being and Traditional Economy Opportunities
- Community, Family, and Individual Well-being

Each section area identifies the objectives/intentions from the SEA that are relevant to the specific targets/indicators and measures.

³⁸ BHP Diamonds Inc. and the Government of the Northwest Territories. (1996). BHP Diamond Project Socio-Economic Agreement.

³⁹ As such, there are targets/indicators and measures not reported on.

Employment

There are neither objectives nor targets for the GNWT related to employment identified in the Ekati SEA. There are, however, a couple of measures that the GNWT committed to addressing in the SEA, and which have been addressed.

- *The GNWT agrees to share with BHP any available Job Skills Inventory and other related information regarding Northern Residents (Sec. 4.4.2) [addressed]*
- *BHP and the GNWT agree to work cooperatively to exceed the Northern Resident objectives and to advance the interests expressed in Sec. 4.3.4 – where BHP agrees to provide encouragement to women who apply to be employed in non-traditional occupations and, in so doing, BHP shall, by June 30, 1997, develop, in consultation with GNWT (and the Status of Women Council of the Northwest Territories), a strategy for the training, recruitment and employment of women in traditional and non-traditional occupations (Sec 4.3.7 referring to Sec 4.3.4).⁴⁰ [addressed]*

Of the two employment measures agreed to by the proponent through the commitments in the SEA one was addressed, and the other was not addressed (refer to Appendix D). Regarding the measure about exceeding employment objectives for Northern residents and encouraging women's employment through collaboration between the proponent and the GNWT, the GNWT noted that employment objectives in general have not been exceeded but that women's employment is encouraged. Although records of collaboration between the GNWT and the proponent on women's employment specifically were not identified, the GNWT did note that there have been discussions with other organizations about women in trades (e.g., Mine Training Society, Native Women's Association of the NWT).

Refer to Appendix D of this report for a full listing of Ekati GNWT measures.

Business Development

There are no targets for the GNWT related to business development identified in the Ekati SEA.

There are, however, a number of business development objectives (identified in Schedule C of the SEA) that the GNWT committed to address. The list below identifies the specific business development measures and indicates which were addressed, not addressed, or not identified as addressed or not addressed.

- *[Parties to this Agreement] Encourage communities, organizations and Local Businesses to meet and discuss approaches which can be used to increase Local Business involvement in Project activities (Schedule C, Sec. 1.0) [addressed]*
- *[Parties to this Agreement] Distribute information intended to support development of cooperative business efforts (Schedule C, Sec. 2.0) [not identified whether addressed or not addressed]*
- *[Parties to this Agreement] Support activities which strengthen understanding of the business opportunities resulting from this Project (Schedule C, Sec. 3.0) [addressed]*
- *[Parties to this Agreement] Meet periodically to discuss approaches which will enhance community mobilization (Schedule C, Sec. 4.0) [addressed]*

⁴⁰ BHP Diamonds Inc. and the Government of the Northwest Territories. (1996). BHP Diamond Project Socio-Economic Agreement.

- *The GNWT and BHP agree to continue supporting the community mobilization initiatives (Sec. 6.1.1) [addressed]*
- *GNWT agrees to (Sec. 7.4.2):*
 - provide to BHP information on the capabilities of Local Businesses to provide services and supply goods to the Project; [not addressed]*
 - develop a directory of Local Businesses [not addressed]*
 - provide assistance programs as well as other business services to Local Businesses; [addressed]*
 - share information and experience on Business Incentive policies with BHP; [addressed]*
 - share with BHP such directories, catalogues and databases re: NWT suppliers, manufacturers and services on an ongoing basis⁴¹ [addressed]*

The two measures that were not addressed were related to the GNWT developing and/or sharing information about local businesses with the mine. The GNWT reported that the mines have developed databases of suppliers that provide more effective information in these cases.

Refer to Appendix D of this report for a full listing of Ekati GNWT measures.

Training and Education

There are neither objectives nor targets for the GNWT related to training and education identified in the Ekati SEA.

There are, however, a few measures that the GNWT committed to addressing in the SEA. The list below identifies the specific training and education measures and indicates which were addressed and not addressed.

- *...BHP and GNWT will cooperate in promoting training programmes deemed appropriate during the Construction Phase (Sec. 4.8.1) [addressed]*
- *The GNWT shall cooperate with and assist BHP to obtain any available government assistance which BHP may seek in order to carry out its commitment to training and apprenticeships (Sec 4.8) [addressed]*
- *The GNWT agrees to continue offering pre-employment training programmes and will commit resources in order to ensure availability to Northern Residents (Sec. 4.8.3) [addressed]*
- *The GNWT also agrees to develop an accelerated apprenticeship programme to enable Northern Residents to become qualified tradespeople and thereby take advantage of the employment opportunities created by the Project (Sec. 4.8.3)⁴² [not addressed]⁴³*

Refer to Appendix D of this report for a full listing of Ekati GNWT measures.

⁴¹ BHP Diamonds Inc. and the Government of the Northwest Territories. (1996). BHP Diamond Project Socio-Economic Agreement.

⁴² BHP Diamonds Inc. and the Government of the Northwest Territories. (1996). BHP Diamond Project Socio-Economic Agreement.

⁴³ *The amount of time it takes to complete a trade is dependent on a number of factors and circumstances, including the availability of technical training, the apprentice's willingness to attend technical training, the employer's willingness to release and support apprentices to attend technical training, the apprentice's individual success in completing technical training, the availability of work and ability to get the required experience, employment standing, and other administrative factors such as updating hours and getting final sign off from employers. The Apprenticeship, Trade and Occupation Certification (ATOC) program has built in mechanisms that allow apprentices to achieve certification more quickly, including prior learning assessment and recognition (PLAR), verification of prior work experience, and the ability to complete more than one level of technical training in a single academic year where the apprentice has the required time credits to attend additional levels. In addition, under the Schools North Apprenticeship Program (SNAP), hours worked as a SNAP student may also be credited towards an apprenticeship.*

Cultural Well-being and Traditional Economy Opportunities

There are no commitments, objectives or targets for the GNWT related to cultural well-being and traditional economy opportunities identified in the Ekati SEA.

There are no GNWT measures associated with cultural well-being and traditional economy opportunities in the Ekati SEA.

Community, Family, and Individual Well-being

There are neither objectives nor targets for the GNWT related to community, family and individual well-being identified in the Ekati SEA.

There are, however, a range of measures that the GNWT committed to addressing. The list below identifies the specific community, family and individual well-being measures and indicates which were addressed, not addressed, or not identified as addressed or not addressed.

- *The GNWT agrees to use the 14 indicators for health and wellness set forth in Schedule D of this agreement (high school completion rates; # of Social Assistance cases; potential years of life lost; # of communicable diseases; # of children in care; # of family violence complaints; teen birth rate; # of injuries; employment rates and employment participation rates; # of property crimes; # of suicides; # of alcohol and drug related crimes; average income; housing indicator) to monitor and assess the impact of the Project, against the baseline data sources identified in Schedule E (Sec. 5.2.1) [addressed]*
- *The GNWT shall provide to BHP by November 30, 1996, all available source documents for the baseline data information referred to above (Schedule E, Sec. 4.0) [addressed]*
- *Should the listing of indicators be changed, the GNWT will, at the time of selection, identify the source document which provides baseline data for the selected indicator. It is possible some baseline data may need to be averaged over multiple years due to small or no numbers in any given year (Schedule E, Sec. 5.0) [addressed]*
- *The GNWT agrees to prepare an annual health and wellness report for each Point of Hire based on the 14 indicators identified in Sec.5.2.1 [Schedule D] and 5.2.2 [Schedule E] of this SEA [addressed]*
- *The GNWT agrees to meet with BHP on an annual basis to review the health and wellness report and to develop plans of action that could be undertaken to improve the results. (Sec. 5.2.4) [addressed]*
- *The GNWT agrees to consult with Boards, communities and organizations to review the results of the health and wellness report on how to improve the results. (Sec. 5.2.5) [not addressed]*
- *Sharing monitoring information with community governments (information gathered by GNWT)*
- *The GNWT agrees to... the establishment of daycare programs in order to encourage the employment of Northern Residents (Sec. 5.2.6) [addressed]*
- *The GNWT... agrees to adopt a proactive approach in assisting Points of Hire communities in preventing spousal abuse (Sec. 5.2.7) [addressed]*

- *No security measures involving the utilization of X-Rays, or other security procedures with potential health risks, will be implemented without full consultation with representatives of the GNWT Department of Health and Social Services (Sec. 4.5.5)⁴⁴ [not identified as either addressed or not addressed]*
- *It is understood that the information collected will be shared with the community governments of the “Point of Hire” communities. (Schedule D, Sec. 2.0) [addressed]*

Although the following commitments were related to the proponent, they were identified by the GNWT as relevant given the components related to the GNWT within them.

- *BHP agrees to establish a working relationship with frontline health and social service providers employed by the GNWT and its various agencies (Sec. 5.3.1) [not addressed]*
- *BHP agrees to work closely with the GNWT and its various agencies to encourage the effective and integrated use of community resources in addressing any negative socio-economic impacts arising from the Project (Sec. 5.3.3)⁴⁵ [not identified as either addressed or not addressed]*

Refer to Appendix D of this report for a full listing of Ekati GNWT measures.

3.1.1.3 Diavik SEA – Proponent Objectives Achieved and Not Achieved

This section presents findings (targets/indicators, measures) in relation to the stated objectives and intentions identified in the SEA for the proponent (Diavik).⁴⁶ Data on objectives/intentions that have been achieved and not achieved are provided for the following areas:

- Employment
- Business Development
- Training and Education
- Cultural Well-being and Traditional Economy Opportunity
- Community, Family, and Individual Well-being
- Sustainability

Each section area identifies the objectives/intentions from the SEA that are relevant to the specific targets/indicators and measures.

Employment

Article 3.1.2 of the Diavik Diamonds Project Socio-Economic Monitoring Agreement (Diavik SEMA) states that, *“It is the intent of the Parties to maximize project-related employment opportunities for Northerners pursuant to Appendices A and B”*.

⁴⁴ BHP Diamonds Inc. and the Government of the Northwest Territories. (1996). BHP Diamond Project Socio-Economic Agreement.

⁴⁵ BHP Diamonds Inc. and the Government of the Northwest Territories. (1996). BHP Diamond Project Socio-Economic Agreement.

⁴⁶ As such, there are targets/indicators and measures not reported on.

Further, Article 3 of Appendix A provides specific employment targets for the construction and operations phases of the project; and Article 5 of Appendix A states that, *“It is the aspiration of DDMI [Diavik Diamond Mines Inc.] that, over time the Project workforce will approach 100% Northerners.”*⁴⁷

Table 4 below lists the targets/indicators for the above objectives.

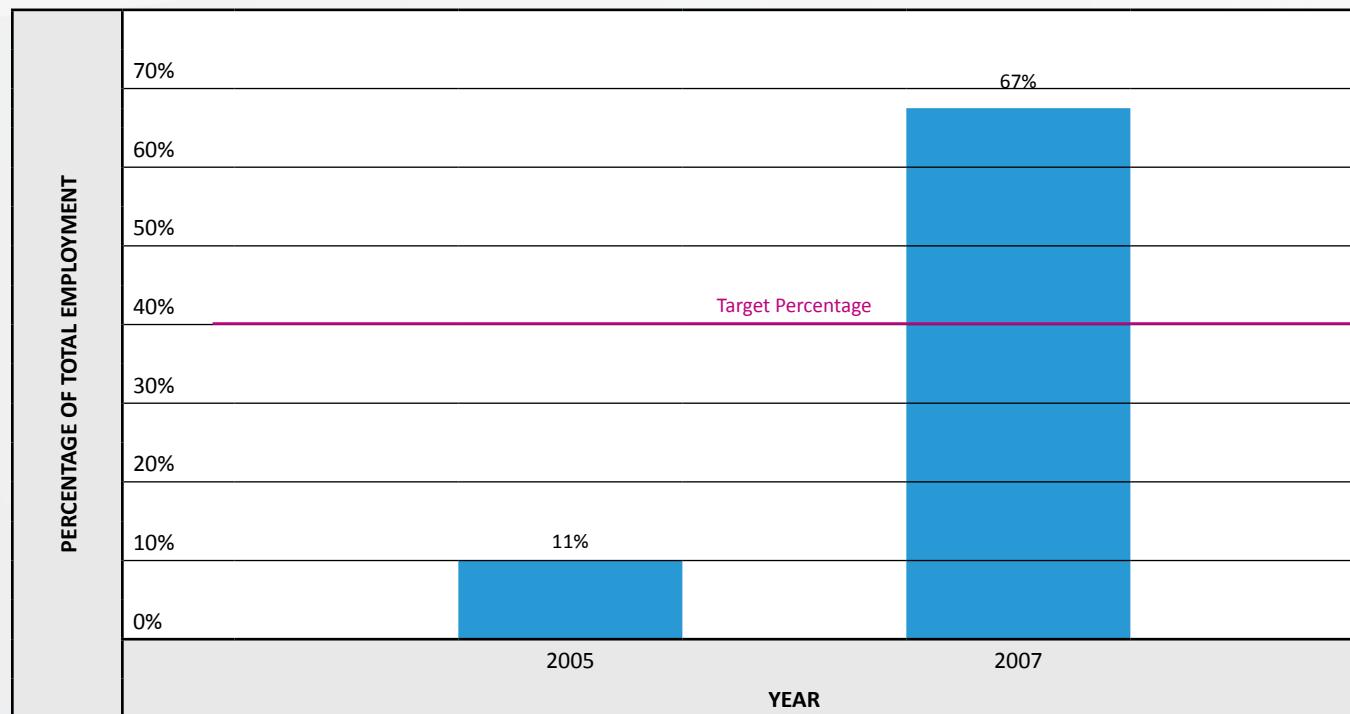
Table 4: Employment Targets Supporting Employment Objectives - Diavik

Target / Indicator	Year(s) Achieved
Employment of Northerners, including employment by Contractors, will be at least 40% of the total employment throughout the Construction Phase of the Project	2007
Employment of Aboriginal (First priority) persons, including employment by Contractors, will make up at least 40% of the total employment throughout the Operation Phase of the Project	NOT ACHIEVED
Employment of Northerners, including employment by Contractors, will collectively be at least 66% of the total employment throughout the Operation Phase of the Project	2007
Over time the Project workforce will approach 100% Northerners	NOT ACHIEVED

Sources: *Diavik Diamonds Project Socio-Economic Monitoring Agreement (1999); Diavik Diamond Mine Sustainable Development Annual Report. (2005, 2007, 2010, 2015, 2016, 2017, 2018).*

Figure 7 shows the number of Northern employees during the construction phase. The objective-target was achieved and exceeded by 2007.

Figure 7: Construction Phase Northern Resident Employment – Diavik

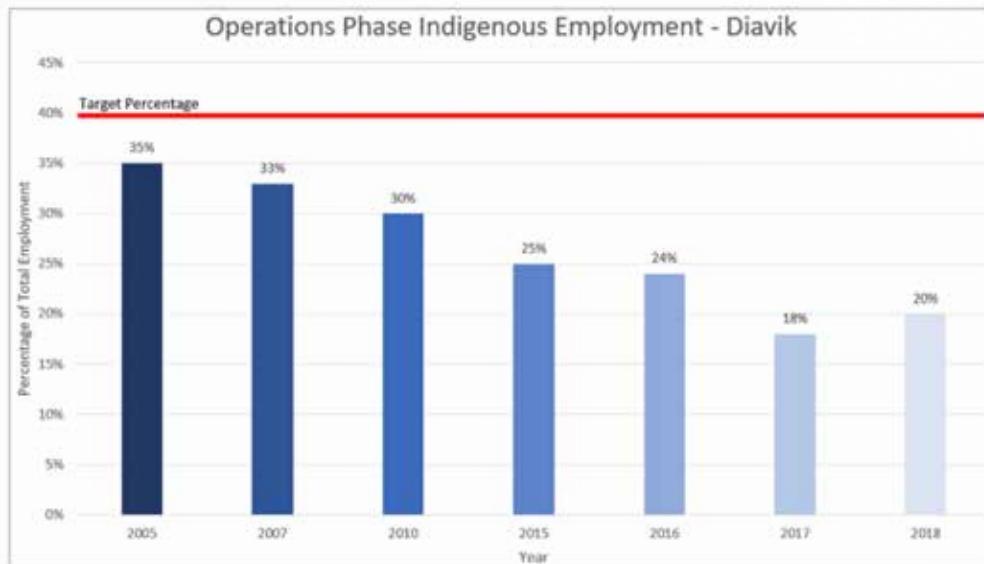


Sources: *Diavik Diamonds Project Socio-Economic Monitoring Agreement (1999); Diavik Diamond Mine Sustainable Development Annual Report. (2005, 2007).*

⁴⁷ *Diavik Diamond Mines Inc. and the Government of the Northwest Territories. (1999). Diavik Diamonds Project Socio-Economic Monitoring Agreement.*

Figure 8 shows the number of Indigenous employees during the operations phase. The highest percentage of Indigenous employment was 35% (in 2005), which was 5 percentage points below the target.

Figure 8: Operations Phase Indigenous Employment - Diavik



Sources: *Diavik Diamonds Project Socio-Economic Monitoring Agreement* (1999); *Diavik Diamond Mine Sustainable Development Annual Report* (2005, 2007, 2010, 2015, 2016, 2017, 2018).

Figure 9 shows the number of Northern employees during the operations phase. The target was met and exceeded in one year (2007), but not met in any other year for which reports were available.

Figure 9: Operations Phase Northern Resident Employment – Diavik



Sources: *Diavik Diamonds Project Socio-Economic Monitoring Agreement* (1999); *Diavik Diamond Mine Sustainable Development Annual Report* (2005, 2007, 2010, 2015, 2016, 2017, 2018).

In addition to specific targets, the proponent also agreed to address a number of employment measures. The list below identifies the specific employment measures and indicates which were addressed and not addressed.

Appendix A (Employment Commitments) of the Diavik SEMA states that:

- *DDMI is committed to recruiting and hiring as many Northerners as possible... DDMI will hire according to the following priorities: (1) Aboriginal persons; (2) Northerners who have been continuously resident in the Northwest Territories or the West Kitikmeot Region at least six (6) months prior to being hired; (3) other Northerners resident in the Northwest Territories or the West Kitikmeot Region; (4) all other Canadians; and (5) other candidates". (Appendix A, Article 1) [addressed]*
- *DDMI will place special emphasis on pre-employment training and employment of Aboriginal persons who live in or originate from the communities of Wekwti, Gameti, Wha Ti, Rae-Edzo, Dettah, Ndilo, Lutsel K'e, Kugluktuk and the North Slave Métis Alliance. DDMI will also recruit for pre-employment training and employment in Yellowknife and other NWT communities in accordance with the hiring priority. (Appendix A, Article 2) [addressed]*
- *DDMI agrees to fund and co-fund community research projects directed at gathering information and addressing barriers to successful employment; (Appendix A, Article 8 c) [addressed]*
- *DDMI agrees to actively promote and encourage careers in the diamond mining industry to the youth of the NWT; (Appendix A, Article 8 d) [addressed]*
- *promote and encourage partnerships with local schools for work experience and job placement programs as well as summer employment opportunities that allow students to gain experience while continuing to complete their education; (Appendix A, Article 8 e) [addressed]*
- *subject to priority being granted to Aboriginal students, take all reasonable steps to make summer employment available to Northerner students during the Operation Phase. (Appendix A, Article 8 f) [addressed]*
- *DDMI commits to cause its Contractors to adopt policies of employment and recruitment consistent with commitments in this Appendix including, but not limited to, the following:*
 - a. requiring all Contractors to expressly state their commitment to hiring Northerners in accordance with the priorities listed in Section 1; (Appendix A, Article 9 a) [addressed]*
 - b. evaluating bids on the basis of whether appropriate commitments to hire Northerners are included or planned for in the bid; (Appendix A, Article 9 b) [addressed]*
 - c. incorporating the successful bidder's commitments to hire Northerners into the contract document; and (Appendix A, Article 9 c) [addressed]*
 - d. requiring all Contractors to fulfil the reporting requirements of Article 3.4. (Appendix A, Article 9 d)⁴⁸ [addressed]*

⁴⁸ Diavik Diamond Mines Inc. and the Government of the Northwest Territories. (1999). Diavik Diamonds Project Socio-Economic Monitoring Agreement.

Part III of the Diavik SEMA identifies the following employment measures:

- *DDMI agrees to establish employment policies, practices and development programs pursuant to Appendix A. (Article 3.2.1)⁴⁹ [addressed]*

Part VI (Monitoring and Mitigation), Article 6.2.1 of the Diavik SEMA identifies the following employment measures:

- *DDMI will report the following data to the Advisory Board, including its analysis and interpretation of that data:*
 - d. *the results of any exit surveys of people leaving the employment of the Project.⁵⁰ [not addressed]*

Part VI (Monitoring and Mitigation), Article 6.3 of the Diavik SEMA identifies the following employment measures:

- *6.3.1 DDMI agrees to provide access to the Project site and to DDMI employees for GNWT to conduct an annual employee survey. (Article 6.3.1)⁵¹ [addressed]*

Appendix B (Training Commitments) of the Diavik SEMA identifies the following employment measures:

- *While in commercial production, DDMI will employ and provide training for at least 8 and up to 18 apprentice positions to be filled pursuant to the priorities set out in Appendix A, subject to the availability of persons who meet the requirements of the Northwest Territories Apprenticeship, Trade and Occupations Certification Act. (Appendix B, Article 1) [addressed]*
- *DDMI and the GNWT will collaborate to increase the number of apprenticeships in advance of the Operation Phase of the Project. For greater certainty, these apprenticeships are other than those listed in 1 above. Programs and funds to increase the number of apprenticeships may include, but are not limited to, the following: the commitment of DDMI to sponsor and encourage apprenticeships in the communities of Wekwezi, Gameti, Wha Ti, Rae-Edzo, Dettah, Ndilo, Lutsel K'e, Kugluktuk and North Slave Métis Alliance on other industry projects by providing funding towards wages in the first three years of this Agreement; (Appendix B, Article 2 a)⁵² [addressed]*

⁴⁹ Diavik Diamond Mines Inc. and the Government of the Northwest Territories. (1999). Diavik Diamonds Project Socio-Economic Monitoring Agreement.

⁵⁰ Diavik Diamond Mines Inc. and the Government of the Northwest Territories. (1999). Diavik Diamonds Project Socio-Economic Monitoring Agreement.

⁵¹ Diavik Diamond Mines Inc. and the Government of the Northwest Territories. (1999). Diavik Diamonds Project Socio-Economic Monitoring Agreement.

⁵² Diavik Diamond Mines Inc. and the Government of the Northwest Territories. (1999). Diavik Diamonds Project Socio-Economic Monitoring Agreement.

Further details on training commitments are provided in Article 4 of Appendix B as follows:

- *DDMI agrees to:*
 - d. *recruit potential process plant operators six months before the Operation Phase of the Project in accordance with the hiring priorities; [addressed]*
 - i. *participate in regional career fairs.⁵³ [addressed]*
- *Appendix D (Cultural and Community Well-being), Article 2 of the Diavik SEMA identifies the following employment measures:*
- *DDMI will introduce and maintain the following measures to assist Northerner employees to perform well in their jobs and to help their local communities cope with any potential effects of the Project:*
 - x. *on closure, gradually reduce employment at the mine site.⁵⁴ [addressed]*

Refer to Appendix D of this report for a full listing of Diavik proponent measures.

Business Development

Article 5.1.2 of the Diavik SEMA states, “It is the intent of the Parties to maximize project-related economic and business opportunities, pursuant to Appendix C and the provisions of this Part”.⁵⁵

Appendix C, Article 1 of the Diavik SEMA states, “It is the intention of DDMI to purchase as many goods and services in the north as practical”.

Article 2 of Appendix C states, “DDMI is committed to taking the measures set out in this Appendix to maximize Project related business opportunities for Northern Businesses”.

Finally, Article 6 of Appendix C states, “DDMI will place special emphasis on developing business opportunities with the communities of Wekwti, Gameti, Wha Ti, Rae-Edzo, Dettah, Ndilo, Lutsel K'e, Kugluktuk and the North Slave Métis Alliance.”⁵⁶

⁵³ Diavik Diamond Mines Inc. and the Government of the Northwest Territories. (1999). Diavik Diamonds Project Socio-Economic Monitoring Agreement.

⁵⁴ Diavik Diamond Mines Inc. and the Government of the Northwest Territories. (1999). Diavik Diamonds Project Socio-Economic Monitoring Agreement.

⁵⁵ Diavik Diamond Mines Inc. and the Government of the Northwest Territories. (1999). Diavik Diamonds Project Socio-Economic Monitoring Agreement.

⁵⁶ Diavik Diamond Mines Inc. and the Government of the Northwest Territories. (1999). Diavik Diamonds Project Socio-Economic Monitoring Agreement.

Table 5 below lists the targets/indicators for the above objectives.

Table 5: Procurement Targets Supporting Business Development Objectives – Diavik

Target / Indicator	Year(s) Achieved
Purchases of goods and services through or from Northern Businesses during the Construction Phase will be at least 38% of the total purchases associated with the Construction Phase	NOT ACHIEVED
Purchases of goods and services through or from Northern Businesses during the Operation Phase will be at least 70% of the total purchases associated with the Operation Phase	2007, 2010, 2018

Sources: *Diavik Diamonds Project Socio-Economic Monitoring Agreement (1999); Diavik Diamond Mine Sustainable Development Annual Report. (2005, 2007, 2010, 2015, 2016, 2017, 2018).*

Table 6 shows the percentage of Northern business purchases during the construction phase. The objective-target of 38% was not achieved in 2005 and was not reported in 2007.

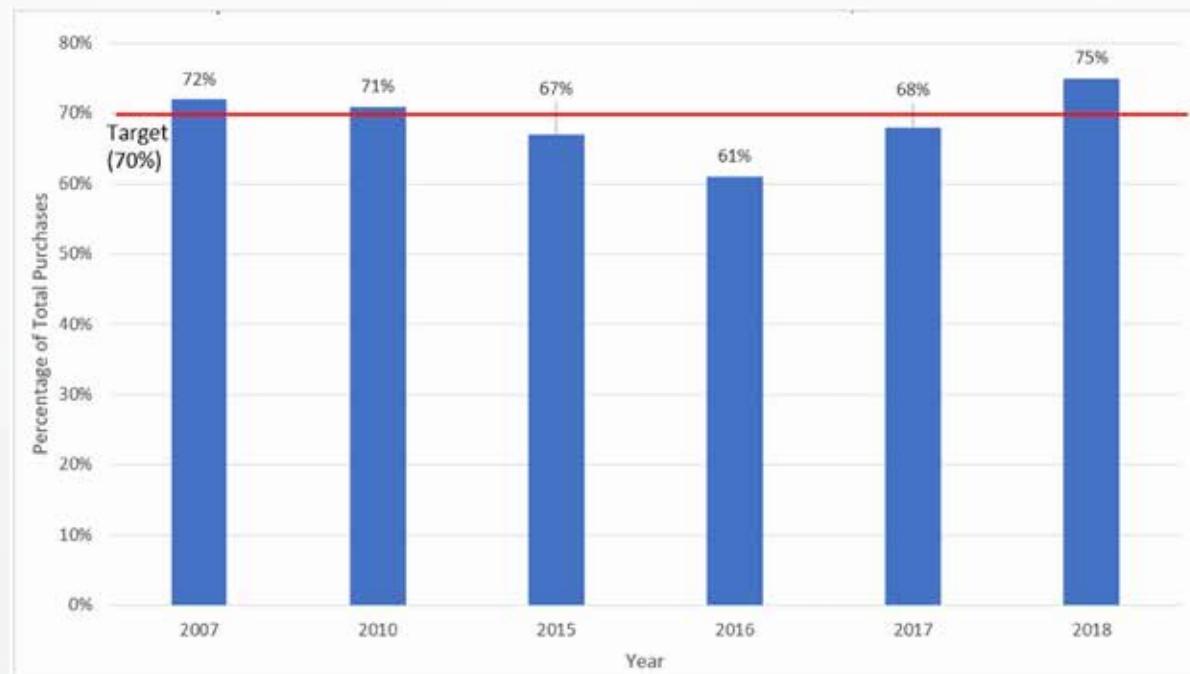
Table 6: Construction Phase Northern Business Purchases - Diavik

Target	2005	2007
38% of the total purchases	37%	Not reported

Sources: *Diavik Diamonds Project Socio-Economic Monitoring Agreement (1999); Diavik Diamond Mine Sustainable Development Annual Report. (2005, 2007).*

Figure 10 shows the percentage of Northern business purchases during the operations phase. Out of the six years for which data was reported, three of those years (2007, 2010 and 2018) exceeded the target of 70%.

Figure 10: Operation Phase Northern Business Purchases – Diavik



Sources: *Diavik Diamonds Project Socio-Economic Monitoring Agreement (1999); Diavik Diamond Mine Sustainable Development Annual Report. (2005, 2007, 2010, 2015, 2016, 2017, 2018).*

In addition to specific targets, the proponent also agreed to address various business development measures. The list below identifies the specific measures which were addressed, not addressed, or not identified as addressed or not addressed.

The Diavik SEMA, Appendix C (Business Capacity-building Commitments), Article 5, states, “*DDMI will consider bids for procurement opportunities according to the priorities in the order set out below: First priority, Aboriginal Businesses; Second priority, Northern Businesses; Third priority, all other businesses*”.⁵⁷ **[addressed]**

Article 9 of Appendix C includes the following business development measures:

- *DDMI agrees to take the following measures to maximize project related business opportunities for Northern Businesses:*
 - a. *DDMI will prepare an annual business opportunities forecast which will identify the reasonably foreseeable procurement requirements of the Project, in accordance with Article 4.4.2; [addressed]*
 - b. *DDMI will work closely with the GNWT to identify categories of goods and services which may present the best opportunities for supply by Northern Businesses and to identify publicly available economic development programs in matching Project related business opportunities with new entrepreneurs and existing business capabilities; [addressed]*
 - c. *DDMI will work closely with the GNWT and with mandated groups and agencies to achieve the greatest degree of Northern Business participation that is technically and financially achievable within the criteria identified in Section 7; [addressed]*
 - d. *DDMI will prepare an annual report on the gross value of goods and services purchased during the previous year, in accordance with Article 4.4.2 of the Agreement; [addressed]*
 - e. *maintain its corporate headquarters in the Northwest Territories during the life of the Project and, once Construction has been completed, to close its Calgary office and relocate the remaining employees to the Northwest Territories; [addressed]*
 - f. *establish, together with its joint venture partner, an off-site sorting facility for production splitting and royalty valuation purposes in the NWT; [addressed]*
 - g. *work closely with all groups and agencies mandated to achieve Northern Business participation in the Project; [addressed]*
 - h. *provide technical support and assistance in accessing sources of commercial capital throughout the business assessment, planning and development phases; [addressed]*
 - i. *work closely with northern communities to co-operatively achieve success in creating long-term business and employment opportunities and in increasing business capacity; [addressed]*
 - j. *actively initiate the business development process, enabling the provision of complete technical business development support services through existing public and private sector programs; [addressed]*
 - k. *identify project components at all stages of development and operations that should be targets for a business development strategy; [addressed]*

⁵⁷ Diavik Diamond Mines Inc. and the Government of the Northwest Territories. (1999). Diavik Diamonds Project Socio-Economic Monitoring Agreement.

- i. *design and communicate clear business development strategies for Aboriginal Authorities, communicating the scope and scale of business opportunities and project requirements in a timely and effective manner; [addressed]*
- m. *develop clear guidelines and schedules regarding what resources the company will commit to project-related business opportunity developments; [not identified as either addressed or not addressed]*
- n. *develop a business development tracking system, involving the Advisory Board in designing that system; [addressed]*
- o. *establish a procurement office in the Northwest Territories for the Operation Phase; [addressed]*
- p. *conduct business opportunity seminars and workshops to make the business community aware of its corporate policy respecting procurement guidelines; [addressed]*
- q. *provide Northern Businesses with a business opportunities forecast and other information relating to DDMI's procurement needs which may include workshops, publications and advertisements in trade magazines; [addressed]*
- r. *facilitate subcontracting opportunities for Northern Businesses; [not addressed]*
- s. *identify possible opportunities for joint ventures by Northern Businesses, and particularly by Aboriginal Businesses.⁵⁸ [not addressed]*

Appendix C includes the following additional business development measures:

- *Whenever practicable, and consistent with sound procurement management, DDMI agrees to implement policies that are intended to maximize business opportunities for Northern Businesses. It is the intention of DDMI to purchase as many goods and services in the north as practical, subject to the criteria set out in Section 7. (Appendix C, Article 1) [addressed]*
- *DDMI will place special emphasis on developing business opportunities with the communities of Wekwezi, Gameti, Wha Ti, Rae-Edzo, Dettah, Ndilo, Lutsel K'e, Kugluktuk and the North Slave Métis Alliance. (Appendix C, Article 6) [addressed]*
- *The criteria used for the evaluation and awarding of all contracts by DDMI for the Project shall include, but not be limited to, all of the following:*
 - a. *cost competitiveness;*
 - b. *quality;*
 - c. *ability to supply and deliver the goods and services to be provided;*
 - d. *timely delivery;*
 - e. *safety and environmental record;*
 - f. *degree of Northerner and Aboriginal participation; and*
 - g. *other generally accepted industry criteria such as follow-up service. (Appendix C, Article 7)⁵⁹ [addressed]*

⁵⁸ Diavik Diamond Mines Inc. and the Government of the Northwest Territories. (1999). Diavik Diamonds Project Socio-Economic Monitoring Agreement.

⁵⁹ Diavik Diamond Mines Inc. and the Government of the Northwest Territories. (1999). Diavik Diamonds Project Socio-Economic Monitoring Agreement.

Appendix D (Cultural and Community Well-being) of the Diavik SEMA includes the following additional business development measures:

- *DDMI will introduce and maintain the following measures to assist Northerner employees to perform well in their jobs and to help their local communities cope with any potential effects of the Project:*
 - v. *encourage the development of sustainable businesses that will not be uniquely dependent on the Project; (Appendix D, Article 2 v) [addressed]*
 - w. *during the Construction and Operation Phases, work closely with mandated government agencies to develop a Project related strategy to diversify the regional and local economies; (Appendix D, Article 2 w)⁶⁰ [addressed]*

Additional business development measures include:

- *DDMI will prepare and report the following:*
 - a. *a business opportunities forecast identifying potential business opportunities related to the Project shall be reported to the Advisory Board within 3 months following the decision of DDMI to proceed with Construction of Project. Thereafter, an updated business opportunities forecast will be prepared and submitted annually; (Article 4.4.2 a)⁶¹ [addressed]*

Refer to Appendix D of this report for a full listing of Diavik proponent measures.

Training and Education

No objective or intent is explicitly stated regarding training and education in the Diavik SEMA.

However, Appendix B, Article 1 of the Diavik SEMA states, “*While in commercial production, DDMI will employ and provide training for at least 8 and up to 18 apprentice positions to be filled pursuant to the priorities set out in Appendix A*”.⁶²

Table 7 below lists the targets/indicators for the above objectives.

Table 7: Apprenticeship Targets During Commercial Production – Diavik

Target / Indicator	Year(s) Achieved
Between 8 and 18 apprentice positions to be filled during commercial production	2005, 2007, 2010, 2015, 2016, 2017, 2018

Sources: *Diavik Diamonds Project Socio-Economic Monitoring Agreement (1999); Diavik Diamond Mine Sustainable Development Annual Report (2005, 2007, 2010, 2015, 2016, 2017, 2018).*

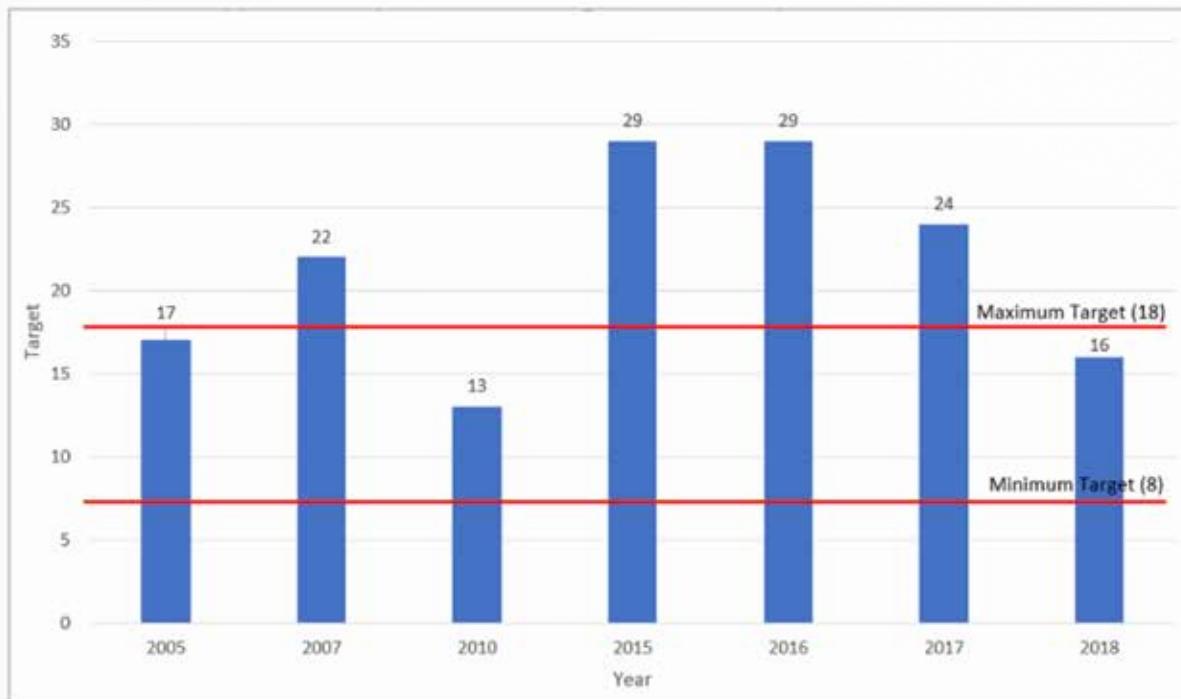
⁶⁰ *Diavik Diamond Mines Inc. and the Government of the Northwest Territories. (1999). Diavik Diamonds Project Socio-Economic Monitoring Agreement.*

⁶¹ *Diavik Diamond Mines Inc. and the Government of the Northwest Territories. (1999). Diavik Diamonds Project Socio-Economic Monitoring Agreement.*

⁶² *Diavik Diamond Mines Inc. and the Government of the Northwest Territories. (1999). Diavik Diamonds Project Socio-Economic Monitoring Agreement.*

Figure 11 shows the number of apprenticeships at Diavik during commercial operations. In all years for which data is available, the objective-target of between 8 and 18 apprenticeships was met; in four of the seven years, the number of apprenticeships exceeded the maximum target of 18.

Figure 11: Apprenticeship Positions During Commercial Operations – Diavik



Sources: *Diavik Diamonds Project Socio-Economic Monitoring Agreement (1999); Diavik Diamond Mine Sustainable Development Annual Report. (2005, 2007, 2010, 2015, 2016, 2017, 2018).*

In addition to specific targets, the proponent also agreed to address a range of training and education measures. The list shows that all measures were reported as addressed.

Article 8 of Appendix A (Employment Commitments) of the Diavik SEMA includes the following training and education measures:

- *DDMI agrees to:*
 - establish a minimum of grade nine as a standard for trainable positions,⁶³ [addressed]*

⁶³ *Diavik Diamond Mines Inc. and the Government of the Northwest Territories. (1999). Diavik Diamonds Project Socio-Economic Monitoring Agreement.*

Article 3 of Appendix B (Training Commitments) of the Diavik SEMA includes the following training and education measures:

- *In developing its training programs, DDMI will focus on:*
 - a. *providing pre-employment opportunities for training in accordance with the hiring priorities; [addressed]*
 - b. *enabling Northerners to gain access to jobs; [addressed]*
 - c. *giving special emphasis to providing training opportunities in the communities of Wekwti, Gameti, Wha Ti, Rae-Edzo, Dettah, Ndilo, Lutsel K'e, Kugluktuk and the North Slave Métis Alliance; [addressed]*
 - d. *facilitating employment advancement for Northerners; [addressed]*
 - e. *enabling Northerners to fill apprenticeship, technical, technological, supervisory, managerial, and professional occupations; [addressed]*
 - f. *requiring all long-term contractors to the Project to adhere to the goal of maximising the employment of Northerners; and [addressed]*
 - g. *collaboration with GNWT in the development of pre-employment preparation, skill development training, on-the-job training, and re-training programs to better enable Northerners to take advantage of employment opportunities deriving from the Project.⁶⁴ [addressed]*

Article 4 of Appendix B (Training Commitments) of the Diavik SEMA includes the following training and education measures:

- *DDMI agrees to:*
 - a. *collaborate with Aboriginal people to encourage development and delivery of training programs based on cultural value systems which include a cultural component that would introduce new employees to rotation employment and the intricacies of scheduled work; [addressed]*
 - b. *consult with the Advisory Board in the ongoing review and development of training programs; [addressed]*
 - c. *continue "on-the-job" training throughout the life of the Project; [addressed]*
 - d. *initiate a pre-employment training program for the process plant three months before commissioning of the plant; [addressed]*
 - e. *upgrade and train its Northerner employees so that they are able to accept positions of greater responsibility within DDMI. [addressed]*
 - f. *support programs that encourage careers in technology, science, and engineering, working in co-operation with the GNWT and Aboriginal Authorities; [addressed]*
 - g. *supplement existing training programs with "on the job" training as much as possible;⁶⁵ [addressed]*

⁶⁴ Diavik Diamond Mines Inc. and the Government of the Northwest Territories. (1999). Diavik Diamonds Project Socio-Economic Monitoring Agreement.

⁶⁵ Diavik Diamond Mines Inc. and the Government of the Northwest Territories. (1999). Diavik Diamonds Project Socio-Economic Monitoring Agreement.

Article 7 of Appendix B (Training Commitments) of the Diavik SEMA includes the following training and education measures:

- *DDMI shall organize and implement its training programs so that employees completing the training will be able to use the skills acquired and time spent as credit towards certification or status recognized in the Northwest Territories under the Apprenticeship, Trade and Occupations Certification Act, 1988 R.S.N.W.T. c.A-4. **[addressed]***
- *8. DDMI shall record the details of employment and training according to the Northwest Territories Apprenticeship, Trade and Occupations Certification Act.⁶⁶ **[addressed]***

Refer to Appendix D of this report for a full listing of Diavik proponent measures.

Cultural Well-being & Traditional Economy Opportunities

Article 5.1.2 of the Diavik SEMA states, “*It is the intent of the Parties [i.e., DDMI and GNWT] to protect cultural and community well-being pursuant to Appendix D [Cultural and Community Well-Being].*”⁶⁷

However, the Diavik SEMA has no cultural well-being and traditional economy targets.

There are a variety of cultural well-being and traditional economy opportunities objectives that the proponent committed to addressing/reporting on and which were all addressed.

Article 5.2.1 of the Diavik SEMA states, “*DDMI agrees to establish policies and practices pursuant to Appendix D [Cultural and Community Well-Being] and the provisions of this Article*”.⁶⁸ **[addressed]**

The following cultural well-being and traditional economy measures were identified in Appendix D, Article 2 of the Diavik SEMA:

- *“DDMI will introduce and maintain the following measures to assist Northerner employees to perform well in their jobs and to help their local communities cope with any potential effects of the Project:*
 - a. ensure that all Employee Relations Personnel will be able to communicate in at least one Aboriginal language spoken in the NWT; **[not addressed]***
 - b. pay for aboriginal language interpreters at community meetings; **[addressed]***
 - c. encourage Aboriginal language speakers at the mine site to communicate in their mother-tongue, bearing in mind practical and safety requirements; **[addressed]***
 - d. encourage Aboriginal workers to reside in their home communities; **[addressed]***
 - e. in cooperation with Aboriginal Authorities, provide and maintain Dene, Métis and Inuit reading and video materials on-site; **[addressed]***
 - f. address cultural sensitivity and cross-cultural awareness in all orientation training; **[addressed]***

⁶⁶ Diavik Diamond Mines Inc. and the Government of the Northwest Territories. (1999). *Diavik Diamonds Project Socio-Economic Monitoring Agreement*.

⁶⁷ Diavik Diamond Mines Inc. and the Government of the Northwest Territories. (1999). *Diavik Diamonds Project Socio-Economic Monitoring Agreement*.

⁶⁸ Diavik Diamond Mines Inc. and the Government of the Northwest Territories. (1999). *Diavik Diamonds Project Socio-Economic Monitoring Agreement*.

- g. serve Country Food at the mine site; **[addressed]**
- h. make freezers available for storing Country Food; **[addressed]**
- i. provide employees with one week of unaccountable leave; **[addressed]**
- j. discuss with the GNWT and Aboriginal Authorities the cross-cultural training needs of DDMI employees. DDMI agrees to fund cross-cultural training programs as may be agreed upon by the Parties; **[addressed]**
- k. maintain and provide space at the mine site for spiritual or other employee-driven requirements".⁶⁹ **[addressed]**

The Diavik SEMA has an additional proponent commitment related to cultural well-being and traditional economy opportunities in Appendix A, Section 8.b, which states: "DDMI agrees to: ...endeavour to develop work schedules compatible with the traditional pursuits of Aboriginal employees".⁷⁰ **[addressed]**

Refer to Appendix D of this report for a full listing of Diavik proponent measures.

Community, Family, and Individual Well-being

Article 5.1.2 of the Diavik SEMA states, "It is the intent of the Parties [i.e., DDMI and GNWT] to protect cultural and community well-being pursuant to Appendix D [Cultural and Community Well-Being]".⁷¹

However, the Diavik SEMA has no community, family and individual well-being targets.

There are a number of community, family and individual well-being objectives that the proponent committed to addressing/reporting on, and which were reported as all having been addressed.

Appendix D, Article 2 of the Diavik SEMA states the following:

- "DDMI will introduce and maintain the following measures to assist Northerner employees to perform well in their jobs and to help their local communities cope with any potential effects of the Project:
 - i. assist in the development of drug and alcohol rehabilitation programs, money management workshops and other individual support matters; **[addressed]**
 - m. provide communication links to home communities; **[addressed]**
 - n. permit periodic spousal tours of the work site; **[addressed]**
 - o. maintain an Employee and Family Assistance Program (EFAP) for employees and their immediate families, with services provided primarily by local and trusted people; **[addressed]**
 - p. the EFAP will develop partnerships with local community support agencies; **[addressed]**
 - q. where practical, contract service providers for the Employee and Family Assistance Program based on their expertise and experience in the field of addictions and addiction rehabilitation; **[addressed]**

⁶⁹ Diavik Diamond Mines Inc. and the Government of the Northwest Territories. (1999). Diavik Diamonds Project Socio-Economic Monitoring Agreement.

⁷⁰ Diavik Diamond Mines Inc. and the Government of the Northwest Territories. (1999). Diavik Diamonds Project Socio-Economic Monitoring Agreement.

⁷¹ Diavik Diamond Mines Inc. and the Government of the Northwest Territories. (1999). Diavik Diamonds Project Socio-Economic Monitoring Agreement.

- r. employ a number of Employee Relations Personnel both on a rotation on site and in the communities of Wekweti, Gameti, Wha Ti, Rae-Edzo, Dettah, Ndilo, and Lutsel K'e, Kugluktuk and with the North Slave Métis Alliance, who are familiar with the conditions in communities that may affect the employee at work and vice versa, to act as liaison people between DDMI, the employee, and these communities; **[addressed]**
- s. provide recreation facilities and a recreation co-ordinator at the mine site; **[addressed]**
- t. enforce a sexual harassment policy at the mine site, and an alcohol-and drug-free workplace policy for the possession or use of any alcohol or illegal drugs on any DDMI property; **[addressed]**
- u. notify communities along Highways 1 and 3 of increased truck traffic; **[addressed]**
- v. provide outplacement counselling, family adjustment, and pension and savings plans seminars in the communities of Wekweti, Gametes, Wha Ti, Rae-Edzo, Dettah, Ndilo, Lutsel K'e and Kugluktuk and with the North Slave Métis Alliance".⁷² **[addressed]**

Appendix A, Articles 10 and 11 of the Diavik SEMA also state the following:

- "DDMI will provide employees, on their own time, with free work-related round-trip transportation to the mine site from the communities of Wekweti, gametic, Wha Ti, Rae-Edzo, Dettah, Ndilo, Lutsel K'e, Kugluktuk, Yellowknife and Hay River (the "pick-up points"). **[addressed]**
- DDMI will seek opportunities with GNWT and KIA [Kitikmeot Inuit Association] to enhance employment opportunities from other NWT communities such as Inuvik, Ft. Simpson, Norman Wells and Ft. Smith, and West Kitikmeot communities by expanding pickup points where logically, safely, and economically possible. Where circumstances warrant, the GNWT agrees to consider providing a transportation allowance for the said expansion in the NWT or for DDMI employees who live in an NWT community that is a reasonable distance from the expanded pickup point to assist those employees to get to the expanded pickup point so they can be transported to the mine site."⁷³ **[addressed]**

Refer to Appendix D of this report for a full listing of Diavik proponent measures.

Sustainable Development

Appendix D, Article 2 of the Diavik SEMA states, "DDMI will introduce and maintain the following measures to assist Northerner employees to perform well in their jobs and to help their local communities cope with any potential effects of the Project: (v) development of sustainable businesses that will not be uniquely dependent on the Project".⁷⁴

There is no information in Diavik's annual reports regarding the development of sustainable businesses.

⁷² Diavik Diamond Mines Inc. and the Government of the Northwest Territories. (1999). Diavik Diamonds Project Socio-Economic Monitoring Agreement.

⁷³ Diavik Diamond Mines Inc. and the Government of the Northwest Territories. (1999). Diavik Diamonds Project Socio-Economic Monitoring Agreement.

⁷⁴ Diavik Diamond Mines Inc. and the Government of the Northwest Territories. (1999). Diavik Diamonds Project Socio-Economic Monitoring Agreement.

3.1.1.4 Diavik – GNWT Objectives Achieved and Not Achieved

This section presents findings (targets/indicators, measures) in relation to the stated objectives and intentions identified in the SEA for the GNWT.⁷⁵ Data on objectives/intentions that have been achieved and not achieved are provided for the following areas:

- Employment
- Business Development
- Training and Education
- Cultural Well-being and Traditional Economy Opportunity
- Community, Family, and Individual Well-being

Each section area identifies the objectives/intentions from the SEA that are relevant to the specific targets / indicators and measures.

Employment

Article 3.1.2 of the Diavik Diamonds Project SEMA states that, *“It is the intent of the Parties to maximize project-related employment opportunities for Northerners pursuant to Appendices A and B”*.⁷⁶

The Diavik SEMA has no employment targets for the GNWT.

However, the GNWT agreed to, and addressed, the measure in Appendix B, Article 5.h that states: *“The GNWT agrees to support the commitment to maximize employment opportunities for Northerners in the Project through the following initiatives and programs:...organize and support regional career fairs”*.⁷⁷ **[addressed]**

Business Development

Article 5.1.2 of the Diavik SEMA states, *“It is the intent of the Parties to maximize project-related economic and business opportunities, pursuant to Appendix C and the provisions of this Part”*.⁷⁸

In Appendix c, Article 2:

- *“The GNWT is committed to taking the measures set out in this Appendix to establish and maintain programs and policies to increase the capacity and diversification of the economy and to encourage new business development to assist and enable Northern Businesses to take advantage of Project related business opportunities”*.⁷⁹

⁷⁵ As such, there are targets/indicators and measures not reported on.

⁷⁶ Diavik Diamond Mines Inc. and the Government of the Northwest Territories. (1999). Diavik Diamonds Project Socio-Economic Monitoring Agreement.

⁷⁷ Diavik Diamond Mines Inc. and the Government of the Northwest Territories. (1999). Diavik Diamonds Project Socio-Economic Monitoring Agreement.

⁷⁸ Diavik Diamond Mines Inc. and the Government of the Northwest Territories. (1999). Diavik Diamonds Project Socio-Economic Monitoring Agreement.

⁷⁹ Diavik Diamond Mines Inc. and the Government of the Northwest Territories. (1999). Diavik Diamonds Project Socio-Economic Monitoring Agreement.

However, Diavik SEMA has no business development targets for the GNWT.

There are, however, various measures that the GNWT committed to undertake and address/report on. The text below identifies the specific business development measures and indicates that all were addressed.

Further, Article 11 of Appendix C states,

- *"GNWT shall support the intention to maximize project-related economic and business opportunities for Northerners through the following initiatives and programs:*
 - a. *provide and actively communicate to eligible participants, a general program of business grants, contributions, and loans to maximize business capacities and employment opportunities in Northwest Territories communities; [addressed]*
 - b. *assist Northwest Territories businesses to acquire or develop capital where it will result in an increase in the Northwest Territories employment; [addressed]*
 - c. *maintain a registry of businesses eligible under the GNWT Business Incentive Policy and where possible, provide DDMI access to that data for contracts and procurement purposes; [addressed]*
 - d. *keep Northwest Territories businesses informed of opportunities arising from the business opportunities forecast and assist Northwest Territories businesses in taking advantage of contracting opportunities related to the Project; [addressed]*
 - e. *actively support the business development process, enabling the provision of technical business development support services through existing public and private sector programs; [addressed]*
 - f. *work with Northwest Territories communities to create long-term business and employment opportunities and to increase business capacity; [addressed]*
 - g. *facilitate the upgrading of management and entrepreneurial skills of Northwest Territories residents; [addressed]*
 - h. *assist in the identification of opportunities for joint ventures with Northwest Territories businesses; [addressed]*
 - i. *facilitate the design, preparation and development of financial proposals from Northwest Territories businesses; [addressed]*
 - j. *provide counselling services to assist Northwest Territories businesses through the business development process; and [addressed]*
 - k. *support northern business community meetings or conferences related to promoting business opportunities in the Project".⁸⁰ [addressed]*

⁸⁰ Diavik Diamond Mines Inc. and the Government of the Northwest Territories. (1999). Diavik Diamonds Project Socio-Economic Monitoring Agreement.

The Diavik SEMA also states, with regards to business development:

- *"To meet the requirements of 4.4.1(b) above, the GNWT will report the following data as it relates to the Project:...a summary of government efforts toward economic and business development"* (Article 4.4.4.b) **[addressed]**
- *"DDMI will introduce and maintain the following measures to assist Northerner employees to perform well in their jobs and to help their local communities cope with any potential effects of the Project...during the Construction and Operation Phases, work closely with mandated government agencies to develop a Project related strategy to diversify the regional and local economies"* (Appendix D, Article s.2.w)⁸¹ **[addressed]**

Refer to Appendix D of this report for a full listing of Diavik GNWT measures.

Training and Education

No objective or intent is explicitly stated regarding training and education in the Diavik SEMA.

There are, however, a range of measures that the GNWT committed to undertake/address. The text below identifies the specific training and education measures and indicates whether they were addressed or not addressed.

Appendix B, Article 2, of the Diavik SEMA states,

- *"DDMI and the GNWT will collaborate to increase the number of apprenticeships in advance of the Operation Phase of the Project."*⁸² **[addressed]**

Further, Appendix B, Article 5, of the Diavik SEMA states,

- *"The GNWT agrees to support the commitment to maximize employment opportunities for Northerners in the Project through the following initiatives and programs:*
 - a. continue offering pre-employment training programs and commit resources in order to ensure availability to Northerners;* **[addressed]**
 - b. develop an accelerated apprenticeship program to enable Northerners to become qualified tradespeople and thereby take advantage of the employment opportunities created by the Project;* **[not addressed]**⁸³

⁸¹ Diavik Diamond Mines Inc. and the Government of the Northwest Territories. (1999). Diavik Diamonds Project Socio-Economic Monitoring Agreement.

⁸² Diavik Diamond Mines Inc. and the Government of the Northwest Territories. (1999). Diavik Diamonds Project Socio-Economic Monitoring Agreement.

⁸³ The amount of time it takes to complete a trade is dependent on a number of factors and circumstances, including the availability of technical training, the apprentice's willingness to attend technical training, the employer's willingness to release and support apprentices to attend technical training, the apprentice's individual success in completing technical training, the availability of work and ability to get the required experience, employment standing, and other administrative factors such as updating hours and getting final sign off from employers. The Apprenticeship, Trade and Occupation Certification (ATOC) program has built in mechanisms that allow apprentices to achieve certification more quickly, including prior learning assessment and recognition (PLAR), verification of prior work experience, and the ability to complete more than one level of technical training in a single academic year where the apprentice has the required time credits to attend additional levels. In addition, under the Schools North Apprenticeship Program (SNAP), hours worked as a SNAP student may also be credited towards an apprenticeship.

- c. provide training allowances and support services through the Apprenticeship Training Assistance program which includes training subsidies and education related support costs such as tuition, travel, books and living-away-from-home allowances; **[addressed]**
- d. allow eligible candidates access to education and training allowances that may be available through the Student Financial Assistance Program and the Canada-GNWT Labour Market Development Agreement; **[addressed]**
- e. provide training subsidies that may be available through the Training-on-the-Job program to eligible candidates; **[addressed]**
- f. include careers in the mining industry in its career counselling services; **[addressed]**
- g. work with industry, aboriginal organizations, Aurora College and the Mine Training Committee to co-ordinate the delivery of training programs;”⁸⁴ **[addressed]**

Although Appendix B, Article 3.g. of the Diavik SEMA was related to the proponent, it was identified by the GNWT as relevant given the component related to the GNWT within the commitment. The article states,

- “In developing its training programs, DDMI will focus on collaboration with GNWT in the development of pre-employment preparation, skill development training, on-the-job training, and re-training programs to better enable Northerners to take advantage of employment opportunities deriving from the Project”.⁸⁵ **[addressed]**

Refer to Appendix D of this report for a full listing of Diavik GNWT measures.

The 2017 Communities and Diamonds Report provides a description of virtually all of the GNWT supports identified in Appendix B, Article 5 above.⁸⁶

Cultural Well-being & Traditional Economy Opportunities

Article 5.1.2 of the Diavik SEMA states, “It is the intent of the Parties [i.e., DDMI and GNWT] to protect cultural and community well-being pursuant to Appendix D”.⁸⁷

The Diavik SEMA has no cultural well-being and traditional economy targets set for the GNWT.

Article 5.2.2 of the Diavik SEMA states that, “The GNWT will support the commitment to protect cultural and community well-being through the initiatives and programs outlined in Appendix D”.⁸⁸

The extent of GNWT support of the above-mentioned initiatives and programs is not covered in the GNWT’s Communities and Diamonds reports.

⁸⁴ Diavik Diamond Mines Inc. and the Government of the Northwest Territories. (1999). Diavik Diamonds Project Socio-Economic Monitoring Agreement.

⁸⁵ Diavik Diamond Mines Inc. and the Government of the Northwest Territories. (1999). Diavik Diamonds Project Socio-Economic Monitoring Agreement.

⁸⁶ Government of the Northwest Territories. (n.d.) 2017 Communities and Diamonds Socio-Economic Agreements Annual Report.

⁸⁷ Diavik Diamond Mines Inc. and the Government of the Northwest Territories. (1999). Diavik Diamonds Project Socio-Economic Monitoring Agreement.

⁸⁸ Diavik Diamond Mines Inc. and the Government of the Northwest Territories. (1999). Diavik Diamonds Project Socio-Economic Monitoring Agreement.

Although Appendix D, Article 2.j. of the Diavik SEMA was related to the proponent, it was identified by the GNWT as a relevant measure given the component related to the GNWT within the commitment and identified as having been addressed. The article states, “DDMI will introduce and maintain the following measures to assist Northerner employees to perform well in their jobs and to help their local communities cope with any potential effects of the Project:... discuss with the GNWT and Aboriginal Authorities the cross-cultural training needs of DDMI employees. DDMI agrees to fund cross-cultural training programs as may be agreed upon by the Parties”.⁸⁹ [addressed]

Appendix D of this report for a full listing of Diavik GNWT measures.

Community, Family, and Individual Well-being

Article 5.1.2 of the Diavik SEMA states, “It is the intent of the Parties [i.e., DDMI and GNWT] to protect cultural and community well-being pursuant to Appendix D”.⁹⁰

The Diavik SEMA has no community, family and individual well-being targets set for the GNWT.

Although Article 5.2.2 of the Diavik SEMA states that, “The GNWT will support the commitment to protect cultural and community well-being through the initiatives and programs outlined in Appendix D”,⁹¹ the GNWT’s commitment regarding seeking assistance of Community Representatives on the Advisory Board in Appendix D was removed in the subsequent amendment.

There are no measures for the GNWT related to community, family and individual well-being in the SEMA.

Refer to Appendix D of this report for a full listing of Diavik GNWT measures.

3.1.1.5 Gahcho Kué – Proponent Objectives Achieved and Not Achieved

This section presents findings (targets/indicators, measures) in relation to the stated objectives and intentions identified in the SEA for the proponent (Gahcho Kué).⁹² Data on objectives/intentions that have been achieved and not achieved are provided for the following areas:

- Employment
- Business Development
- Training and Education
- Cultural Well-being and Traditional Economy Opportunity Measures
- Community, Family, and Individual Well-being

Each section area identifies the objectives/intentions from the SEA that are relevant to the specific targets / indicators and measures.

⁸⁹ Diavik Diamond Mines Inc. and the Government of the Northwest Territories. (1999). Diavik Diamonds Project Socio-Economic Monitoring Agreement.

⁹⁰ Diavik Diamond Mines Inc. and the Government of the Northwest Territories. (1999). Diavik Diamonds Project Socio-Economic Monitoring Agreement.

⁹¹ Diavik Diamond Mines Inc. and the Government of the Northwest Territories. (1999). Diavik Diamonds Project Socio-Economic Monitoring Agreement.

⁹² As such, there are targets/indicators and measures not reported on.

Employment

Clause 3.4.1 of the Gahcho Kué Socio Economic Agreement (Gahcho Kué SEA) states that, “*DBC [De Beers Canada Inc.] shall, in keeping with the Hiring Priorities set out in clause 3.2, use best efforts to hire, retain and promote as many NWT Residents as possible for the Gahcho Kué Project*”. Further, Clause 3.4.2 it states that, “*DBC shall, in keeping with the Hiring Priorities set out in Clause 3.2, use best efforts to hire, retain and promote as many NWT Residents as possible for the Gahcho Kué Project*”. The hiring priorities listed in Clause 3.2 of the Gahcho Kué SEA are as follows:

- a. members of the Aboriginal Authorities;
- b. Aboriginal Persons residing in the NWT;
- c. NWT Residents who have been continuously resident in the NWT at least six months prior to being hired;
- d. all others residing in or relocating to the NWT; and then
- e. all others.⁹³

Table 8 below lists the targets/indicators for the above employment objectives.

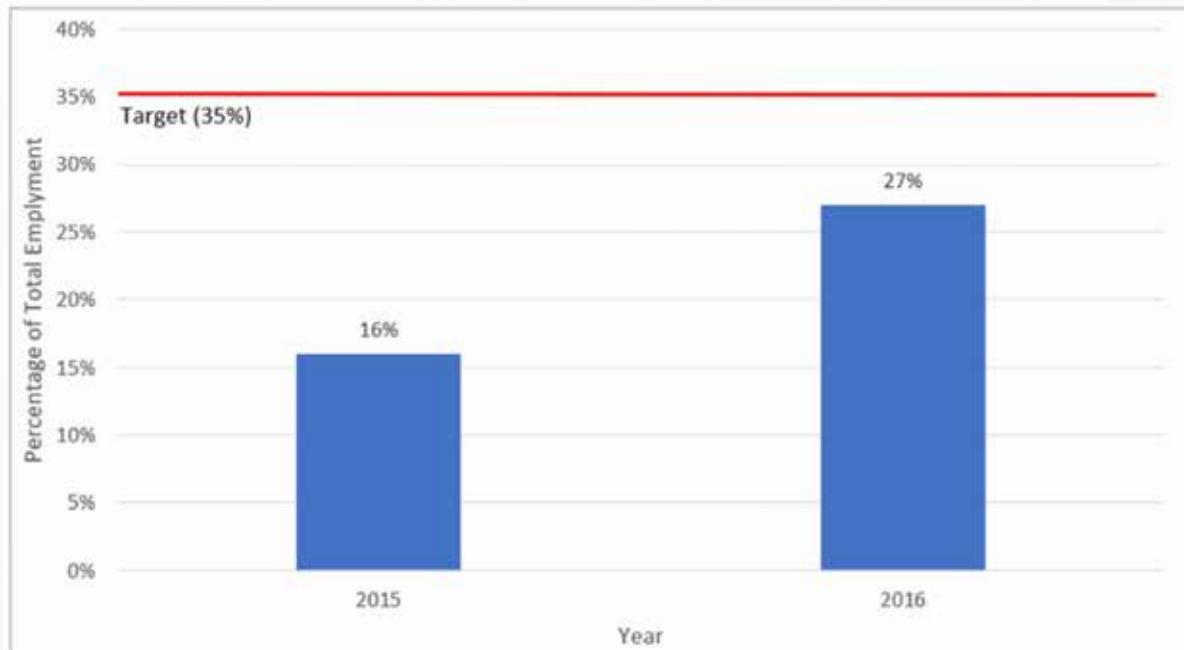
Table 8: Employment Targets Supporting Employment Objectives – Gahcho Kué

Target / Indicator	Year(s) Achieved
Employment of NWT Residents, including employment by Contractors, of at least 35% of the total employment throughout Construction	NOT ACHIEVED
Employment of NWT Residents, including employment by Contractors, of at least 55% of the total employment on average during Operations	NOT ACHIEVED
Employment of NWT Residents, including employment by Contractors, of 55% of the total employment on average during Closure	N/A

Sources: *Gahcho Kué Project Socio Economic Agreement (2013); Gahcho Kué Mine Socio-Economic Report (2015, 2016, 2017, 2018, 2019)*.

⁹³ *DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). Gahcho Kué Project Socio Economic Agreement.*

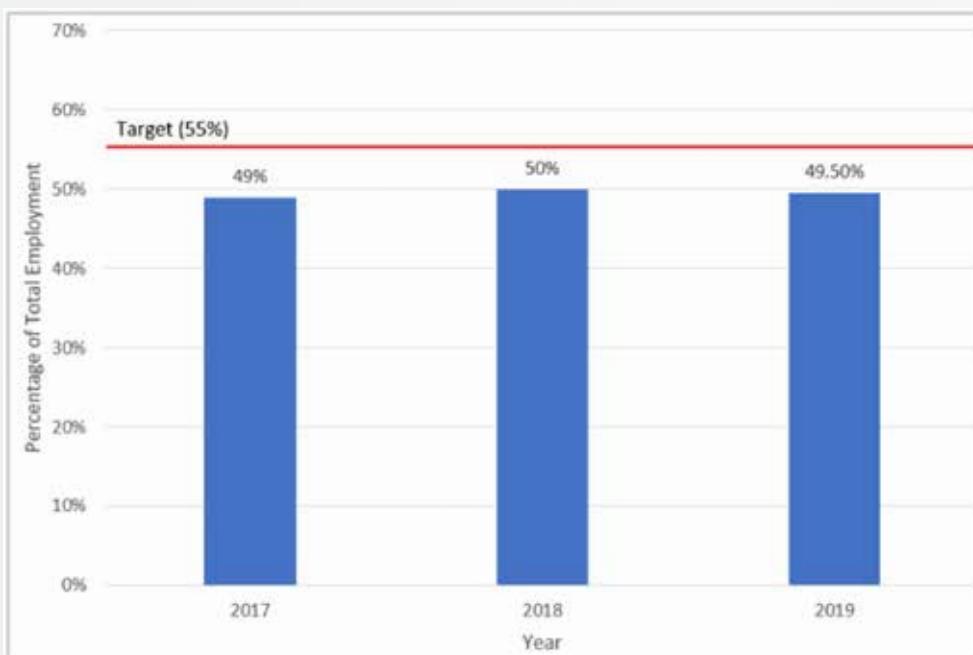
Figure 12: Construction Phase Northern Resident Employment – Gahcho Kué



Sources: *Gahcho Kué Project Socio Economic Agreement (2013); Gahcho Kué Mine Socio-Economic Report (2015, 2016)*.

Figure 13 shows the number of Northern employees during the operations phase. The target was not met in any of the three operations years reported on.

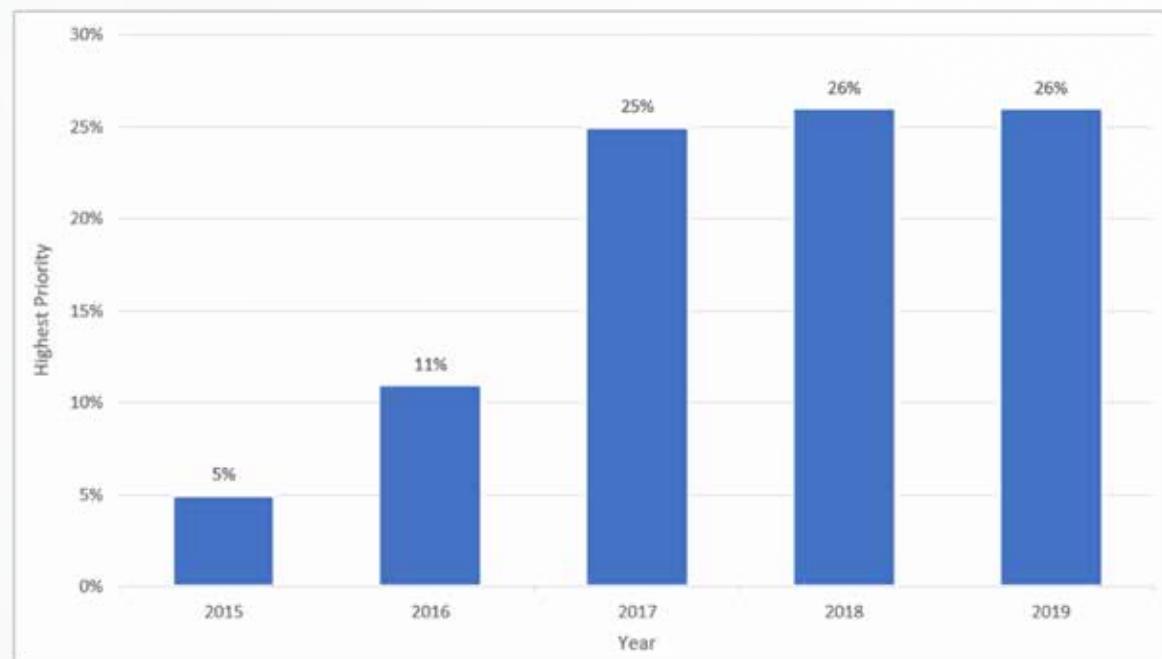
Figure 13: Operations Phase Northern Resident Employment – Gahcho Kué



Sources: *Diavik Diamonds Project Socio-Economic Agreement (2013); Gahcho Kué Mine Socio-Economic Report (2017, 2018, 2019)*.

Figure 14 shows the number of Indigenous employees during both the construction and operations phase. The highest percentage of total Indigenous employment was 26% in 2018 and 2019.

Figure 14: Construction and Operations Phase Indigenous Employees Residing in the NWT – Gahcho Kué



Sources: *Diavik Diamonds Project Socio-Economic Monitoring Agreement (1999); Diavik Diamond Mine Sustainable Development Annual Report. (2005, 2007, 2010, 2015, 2016, 2017, 2018).*

There are also a large number of employment measures that the proponent committed to undertake/address in the SEA. The text below identifies the specific measures. Although the proponent was asked to confirm which measures were addressed no response was received. For this reason, it was not possible to confirm which measures were addressed or not addressed.

Regarding hiring priority measures, Clause 3.3 of the Gahcho Kué SEA states that:

- *During Construction, Operations and Closure, DBC shall hire according to the Hiring Priorities set out in clause 3.2. DBC shall use best efforts to apply the Hiring Priorities across the entire spectrum of Project-based employment, including managerial, professional, skilled, semi-skilled and unskilled job categories.⁹⁴ [no response received]*

⁹⁴ DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). *Gahcho Kué Project Socio Economic Agreement*.

Clause 4.2 of the Gahcho Kué SEA states that:

- *DBC will use best efforts to hire as many Aboriginal Persons and NWT Residents as possible. In order to do so, DBC may use, but is not limited to using, the following methods:*
 - a. *the programs, policies and partnerships outlined in its HRS; [no response received]*
 - b. *establish a recruitment, training and employment strategy that will include NWT recruitment plans, and the development of career plans for its Gahcho Kué Project employees who are Aboriginal Persons or NWT Residents during Construction and Operations; [no response received]*
 - c. *broadly advertise employment opportunities with the Gahcho Kué Project throughout the NWT, including postings in GNWT Department of Education, Culture and Employment Service Centres (“GNWT ECE Service Centres”) and local employment offices, advertisements in NWT newspapers, postings with NWT employment agencies and through other means that will contribute to optimizing exposure of opportunities to all residents of the NWT; [no response received]*
 - d. *promote and encourage partnerships with NWT schools to create awareness and understanding of the career opportunities available at the Gahcho Kué Project as well as the training and education required to pursue these opportunities; [no response received]*
 - e. *encourage partnerships with GNWT Education, Culture and Employment (“GNWT ECE”), Aurora College, the Mine Training Society, Aboriginal organizations, regional training partnerships and other Canadian post-secondary educational institutions to establish educational, training, work experience or job placement programs; [no response received]*
 - f. *link employment initiatives to support implementation of Impact Benefit Agreements with Aboriginal Authorities; [no response received]*
 - g. *as DBC approaches Construction and Operations phases of the Gahcho Kué Project, work with GNWT ECE Service Centres, regional training partnerships and local employment offices, to ensure they are briefed on upcoming job opportunities, and on DBC key policies designed to encourage NWT Residents to choose employment or training opportunities with DBC including an overview of DBC designated Pick-Up Points and travel allowances and how these help NWT Residents access the employment opportunities at the Gahcho Kué Project site; [no response received]*
 - h. *actively promote and encourage careers in the mining industry; [no response received]*
 - i. *deliver Leadership Development Programs for its employees”.⁹⁵ [no response received]*

Further, Section 3.4 (employment objectives) of the Gahcho Kué SEA states that:

- *DBC shall, in keeping with the Hiring Priorities set out in clause 3.2, use best efforts to hire, retain and promote as many NWT Residents as possible for the Gahcho Kué Project. (Clause 3.4.2) [no response received]*
- *Both Parties acknowledge that if NWT Resident employment is less than the targets that DBC is aiming to achieve in Clause 3.4.3, then working together to understand the challenges, collaborating to address those challenges, and reporting on the efforts made together or individually to improve NWT employment is appropriate and adequate mitigation. (Clause 3.4.6)⁹⁶ [no response received]*

⁹⁵ DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). Gahcho Kué Project Socio Economic Agreement.

⁹⁶ DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). Gahcho Kué Project Socio Economic Agreement.

Regarding the promotion of equal opportunity, Section 4.9 of the Gahcho Kué SEA states that:

- *DBC will support and encourage the participation of women on an equal basis with men in all aspects of work related to the Gahcho Kué Project. (Clause 4.9.1) [no response received]*
- *DBC will work with the following organizations to promote women in trades and mining occupations: Skills Canada, the Native Women's Association of the Northwest Territories, the Northwest Territories Status of Women Council, Aurora College, the Mine Training Society, Aboriginal organizations and the GNWT, and will create formal projects or partnerships where appropriate; (Clause 4.9.2 a) [no response received]*
- *DBC will incorporate into its promotional campaigns, female role models, in order to encourage young women to consider employment and training opportunities at the Gahcho Kué Project; (Clause 4.9.2 c) [no response received]*
- *DBC will involve female employees in company promotional activities at site and in communities as role models to encourage young women to consider employment opportunities at the Gahcho Kué Project; (Clause 4.9.2 d) [no response received]*
- *DBC will from time to time, offer tours of the Gahcho Kué Project directed at women potentially interested in mining industry and related career opportunities; and (Clause 4.9.2 e)⁹⁷ [no response received]*

With respect to recruitment for employment, Clause 4.4.1 of the Gahcho Kué SEA states its recruitment objectives as follows:

- *"DBC will:
 - maintain its human resource office in the NWT; [no response received]*
 - establish a strategy for school students that encourages and promotes completion of secondary school in the Local Study Area; [no response received]*
 - participate in regional career fairs; [no response received]*
 - develop and offer a summer student employment program and aim to have at least half of its summer placements filled by women".⁹⁸ [no response received]**

Further, Clause 4.4.2 states that, *"DBC will use best efforts to apply the recruitment and training objectives of clause 4.4.1 across the entire spectrum of Project-based employment, including unskilled, semiskilled, skilled, professional and management job categories".⁹⁹ [no response received]*

And Clause 4.1.2 states that, *"DBC will implement and adaptively manage its HRS [Human Resources Strategy]. In implementing and adaptively managing the HRS, DBC will give special emphasis to providing developmental opportunities, including training in accordance with the Hiring Priorities established in Clause 3.2."¹⁰⁰ [no response received]*

⁹⁷ DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). *Gahcho Kué Project Socio Economic Agreement*.

⁹⁸ DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). *Gahcho Kué Project Socio Economic Agreement*.

⁹⁹ DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). *Gahcho Kué Project Socio Economic Agreement*.

¹⁰⁰ DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). *Gahcho Kué Project Socio Economic Agreement*.

On the matter of gathering employees' views, the Gahcho Kué SEA states:

- *DBC agrees to provide access to DBC employees on the Gahcho Kué Project site to the GNWT to enable it to conduct a survey for the purpose of measuring the socio-economic impacts of the Gahcho Kué Project. The survey shall be conducted not more than once annually, at such times and on such terms as are mutually acceptable to the GNWT and DBC. (Clause 8.5)¹⁰¹ [no response received]*

The extent to which the above-mentioned recruiting initiatives have been addressed are not reported in DeBeers' annual Gahcho Kué Mine Socio-Economic Reports.

With respect to contractors, Clause 3.5.1 of the Gahcho Kué SEA states that,

- *"DBC will, through the tendering and contracting process, cause its Contractors to establish the same hiring priorities as DBC's hiring priorities established in Clause 3.2. DBC will achieve this by:
 - a. requiring all Contractors to expressly state in their bids their commitment to hiring in accordance with the Hiring Priorities set out in clause 3.2 [no response received]
 - b. including in bid evaluation an assessment of whether appropriate commitments to Hiring Priorities are included or planned for in the bid; [no response received]
 - c. incorporating in the contract document the successful bidder's commitments to hire in accordance with the Hiring Priorities set out in clause 3.2; and [no response received]
 - d. requiring all Contractors to provide all relevant information to DBC to enable DBC to fulfill the reporting requirements of this Agreement".¹⁰² [no response received]*

Also, Clause 3.5.2 states that:

- *DBC will meet at least annually with its Contractors to review their performance, including their success in contributing to the employment of Aboriginal Persons and NWT Residents and to discuss ways to work together to develop the participation of Aboriginal Persons and NWT Residents in the Gahcho Kué Project.¹⁰³ [no response received]*

¹⁰¹ DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). *Gahcho Kué Project Socio Economic Agreement*.

¹⁰² DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). *Gahcho Kué Project Socio Economic Agreement*.

¹⁰³ DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). *Gahcho Kué Project Socio Economic Agreement*.

Also, Clause 4.6.1 states that:

- *DBC, through the tendering and contracting process, will:*
require all Contractors to outline in their bids, a plan to hire, train and develop Aboriginal Persons and NWT Resident employees in accordance with the Hiring Priorities set out in Section 3.2;
[no response received]
- e. *incorporate into the contract document for the successful bidder, commitments to report on the employment data required by DBC to provide Project hiring and employment information by hiring priority, heritage and gender; [no response received]*
- f. *meet at least annually with contractors to review their performance, including their success in contributing to the employment of Aboriginal Persons and NWT Residents and to discuss ways to work together to grow Aboriginal Persons and NWT Resident participation in the Gahcho Kué Project.¹⁰⁴*
[no response received]

The extent to which the above-mentioned contracting process initiatives have been addressed is not covered in DeBeers' annual Gahcho Kué Mine Socio-Economic Reports.

Refer to Appendix D of this report for a full listing of Gahcho Kué proponent measures.

Business Development

Clause 5.2.1 of the Gahcho Kué SEA states,

- *"While actively pursuing and demonstrating fair and open competition for the acquisition of goods and services for the Gahcho Kué Project, DBC will source procurement needs from NWT Businesses as much as possible, during Construction, Operations and Closure".¹⁰⁵*

Further, Clause 5.2.3 states,

- *"Using reasonable efforts and guided by its NWT Business Policy, DBC will aim to achieve the following, subject to the availability of NWT Businesses who have the required skills, experience, interest and ability to conform to the criteria in 5.2.2 above:*
 - a. *purchases of goods and services through or from NWT Businesses during Construction to be at least 30% of the total annual value of goods and services purchased associated with Construction;*
 - b. *purchases of goods and services through or from NWT Businesses during Operations will be at least 60% of the total annual value of goods and services purchased associated with Operations; and*
 - c. *purchases of goods and services through or from NWT Businesses during Closure will be at least 60% of the total annual value of goods and services purchased associated with Closure".¹⁰⁶*

¹⁰⁴ DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). Gahcho Kué Project Socio Economic Agreement.

¹⁰⁵ DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). Gahcho Kué Project Socio Economic Agreement.

¹⁰⁶ DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). Gahcho Kué Project Socio Economic Agreement.

Table 9 below lists the targets/indicators for the above objectives.

Table 9: Procurement Targets Supporting Business Development Objectives – Gahcho Kué

Target / Indicator	Year(s) Achieved
30% of the total annual value of goods and services purchased from NWT Businesses during Construction	2015, 2016
60% of the total annual value of goods and services purchased from NWT Businesses during Operations	2018, 2019
60% of the total annual value of goods and services purchased from NWT Businesses during Closure	N/A

Sources: *Gahcho Kué Project Socio Economic Agreement (2013); Gahcho Kué Mine Socio-Economic Report (2015, 2016, 2017, 2018, 2019).*

Figure 15 shows the percentage of Northern business purchases during the construction phase. The objective-target of 30% was achieved and exceeded in both construction years.

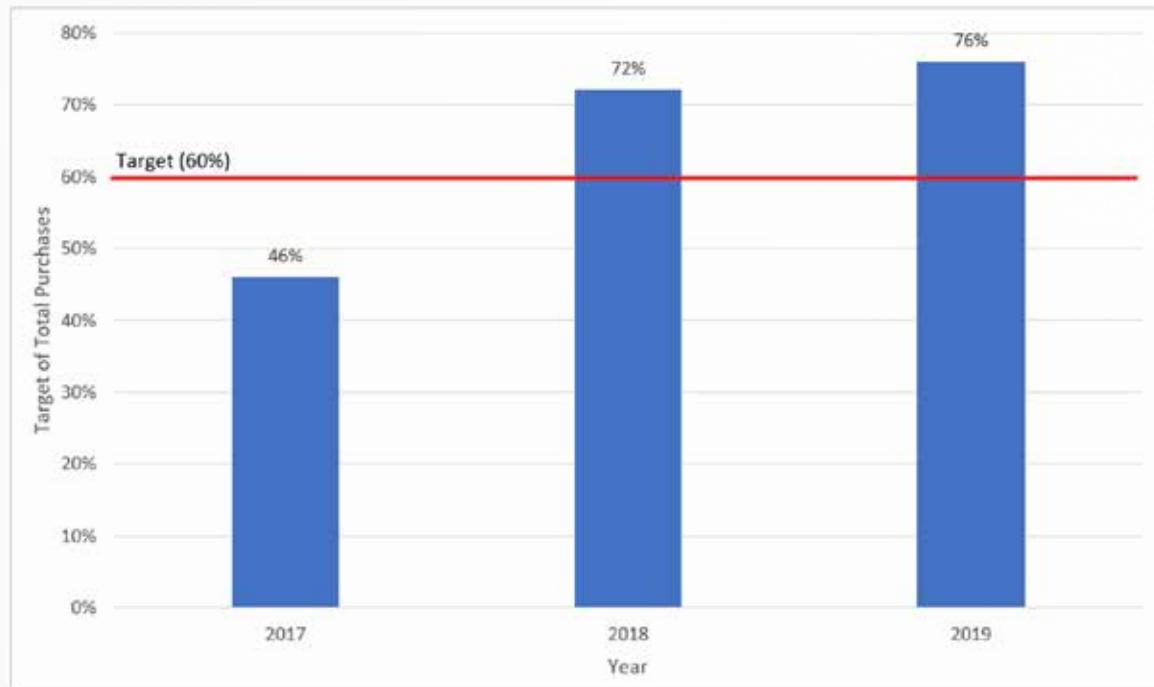
Figure 15: Construction Phase Northern Business Purchases – Gahcho Kué



Sources: *Gahcho Kué Project Socio Economic Agreement (2013); Gahcho Kué Mine Socio-Economic Report (2015, 2016).*

Figure 16 shows the percentage of Northern business purchases during the operations phase. Out of the three years for which data was reported, two of those years (2018 and 2019) exceeded the target of 60%.

Figure 16: Operation Phase Northern Business Purchases – Gahcho Kué



Sources: *Gahcho Kué Project Socio Economic Agreement (2013); Gahcho Kué Mine Socio-Economic Report (2017, 2018, 2019)*.

There are also a number of business development measures that the proponent committed to undertake/address in the SEA. The text below identifies the specific measures. Although the proponent was asked to confirm which measures were addressed no response was received. For this reason, it was not possible to confirm which measures were addressed or not addressed.

- *“DBC will collaborate with the GNWT so that the GNWT can optimize its preparedness for NWT Resident employees affected by a temporary closure (Clause 4.10.2) [no response received]*
- *In the case of permanent closure, DBC will meet legislative requirements, including those set out in the Employment Standards Act, and will collaborate with the GNWT leading up to permanent closure to ease employee transition to new jobs (Clause 4.10.3) [no response received]*
- *Wherever practical, and consistent with sound business practices, and without compromising its ability to carry out a safe, efficient and cost effective operation, DBC will implement a Northwest Territories Business Policy which is intended to maximize business and value added opportunities for NWT Businesses (Clause 5.1) [no response received]*
- *While actively pursuing and demonstrating fair and open competition for the acquisition of goods and services for the Gahcho Kué Project, DBC will source procurement needs from NWT Businesses as much as possible, during Construction, Operations and Closure (Clause 5.2.1) [no response received]*

- While placing special emphasis and priority on developing business opportunities with Aboriginal and NWT businesses, DBC will expect all contractors for the Gahcho Kué Project to meet the following general criteria: a. cost competitiveness; b. quality; c. ability to meet the technical specifications of prescribed goods and services; d. ability to supply and deliver the goods and services; e. timely delivery; f. safety, health, and environmental records and program descriptions; g. Degree of Aboriginal participation; and h. Degree of NWT participation (Clause 5.2.2) [no response received]
- DBC will place a special emphasis on developing business opportunities with businesses in the following order or priority: a. Aboriginal Businesses in the Local Study Area; b. NWT Businesses; then c. Other Canadian Businesses (Clause 5.3.1) [no response received]
- DBC will cause its Contractors to make commitments similar to those set out in this clause 5.3.1 (Clause 5.3.2) [no response received]
- DBC will designate a DBC employee with the responsibility to act as a liaison between DBC, the GNWT, Aboriginal Authorities, and NWT businesses (DBC is solely responsible for selection of this position, which position will remain throughout mine Construction, Operations and Closure) (Clause 5.4 a) [no response received]
- DBC will prepare a business development strategy for Aboriginal Authorities, and communicate the scope and scale of business opportunities and Gahcho Kué Project requirements in a timely and effective manner (Clause 5.4 b) [no response received]
- DBC will identify the Gahcho Kué Project components during Construction, Operations, and Closure that should be targets for a business development strategy (Clause 5.4 c) [no response received]
- DBC will identify possible opportunities for joint ventures with NWT and Aboriginal businesses (Clause 5.4 d) [no response received]
- DBC will maintain a NWT business policy that supports the objectives and commitments in this Agreement (Clause 5.4 e) [no response received]
- DBC will share business-related expertise with NWT mine-related business initiatives (Clause 5.4 f) [no response received]
- DBC will develop a flexible contracting approach by size and scope to match the capacity of Aboriginal businesses and NWT businesses, where feasible (Clause 5.4 g) [no response received]
- DBC will prepare a business opportunities forecast to identify foreseeable procurement requirements of the Gahcho Kué Project, and provide it to Aboriginal businesses and NWT businesses annually (Clause 5.4 h) [no response received]
- DBC will make available business opportunity information related to DBC business objectives and service requirements that will enable the completion of business plans or proposals by Aboriginal Businesses or NWT Businesses in seeking development support services through existing public and private sector programs (Clause 5.4 i) [no response received]
- DBC will ensure broad communication of business opportunities to Aboriginal Businesses, NWT Businesses, and business-industry associations in the NWT programs (Clause 5.4 j)¹⁰⁷ [no comment no response received]

Refer to Appendix D of this report for a full listing of Gahcho Kué proponent measures.

¹⁰⁷ DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). Gahcho Kué Project Socio Economic Agreement.

Training and Education

With respect to training and education, Clause 4.5.2 of the Gahcho Kué SEA states that,

- “DBC will:
 - a. establish a trades training, apprenticeship and professional training sponsorship program and provide a combined minimum of 30 training, apprenticeship and professional training positions for Aboriginal Persons and NWT Residents, comprised of the following opportunities:
 - ii. a minimum of 16 trades training positions, made available over the life of mine, with a minimum of 4 positions being made available within 3 years of commencing production;
 - iii. a minimum of 10 apprenticeship positions, made available over the life of mine, with a minimum of 2 positions being made available within 3 years of commencing production; and
 - iv. a maximum of 4 Professional Development Sponsorships at any given time during the life of the Gahcho Kué Project.¹⁰⁸

Table 10 below lists the targets/indicators for the above objectives.

Table 10: Trades Training and Apprenticeship Targets During Commercial Production – Gahcho Kué

Target / Indicator	Year(s) Achieved
A minimum of 4 trades training positions being made available within 3 years of commencing production	2019
A minimum of 2 apprenticeship positions being made available within 3 years of commencing production	2019
A combined minimum of 30 training, apprenticeship and professional training positions for Aboriginal Persons and NWT Residents	N/A
A minimum of 16 trades training positions, made available over the life of mine	N/A
A minimum of 10 apprenticeship positions, made available over the life of mine	N/A
A maximum of 4 Professional Development Sponsorships at any given time during the life of the Gahcho Kué Project	N/A

Sources: *Gahcho Kué Project Socio Economic Agreement* (2013); *Gahcho Kué Mine Socio-Economic Report* (2017, 2018, 2019).

¹⁰⁸ DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). *Gahcho Kué Project Socio Economic Agreement*.

Table 11 shows the number of trades training and apprenticeship position at Gahcho Kué during the first three years of production. Both the number of trades training positions and apprenticeship positions targets were met and exceeded within the timeframe of three years after commencing production (i.e., by 2019).

Table 11: Trades Training and Apprenticeship Positions Within 3 years of Commencing Production – Gahcho Kué¹⁰⁹

Target	2017	2018	2019
4 trades training positions available within 3 years of commencing production	Current: 6 positions Cumulative: 6 positions	Current: 8 positions Cumulative: 8 positions	Current: 12 positions Cumulative: 12 positions
2 apprenticeship positions available within 3 years of commencing production	Current: 1 position Cumulative: 1 position	Current: 1 position Cumulative: 1 position	Current: 2 positions Cumulative: 3 positions

Sources: *Gahcho Kué Project Socio Economic Agreement (2013); Gahcho Kué Mine Socio-Economic Report (2015, 2016, 2017, 2018, 2019)*.

Table 12 shows the number of trades training and apprenticeship positions and professional development sponsorships at Gahcho Kué to date. None of the targets have yet been achieved; however, the targets are long-term, and the mine still has an estimated seven years¹¹⁰ of productive life expected. Just the same, based on the data collected to the end of 2019, the proponent has been consistently moving towards the combined minimum number of positions target.

Table 12: Trades Training Positions, Apprenticeship Positions and Professional Development Sponsorships, Gahcho Kué, 2015-2019

Target	2015	2016	2017	2018	2019
A minimum of 16 trades training positions, made available over the life of mine	4 positions	not provided	Cumulative: 6 positions	Cumulative: 8 positions	Cumulative: 12 positions
A minimum of 10 apprenticeship positions, made available over the life of mine	not provided	not provided	Cumulative: 1 position	Cumulative: 1 position	Cumulative: 3 positions
A maximum of 4 Professional Development Sponsorships at any given time during the life of the Gahcho Kué Project	0 positions	[not provided]	0 positions	0 positions	0 positions
A combined minimum of 30 training, apprenticeship and professional training positions for Aboriginal Persons and NWT Residents	missing data	missing data	7 positions in total	9 positions in total	15 positions in total

Sources: *Gahcho Kué Project Socio Economic Agreement (2013); Gahcho Kué Mine Socio-Economic Report (2015, 2016, 2017, 2018, 2019)*.

The proponent also agreed to address a number of training and education measures through commitments in the SEA. related to this area, as follows. The text below identifies the specific measures. Although the proponent was asked to confirm which measures were addressed **no response was received**. For this reason, it was not possible to confirm which measures were addressed or not addressed.

¹⁰⁹ Note: in some cases, columns do not add up, since a person can be both Aboriginal (1st priority) and a Northern resident (2nd priority)

¹¹⁰ See <https://canada.debeersgroup.com/operations/mining/gahcho-kue-mine>

Clause 4.2 of the Gahcho Kué SEA states that:

- “DBC will use best efforts to hire as many Aboriginal Persons and NWT Residents as possible. In order to do so, DBC may use, but is not limited to using, the following methods:
 - a. offer scholarships to NWT Students who are attending college and university programs and work with GNWT ECE Service Centres to identify opportunities to support NWT Students in completion of high school or equivalencies and aim to have at least half of its scholarship recipients awarded to women; **[no response received]**
 - b. deliver Leadership Development Programs for its employees; **[no response received]**
 - c. maintain a policy that supports professional development for employees; and **[no response received]**
 - d. provide Professional Development Sponsorships to NWT Students in the area of Mine Engineering, Mine Geology, Finance and Accounting, Human Resources, Safety & Health, Environmental Sciences, Metallurgy & Chemical Engineering, and Electrical Engineering, or any other discipline as deemed relevant by DBC from time to time”.¹¹¹ **[no response received]**

Further, Clause 4.5.2 states that,

- “DBC will:
 - a. fill the positions and carry out the commitments identified in this clause 4.6.2 in accordance with the Hiring Priorities set out in clause 3.2 of this Agreement, subject to the availability of persons who meet the requirements of any applicable legislation or rules governing such positions; **[no response received]**
 - b. organize and implement its training and apprenticeship programs so that employees completing the training will be able to use the skills acquired and time spent as credit towards certification or status recognized in the NWT under the Apprenticeship, Trade and Occupation Certification Act; **[no response received]**
 - c. record the details of employment and training of its employees in accordance with the requirements of the Apprenticeship, Trade and Occupation Certification Act; and **[no response received]**
 - d. work with the GNWT and other training partners to identify opportunities to work together to exceed the training commitments in clause 4.5.2.a. above, where possible”.¹¹² **[no response received]**

Clause 4.4.1 of the Gahcho Kué SEA states its training objectives as follows:

- “DBC will:
work with its Contractors to achieve the goal of maximizing the training of Aboriginal persons and NWT Residents in accordance with the hiring priorities established in this Agreement; **[no response received]**
- e. link training strategies to support the implementation of Impact Benefit Agreements with Aboriginal Authorities; **[no response received]**
- f. establish a mine orientation program for all new employees; **[no response received]**

¹¹¹ DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). Gahcho Kué Project Socio Economic Agreement.

¹¹² DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). Gahcho Kué Project Socio Economic Agreement.

- g. work with its training partners to schedule training so that potential employees completing training will be able to take immediate advantage of employment opportunities, wherever possible, at the Gahcho Kué Project and encourage its Contractors to do the same; **[no response received]**
- h. in respect of those Aboriginal Persons and NWT Residents who have applied on specific Project-related job opportunities and who have been identified as potential employees that DBC may be able to train for the job opportunity that has been applied for, or in respect of those existing Project employees who may have potential for promotion and advancement, conduct a training needs assessment to identify their existing education and skill levels to assess the opportunity to hire or advance them, conditional on successful completion of training programs to be provided by DBC or arranged with training partners; and **[no response received]**
- i. train and offer advancement opportunities to its existing Gahcho Kué Project employees in accordance with the Hiring Priorities in clause 3.2 and subject to each employee's performance, training, skills, interest and the career plan developed for that employee as set out in clause 4.2.a".¹¹³ **[no response received]**

Further, Clause 4.4.2 states that, "DBC will use best efforts to apply the recruitment and training objectives of clause 4.4.1 across the entire spectrum of Project-based employment, including unskilled, semiskilled, skilled, professional and management job categories".¹¹⁴ **[no response received]**

In addition, Clause 6.2.2 of the Gahcho Kué SEA states the following objectives regarding training and education (in particular, mine employees):

- "In order to promote a healthy and stable workforce, DBC will assist employees living in the NWT to perform well in their jobs and help them to address potential effects of the Gahcho Kué Project by working with the GNWT to address issues of individual and family wellness as follows:
 - a. work with GNWT ECE to implement financial management training in adult learning centres for employees and their families located in NWT communities and at the Mine Site; and **[no response received]**
 - b. provide opportunities for employees to participate in financial management training within the first year of employment".¹¹⁵ **[no response received]**

The Gahcho Kué SEA describes the process of collaboration in the development of training programs as follows:

- DBC will collaborate with the GNWT and other organizations in the development of preemployment preparation, skill development training, on-the-job training, and re-training programs to better enable NWT Residents to take advantage of employment and advancement opportunities arising from the Gahcho Kué Project. (Clause 4.3.1) **[no response received]**
- DBC will collaborate with the GNWT, Aboriginal Authorities and other training partners to encourage the development and delivery of training programs based on cultural value systems that include a cultural

¹¹³ DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). Gahcho Kué Project Socio Economic Agreement.

¹¹⁴ DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). Gahcho Kué Project Socio Economic Agreement.

¹¹⁵ DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). Gahcho Kué Project Socio Economic Agreement.

component which would introduce new employees to rotation employment and employer expectations for scheduled work. (Clause 4.3.2) [no response received]

- *Where the GNWT has a regional training partnership that is a forum aimed at building understanding regarding training and development requirements for NWT Residents and optimizing collaboration in the development of NWT training programs, DBC will participate in such forums. (Clause 4.3.3)¹¹⁶ [no response received]*

The Gahcho Kué SEA identifies the following mine employment requirements and standards:

- *DBC will establish Grade Ten as a minimum standard for trainable positions, but will consider the equivalencies of individuals not meeting the minimum education requirements for a position on a case-by-case basis in order to encourage recruitment and employment of NWT Residents.” (Clause 3.7.1) [no response received]*
- *Where, in the course of their duties, Gahcho Kué Project employees are required to have specific skills to operate equipment at the Gahcho Kué Project training will be provided by DBC and/or its Contractors. (Clause 3.7.4) [no response received]*

The Gahcho Kué SEA commits to literacy in Clause 4.7.1 as follows:

- *In the communities in the Local Study Area, DBC will:*
 - collaborate with those agencies that deliver literacy programs so that participants may further improve their qualifications towards employment at the Gahcho Kué Project and encourage its employees to enrol in such programs; [no response received]*
 - through its community liaison personnel, assist Aboriginal Authorities and existing local learning institutions to encourage community members, including DBC employees and employees of its Contractors to upgrade their literacy levels, including financial and computer literacy skills; and [no response received]*
 - work with the GNWT and the federal government to support and fund community based literacy programs.¹¹⁷ [no response received]*

Further, in the Gahcho Kué SEA:

- *At the Gahcho Kué Project site, DBC will:*
 - establish and maintain a learning centre with equipment and resources to be fully funded by DBC and to include at a minimum, suitable computers and a learning centre resource library; and [no response received]*
 - ensure that on-site literacy programs will be linked to its recruitment and employment strategy to permit employees to take advantage of career advancement opportunities.¹¹⁸ [no response received]*

¹¹⁶ DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). Gahcho Kué Project Socio Economic Agreement.

¹¹⁷ DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). Gahcho Kué Project Socio Economic Agreement.

¹¹⁷ DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). Gahcho Kué Project Socio Economic Agreement.

The Gahcho Kué SEA promotes equal opportunity in terms of education and employment qualifications in Clause 4.9.2 as follows:

- *DBC will:*
 - offer scholarships and awards to female NWT Students who are attending college and university programs related to mining or in discipline areas where DBC has had difficulty recruiting Aboriginal Persons or NWT Residents; [no response received]*
 - offer remedial training programs and personal development strategies to women working at the Gahcho Kué Project who may not possess all of the requisite skills and knowledge for particular positions.¹¹⁹ [no response received]*

Clause 4.5.1 of the Gahcho Kué SEA states the proponent's apprenticeship objectives as follows:

- *"DBC will develop apprentice positions for Aboriginal Persons and NWT Residents in accordance with the requirements of the Apprenticeship, Trade and Occupations Certification Act and will fill those positions in accordance with the Hiring Priorities set out in clause 3.2".¹²⁰ [no response received]*

Further commitments regarding apprenticeship include:

- *DBC has implemented and will maintain an NWT apprenticeship policy. (Clause 4.5.4) [no response received]*
- *DBC has committed to contribute \$1.9 million dollars in both financial and in-kind support for the Mining the Futures training partnership proposal to support the training and development of NWT Residents at the Gahcho Kué Project. In the event the Mining the Futures training proposal is not implemented as proposed, DBC will not be responsible for carrying out the training programs contemplated in that proposal on its own and will be relieved of this commitment. (Clause 4.5.5)¹²¹ [no response received]*

In addition, Clause 4.6.2 of the Gahcho Kué SEA states:

- *DBC will work with its Contractors to obtain information annually regarding their training and apprenticeships for Aboriginal Persons and NWT Residents. This information will be included in the annual report produced by De Beers and made publicly available.¹²² [no response received]*

¹¹⁹ DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). *Gahcho Kué Project Socio Economic Agreement*.

¹²⁰ DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). *Gahcho Kué Project Socio Economic Agreement*.

¹²¹ DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). *Gahcho Kué Project Socio Economic Agreement*.

¹²² DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). *Gahcho Kué Project Socio Economic Agreement*.

Cultural Well-being & Traditional Economy Opportunities

As there are no proponent targets set for cultural well-being and traditional economy opportunities in the Gahcho Kué SEA, it is not possible to determine to what extent the proponent's cultural well-being and traditional economy objectives were achieved.

There are a variety of cultural well-being and traditional economy opportunities measures that the proponent committed to addressing/undertaking in the SEA. The text below identifies the specific measures. Although the proponent was asked to confirm which measures were addressed no response was received. For this reason, it was not possible to confirm which measures were addressed or not addressed.

Clause 7.1 of the Gahcho Kué SEA states its cultural well-being and traditional economy opportunities objectives as follows, "*DBC will work with communities in the Local Study Area and the GNWT to promote cultural preservation and sustainability and to address cultural issues*".¹²³ **[no response received]**

However, Article 7.2.1 states that in order to promote cultural preservation and understanding,

- "DBC will:
 - a. support the promotion of traditional cultural practices of the communities in the Local Study Area; **[no response received]**
 - b. work with community, governments, educational institutions and agencies to promote use of resources in local schools that promote the culture and traditions of communities located in the Local Study Area; **[no response received]**
 - c. provide cross-cultural training to all on-site-staff; **[no response received]**
 - d. in collaboration with communities in the Local Study Area, and in accordance with DBC policy for social investment, sponsor community celebrations that promote cultural practices; **[no response received]**
 - e. provide traditional foods on site when commercially available; **[no response received]**
 - f. provide and maintain space at the mine site for spiritual and cultural pursuits; and **[no response received]**
 - g. provide core policies in Chipewyan and Tlicho, as well as English and French".¹²⁴ **[no response received]**

Additionally, clause 3.6.2 of the Gahcho Kué SEA also states, "*DBC will develop work schedules to accommodate traditional pursuits of Aboriginal employees in balance with the operational requirements of the Gahcho Kué Project*".¹²⁵ **[no response received]**

Refer to Appendix D of this report for a full listing of Gahcho Kué proponent measures.

¹²³ DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). *Gahcho Kué Project Socio Economic Agreement*.

¹²⁴ DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). *Gahcho Kué Project Socio Economic Agreement*.

¹²⁵ DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). *Gahcho Kué Project Socio Economic Agreement*.

Community, Family, and Individual Well-being

As there are no proponent targets set for community, family or individual well-being objectives in the Gahcho Kué SEA, it is not possible to determine to what extent the proponent's community, family or individual well-being objectives were achieved.

There are many community, family, and individual well-being measures that the proponent committed to undertaking/ addressing in the SEA. Although the proponent was asked to confirm which measures were addressed no response was received. For this reason, it was not possible to confirm which measures were addressed or not addressed.

Clause 6.2.2 of the Gahcho Kué SEA states the following wellness initiatives regarding individual wellness (in particular, mine employees):

- *"In order to promote a healthy and stable workforce, DBC will assist employees living in the NWT to perform well in their jobs and help them to address potential effects of the Gahcho Kué Project by working with the GNWT to address issues of individual and family wellness as follows:*
 - a. *designate a DBC representative as the principal liaison to the GNWT H&SS for Project related health and wellness initiatives who, while ensuring confidentiality regarding Employee Assistance Programs (EAP) and employee participation in those programs, will provide information and meet twice annually with the GNWT H&SS designated liaison to review the following:*
 - i. *the services offered by DBC under its EAP; [no response received]*
 - ii. *a list of alternative services and programs that DBC has been made aware of by Aboriginal communities or others and that DBC has informed its EAP Service provider about to enable the inclusion of culturally sensitive services for DBC employees and their families; [no response received]*
 - iii. *EAP utilization data and the utilization made of each service; [no response received]*
 - iv. *the programs and plans supported in NWT Communities by DBC and initiatives planned in the year ahead to address issues of wellness for its employees; [no response received]*
 - v. *a summary of the programs and plans supported in communities in the Local Study Area, as well as initiatives planned for the year ahead to address issues of wellness for its employees; and [no response received]*
 - vi. *initiatives focusing on outcomes relevant to clauses 6.2.2 (b, c, d, e, f and g). [no response received]*
 - b. *support initiatives and resources for addressing alcohol and substance abuse problems for DBC employees; [no response received]*
 - c. *collaborate with the GNWT H&SS regarding initiatives being undertaken by DBC or the GNWT with Aboriginal Authorities or NWT communities from which De Beers is drawing its employees to address substance abuse issues with the aim of improving the health and wellness of NWT Residents; [no response received]*
 - d. *collaborate with the GNWT H&SS designated liaison to ensure effective and recognized substance abuse, family violence and domestic abuse programs are made available for Gahcho Kué Project employees; [no response received]*

- e. carry out ongoing prevention and awareness programs on-site and collaborate with the GNWT H&SS designated liaison and, where available with trained alcohol and substance abuse, family violence and domestic abuse counselors, to ensure ongoing prevention and awareness program delivery; **[no response received]**
- f. collaborate with the GNWT H&SS designated liaison to provide ongoing family counseling services (which may include, for example, family and relationship counseling, stress management, anger management, support services for women and single mothers, child care services and parenting training) for mine employees and their immediate family; **[no response received]**
- g. provide on-site information regarding the existence of support services in NWT Communities available to encourage full use of such services while off-site;¹²⁶ **[no response received]**

Further, regarding individual wellness initiatives, the SEA states:

- DBC will make available to all employees via a toll-free telephone number an EAP service and will provide information to its EAP service provider regarding support services in the NWT that are available including those that offer culturally relevant service alternatives (Clause 6.2.3 a) **[no response received]**
- DBC will maintain a first aid facility in accordance with Division 4 of the Mine Health and Safety Regulations and ensure that medical personnel are on call at the Gahcho Kué Project site 24 hours per day and 7 days per week during the life of the mine (Clause 6.2.3 b) **[no response received]**
- DBC will ensure that foods provided at the Gahcho Kué Project site, whether provided by DBC directly or by a Contractor, promote healthy living, and are particularly appropriate for those who have or are at risk for developing diabetes (Clause 6.2.3 d) **[no response received]**
- DBC will provide recreation activities, facilities and equipment at the Gahcho Kué Project site (Clause 6.2.3 e) **[no response received]**
- DBC will implement and maintain a harassment policy and an alcohol-free and drug-free workplace policy at the Gahcho Kué Project site (Clause 6.2.3 f)¹²⁷ **[no response received]**

Regarding individual employment incentives, Section 3.6 of the SEA states:

- DBC will offer incentives to assist its Gahcho Kué Project employees who live in the NWT, including establishing and implementing northern benefits and relocation packages. All incentives and benefits packages will be established, managed and administered solely by DBC (Clause 3.6.1) **[no response received]**
- To facilitate employment from all NWT Communities, DBC will establish designated Pick-Up Points in the NWT. DBC will provide return air transportation, at its expense, on employee time to its employees travelling to and from the Gahcho Kué Project site from its designated Pick-Up Points (Clause 3.6.3) **[no response received]**
- DBC will provide a Travel Allowance to its Gahcho Kué Project employees who reside in an NWT community that is not a DBC designated Pick-Up Point in order assist them with the costs of return travel from their home community to the nearest DBC designated Pick-up point. The amount of the Travel Allowance is at the sole discretion of DBC (Clause 3.6.4) **[no response received]**

¹²⁶ DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). Gahcho Kué Project Socio Economic Agreement.

¹²⁷ DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). Gahcho Kué Project Socio Economic Agreement.

- *From time to time, DBC will re-evaluate the effectiveness of its established Pick-up Points and Travel Allowance and make adjustments to support Construction and Operations employment priorities. Additional Pick-Up Points will be selected by DBC based on the location of its workforce, requirements to recruit and retain employees, and the need to align with Construction and Operations schedules and rotations. (Clause 3.6.5) [no response received]*
- *DBC will provide confirmation of designated Pick-Up Points and its Travel Allowance to the GNWT annually (Clause 3.6.6)¹²⁸ [no response received]*

Regarding the health system for individuals, Section 6.1 of the SEA states:

- *DBC will ensure that all DBC employees who are non-NWT residents, as defined in the Medical Care Act (NWT) and the Hospital Insurance and Health and Social Services Administration Act (NWT), carry health care insurance from their home province or territory and that their insurance will provide them with Canada health care coverage while working in the NWT (Clause 6.1.1) [no response received]*
- *DBC will, through the tendering and contracting process, require its Contractors to meet the obligation in clause 6.1.1 [ensure non-NWT resident employees carry health care insurance from their home province or territory and that their insurance will provide them with Canada health care coverage while working in the NWT] for consistency (Clause 6.1.2) [no response received]*
- *DBC will have health care coverage in place for its foreign employees through DBC's global medical assistance program (Clause 6.1.3) [no response received]*
- *DBC will, for consistency with clause 6.1.3 [have health care coverage in place for its foreign employees through DBC's global medical assistance program], through the tendering and contracting process require its Contractors to provide their foreign employees with health care coverage (Clause 6.1.4) [no response received]*
- *DBC will reimburse the GNWT for any medical costs, including inter-community medical transportation costs that the GNWT may incur for non-NWT resident employees that it cannot recover from a non-NWT resident's health care plan, third party coverage, or from Workers' Safety and Compensation Commission of the NWT and Nunavut. DBC will, through the tendering and contracting process, cause its Contractors to meet this obligation for consistency. (Clause 6.1.5) [no response received]*
- *DBC will ensure that all DBC employees are aware that any elective (non-acute) procedures for non-NWT residents may require prior approval from the non-resident's home provincial/territorial health care plan. DBC will, through the tendering and contracting process, cause its Contractors to meet this obligation for consistency. (Clause 6.1.6) [no response received]*
- *DBC acknowledges that the Department of Health and Social Services ("GNWT H&SS") recommends the following vaccinations as part of the Adult Immunization Standards, which include at a minimum: Varicella; Measles, Mumps and Rubella; Influenza; Diphtheria; Tetanus; and Hepatitis A & B as well as a baseline tuberculosis skin test and/or chest x-ray. DBC will make its employees and Contractors aware of*

¹²⁸ DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). Gahcho Kué Project Socio Economic Agreement.

the vaccinations recommended by the Department of Health and Social Services, the associated risks if an employee chooses to not be vaccinated in accordance with the recommendations of the GNWT H&SS and of the authority which public health officials have under the Public Health Act. (Clause 6.1.7)
[no response received]

- *DBC will require verification that all DBC employees and Contractors working at the Gahcho Kué Project site have completed a DBC mandatory vaccination schedule prior to commencing work. DBC vaccination requirements shall include Tetanus as well as a baseline tuberculosis skin test and/or chest x-ray and these will be required prior to commencement of employment. DBC will, through its tendering and contracting process, cause its Contractors to meet this obligation for consistency (Clause 6.1.8) [no response received]*
- *DBC will cause vaccination records for its employees and Contractors working at the Gahcho Kué Project site to be confidentially maintained and updated. (Clause 6.1.9) [no response received]*
- *DBC will ensure compliance with the Public Health Act. (Clause 6.1.11) [no response received]*
- *Prior to the commencement of construction, DBC and the GNWT H&SS will discuss and enter into mutually acceptable protocol arrangements regarding the treatment and transportation of employees. (Clause 6.1.12)¹²⁹ [no response received]*

On the matter of family and community well-being, the Gahcho Kué SEA identifies the following wellness initiative measures:

- *DBC will, in collaboration with Aboriginal Authorities and GNWT, disseminate information to employees and in communities related to awareness prevention areas such as: substance abuse, sexually-transmitted infections and family violence (Clause 6.2.3 c) [no response received]*
- *DBC will actively manage those employee pension plans for which it is responsible, in a prudent and competent manner so as to preserve and protect those pension plans to the best of its ability (Clause 6.2.3 g) [no response received]*
- *DBC will provide access to communications links from the Gahcho Kué Project site where DBC will provide the equipment and telecommunications access but the user will pay for long distance connection charges (Clause 6.2.3 h)¹³⁰ [no response received]*

Refer to Appendix D of this report for a full listing of Gahcho Kué proponent measures.

¹²⁹ DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). *Gahcho Kué Project Socio Economic Agreement*.

¹³⁰ DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). *Gahcho Kué Project Socio Economic Agreement*.

3.1.1.6 Gahcho Kué – GNWT Objectives Achieved and Not Achieved

This section presents findings (targets/indicators, measures) in relation to the stated objectives and intentions identified in the Gahcho Kué SEA for the GNWT.¹³¹ Data on objectives/intentions that have been achieved and not achieved are provided for the following areas:

- Employment
- Business Development
- Training and Education
- Cultural Well-being and Traditional Economy Opportunity
- Community, Family, and Individual Well-being

Each section area identifies the objectives/intentions from the SEA that are relevant to the specific targets/indicators and measures addressed/undertaken.

Employment

As there are no GNWT targets set for employment in the Gahcho Kué SEA, it is not possible to determine to what extent the GNWT's objectives were achieved.

There are, however, some measures that the GNWT committed to undertaking/addressing. The text below shows that the specific employment measures were addressed.

Clause 4.8 of the Gahcho Kué SEA states the following GNWT supports (measures) regarding employment:

- *"To maximize employment and training opportunities for NWT Residents in relation to the Gahcho Kué Project, the GNWT will, subject to and in accordance with GNWT policy and programming in effect from time to time:*
 - a. *collaborate with DBC to plan, design or co-ordinate the delivery of employment support programs; [addressed]*
 - b. *promote and facilitate the organization of career fairs for high school students and adults;..."*¹³²
[addressed]

Refer to Appendix D of this report for a full listing of Gahcho Kué GNWT measures.

¹³¹ As such, there are targets/indicators and measures not reported on.

¹³² DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). *Gahcho Kué Project Socio Economic Agreement*

Business Development

As there are no GNWT targets set for business development in the Gahcho Kué SEA, it is not possible to determine to what extent the GNWT's objectives were achieved.

There are, however, a number of measures that the GNWT committed to addressing/undertaking. The text below identifies the specific business development measures and indicates that all were addressed.

Clause 5.6 of the Gahcho Kué SEA describes the GNWT's business development supports (measures) as follows:

- *"To support long term economic and business opportunities for NWT Residents, in relation to the Gahcho Kué Project, the GNWT will, subject to and in accordance with GNWT policy and programming in effect from time to time:*
 - a. *designate a principal liaison from the GNWT Department of Industry, Tourism and Investment ("GNWT ITI"), for Project-related community economic and business opportunities; [addressed]*
 - b. *co-ordinate, through the principal liaison identified in clause 5.6.a, the activities of GNWT that support Project-related community economic and business opportunities; [addressed]*
 - c. *collaborate with DBC or governing authorities in the Local Study Area and NWT Communities to facilitate co-ordinate business development planning and delivery of business development programs relevant to the Gahcho Kué Project; [addressed]*
 - d. *meet with DBC at least annually to review GNWT program and service delivery plans to identify areas for collaboration; [addressed]*
 - e. *provide DBC information on business development programs delivered by the GNWT; [addressed]*
 - f. *provide DBC with information available to the GNWT on its Business Incentive Policy, which is accessible to DBC; [addressed]*
 - g. *maintain a registry of businesses eligible under the GNWT Business Incentive Policy, which is accessible to DBC; and [addressed]*
 - h. *support development by providing NWT Businesses with access to programs for:*
 - i. *aboriginal capacity building;*
 - i. *business development projects;*
 - ii. *business creation or expansion;*
 - iii. *business skills*
 - iv. *market development and product promotion;*
 - v. *planning and other development costs;*
 - vi. *pilot or other demonstration projects; and*
 - vii. *small business".¹³³ [addressed]*

In addition, Clause 5.4 of the Gahcho Kué SEA describes the GNWT's business opportunities management (measures) as follows: *"DBC will designate a DBC employee with the responsibility to act as a liaison between DBC, the GNWT, Aboriginal Authorities, and NWT businesses (DBC is solely responsible for selection of this position, which position will remain throughout mine Construction, Operations and Closure)"¹³⁴ [addressed]*

¹³³ DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). Gahcho Kué Project Socio Economic Agreement.

¹³⁴ DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). Gahcho Kué Project Socio Economic Agreement.

Refer to Appendix D of this report for a full listing of Gahcho Kué GNWT measures.

Training and Education

As there are no GNWT targets set for employment in the Gahcho Kué SEA, it is not possible to determine to what extent the GNWT's objectives were achieved.

The GNWT agreed to addressing/undertaking various training and education measures through the commitments in the SEA. The text below identifies the specific training and education measures and indicates which measures were addressed, not addressed, or not identified as addressed or not addressed.

Clause 4.8 of the Gahcho Kué SEA states the following GNWT supports (measures) regarding training and education:

- *"To maximize employment and training opportunities for NWT Residents in relation to the Gahcho Kué Project, the GNWT will, subject to and in accordance with GNWT policy and programming in effect from time to time:*
 - a. *designate a principal liaison from GNWT ECE for Project related education, training and employment opportunities; [addressed]*
 - b. *meet with DBC at least annually, to review GNWT program and service delivery plans to identify areas for collaboration; [addressed]*
 - c. *collaborate with DBC, Aboriginal organizations, Aurora College, the Mine Training Society and other organizations in the design of relevant literacy and training programming; [addressed]*
 - d. *collaborate with DBC and governing authorities in the communities in the Local Study Area to support the planning and delivery of community-based literacy and training programs; [addressed]*
 - e. *provide funding for literacy, pre-employment training and trades-related training for GNWT approved activities; [addressed]*
 - f. *develop and distribute information on careers in the mining industry which will be made available at GNWT ECE Service Centres to high school counsellors and distributed publicly; [not addressed]¹³⁵*
 - g. *offer, through its school system, opportunities for students to take courses and participate in work experiences that prepare them for potential future employment in the mining industry; [addressed]*
 - h. *offer opportunities for DBC employees to participate at cost, at DBC's expense, in professional development programs or courses organized for the territorial public service; and [addressed]*
 - i. *use reasonable efforts to educate, train and develop an NWT workforce that has the skills required by DBC for the Gahcho Kué Project and to make the NWT an attractive residency location for skilled workers".¹³⁶ [addressed]*

¹³⁵ Information on careers in the mining industry to be made available at GNWT ECE Service Centres to high school counsellors and distributed, was provided to Career and Education Advisors (CEAs) who work closely with NWT high school students to help them navigate their careers and efforts are made to prepare the NWT workforce for mining.

¹³⁶ DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). Gahcho Kué Project Socio Economic Agreement.

In addition, Clause 4.2 of the Gahcho Kué SEA states the following GNWT recruitment and retention strategies (measures) regarding human resources development:¹³⁷

- *“DBC will use best efforts to hire as many Aboriginal Persons and NWT Residents as possible. In order to do so, DBC may use, but is not limited to using, the following methods:*
 - a. *encourage partnerships with GNWT Education, Culture and Employment (“GNWT ECE”), Aurora College, the Mine Training Society, Aboriginal organizations, regional training partnerships and other Canadian post-secondary educational institutions to establish educational, training, work experience or job placement programs; [addressed]*
 - b. *offer scholarships to NWT Students who are attending college and university programs and work with GNWT ECE Service Centres to identify opportunities to support NWT Students in completion of high school or equivalencies and aim to have at least half of its scholarship recipients awarded to women;¹³⁸ [not identified whether addressed or not addressed]*

In addition, Section 4.3 of the Gahcho Kué SEA states the following GNWT training programs collaboration (measures):

- *“Where the GNWT has a regional training partnership that is a forum aimed at building understanding regarding training and development requirements for NWT Residents and optimizing collaboration in the development of NWT training programs, DBC will participate in such forums.” (Clause 4.3.3)¹³⁹ [addressed]*

Refer to Appendix D of this report for a full listing of Gahcho Kué GNWT measures.

Cultural Well-being & Traditional Economy Opportunities

The Gahcho Kué SEA has no cultural well-being and traditional economy targets set for the GNWT.

There are no cultural well-being and traditional economy measures agreed to by the GNWT through the commitments in the SEA related to cultural well-being and traditional economy opportunities.

Community, Family, and Individual Well-being

As there are no targets set for individual, family or community well-being in the Gahcho Kué SEA, it is not possible to determine to what extent the GNWT’s individual, family or community well-being objectives were achieved.

The GNWT agreed to address/undertake several individual, family or community well-being measures through the commitments in the SEA. The text below identifies the specific measures and shows that all measures, with the exception of one, were reported as having been addressed.

¹³⁷ These are measures that fall under the responsibility of the proponent. However, the measures also include aspects related to the GNWT. For this reason, GNWT departments were also asked to self-report whether the measures were addressed as they apply to their department.

¹³⁸ DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). Gahcho Kué Project Socio Economic Agreement.

¹³⁹ DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). Gahcho Kué Project Socio Economic Agreement.

Clause 6.3 of the Gahcho Kué SEA states the following GNWT supports regarding individual, family and community wellness:

- *“To support the well-being of NWT Residents in relation to the Gahcho Kué Project, the GNWT will, subject to and in accordance with GNWT policy and programming in effect from time to time:*
 - a. *designate a principal liaison from GNWT H&SS for Project related health and wellness initiatives; [addressed]*
 - b. *collaborate with DBC or governing authorities in the Local Study Area and NWT Communities to facilitate the planning and delivery of community-based mental health and addictions programs and wellness programs; [addressed]*
 - c. *collaborate with DBC or governing authorities in the Local Study Area and NWT Communities in the design of community mental health and addictions programs and wellness programs; [addressed]*
 - d. *provide funding for mental health and addictions programs and wellness programs for approved activities; [addressed]*
 - e. *meet with DBC at least twice annually to discuss GNWT program and service delivery plans to identify areas for collaboration; and [addressed]*
 - f. *make available information on mental health, addictions and wellness programs to DBC for sharing with their employees”.¹⁴⁰ [addressed]*

There were also additional individual, family or community well-being measures addressed through the commitments in the SEA related to the proponent where there were components that applied to the GNWT. For example, Clause 6.2.3 states that,

- *“DBC will:*
 - a. *in collaboration with Aboriginal Authorities and GNWT, disseminate information to employees and in communities related to awareness prevention areas such as: substance abuse, sexually-transmitted infections and family violence;¹⁴¹ [addressed]*

And Clause 6.2.2 states that,

- *“In order to promote a healthy and stable workforce, DBC will assist employees living in the NWT to perform well in their jobs and help them to address potential effects of the Gahcho Kué Project by working with the GNWT to address issues of individual and family wellness as follows:*
 - a. *designate a DBC representative as the principal liaison to the GNWT H&SS for Project related health and wellness initiatives who, while ensuring confidentiality regarding Employee Assistance Programs (EAP) and employee participation in those programs, will provide information and meet twice annually with the GNWT H&SS designated liaison to review the following:*
 - i. *the services offered by DBC under its EAP;*
 - ii. *a list of alternative services and programs that DBC has been made aware of by Aboriginal communities or others and that DBC has informed its EAP Service provider about to enable the inclusion of culturally sensitive services for DBC employees and their families;*

¹⁴⁰ DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). Gahcho Kué Project Socio Economic Agreement.

¹⁴¹ DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). Gahcho Kué Project Socio Economic Agreement.

- iii. *EAP utilization data and the utilization made of each service;*
- iv. *the programs and plans supported in NWT Communities by DBC and initiatives planned in the year ahead to address issues of wellness for its employees;*
- v. *a summary of the programs and plans supported in communities in the Local Study Area, as well as initiatives planned for the year ahead to address issues of wellness for its employees; and*
- vi. *initiatives focusing on outcomes relevant to clauses 6.2.2 (b, c, d, e, f and g). [other measures committed to by the Proponent related to initiatives, collaborations, services, and resources to address alcohol and substance abuse, family violence, domestic abuse, and/or needs for family counselling support] **[addressed]***
- g. *collaborate with the GNWT H&SS regarding initiatives being undertaken by DBC or the GNWT with Aboriginal Authorities or NWT communities from which De Beers is drawing its employees to address substance abuse issues with the aim of improving the health and wellness of NWT Residents; **[addressed]***
- h. *collaborate with the GNWT H&SS designated liaison to ensure effective and recognized substance abuse, family violence and domestic abuse programs are made available for Gahcho Kué Project employees; **[addressed]***
- i. *carry out ongoing prevention and awareness programs on-site and collaborate with the GNWT H&SS designated liaison and, where available with trained alcohol and substance abuse, family violence and domestic abuse counselors, to ensure ongoing prevention and awareness program delivery; **[addressed]***
- j. *collaborate with the GNWT H&SS designated liaison to provide ongoing family counseling services (which may include, for example, family and relationship counseling, stress management, anger management, support services for women and single mothers, child care services and parenting training) for mine employees and their immediate family;”¹⁴² **[addressed]***

Regarding the health system, Clause 6.1.5 states that,

- *“DBC will reimburse the GNWT for any medical costs, including inter-community medical transportation costs that the GNWT may incur for non-NWT resident employees that it cannot recover from a non-NWT resident’s health care plan, third party coverage, or from Workers’ Safety and Compensation Commission of the NWT and Nunavut. DBC will, through the tendering and contracting process, cause its Contractors to meet this obligation for consistency.”¹⁴³ **[addressed]***

Regarding the health system, Clause 6.1.12 states that,

- *“Prior to the commencement of construction, DBC and the GNWT H&SS will discuss and enter into mutually acceptable protocol arrangements regarding the treatment and transportation of employees.”*
[not identified whether addressed or not addressed]¹⁴⁴

¹⁴² DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). Gahcho Kué Project Socio Economic Agreement.

¹⁴³ DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). Gahcho Kué Project Socio Economic Agreement.

¹⁴⁴ DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). Gahcho Kué Project Socio Economic Agreement.

Finally, Clause 3.6.6 states regarding employment incentives:

- *"DBC will provide confirmation of designated Pick-Up Points and its Travel Allowance to the GNWT annually."*¹⁴⁵ **[addressed]**

For the one measure for which the GNWT could neither confirm or refute had been addressed, they noted that this measure occurred during the pre-construction period, and they were unable to confirm discussions with the proponent prior to mine operation.

Refer to Appendix D of this report for a full listing of Gahcho Kué GNWT measures.

3.1.2 Engagement

Please note: The findings contained within this section reflect the perceptions, experiences, and opinions of engagement participants.

3.1.2.1 GNWT Departments

Several participants described ECE programs aimed at supporting residents to access post-secondary education, skills training and employment. These include Student Financial Assistance (SFA), skills development and employee training programs under federal agreements, as well as other training supports that are directed to third-party training providers, such as Aurora College, Skills Canada, Mine Training Society (MTS) and other non-government organizations (NGOs). ECE is also responsible for the delivery of the apprenticeship program, nominee program, small community employment program, as well as various other supports such as literacy programming and income assistance. ECE directly offers employment assistance through Career Development Officers (CDOs) and provides support to communities to make similar services available at the community level.

ECE works collaboratively with other third-party organizations, such as the MTS, to support and provide funding to individuals to participate in programs that these organizations offer. It was also noted that CDOs at the Regional Service Centres work with clients to provide career counselling and to develop career action plans, and that funding can be provided to supplement funding from the Indigenous Skills and Employment Training (ISET) Program from Indigenous Government/organizations.

The labour market program for individuals (Skills Development Program) was described as providing support for eligible recipients to participate in training opportunities to upgrade skills and knowledge and/or develop essential employability skills (program must be less than 52 weeks). It was noted that the labour market programs for employers (Wage Subsidy Program and Employee Training Program) have historically not been used by the three diamond mines.

¹⁴⁵ DeBeers Canada Inc. and the Government of the Northwest Territories. (2013). *Gahcho Kué Project Socio Economic Agreement*.

HSS noted that the department provides some programs in collaboration with mines, such as perinatal and post-partum programs in target communities and delivers mental health and well-being programs at the mine sites. Also, during SEA meetings in the communities, HSS highlights the health and social services programs and supports that are offered to all members in each community as well as the on-the-land programs offered by the Indigenous Governments and Organizations. One of the mines is providing funding to put towards wellness programs as well as housing security and homelessness.

Participants described the range of programs and services offered by ITI that support training and business development, including providing funding for literacy, pre-employment training and trades-related training for GNWT approved activities as well as helping industry clients navigate the NWTs regulatory system and effectively engage with communities and get connected with government clients. These include programs/policies such as the Mine Incentive Program, Business Incentive Policy, Community Futures Program, and Support for Entrepreneurs and Economic Development (SEED) programs.

ITI, along with other departments such as HSS, also participate in GNWT Working Groups regarding socio-economic assessment for projects that do not have SEAs (e.g., Mackenzie Valley Highway, Slave geological Province Corridor Project, Giant Mine Remediation Project) with the aim to share lessons learned from projects that do have SEAs.

It should be noted that than none of the programs provided by the GNWT are tailored for the mines; they are intended for all NWT residents. As was stated, *“...you can’t equitably provide ... programs to mining communities and not the rest of the territory. ...there is not special programming related to the SEAs”*.

3.2 What effects have the SEAs had on communities, NWT businesses, the NWT?

Question 3.2 Summary Overview

In assessing the effects of SEAs on communities, NWT businesses, and the NWT, the review identified some limitations with respect to both available data and the fact that some outcomes cannot be directly attributed to the presence of the mines or the SEAs. Nevertheless, the review identified effects of the SEAs that are both positive and negative, as well as areas where the SEAs are underperforming or are weakened by being narrowly scoped and not having adequate support mechanisms.

Specific areas felt to have had positive effects include employment, training, and contracting opportunities (in particular as related to adopting a preferential approach to working with Northern contractors), as well as improving the overall level of awareness related to these opportunities. The SEAs have contributed to increased skill levels among some members of impacted communities, have resulted in enhancements to infrastructure in those communities, and have had some positive effects on Indigenous businesses.

Although the GNWT is required, through the SEAs, to report annually on specific economic, education, social, and health and well-being indicators,¹⁴⁶ it is not possible to exclusively attribute any of the associated outcomes/effects or changes in outcomes, to the SEAs or mines, given the complexity of these indicators and the numerous determinants/drivers at play that may contribute positively and/or negatively to the outcomes. Comments made in the 2016 Mackenzie Valley Review Board Report of Environmental Assessment and Reasons for Decision Dominion Diamond Ekati Corp. Jay Project, speak to: challenges encountered in demonstrating causal links between diamond mining and impacts on communities; the fact that GNWT has no threshold upon which to determine when acceptable rates of change become unacceptable; challenges experienced by the GNWT in developing intervention strategies; and that at the time, studies had not been undertaken to look specifically at the mines' effects on communities.¹⁴⁷

Participants indicated that SEAs have produced some positive results for Indigenous people and communities, while it is less clear whether there have been benefits for women. It was suggested that performance may have fallen short in relation to health and well-being objectives and that more collaborative ownership is required from the GNWT to address this.

It was suggested that some Indigenous communities have received very few benefits, with challenges including a reported lack of access to training for employment opportunities, limitation of employment opportunities to entry-level positions, lack of capacity for smaller communities and development corporations to participate, lack of creation of new businesses and a tendency to work with established businesses. Additional challenges also include a reported lack of services and parental supports for potential workers, and the challenges of a rotational schedule, which may contribute to stress, family breakdown and the inability to participate in traditional activities. It is also noted there are missed opportunities for women, in part due to a lack of supports.

3.2.1 Administration Review

While all of the commitments in each of the SEAs are linked to certain targets/indicators or measures, it is not possible to determine the effect that all of the commitments had on individual communities, NWT businesses and the NWT as a whole.

Although the GNWT is required through the SEAs to report annually on specific economic, education, social, and health and well-being indicators,¹⁴⁸ it is not possible to exclusively attribute any of the associated outcomes/effects or changes in outcomes, to the SEAs or to the mines, given the complexity of these indicators and the fact there are numerous determinants/drivers at play that may contribute positively and/or negatively to the outcomes.

¹⁴⁶ Refer to Table 15 for a complete listing of the indicators GNWT is required to report on.

¹⁴⁷ Mackenzie Valley Review Board. (2016). Report of Environmental Assessment and Reasons for Decision Dominion Diamond Ekati Corp. Jay Project. https://reviewboard.ca/upload/project_document/EA1314-01_Report_of_Environmental_Assessment_and_Reasons_for_Decision.PDF.

¹⁴⁸ Refer to Table 15 for a complete listing of the indicators GNWT is required to report on.

As was noted in both the 2018 and 2019 GNWT Socio-Economic Agreement Reports,

"Some changes and trends in well-being indicators cannot be linked exclusively to the existence of mines but are considered in the context of diamond mining activity alongside the social, political wellness and economic changes that have occurred since mining activity began."^{149, 150}

The following statements regarding correlation/lack of correlation to the mines were noted in Appendix A of the 2018 GNWT Socio-Economic Agreement Report:

- **Indigenous Languages**

*"The use of Indigenous languages has been in decline since before the diamond mine start-ups. This is influenced by many factors. There is no clear evidence of the impact the mines have had on the use of Indigenous languages."*¹⁵¹

- **Suicides**

*"The rate [of suicide] in the territory has remained relatively consistent indicating that there is no direct correlation between mining activity and the suicide rate in the territory."*¹⁵²

- **Injuries**

*"Overall, the rate of physician-diagnosed injuries has been decreasing since 1994/95. The trend cannot be directly associated with the beginning of mining activity, however it may be related to other social and political changes in communities, such as improvements in primary health care services."*¹⁵³

- **Tuberculosis**

*There does not appear to be a correlation between diamond mining and TB cases.*¹⁵⁴

- **Single Parent Families**

*"Between 1996 and 2001 the percentage of single parent families in the SLCs [small local communities] rose drastically. This correlates with the construction and beginning of operations of two major diamond mines. Since this time the percentage of single-parent families in the SLCs has remained steady, increasing by 2%. During the initial period directly following the opening of the diamond mines, the percentage of single-parent families in other small and regional communities also increased. The change did not occur as quickly, or increase as drastically, in the remaining NWT communities or Yellowknife."*¹⁵⁵

¹⁴⁹ Government of the Northwest Territories (2019): 2018 socio-economic agreement report. For diamond mines operating in the Northwest territories. P29.

¹⁵⁰ Government of the Northwest Territories 2020). 2019: Socio-economic agreement report. For mines operating in the Northwest Territories. P50.

¹⁵¹ Government of the Northwest Territories. (2019). Appendix A: Supplementary Information and Summary Data Tables, in the 2018 Socio-Economic Agreement Report. For diamond mines operating in the Northwest Territories. Government of the Northwest Territories.). P12.

¹⁵² Government of the Northwest Territories. (2019). Appendix A: Supplementary Information and Summary Data Tables, in the 2018 Socio-Economic Agreement Report. For diamond mines operating in the Northwest Territories. Government of the Northwest Territories.). P14.

¹⁵³ Government of the Northwest Territories. (2019). Appendix A: Supplementary Information and Summary Data Tables, in the 2018 Socio-Economic Agreement Report. For diamond mines operating in the Northwest Territories. Government of the Northwest Territories.). P15.

¹⁵⁴ Government of the Northwest Territories. (2019). Appendix A: Supplementary Information and Summary Data Tables, in the 2018 Socio-Economic Agreement Report. For diamond mines operating in the Northwest Territories. Government of the Northwest Territories.). P17.

¹⁵⁵ Government of the Northwest Territories. (2019). Appendix A: Supplementary Information and Summary Data Tables, in the 2018 Socio-Economic Agreement Report. For diamond mines operating in the Northwest Territories. Government of the Northwest Territories.). P18.

- **Teen Birth**

“Since 2010/12 the rate of teen births in the SLCs has once again sharply declined in the SLCs...The decrease may be due to an increased use of birth control or a broader social or behavioural change in the community. Given the timing of the trend, it is not possible to directly correlate these changes to mining activity.”¹⁵⁶

- **Admission of Women and Children in Shelters and Total Shelter Bed Days**

“The total number of admissions and the total number of shelter bed days have fluctuated since data collection began, indicating that family violence prevention initiatives and continued support for shelters is important. Because these numbers can fluctuate significantly year by year, it is not possible to identify a long-term trend in the total admission of women and children to shelters or a relationship to mining activity.”¹⁵⁷

- **Crime rates**

“While there is an upward trend in the rate of crime in Yellowknife and SLCs during the period of increased mining activity, trends in crime are influenced by many factors and it is not possible to definitively conclude that there is a relationship between the two.”¹⁵⁸

Comments made in the 2016 Mackenzie Valley Review Board Report of Environmental Assessment and Reasons for Decision Dominion Diamond Ekati Corp. Jay Project, demonstrate the challenges encountered in demonstrating causal links between diamond mining and impacts on communities:

Both Dominion and the GNWT expressed challenges to identifying causal linkages between diamond mining and its impacts on communities...The GNWT described its perspective on health and well-being issues in its response to a Review Board information request:

“It is important to differentiate negative trends from ‘significant adverse impacts’. There are a number of factors influencing the wellness of individuals, families, and communities and negative trends may be attributable to rapid social, cultural or environmental change at both a local and territorial level, in addition to potential impacts from resource development.”¹⁵⁹

The 2016 report further notes that the GNWT has no threshold upon which to determine if acceptable rates of change become unacceptable, and once again comments that it cannot demonstrate causality.

¹⁵⁶ Government of the Northwest Territories. (2019). Appendix A: Supplementary Information and Summary Data Tables, in the 2018 Socio-Economic Agreement Report. For diamond mines operating in the Northwest Territories. Government of the Northwest Territories.). P19

¹⁵⁷ Government of the Northwest Territories. (2019). Appendix A: Supplementary Information and Summary Data Tables, in the 2018 Socio-Economic Agreement Report. For diamond mines operating in the Northwest Territories. Government of the Northwest Territories.). P21.

¹⁵⁸ Government of the Northwest Territories. (2019). Appendix A: Supplementary Information and Summary Data Tables, in the 2018 Socio-Economic Agreement Report. For diamond mines operating in the Northwest Territories. Government of the Northwest Territories.). P32.

¹⁵⁹ Mackenzie Valley Review Board. (2016). Report of Environmental Assessment and Reasons for Decision Dominion Diamond Ekati Corp. Jay Project. https://reviewboard.ca/upload/project_document/EA1314-01_Report_of_Environmental_Assessment_and_Reasons_for_Decision.PDF.P156.

'In its 2014 Annual Communities and Diamonds Report, the GNWT reports worsening adverse trends in diamond mining communities. The report indicates a decrease in the number of people speaking aboriginal language and increases in the following indicators:

- *potential years of lost life*
- *number of single-parent families*
- *number of sexually-transmitted infections*
- *number of households in core need*
- *crimes*
- *violent crimes*
- *other' criminal code crimes*
- *property crimes*
- *Federal statute crimes*

The Review Board asked parties to comment on the magnitude of the identified adverse social trends, including acceptable rates of change and when a threshold might be crossed. The Review Board heard from the GNWT that “[a] “threshold”, as requested by Review Board, “does not exist,” The GNWT cautioned the Review Board on the interpretation of the Communities and Diamonds Report data, saying it “demonstrates a correlation between resource development activity and community wellness - it does not provide causality or speak to the magnitude of a trend”¹⁶⁰

Further, the 2016 Mackenzie Valley Review Board report points out that challenges were experienced by the GNWT in developing intervention strategies, and that at the time studies had not been undertaken to look specifically at the mines' effects on communities.

*"The GNWT responded to parties' concerns that the SEA is not effective, citing the challenges of establishing causal links between worsening indicator trends and diamond. The GNWT argued that an inability to establish a causal link made it challenging to develop intervention strategies."*¹⁶¹

*Questioning from the public hearing established that the GNWT had neither undertaken, nor was aware of, any studies that explicitly investigated diamond mining effects on community health and well-being.*¹⁶²

¹⁶⁰ Mackenzie Valley Review Board. (2016). *Report of Environmental Assessment and Reasons for Decision Dominion Diamond Ekati Corp. Jay Project.* https://reviewboard.ca/upload/project_document/EA1314-01_Report_of_Environmental_Asessment_and_Reasons_for_Decision.PDF.P156-157.

¹⁶¹ Mackenzie Valley Review Board. (2016). *Report of Environmental Assessment and Reasons for Decision Dominion Diamond Ekati Corp. Jay Project.* https://reviewboard.ca/upload/project_document/EA1314-01_Report_of_Environmental_Asessment_and_Reasons_for_Decision.PDF.P159.

¹⁶² Mackenzie Valley Review Board. (2016). *Report of Environmental Assessment and Reasons for Decision Dominion Diamond Ekati Corp. Jay Project.* https://reviewboard.ca/upload/project_document/EA1314-01_Report_of_Environmental_Asessment_and_Reasons_for_Decision.PDF.P160.

3.2.2 Engagement

Please note: The findings contained within this section reflect the perceptions, experiences, and opinions of engagement participants.

3.2.2.1 GNWT Departments

Several GNWT participants feel the SEAs have had positive impacts on communities, NWT businesses and the NWT as a whole. Some participants stated that the SEAs have increased the number of Indigenous businesses, Indigenous employees, NWT businesses, and NWT employees through the priorities for employment and procurement. Another positive effect is related to reporting and information sharing from the mines. For example, reporting southern expenditures can help identify potential business opportunities for Northerners and providing data and information that can help the public determine the overall impacts and benefits from the industry. In addition, the SEAs were described as having provided:

- A platform to require a focus on promoting women in the industry and a method to encourage collaboration with the Native Women's Association of the Northwest Territories (NWA-NWT) and Status of Women Council;
- Scholarships for high school and post-secondary students in trades and professional programs, as well as summer employment and long-term training; and
- The creation of legacy projects to support social causes and infrastructure building. For example, one of the mines was identified as having provided equipment to the Stanton Memorial Hospital Foundation.

3.2.2.2 Proponents

Overall, proponent participants indicated the SEAs have had positive effects on communities and NWT businesses. Participants spoke about numerous programs and opportunities that are being provided as well as actions that are being taken based on the SEA commitments. Examples of the programs, opportunities and actions provided are identified in Table 13 (not an exhaustive list).¹⁶³ It was mentioned that some programs / activities have been on-hold or modified as a result of the COVID-19 pandemic and/or other external factors beyond their control.

¹⁶³ Some of programs/opportunities and action identified in Table 2 are being carried out under both the SEA and PA.

Table 13: Proponent Programs, Opportunities and Actions

Commitment Area	Proponent Programs / Opportunities / Actions
Education, Training, Apprenticeships	<ul style="list-style-type: none"> Supports the Mine Training Society employment training Pre-trades demonstration in the communities Apprenticeship program and supplying work experience at the mine E-learning training platforms across the organization for skills development Made short-term hires (environmental monitoring) focused on the IBA and Indigenous organizations Northern Leadership Development Program Cross-cultural training online (see also cultural well-being and traditional economy below) Scholarships for Northern Residents Employee dependent education program Looking at ways to improve secondary and post-secondary completion rates by addressing attendance
Cultural Well-Being and Traditional Economy	<ul style="list-style-type: none"> Cultural heritage plans including tangible and intangible cultural heritage management Cultural awareness / Cross-cultural training; there is interest in providing the training in-person again in the future; continual emphasis on cross-cultural awareness and striving to do better; one participant mentioned their program is reviewed internally annually by the company and the training was in partnership with Partnership Agreement partners Cultural activities on the mine site with employees or impacted communities Room set aside for traditional spiritual and cultural activities / Cultural room available to employees; cultural workshops were held in the cultural room prior to the COVID-19 pandemic Hosted traditional hand games, sewing or beading workshops on National Indigenous People's Day Providing various food options: fish, bison, beef stews, bannock, etc.; attempts to have traditional foods on-site Employee work rotations allow employees time to participate in traditional activities Flexible personal leave / Making personal leave days available for employees who wish to participate in traditional activities when scheduled to work Bringing in traditional businesses to sell their wares on-site Discussions around discrimination and sexual harassment held in a culturally "safe place"
Community, Family and Individual Well-Being	<ul style="list-style-type: none"> Employee assistance programs Family visits to the mine site Conducted a wellness analysis Ensuring families know who to contact in case of emergency "Everyday Respect Task Force" created to ensure employees feel safe, can address concerns and report complaints Benefit programs including traditional medicine, top-up for maternity leave Addiction programs
Retention, Advancement of Employees	<ul style="list-style-type: none"> Competitive compensation package, support for cultural events, top facilities (e.g., gym, music room, cultural space) see also cultural well-being and traditional economy above) Financial support– Northern travel allowance, housing allowance, retention allowance Ensuring recruits for senior roles are aware of the realities of the North (e.g., asking about lifestyle priorities for them and their families) Northern Leadership Development Program

Overall, proponent participants feel that the programs, opportunities and efforts related to the SEA commitments have been (very) successful. Some indicators of success mentioned by participants include:

- (An increased) number of program participants (apprentices, number of employees who have attended the development program)
- Employee participation (in cultural workshops)
- Good uptake from employees (for food options provided)
- Positive response from the communities (to cultural heritage plans)
- The offering is above the market (benefits program)
- Employment retention period (represented by the previous average years of service before the COVID-19 pandemic)
- The program was done in partnership with PA partners and is reviewed annually internally (cultural awareness training)

Proponents also spoke about positive effects linked to donations from the mines to the communities and about successful partnership with Northern contractors and Northern contractors being sourced first. The diamond mines/SEAs are said to have been a positive economic driver for years. With respect to Indigenous hiring, some proponent participants indicated they had been either very successful or successful. In a few instances, participants referenced specific employment figures showing that the majority of the Northern workforce was Indigenous, or a large proportion of the workforce was Indigenous. It was mentioned that even though the number of Northern Resident employees has been decreasing, the number of Indigenous employees has remained steady. Additionally, it was noted that the employment level achieved was high, especially when taking into consideration the limited *“resource pool”* of individuals. Some proponent participants reported their company’s level of success in the area of hiring women was neutral, while another indicated their company has been successful in hiring women, based on exceeding the national average for mines across Canada. Participants also mentioned their companies were successful in hiring summer students.

Proponents mentioned that there are areas for improvement:

- A wellness analysis identified the need for on-site counsellors to build relationships and trust
- Family visits have been sporadic, and their value needs to be determined
- There have been requests for more traditional foods
- There is an opportunity to ensure alignment with the GNWT’s services and programs

Proponents feel the mines themselves have experienced positive effects as a result of the SEAs. These include:

- Has driven a culture within the organization and its people;
- Has affected how the proponent works with local and Northern communities, ensuring communities and businesses benefit from the commitments in the agreement. For example, proponent policies have been influenced by the agreement to employ Northern and Northern Indigenous residents;
- Is a good business driver;
- Keeps the company accountable; and
- Provides a benchmark of understanding and expectations.

3.2.2.3 Indigenous Governments and Organizations

Indigenous participants and participants representing Indigenous groups/organizations/communities identified a variety of effects, both positive and negative, that the SEAs have had on Indigenous communities and businesses. It is important to note, that the experiences of each Indigenous group are not the same, and as result, the positive and negative experiences listed below do not apply to all groups.

Positive effects on communities and businesses associated with the SEAs include:

- Increased rates of employment in the communities have resulted in increased earnings and a better standard of living for workers.
- Procurement opportunities have led to additional capacity building, employment, trades, business development, revenue generation, and education, training and apprenticeships.
- Some community members have made a career out of working in the mine. They have developed a great work ethic and are taking care of their family and planning for retirement.
- Because some of the mines have been around for a long time, youth are able to see their parents and/or grandparents working and being successful in the mines.
- The mines are providing safety training on-site, rather than having employees do training on their own. The skills they gain through this training can be transferred to the community.
- People at the mine sites are supporting local projects by buying resources produced in the community (e.g., clothing, hats, gloves, etc.).
- The establishment of Indigenous training centres that are focused on improving skills and capacity to enhance employment at the mine have resulted in more community members being employed.
- Monitoring contracts along the winter road, that have been given to local companies and businesses, have supported environmental stewardship as well as resulted in economic benefits.
- Development/investment corporations have been successful supporting the mines and have increased their capacity.

During some of the interviews and focus group discussions, participants said they have experienced very few benefits as a result of the SEAs. As one individual noted, *“At the onset of the development of the mines, we thought that we would see a lot of changes, but that didn’t happen”*.

A number of negative effects on Indigenous communities and businesses as a result of the SEAs were identified:

- People who want to work often require additional education and training to meet the job requirements. If they want to get their general education development (GED) certificate or take a training program, there are limited supports/ allowances available to them while they enhance their education and/or skills. Without this support, people cannot afford to upgrade so they cannot take advantage of the employment opportunities at the mine.
- The large Indigenous corporations that have a lot of capacity, are typically located close to the mines, and have existing relationships with the mines, are better positioned to get work than businesses in the smaller communities. As a result, the smaller communities are not experiencing positive effects to the same extent, as businesses/corporations in the larger communities.

- There have been very few small businesses created in the communities to provide services and supports to the mines. Both the mines and the GNWT tend to provide contracts to the larger, more established businesses. As such, there has been limited opportunities for entrepreneurship at the local level for smaller communities and smaller businesses.
- Very few Indigenous businesses have developed to self sufficiency. They are only in the beginning stages of development and still dependent on the mines for survival.
- The standard of living has not improved regardless of how many mines are in the area. Many people want their own home but if they work at the mine and they live in government housing, their rent goes up significantly. This increase in rent, is a deterrent to working at the mines. As one participant noted, “There’s a penalty for working”.
- There is a lack of services such as childcare and parental supports available at the mines and in the communities.
- There are limited training opportunities available for people who are employed at the mine, so they do not have the chance to enhance their skills and advance their careers.
- There is a lack of education, training, and apprenticeship opportunities offered in the communities. Not every community member interested in working in the mine and advancing their education and skill level, is able to, or wants to, leave their community.
- The rotational work schedule at the mines takes workers away from their families and communities and this results in increased stress for the workers (worrying about their families), family breakdown, and limited ability to take part in traditional activities.
- Many of the employment opportunities available to Indigenous people are entry level positions with limited growth opportunities (e.g., managerial position) as result of insufficient education (e.g., literacy and numeracy skills) and/or training.
- Over time, there has been a decrease in community-based training partnerships.

3.2.2.4 Other

The “Other” group included participants from the Chamber of Mines, businesses, women’s organizations, regulator and education and training providers. Overall, the benefits noted include more capital accumulation/retention, better housing, better role models for kids, higher education levels, generally healthier lifestyles, increased local business training, jobs, business opportunities, scholarships, community donations (sports, local infrastructure like arenas, etc.), apprenticeships, Aboriginal Leadership Development program, and a successful ‘buy Northern’ approach. It was noted that government itself has benefited from the mines through higher employment leading to lower social assistance costs and higher tax revenues.

There is agreement among “Other” participants that the SEAs have produced positive results for Indigenous people and communities, but it is less clear whether there have been benefits for women. For example,

“When I hear about the percentage of women with the mines, it’s very low. They’re not meeting their quota. That alone should say a lot.”

“Other” participants commented there have been missed opportunities and relatively poor success in generating benefits for women through the SEAs. They noted that information about employment opportunities and successes for women is not readily accessible, and that more should be done to link with community and advocacy groups positioned to support women in finding and retaining employment with the mines. It was suggested that the opportunities for women arose primarily through sub-contractors, in positions related to kitchens and housekeeping, while training opportunities tended to be targeted towards higher profile jobs in science and engineering¹⁶⁴ that are more difficult for many Northerners (in particular women and Indigenous people) to step into. In addition, it was suggested that employment of women resulted in high rates of turnover due in part to a lack of supports such as childcare. Several individuals noted that the lack of involvement of the Native Women’s Association of the Northwest Territories was a missed partnership opportunity that could have improved linkages for women between training, employment and improved retention.

3.2.3 Desktop Review

The SEAs have contributed to increased skill levels among some members of impacted communities and have resulted in enhancements to infrastructure in those communities. For example, Diavik reported increased community capacity as a result of a series of construction training courses they delivered together with partner organizations and improvements to community infrastructure as a result of a newly installed foundation and skirting at a church, a newly built bridge, and a new community airstrip all in Rae-Edzo.¹⁶⁵ This is consistent with the training commitment made by Diavik that placed special emphasis on pre-employment training and employment for Indigenous peoples living in or originating in target communities under the SEMA.¹⁶⁶

The SEAs have also had effects on Northern Indigenous businesses. The Minister of ITI suggested in 2019, that recent successes by First Nation-owned businesses in the NWT and an increase in Indigenous participation in the NWT economy were due to the diamond mines and their operating approach.¹⁶⁷ In an article on the Det’on Cho Corporation, a representative identified the GNWT as an important partner for Indigenous-owned businesses, highlighting the GNWT’s negotiation of agreements with natural resource project proponents.¹⁶⁸ The article goes on to note that the Det’on Cho corporation, started by the Yellowknives Dene First Nation in 1988, is now a conglomerate with almost \$50 million in annual revenue and more than 600 employees.¹⁶⁹

¹⁶⁴ It is recognized generally that these roles require formal education.

¹⁶⁵ Diavik Diamond Mines Inc. (2002). Diavik’s training partnerships. Northern partners, northern success. Retrieved from Rapaport Diamonds.net: <https://www.diamonds.net/News/NewsItem.aspx?ArticleID=16673&ArticleTitle=Diavik+Completes+Second+Aboriginal+Leadership+Program>

¹⁶⁶ Diavik Diamonds Project Socio-Economic Monitoring Agreement. (1999, October 2).

¹⁶⁷ Ganley, M. (2019). The rise of Det’on Cho. Aboriginal business (Winter 2019). Pages 32-41.

¹⁶⁸ Ganley, M. (2019). The rise of Det’on Cho. Aboriginal business (Winter 2019). Pages 32-41.

¹⁶⁹ Ganley, M. (2019). The rise of Det’on Cho. Aboriginal business (Winter 2019). Pages 32-41.

3.3 What is facilitating/challenging proponents/the GNWT from achieving/progressing toward the intended objectives in their SEA? How are/were these challenges addressed by proponents/ the GNWT?

Question 3.3 Summary Overview

The review revealed a wide variety of factors that facilitate the successful implementation of SEA commitments including engaged employers, training providers, prospective students, trainees, and employees as well as the ability to successfully partner with stakeholders and Indigenous Governments. In addition, having properly resourced programs and staff capacity to coordinate programs under the SEAs was a key contributor to success, as were positive relationships between the mines and GNWT departments.

Having established businesses in place facilitates participation in mine projects and initiatives. Businesses without debt that have access to capital and the capacity to establish relationships have a greater opportunity to bid on procurement and employment opportunities. Having community members who can facilitate the application processes for potential employees, targeted training, and community-based programming are also considered enablers of implementation. Other supportive factors include relationships with mines and Indigenous Governments supported by IBAs, regular communication among the parties, transparency at the corporate level, direct lines of communication with the mines, and regular flights to the mines.

Support from partners (communities, governments, the NWT and Nunavut Chamber of Mines, the NWT Mine Training Committee, Aurora College, course instructors, and Northern construction businesses) helps enable the success of training initiatives. In addition, targeting recruitment programs, ensuring skill and experience requirements are as narrow as possible, and accepting equivalent experience where possible also facilitate successful implementation. Actions that facilitated success also included establishing recruitment policies that focus hiring efforts on individuals from target groups (e.g., Indigenous people, women, summer students, NWT residents), along with training supervisors on the SEAs to increase their understanding of hiring priorities and supporting education and training related to those needs.

A wide variety of factors that challenge effective implementation of the SEAs were identified. These include:

- The COVID-19 pandemic and low vaccination rates¹⁷⁰ – preventing engagement and reducing hiring, retention, and training opportunities
- The small pool of available human resources, in particular for semi-skilled and skilled positions and a lack of educational programming to address training needs (this issue was exacerbated somewhat by competition between the mines, technical barriers to communication, and the lack of skills data to help identify training needs)
- Difficulties supporting access to cultural activities and traditional foods
- Difficulties supporting families or individuals in communities (i.e., not on-site)
- Problems coordinating meetings and ensuring appropriate participation between the mines and the GNWT, reducing collaboration

¹⁷⁰ The COVID-19 pandemic situation, including vaccination rates continue to evolve. This input was from the time of the engagement.

The creation and implementation of plans, strategies, policies, and targets were all said to help address these challenges. Additionally, developing partnerships with education/training organizations, Indigenous groups, and communities were identified as important actions to support hiring initiatives. Increased collaboration with communities and community organizations was said to be useful in identifying ways to support cultural and well-being activities and to provide support to employees/families off-site. It was also suggested that the increased involvement of Indigenous Governments and NGOs in developing plans to address impacts, along with more proactive planning around community engagement visits, and increased coordination, potentially through an oversight steering committee, would help address challenges.

Using internal promotion and progression plans along with incentives were said to facilitate the development of skills and support employee retention. There is some indication that increased reliance on on-line communication tools is helpful for some but that for others, without the needed internet access and tools, it is a significant challenge.

Other actions that were identified as helping to overcome challenges include increasing efforts to attract students completing their post-secondary education outside NWT and increasing the sense of ownership and responsibility within the GNWT.

Other challenges identified include difficulty coordinating a large number of stakeholders, limited human and financial resources to support SEA implementation, and lack of consistent adherence to reporting requirements and communications needs. A weak adaptive management process and performance management methodology, along with the reliance on an EA process to require an SEA were also considered challenges.

Steps identified to address these challenges include:

- Improving communication, collaboration, and relationship building among the parties, in particular between the GNWT, the mines, and Indigenous Governments
- Working more collaboratively within the GNWT to improve coordination, planning, and information sharing
- Mining companies improving their information and communication related to employment and training needs
- Having more training providers offering training in small communities, more often
- Making better use of the NWA-NWT Training Centre
- Increasing consistent participation of Deputy Ministers at senior officials' meetings
- Working with the Government of Canada to include more flexibility and funding in agreements
- Improving the ability to develop and implement adaptive management techniques
- Improving the ability to support compliance with SEA commitments (e.g., using the *Mineral Resources Act*) and related regulations to improve enforcement

A number of implementation challenges were identified by Indigenous communities. These include:

- Indigenous communities being treated as if they are all the same in the SEAs
- Lack of direct engagement between Indigenous groups and the mines, along with a lack of regular reporting and useable data, leading to a lack of Indigenous involvement in decision making
- Lack of support for increasing business skills and bonding to enable participation in contracting
- Lack of focus on post-closure skills
- Lack of workforce capacity
- Competition among Indigenous groups reducing opportunities for some
- Lack of training, both in-community and at the mine site, exacerbated by the need to keep certification/permits current
- Rotational schedule

Actions identified to address these challenges include training current mine employees to support future closure/ remediation needs, increased monitoring of agreements, providing more on-site training (including for management skills and adult education), removing criminal record check requirements, increasing the use of private recruitment firms, and increasing training in business fundamentals in partnership with organizations such as EntrepreNorth.

A lack of awareness of opportunities – in particular among youth – and a lack of support for women with family responsibilities, were also noted as challenges. Potential steps to address these issues include providing increased support for housing, providing community or NGO support to individuals with regards to the employment application process, and improving communication between subcontractors and between subcontractors and mining companies to support the retention of workers.

Participants noted that social issues, unaddressed disabilities, and health and wellness issues impacting families and individuals are limiting applications. There is a need for more social supports to address employment stresses on cultural, family, and kinship loyalties. Other challenges include a lack of skilled workers along with challenges attracting outside workers due to a reluctance to work in the North.

Suggestions for addressing these challenges include establishing on-site training centres and workplace learning programs, providing dedicated staff to support trainees, and supporting mine training and apprenticeship programs. In addition, incorporating and acknowledging ‘localisms’ in Indigenous communities’ communications was identified as important to supporting relationships. Additional suggestions included creating robust recruitment and retention strategies along with providing basic provisions to ensure women feel safe and welcome on-site.

3.3.1 Facilitators

3.3.1.1 Engagement

Please note: The findings contained within this section reflect the perceptions, experiences, and opinions of engagement participants.

GNWT Departments

GNWT participants identified a variety of facilitators that help support achievement of SEA objectives, including: engaged employers, training providers, prospective students, trainees, and employees; ability to successfully partner with stakeholders and Indigenous Governments; properly resourced programs; and staff capacity to coordinate programs; It was also noted that positive relationships between the mines and GNWT departments are important to support collaboration and idea sharing and to bring together a broader base of knowledge and experience with SEAs, including their history, development, requirements, and intent. Additionally, participation in Federal/Provincial/Territorial initiatives linked to the Labour Market Transfer Agreements (LMTAs) under which a number of GNWT programs are funded, allow GNWT staff to engage with other jurisdictions to enhance program delivery and conduct program reviews and evaluations.

Proponents

Proponent participants mentioned that policies are supporting the successful recruitment of individuals from target groups (e.g., Indigenous people, women, summer students, NWT residents). Other factors facilitating proponents achieving the intended objectives of the SEAs include: the training of supervisors on the SEA to increase their understanding of priority hiring areas; and having leads within the proponent's organization for programs that support education, training and apprenticeships and help to ensure their success.

Indigenous Governments and Organizations

Indigenous Government and Organization participants identified a variety of facilitators that support their communities' and businesses' ability to take advantage of/benefit from opportunities offered through the SEAs. With respect to businesses, individuals commented that having well-established businesses (with no debt), allows them to "service contracts more easily and be more competitive" and, that Indigenous groups that are "more comfortable" being in business seem to be able to take part in mining activities more often than those groups that are not. Additionally, small businesses that are able to access some capital from a development fund at the start of business opportunities are better positioned to be successful. It was also noted that focusing on procurement bids that businesses feel they can win, helps facilitate their success

The size of an Indigenous group is also said to influence the extent to which communities are able to take advantage of mine employment and procurement opportunities. Larger groups are said to receive a certain amount of differential treatment, likely because of their capacity, than smaller groups. Smaller groups have to work harder to foster working relationships with the mines.

Personal initiative was identified as a facilitator,

There's a lot of people in certain Indigenous groups that have taken advantage of the employment opportunities under their own initiatives or taken on mine training opportunities to further their own skill sets to be able to take advantage of job opportunities in the mine and some have become very successful at doing so.

That being said, offering enticements to Indigenous people was also identified as a facilitator since “*our people are not miners*”.

Because the mines have been around for a long time, there are a number of local people who are able to support community members with the mine application process. They are able to help update and upload resumes, and once an individual is selected for a job, they can help them with any additional employment requirements.

Offering programs that are targeted to the knowledge and skills needed at the mines helps community members take advantage of employment opportunities. One participant commented that,

The mines used to partner a lot with the Mine Training Society and Aurora College to deliver programs directly related to work at the mine. This worked well because CDO's and EDO's [Economic Development Officers] could connect people in the communities to the mines' vacancies.

The minerals course at Aurora College Fort Smith campus was identified as leading to direct employment with the mine; the only problem being that not everyone qualifies to take the course, and not everyone is willing/able to leave the community to go to the school. Other facilitators include transparency at the corporate level (e.g., notifications if there are changes in proponent staffing that may affect the communities (e.g., leadership), direct lines of communication (easy access to appropriate individuals) and regular flights to the mines.

Other

The “Other” group included representatives from the Chamber of Mines, businesses, women's organizations, regulator and education and training providers. One factor identified as supporting the successful implementation of the SEAs was regular communication and buy-in from all parties. Regular dialogue was said to be key to maintaining momentum and focus.

3.3.1.2 Desktop Review

Diavik reported that the support and investments from partners - communities, governments, the NWT and Nunavut Chamber of Mines, the NWT Mine Training Committee, Aurora College, course instructors, and Northern construction businesses, were key to their construction training courses' success.¹⁷¹ These courses supported Diavik's training commitments under the SEMA, in which special emphasis is placed on pre-employment training and employment of Indigenous persons living in or originating in target communities.¹⁷² Moreover, off-site professional training for heavy equipment operators provided by Diavik in collaboration with an equipment supplier was thought to have supported the trainees' ability to obtain jobs and to help overcome the reluctance of contractors to hire Northern Indigenous workers in these roles.¹⁷³

Additionally, a number of factors were thought to have contributed to Diavik's success in recruiting 100% Indigenous Northerner employees for four eight-month term employee positions, something they had previously not been able to achieve. These factors include:

- Narrowing the skills and experience required and ensuring the job description and qualifications were aligned with job duties;
- Reviewing job duties to identify possible equivalent experience (e.g., overlap between environmental field sampling and on-the-land activities);
- Avoiding the co-op hiring process, which previously had been a barrier to Northern participation;
- Targeting job advertisements to Indigenous and educational organizations through the Community Social Performance team's connections; and
- Accepting resumes by email instead of requiring applicants to use the online application system.¹⁷⁴

It was noted that Diavik's Aboriginal Leadership Development Program, which is based on an existing program, was customized for Diavik to include additional academic elements and specific Northern Indigenous content.¹⁷⁵ The program was also tailored to align with Diavik's 24-hour 365-day operation and different employee work schedules.¹⁷⁶ The program had 50 graduates over the first five years of the program, and it is possible that these customizations contributed to these results.¹⁷⁷

¹⁷¹ Diavik Diamond Mines Inc. (2002). *Diavik's training partnerships. Northern partners, northern success*. Retrieved from Rapaport Diamonds.net

¹⁷² Diavik Diamonds Project Socio-Economic Monitoring Agreement. (1999, October 2).

¹⁷³ Diavik Diamond Mines Inc. (2002). *Diavik's training partnerships. Northern partners, northern success*. Retrieved from Rapaport Diamonds.net

¹⁷⁴ RioTinto. (2020, October). *Successful recruiting of northern Indigenous employees – Diavik environment team*.

¹⁷⁵ Eisner, M. (2009, August). *Building leadership from the inside out: Diavik blends cutting-edge management education with time-honoured traditional approaches*. CIM Magazine. Pages 35-37.

¹⁷⁶ Goldman, J. (2007). *Diavik completes second Aboriginal leadership program*.

¹⁷⁷ Goldman, J. (2007). *Diavik completes second Aboriginal leadership program*.

3.3.2 Challenges

3.3.2.1 Engagement

Please note: The findings contained within this section reflect the perceptions, experiences, and opinions of engagement participants.

GNWT Departments

One of the challenges in meeting objectives is the fact that while the SEAs are “*limited to two actors – the employer and the government*”, there are many others required to support its long-term implementation.

There are many other actors in the private sector and Indigenous governments that play an important part of achieving successful outcomes for these programs. That is a limitation of the program and there is a limitation to which those two parties in the context of SEA can affect long term changes. That’s why the changes and benefits in the context of SEA are incremental. There are improvements but not an opportunity to have short-term changes.

GNWT participants stated that limitations on financial and human resources within the GNWT have been persistent challenges. Additionally, because SEAs are negotiated so infrequently, turn over, retirement and other changes of employment have led to a lack of understanding and historical knowledge among GNWT staff concerning the negotiation and implementation of SEAs. This is also partly due to switching the lead coordinating role for EAs from ITI to the Department of Lands.

Other challenges identified by the GNWT include:

- Reliance on environmental assessment (EA) to require an SEA, instead of taking advantage of, for example, the *Mineral Resources Act*, section 52, that would allow the Commissioner to prescribe similar requirements
- Inconsistent reporting requirements and timelines and adherence to reporting requirements
- Need for buy-in from senior management in some companies
- Inconsistent communication between GNWT departments and between the GNWT and mines.
- Limited sharing of documents and reports
- Need for a well-defined adaptive management process and continuous improvement may not be operationally planned for to address targeted SEA implementation initiatives
- Ability to coordinate performance management methodology
- Capacity of Indigenous Governments and smaller mines to participate

Proponents

A key challenge is the current COVID-19 pandemic. Proponent participants noted that the pandemic has prevented in-person meetings and engagement and the pandemic protocols, as well as vaccination rates in the North, have been problematic for hiring individuals from target groups. At the same time, the pandemic has impacted the retention of Northern employees with many individuals returning to the south and leaving the NWT. Under the pandemic, restrictions, including those regarding travel and the need for remote work have also made it difficult to implement education, training and apprenticeship programs, cultural activities on-site, as well as community programs related to the traditional economy.

Another key challenge is the small pool of available human resources in the North relative to the employment objectives. As one proponent participant stated,

I believe all mines struggle to meet what some would consider an impossible hiring target based on the population, challenges for them to work, and the total workforce required for all mines.

Some proponents made the link between the labour pool and education. The fact that high school completion rates are low in the NWT affects the ability to hire locals for higher level positions. It was also mentioned that NWT is lacking the infrastructure (i.e., educational programs) needed to support human resources development so that individuals can progress to semi-skilled, professional, or managerial roles. This includes a lack of mining programs, a lack of mining-related subjects such as geology or preparation for engineering in the curriculum, and limited education and development related to mining at the local colleges (with the exception of heavy equipment operator, which is an entry level unskilled or semi-skilled role).

Some proponents also mentioned that competition among the mines and consideration of the IBA groups for employees makes it challenging to hire individuals from the target groups. This competition also challenges employee retention as employees may decide to move to other companies for higher pay, a chance for a promotion, or for a role that the company they are currently with may not have available. Another challenge related to hiring of individuals from the target groups is out migration, which can decrease the size of the target group; mine employees who were NWT residents choosing to relocate to the South because they want more/better housing and services, things beyond the control of the mines.

Another challenge is linked to the availability of technology (internet and/or equipment) in some of the smaller communities. This poses difficulties when application information is expected to be sent via email or uploaded on websites. Additionally, the perception that an individual cannot be hired if they have a criminal record, stops some people in the target groups from applying even though only a small fraction of applications are rejected for this reason (far more applications are rejected due to medical requirements).

Proponents also spoke about factors challenging the company's successful implementation of education, training and apprenticeship programs, including:

- Outdated apprenticeship program.
- Lack of clarity around the future direction of the polytechnic programs.
- Lack of specific training programs – for instance, there is a need to work with the GNWT on training programs; for example, related to money management. This was tried unsuccessfully before but it was thought should be revised and tried again.
- Lack of data about the breadth and level of skills that exist in the communities limit the ability of the mines to support communities identifying people for training.

Proponents identified challenges related to the traditional economy under two topics: cultural activities and traditional foods. With respect to the traditional economy, the resources needed to lead or to participate in opportunities related to the traditional economy can be a challenge for the company because support and approval of Indigenous partners is needed for any cultural activity at the site but travel to a mine site on a three-week rotation is a large time commitment. Regarding traditional food, food regulatory requirements can make it challenging to provide on-site and there can be difficulties obtaining local traditional foods (e.g. reindeer, moose) from a licensed distributor.

According to proponents, it can be a challenge to provide supports for workers and their families. While supports for individuals and families are available to employees on-site, these supports are not necessarily in-person due to the remote location or services not being available locally. It was also mentioned that the short-term disability support provided is above industry standards and there is abuse of the program with some employees on continuous or consecutive leave periods with little or no interest in returning to work.

Some proponents identified challenges in the area of collaboration between the mines and the GNWT on implementation of the SEA, such as, *"Collaboration with local government and Indigenous partners that includes ownership and accountability to implement programs"*. Additionally, it was mentioned that the GNWT has been difficult to meet with and they may not have right individuals participating at the table (e.g., they have no resources dedicated to post-closure). It was suggested that more could be done collectively to find opportunities throughout the year to work together; the SEA reporting mechanism is not the only opportunity to meet about collaboration to understand, manage or mitigate impacts related to the SEA.

Another challenge mentioned by proponents is related to the new *Mineral Resources Act* which has made it more expensive for mines to be established in the NWT and that this is going to need to change if the NWT would like new mines in the future.

Indigenous Governments and Organizations

Indigenous Government and Organization participants identified many challenges that impact their communities' and businesses' ability to realize the benefits that should stem from the SEAs.

As is mentioned elsewhere in this report, a number of Indigenous Government and Organization participants (and other engagement participants), have stated that Indigenous communities and businesses are challenged to take advantage of opportunities stemming from the SEAs because of the SEA commitments themselves. The SEAs are written as if each Indigenous group and community are the same, rather than acknowledging their different strengths, needs and capacities. As one participant stated,

If the goal is a more robust and more achievable SEA instead of setting some targets and some proposed benefits that may or may not happen, and if you want to have achievable results, you need to know what the capacity is at the time of signing of the agreement and awareness that the parties need to start working together on day one ... It needs to be about understanding our partners, our operating environment and working together to achieve these results.

A number of Indigenous Government and Organization participants spoke about the challenges associated with a lack of direct engagement/communication between the Indigenous groups and mines, a lack of regular reporting, a lack of useable data and a lack of information sharing. Participants spoke about a lack of direct communication and engagement with the mines. One individual said that the mine site “*used to have liaisons who would come into the community and schools to talk about jobs and apprenticeships, but they don’t do that anymore*”. Other people commented that,

We used to be invited to the mine site to meet people, make connections and find out about the vacancies. These meeting would help us identify the types of training needed by the community to fill the gaps for the mine. Inviting us to the mine is good because we can pick out people that we know would be good for the position.

Now we don’t sit with the mine sites anymore. This partnership stopped because their recruitment process changed. Their recruitment happens online. The process of recruiting is always done online now through their database so there’s no more paper trail. This means that when companies are responding to the applicant, CDOs and EDOs are not cc’d, just the applicant, so it’s the applicant’s responsibility to follow up, So, we’re not in the loop anymore.

The lack of meaningful engagement with the mines and the GNWT is problematic. This means actually “*sitting in a public forum. Sitting in a gym. There’s food, discussions, ... there are a lot of different things*”. It also means the Indigenous groups are asking how they can help the GNWT and mines, the GNWT and mines asking how they can help the Indigenous groups, and the communities asking themselves what more they can do. A result of this lack of engagement and discussion is that Indigenous groups are not involved in decision making that affects them. Thus the mines and the GNWT often tell them what will be done rather than asking for their opinion and listening to what they have to say. The lack of engagement also seems to make it easier for the mines and the GNWT not to implement the changes Indigenous groups have requested and require. As was noted,

There is no follow through. There is no follow up. There is no 'these are the changes we made. ...We hear 'we'll think about it and we will get back to you'. They never think about it. They never get back to you.

For the benefits of a SEA to be realized, there has to be work between the partners to build capacity needed to achieve the intended results.

The SEA itself is a framework for what the parties want to achieve. But it requires work from the [Indigenous groups], the development corporations and the mine. They have to work to action the agreements. Most of the work on our end has been the [Indigenous group] pushing hard to build awareness of our needs, to work to see that the barriers are reduced, to get more access to the opportunities.

Other Indigenous Government and Organization participants said they find it a challenge when they are not informed of changes that occur at the mine. For example, they feel that changes in mine management (e.g., new president) should be communicated to the communities because not everyone works the same and this could impact the communities.

Some Indigenous Government and Organization participants commented that they do not receive regular reports from the mines on their achievements during the year. Additionally, the reports they do receive are filled with unusable information because it has to be deciphered before relaying it to community members. Some participants said they want to see the actual numbers and the breakdown of numbers by community, so *"If you are saying our members are being offered a job, how many times did you offer them a job? How many opportunities for advancement are there?"*

Other Indigenous Government and Organization participants identified lack of direct information sharing as a challenge. For instance, they feel that sharing the schedule of the mining activities along with their predicted output for each year, goals, plans, producing numbers, and the number of employees they need would help the Indigenous groups identify potential community members for employment.

Some Indigenous Government and Organization participants commented on the lack of business development fundamentals in place to act on procurement opportunities. They spoke about a need for additional supports in the areas of financial literacy and business development and the need for partnerships with organizations such as EntrepreNorth. They also mentioned they receive lists of opportunities from mine partners but often do not have the people, the infrastructure, business capital to get started, or the required bonding.

Indigenous Government and Organization participants stated that the lack of workforce capacity, which is due to a variety of reasons, challenges their ability to meet the targets outlined in the SEAs. As one individual noted,

For example, the target of 30% Indigenous employment at each mine site, there aren't enough employees to work on those sites and that's what leads to southern employment to fill those gaps. That's not necessarily because of a lack of people who want to do those jobs but lack of training and training opportunities and work place employment culture. There's a competency that needs to be taken into account when it relates to mine site work and work in the secure facility. There are a lot of factors related to intergenerational trauma that leads to criminal records and other barriers in the existing security frameworks of the mines themselves and the mine operations.

While competitiveness among Indigenous parties has provided opportunities for the mining companies to get the best deal, it has challenged the ability of some Indigenous groups to take advantage of procurement opportunities. Because the Indigenous groups have not worked together and put pressure on the mining companies and said, *“this is what we’re prepared to do”*, they have not benefited to the extent they may have if they were a unified group.

Other challenges mentioned include:

- The shift to having the mine application process online is a challenge for those who do not have access to the internet, lack the technology needed (e.g., computers, scanners), and/or lack the knowledge and skills required to complete the application online (e.g., fill out forms and upload documents).
- When MTS or Aurora College offer courses and classes are offered outside the communities, it is more difficult for community members to participate because they don’t want to leave their home.
- Rotation work, especially when the rotation frequency changes – 2 and 2 rotation, 3 and 3 rotation, or 4 and 4 rotation – is challenging for community members. They also noted that 4 and 4 rotations are particularly hard because employees work 160 hours straight, have no breaks, have no opportunity to work overtime, and are away from home longer.
- The pandemic was also identified as challenging for community members and businesses because of lay offs and lack of procurement opportunities.
- There are a lack of employee training opportunities offered at the mines. There are Indigenous people who have been working at the mines for a number of years and have not been offered an opportunity to move up the ladder with additional training.
- The lack of guaranteed employment after completion of training programs is a disincentive for community members.
- Because a number of licences and permits expire quickly, when an employment opportunity does come up and licences have expired, community members lose those opportunities.

Other

Other participants (from the group that included Chamber of Mines, businesses, women’s organizations, regulator and education and training providers) suggested that a lack of awareness among youth about the career opportunities that are available to them is a challenge. It was also noted that the mines providing employment to those 18 years of age or older with only a Grade 10 level of education, can create problems by not encouraging youth to obtain an education (i.e., high school diploma).that is transferrable to other employment areas.

One important challenge identified by participants is the fact that many women have family responsibilities (e.g. such as caring for Elders or children) and limited community supports available to them, which limits their ability to consider taking on regular employment. It was also noted that the wages at the mines, although relatively high, may not be high enough to enable a single parent to afford childcare. Participants also commented that family issues (break-up and parenting problems) have risen due to employment at the mines.

3.3.2.2 Desktop Review

The Northwest Territories and Nunavut Chamber of Mines identified a number of challenges that are thought to prevent proponents from achieving their Northern employment objectives under the SEAs.^{178, 179} These challenges include:

- Social issues, unaddressed disabilities and criminal records discourage individuals from pursuing training and applying for employment
- A lack of skilled Northern workers due to low literacy
- Workers moving to another employer once they have been trained
- Some trainees do not complete their training program
- Individuals leaving or reluctant to live and work in the north because of the high cost of living;
- Health and wellness issues impacting family life (e.g., addictions, money management, adapting to new work-life balance, family pressures)
- A lack of knowledge and understanding of the mining industry among students

Specific to the objectives of Indigenous involvement in resource development, the literature cites cultural characteristics or practices as obstacles to participation, specifically: the importance of family and kinship loyalties; the communal ownership of assets such as land and the tension created when one enters into private ownership; and a resistance to delegating authority.¹⁸⁰

Regarding challenges to increasing female employment and involvement in resource development, a recent article that engaged with women leaders in mining in Canada, Australia, Brazil and the United States, notes that women are leaving the industry because “*the qualities that originally attracted them to the field don’t anymore*”.¹⁸¹ Anecdotally, women reported that the work is no longer intellectually stimulating or challenging, they feel there are fewer opportunities for advancement/promotion than there are for men, and their skills are underutilized and undervalued.¹⁸² Company culture and the lack of diversity are also seen as factors pushing women out of mining and creating challenges in employee retention. According to the authors, respondents who perceive their company culture as not supporting diversity were twice as likely to want to leave versus those who thought the company was balanced.¹⁸³

¹⁷⁸ BHP Billiton Ekati, RioTinto. Diavik Diamond Mines, & DeBeers. (2013). *Measuring success. The positive impact of diamond mining in the Northwest territories | 1998-2012*

¹⁷⁹ Northwest Territories & Nunavut Chamber of Mines. (2017). *Measuring success 1996-2016: diamond mines deliver big benefits to the Northwest territories*. Retrieved from Mining North website: https://www.miningnorth.com/_rsc/site-content/library/publications/NWT-Nunavut_Chamber_of_Mines_Measuring_Success_2016_FINAL.pdf

¹⁸⁰ O’Faircheallaigh, C. (2017). *Using revenues from Indigenous impact and benefit agreements: building theoretical insights*. Canadian Journal of Development Studies 39(1). Pages 101-118. <https://doi.org/10.1080/02255189.2017.1391068>

¹⁸¹ Ellix, H., et al. (2021). *Why women are leaving the mining industry and what mining companies can do about it*. McKinsey & Company. <https://www.mckinsey.com/industries/metals-and-mining/our-insights/why-women-are-leaving-the-mining-industry-and-what-mining-companies-can-do-about-it>

¹⁸² Ellix, H., et al. (2021). *Why women are leaving the mining industry and what mining companies can do about it*. McKinsey & Company. <https://www.mckinsey.com/industries/metals-and-mining/our-insights/why-women-are-leaving-the-mining-industry-and-what-mining-companies-can-do-about-it>

¹⁸³ Ellix, H., et al. (2021). *Why women are leaving the mining industry and what mining companies can do about it*. McKinsey & Company. <https://www.mckinsey.com/industries/metals-and-mining/our-insights/why-women-are-leaving-the-mining-industry-and-what-mining-companies-can-do-about-it>

3.3.3 Ways that challenges are/were addressed by proponents/the GNWT

3.3.3.1 Engagement

GNWT Departments

One area identified to help overcome the challenges is improving communication, collaboration and relationship building among the parties, in particular between the GNWT, the mines and Indigenous Governments. This was described as including more regular reporting of data and greater willingness to share information relevant to the SEA objectives, irrespective of whether that data has been explicitly identified as a requirement. For example, increased sharing of documents and reports that are generally related to SEAs, such as mines' internal policies, human rights initiatives, and long-term planning and forecasting were identified as potentially benefitting SEA implementation. It was noted that this information sharing could extend to lessons learned from the SEA Program Review and include forecasts and assessments of future mining opportunities that are extended beyond the life of mine. Capturing and sharing more operational data, in particular with Indigenous Governments, was also identified as a potential action to improve awareness about potential labour pools and support targeted training, recruitment and advancement efforts. Participants also proposed that the GNWT work more collaboratively, internally, to improve coordination, planning and information sharing within and across divisions/departments. It was also suggested better information could be provided to staff to clarify responsibilities for the SEAs.

Another way to address challenges is improving the ability to develop and implement adaptive management techniques. It was suggested this should include reviewing the capacity needs of the GNWT and developing and applying innovative strategies to target improved performance as well as including the use of performance evaluation tools.

Additionally, more consistent participation of Deputy Ministers at Senior Officials' meetings may help address challenges related to interdepartmental coordination. Similarly, it was noted that improved communication among mine management staff would also be beneficial.

We have experienced challenges where commitments made at Senior Officials meetings are unfulfilled at the working-level staff mines, who defer to their companies' information sharing policy despite commitments made by senior-level staff at such meetings.

As well, it was mentioned that ongoing efforts were required to support engagement to provide meaningful input. It was proposed that this includes an adequately funded and supported advisory board.

GNWT participants suggested that improving the ability to support compliance with SEA commitments would be beneficial, and it was proposed that the *Mineral Resources Act* and related regulations could play a role in improving enforcement. They also said that one way to overcome challenges to meeting SEA objectives was to work with the Government of Canada to include more flexibility in funding agreements and to increase funding. An additional strategy to address the challenges is to make better use of the NWA-NWT Training Centre to address trades entrance exams and to generally improve support. It was noted this would likely require

collaboration between ITI and ECE and the sharing of information gathered from SEA reporting. It was suggested this approach could build upon the GNWT's efforts to maximize employment and training opportunities for NWT residents related to mines, particularly funding provided for literacy, pre-employment training and trades-related training for GNWT approved activities.

Suggestions concerning what the GNWT could do to support the training and education of Northern residents to improve their ability to take advantage of employment opportunities arising from mining projects included having more training providers offering training in small communities, more often.

It was also proposed by that mining companies could improve their employment and training needs (e.g., number and types of positions) information and the sharing of this information far enough in advance to develop and deliver programs/training or work with agencies that develop and deliver program to meet the specific needs of employers and NWT residents looking for employment in the mineral resource sector.

Proponents

Proponent participants identified an extensive number of actions being taken to address challenges related to the hiring of individuals from target groups (Indigenous people, women, summer students and NWT residents), employee retention and the implementation of education, training and apprenticeship programs.

Proponent participants repeatedly mentioned partnerships with Indigenous groups and education/training organizations. Many individuals referred to collaborations with the MTS to offer training programs for entry level or unskilled Northerners who have an interest in mining and they also mentioned the success of this program (e.g., 90% of students who complete the training with the MTS find employment at one of the mines). Some participants also spoke about the Northern Leadership Development Program with Aurora College and how financial and business support had been provided and new employees appointed to the program. Another mentioned a different partnership with Aurora College in which the company's human resources (HR) participate in interviewing graduates for trades training. It is not yet clear if this activity will be successful in addressing hiring going forward. Separately, there was mention that there had been collaboration with the College and Indigenous organizations to gather more skilled workers, which had led to full-time jobs in mining.

Proponent participants also identified the following partnership activities:

- There has been a partnership with an Indigenous training organization to recruit new graduates;
- There has been collaboration with a couple of high schools to encourage improvements in attendance for students in an effort to address issues related to low high school completion and lack of skills and to support continued post-secondary education and other opportunities.

Many participants mentioned collaboration with communities to address challenges related to hiring individuals from target groups. Some participants specifically mentioned collaboration with community liaisons/CDOs and spoke about activities include ensuring job advertisements are received by community liaisons, conducting a program to increase the recruitment knowledge of CDOs so that they can support community members apply for employment, and cooperating to address communication and technology issues.

Proponent participants also mentioned activities to increase exposure and raise awareness. It was noted that workshops have been carried out in the communities to raise awareness about jobs in the mining industry and the qualifications they require. These workshops also attempt to address the perception that a criminal record is a barrier to employment and provide information on how individuals can apply for a pardon. There has been an effort to promote seasonal employment opportunities and to hire locally for those opportunities.

Some proponent participants mentioned ongoing support for apprenticeship programs. They spoke about the in-house apprenticeship program they offer and made reference to a program to help individuals pass the trades entrance exam and qualify to become an apprentice. According to some participants, scholarships are also being provided. It was reported that the scholarships are for post-secondary education and other educational pursuits. As well, there are annual science, technology, engineering and mathematics (STEM) scholarships with a specific interest in offering them to Indigenous women.

Internally, participants reported activities to address challenges related to hiring individuals from target groups and retention. These include:

- The development of progression plans to develop skills which have been used to support employee progression;
- The effort to promote from within the company, to identify star performers, and to put career growth plans in place;
- The implementation of some STEM programming to address recruiting more women into the mining industry; and
- The hiring of an internal recruiter and coordinator to fill multiple positions under time constraints, with support from a third-party recruiter with a focus on the north, has helped address hiring challenging.

Other actions being taken by proponents to address the challenges related to hiring individuals from target groups include:

- There has been support for marketing by the GNWT to attract skilled workers;
- There has been an ongoing effort to find alternatives approaches to looking for job applicants and meeting job requirements (e.g., by encouraging in-house training); and
- There is an openness to hiring individuals who relocate to the North; in one case, there was an attempt to recruit employees from a mine that was closing in Ireland. However, in this instance, there were bureaucratic challenges that prevented this recruitment from being successful.

To address the challenge around leading or participating in a cultural activity at the mine site, there has been collaboration with community liaisons. Through these collaborations, community liaisons have identified community representatives or approved work with third-party organizations such as the Aboriginal Sports Circle to conduct cultural or well-being activities at the mine site. Company staff who support social performance for the proponent, as well as other employees, also volunteer to lead or participate in these cultural activities. These actions are thought to be successful, and the proponent continues to work with Indigenous representatives to meet expectations to support community, family or individual well-being.

Proponent participants mentioned that actions are also being taken to address challenges related to the company providing programs related to community, family and individual well-being. It was mentioned that to address instances where there is a need for more than support over the phone, there have been partnerships formed with local resources so that employees can continue to receive support face-to-face during their time off in the community. It was noted that open communication with the GNWT is important in this area because they should be able to help identify local services and supports or potential partnerships that will increase access to these services and supports for mine employees.

Additionally, plans, strategies, and policies have been created and are being implemented. Some of the strategies are related to improving well-being in communities through programs to improve education, health, training, skill development and maintaining cultural identity as well as to address local procurement, local employment, skill development, infrastructure development and community investment. The plans contain objectives to address impacts identified in a social impact assessment, which is carried out every five years to understand new mining-related impacts. Recruitment policies outline the priority hiring groups for both internal and external postings and a donation and sponsorships policy that has requirements specifically for communities or organizations in the NWT. It was also noted that best business practices based on the parent company's stringent policies and standards have also been included into the local mine policies and approaches to the SEA and its commitments regarding procurement: there is a focus on Northern or Northern Indigenous service providers when sourcing product goods or services, even while meeting the company's standards in this area.

Some proponent participants identified actions related to engagement and community support such as meetings with community members and Elders that focus on the future of the mine and ongoing engagement with Elders on specific projects. It was also noted that the community support program is being restarted. Additionally, activities that focus on seeking guidance from the community on how to minimize the impacts of closure and prepare communities for closure. This proponent has also been reaching out to NGOs to implement programs that align with their objectives. Similarly, another participant pointed to partnerships that have been developed with other Northern organizations to help meet the goals of the SEA in the NWT such as the MTS and Aurora College.

Proponent participants also identified actions that could be carried out by proponents to achieve or progress towards the objectives in the SEAs:

- More could be done to attract students who are completing their post-secondary education to return to the North for employment;
- Determine what more could be done to support benefits that is not financial; and
- More proactive engagement and community presence will help build a positive relationship with the community.

There were also suggestions for action to be carried out by other parties:

- Socio-economic benefits would be maximized and negative impacts would be minimized for communities and businesses if contractors had the same commitments as those of the proponents under the SEA. For example, include a requirement for contractors to report on the employment, training, culture and well-being supports they provide to employees, as well as reporting publicly on how they are meeting the SEA.
- While these requirements are currently included in their contracts, more could be done to ensure accountability on the realization of those outcomes.
- GNWT departments need to engage in more collaboration as well as ownership and accountability specifically regarding programs such as apprenticeships, challenges related to hiring individuals from target groups, and adult basic education.

Participants proposed a number of actions to improve collaboration including to advance adaptive management between proponents, communities, Indigenous Government and Organizations and/or the GNWT:

- Indigenous Governments and NGOs could be involved in developing annual plans to address areas such as community concerns and impacts. The parties could also gather to assess benefits or impacts and develop shared goals or actions to be completed by SEA parties within a specified time period. This would allow for both collaboration and accountability among the parties according to their responsibilities.
- For example, if there was a lack of skilled workers available to be employed at the mines, action would be taken within a defined time period by the company, the community or the GNWT to help improve related outcomes.
- There could be more proactive planning around community engagement visits, which would include a plan to speak with local organizations; and discuss ways to improve community support as well as identify opportunities for collaboration with Indigenous Government and Organizations, the GNWT and the proponent.
- There is a need for a body for collaboration – an oversight steering committee that includes all signatories. This could help address any difficulties the proponent faces meeting with the GNWT on implementation of the SEAs and concerns that the right individuals from the GNWT may not be participating in the process.
- Timely reporting could improve collaboration.

Indigenous Governments and Organizations

When asked how the challenges were/or could be addressed, participants identified a variety of approaches, including:

- To address mine closure, current mine employees and community members should be trained to support remediation activities. As one participant stated,

With all the mines on [Indigenous lands], [we] should have front row seating to assist with remediation. The [Indigenous group] should be front and centre in remediation and working to return it to as much as the natural state as possible. I know it's difficult and it won't be the same but the [Indigenous group] is the original caretaker of the land and should be leading the remediation.

- To address the overall lack of benefits being realized, more regular monitoring needs to take place to ensure that the agreements are being carried out. Indigenous people need to be more involved in the overall SEA process, and training dollars need to come directly to the Indigenous groups so they can work with/hire their own economic development officers to work with their members to provide the types of training required.
- To address limited Indigenous employment, the mines in the NWT should follow a practice used in a uranium mine in Saskatchewan in which Indigenous employees requiring additional education, spend half of the day taking part in adult education courses and the other half of the day working. This employer also gives employees time off if they need to attend an academic institution for education and training and they provide employees the opportunity to 'try out different jobs' to help find a good fit for them.
- To address employment barriers, it was also suggested that removing the criminal records check from the mine application process would result in more people applying for jobs with the mines. Many people do not even bother applying because they assume that with their record, they will not get employment.
- To address limited Indigenous employment, the mines should adopt a practice that used to be implemented by one of the mines in the past. The mine hired a private recruitment firm to encourage signatories to work and train at the mine. The firm they hired was very good. Unfortunately, they did not extend the contract. Additionally, it was suggested that mines go into the schools and promote a career in the resource development.
- To address limited numbers of Indigenous people in managerial positions, manager training programs be implemented.
- To address a lack of required education, the mines should support more adult learning opportunities.
- To address a lack of training, it is recommended that mine training programs be delivered in the communities
- To address changes in mine management, the mines should be contacting communities and getting to know the people in the communities to develop connections.
- To address a lack of business fundamentals, partnerships with organizations such as EntrepreNorth should be established.

Other

One action identified to improve success in hiring Northerners, in particular women, is for the mines to provide support for housing, potentially including communal living arrangements. To support the retention and promotion of Northern workers, it was suggested that incentives be offered to apprentices (e.g., a bonus or pay increase) that were awarded upon completion of training or experience milestones. Similarly, developing and following training plans once employed along with planning career advancement were noted as useful tools to support employee engagement and retention. It was suggested that ensuring employee training and credentials are portable to positions outside of the mine (e.g., licensing for small equipment operation or food services work) would have long term benefit for employees and increase the attractiveness of those positions.

A potential action to improve support for retaining and promoting women is to improve communication between subcontractors, and between sub-contractors and mining companies and to focus more effort in this area.

There's no employee that I'm aware of at the mine that kind of searches out potential advancement of Indigenous women. There's no advancement from a contractor position. There are a lot of challenges for women to compete.

Participants suggested that a third-party, such as the NWA-NWT, could be funded to enhance their employment programs to assist potential employees in meeting application requirements for mining positions (e.g., support for obtaining medical checks, criminal checks, support for education upgrading and arranging for trades exams, etc.) and to potentially provide childcare services. In addition, it was suggested that offering healing and on-the-land workshops for mine workers experiencing difficulties could improve employee health and wellness as well as retention.

It was suggested that raising (over a period of time) the basic education requirement to work at the mine would encourage higher education attainment and literacy:

If you are not encouraging greater education, you're not encouraging people to become more resilient over time and people who gain employment are also less likely to be able to retain employment even if they are employed at the mine. Not requiring high school diplomas at the mine creates short term opportunities at the mines but undermines the long-term resilience of the population.

It was also proposed that providing both the GNWT and the mines with adequate capacity to ensure there are regular opportunities for dialogue, with a structured agenda, and a commitment to work in between meetings and hold people accountable, are important to overcome challenges that have been experienced to date.

3.3.3.2 Desktop Review

Proponents have carried out a variety of actions to address pre-employment, workplace training, apprenticeship, and recruitment challenges.¹⁸⁴ These activities are also consistent overall with proponent commitments under the SEAs related to training.^{185, 186, 187}

Training initiatives include:^{188, 189}

- Establishing learning centres: Diavik has an on-site learning centre, which supports employees building work skills and upgrading their education; there is also support for apprentices;
- Providing workplace learning programs;
- Having dedicated staff support apprentices and trainees: Ekati has an adult educator working one-on-one with apprentices to assess their skills, prepare them for the classroom and provide them with ongoing support to help remove barriers that might prevent them from completing their apprenticeships and becoming journeypersons;
- Contributing to the establishment of a trades training facility operated by Yellowknife Catholic Schools;

¹⁸⁴ Reports of some of these activities were collectively for the target mines (Diavik, Ekati and/or Gahcho Kué) as well as Snap Lake, which has been out of scope for the review. It is unclear if any of the activities are limited to Snap Lake.

¹⁸⁵ Diavik Diamonds Project Socio-Economic Monitoring Agreement. (1999, October 2)

¹⁸⁶ Socioeconomic Agreement BHP Diamonds Project. (1996, October 22). https://www.iti.gov.nt.ca/sites/iti/files/1996-10-22-bhp_diamonds_project_socio-economic_agreement_3.pdf

¹⁸⁷ Gahcho Kué Project Socio Economic Agreement. (2013, June). https://www.iti.gov.nt.ca/sites/iti/files/de_beers_gahcho_kue_project_-june_2013.pdf

¹⁸⁸ Northwest Territories & Nunavut Chamber of Mines. (2017). Measuring success 1996-2016: diamond mines deliver big benefits to the Northwest territories. Retrieved from Mining North website: https://www.miningnorth.com/_rsc/site-content/library/publications/NWT-Nunavut_Chamber_of_Mines_Measuring_Success_2016_FINAL.pdf

¹⁸⁹ RioTinto, & Harry Winston Diamond Corporation. (2011). Diavik's community legacy projects. Highlighting our first decade of investing in the North.

- Offering a Mine Professional in Training Program; and
- Funding for the NWT chapter of Skills Canada, a non-profit organization focused on promoting careers in skilled trades and technology to Northern youth.

Recruitment initiatives include:¹⁹⁰

- Establishing active recruitment departments within proponent organizations;
- Participating in Northern career fairs;
- Targeting recruitment in pick-up point communities;
- Working with community-based Career Development Officers;
- Advertising job positions in Northern newspapers;
- Distributing job postings to communities; and
- Encouraging employees to live in the north by providing allowances, incentives, relocation packages, providing pick-up points in 13 NWT communities, and health and wellness programs / initiatives for employees.

Mine proponents¹⁹¹ have also partnered with the MTS, providing support (\$1.2 M funding and \$10.8M in in-kind support) since 2004 (as reported in 2017).^{192, 193, 194, 195} The MTS provided training to 3,823 people and led to 1,302 Northern residents becoming employed between 2004 and 2017.¹⁹⁶ The MTS' training plan "Mining the Future" has helped Indigenous job applicants remove barriers to employment such as criminal records, lack of skills and low literacy, providing training to 526 people (reported in 2017).¹⁹⁷

Diavik has also worked with partners to deliver construction training courses to help maximize construction employment opportunities for Northerners.^{198, 199} As of October 2002, the courses led to 234 graduates,²⁰⁰ with 70% of graduates being employed at Diavik, with the mine's contractors, at another mine, or with a local community government.²⁰¹ At the end of some of the construction training courses, many participants were successful in passing the trades entrance exam.²⁰²

¹⁹⁰ BHP Billiton Ekati, RioTinto, Diavik Diamond Mines, & DeBeers. (2013). *Measuring success. The positive impact of diamond mining in the Northwest territories | 1998-2012*

¹⁹¹ Including Snap Lake

¹⁹² BHP Billiton Ekati, RioTinto, Diavik Diamond Mines, & DeBeers. (2013). *Measuring success. The positive impact of diamond mining in the Northwest territories | 1998-2012*

¹⁹³ Mining North. (2016). *25 years of diamonds*. Retrieved from Mining North website: https://www.miningnorth.com/_rsc/site-content/library/publications/MNorth_Diamond-Insert.pdf

¹⁹⁴ Northwest Territories & Nunavut Chamber of Mines. (2017). *Measuring success 1996-2016: diamond mines deliver big benefits to the Northwest territories*. Retrieved from Mining North website: https://www.miningnorth.com/_rsc/site-content/library/publications/NWT-Nunavut_Chamber_of_Mines_Measuring_Success_2016_FINAL.pdf

¹⁹⁵ RioTinto, & Harry Winston Diamond Corporation. (2011). *Diavik's community legacy projects. Highlighting our first decade of investing in the North*.

¹⁹⁶ Northwest Territories & Nunavut Chamber of Mines. (2017). *Measuring success 1996-2016: diamond mines deliver big benefits to the Northwest territories*. Retrieved from Mining North website: https://www.miningnorth.com/_rsc/site-content/library/publications/NWT-Nunavut_Chamber_of_Mines_Measuring_Success_2016_FINAL.pdf

¹⁹⁷ Northwest Territories & Nunavut Chamber of Mines. (2017). *Measuring success 1996-2016: diamond mines deliver big benefits to the Northwest territories*. Retrieved from Mining North website: https://www.miningnorth.com/_rsc/site-content/library/publications/NWT-Nunavut_Chamber_of_Mines_Measuring_Success_2016_FINAL.pdf

¹⁹⁸ Diavik Diamond Mines Inc. (2002). *Diavik's training partnerships. Northern partners, northern success*.

¹⁹⁹ RioTinto, & Harry Winston Diamond Corporation. (2011). *Diavik's community legacy projects. Highlighting our first decade of investing in the North*.

The literature suggests that to address challenges related to Indigenous involvement in resource development activities, proponents and the government need to adapt and incorporate “*localisms in aboriginal society and politics and [need to] acknowledge [those] points*” when outlining objectives with Indigenous communities.²⁰³

Research suggests that retention and promotion be addressed in order to address the challenges of women leaving the mining industry.²⁰⁴ In order to increase retention, commitment to the sponsorship of talent, especially that of diverse talent, is required. As the literature notes,

*In an environment where women feel that they are passed over for opportunities, where they feel like cultural outsiders, and where they perceive advancement decisions to be opaque, harnessing the benefits of sponsorship are paramount.*²⁰⁵

The literature also suggests that mining companies can create rotational programs across business units, functions, or geographies to expose women to a diverse number of workplace settings and/or job opportunities.²⁰⁶ Additionally, working to change the mindsets and behaviours of employees to value diversity in the workplace is key as is ensuring that all workplaces be equipped with basic provisions to ensure women feel safe and welcome on-site.²⁰⁷ These provisions include but are not limited to women-only washrooms, changing rooms, lactation rooms, sleeping accommodations, and a zero-tolerance policy for discriminatory or non-inclusive behaviour.²⁰⁸

It was suggested that promotions be used as a tool to prevent women leaving the industry.²⁰⁹ The literature also notes that sponsorship and “stretch opportunities” are the most commonly cited approach to improving female employment. The authors suggest that informal chats between senior and junior colleagues that serve to create bonds may increase the likelihood of sponsorship and thus increase retention.²¹⁰

²⁰⁰ This was reported as 237 graduates in: RioTinto, & Harry Winston Diamond Corporation. (2011). Diavik's community legacy projects. Highlighting our first decade of investing in the North.

²⁰¹ Diavik Diamond Mines Inc. (2002). Diavik's training partnerships. Northern partners, northern success.

²⁰² Diavik Diamond Mines Inc. (2002). Diavik's training partnerships. Northern partners, northern success.

²⁰³ O'Faircheallaigh, C. (2017). Using revenues from Indigenous impact and benefit agreements: building theoretical insights. *Canadian Journal of Development Studies* 39(1). Pages 101-118. <https://doi.org/10.1080/02255189.2017.1391068>

²⁰⁴ Ellix, H., et al. (2021). Why women are leaving the mining industry and what mining companies can do about it. McKinsey & Company. <https://www.mckinsey.com/industries/metals-and-mining/our-insights/why-women-are-leaving-the-mining-industry-and-what-mining-companies-can-do-about-it>

²⁰⁵ Ellix, H., et al. (2021). Why women are leaving the mining industry and what mining companies can do about it. McKinsey & Company. <https://www.mckinsey.com/industries/metals-and-mining/our-insights/why-women-are-leaving-the-mining-industry-and-what-mining-companies-can-do-about-it>

²⁰⁶ Ellix, H., et al. (2021). Why women are leaving the mining industry and what mining companies can do about it. McKinsey & Company. <https://www.mckinsey.com/industries/metals-and-mining/our-insights/why-women-are-leaving-the-mining-industry-and-what-mining-companies-can-do-about-it>

²⁰⁷ Ellix, H., et al. (2021). Why women are leaving the mining industry and what mining companies can do about it. McKinsey & Company. <https://www.mckinsey.com/industries/metals-and-mining/our-insights/why-women-are-leaving-the-mining-industry-and-what-mining-companies-can-do-about-it>

²⁰⁸ Ellix, H., et al. (2021). Why women are leaving the mining industry and what mining companies can do about it. McKinsey & Company. <https://www.mckinsey.com/industries/metals-and-mining/our-insights/why-women-are-leaving-the-mining-industry-and-what-mining-companies-can-do-about-it>

²⁰⁹ Ellix, H., et al. (2021). Why women are leaving the mining industry and what mining companies can do about it. McKinsey & Company. <https://www.mckinsey.com/industries/metals-and-mining/our-insights/why-women-are-leaving-the-mining-industry-and-what-mining-companies-can-do-about-it>

²¹⁰ Ellix, H., et al. (2021). Why women are leaving the mining industry and what mining companies can do about it. McKinsey & Company. <https://www.mckinsey.com/industries/metals-and-mining/our-insights/why-women-are-leaving-the-mining-industry-and-what-mining-companies-can-do-about-it>

3.4 How are the SEAs being implemented? Are the SEAs being implemented as intended? If not, what factors are affecting implementation of the SEAs?

Question 3.4 Summary Overview

The findings identified a number of areas in which the SEAs are being implemented as intended by the proponents and the GNWT, as well as others where it was either unclear or where it appears commitments were not being addressed as expected.

Examples of activities undertaken that demonstrate proponents meeting their commitments as intended include:

- Developing recruitment strategies, including participating in or sponsoring career fairs and providing incentives, allowances, and relocation packages,
- Supporting community social and cultural events, and
- In the case of Diavik and Gahcho Kué, undertaking a range of training activities (e.g., creating an Aboriginal Leadership Development Program, supporting a Process Plant Training Course at Aurora College, providing on-the-job training and an on-site Learning Resource Centre) and developing policies to support the participation of Northern businesses, as well as implementing policies regarding respectful workplace and employee codes of conduct.

Examples that show the GNWT is meeting commitments were also identified, including through programs offered by ITI (e.g., Mining North Works, Mining Matters and REDI) and ECE (e.g., regional ECE Career Centres, Employee Training Program, Trades and Occupations Wage Subsidy Program, Skills Development Program and Community Training Partnerships).

Factors affecting the extent to which SEAs could be implemented as intended include strong competition between the mines for the same workforce, workers under IBA partnerships that are not counted towards the employment targets, and challenges hiring for many positions within a short timespan. Other limitations identified as impacting implementation include:

- Lack of clarity regarding responsibilities for communication and implementation
- Outdated reporting information
- Lack of transparency about information sharing beyond the annual reporting
- Duplicate requests for large amounts of data due to high turnover among staff

In some areas, participants acknowledged good intentions among the parties to implement the SEAs as intended and noted that major barriers still exist that inhibit SEA objectives. Limitations include the GNWT having no leverage to ensure compliance, and a lack of understanding of the reality on the ground for each affected community and Indigenous community.

To help ensure the SEAs are implemented as intended, it was suggested that:

- Meetings among all parties be held at certain stages to allow for renewal and account for changes in policies and the broad contextual environment,
- Meetings that include the Indigenous signatories be held,
- More action be taken to address the need for skilled workers, and
- More effort be made to find interested tradespeople in the communities and determine when more tradespeople will be required in the future.

It was suggested that more effective partnerships between training agencies and the mines may be needed to better support SEA implementation. It was noted that the GNWT does not provide programming or supports specific to implementation of SEAs, relying instead on general programming, which limits their success. It was suggested that:

- Greater collaboration between the GNWT, the mines and NGOs is required to provide a more realistic assessment of barriers to employment and identification/delivery of supports to mitigate those barriers, and that
- Mines could take more initiative in their outreach and have a better understanding of the challenges faced by NGOs.

3.4.1 Engagement

Please note: The findings contained within this section reflect the perceptions, experiences, and opinions of engagement participants.

3.4.1.1 GNWT Departments

Participants noted that the ECE Service Centres, regional training partnerships and/or local employment offices are briefed on upcoming mine job opportunities to encourage NWT residents to choose employment or training opportunities. They also noted that training and job opportunities are advertised through community organizations and service providers funded by ECE, such as the MTS and Conseil de Développement Économique des Territoires du Nord-Ouest. The training opportunities advertised come from Aurora College and other training institutions outside of the NWT. CDOs have knowledge of the training available through engagement in their regions with Indigenous Governments. The operating mines also share job opportunities directly with ECE Regional Service Centres and ISET Program Managers.

Additionally, as part of its Skills 4 Success initiative, ECE worked in collaboration with the Conference Board of Canada to complete a 15-year forecast of labour market demand and opportunities that was shared broadly with partners and residents. This labour market information is intended to be used to guide the delivery of training to better prepare residents for opportunities in the labour market. Additionally, ECE sits on the Board of Directors for the MTS and is aware of partnerships established with MTS, Aurora College, ECE, the Indigenous Governments and Organizations, and the mines to create and offer training programs.

3.4.1.2 Proponents

Some participants indicated they believe the SEAs are being implemented as intended. One participant pointed to their company's proactive approach to implementing the commitments with community stakeholders, which includes an engagement strategy and reporting, and is beyond the requirements of the commitments of the SEA. Another participant mentioned that implementation is now happening as intended as a result of the presence of more champions for the SEA than when the mine initially started.

There were, however, mentions of aspects of the SEAs, which are not being implemented as intended, namely, meeting the Northern employment targets. This was attributed to factors such as strong competition between the mines for the same workforce, workers under IBA partnerships that are not counted towards the employment targets, and challenges hiring for many positions within a short time span. Additionally, Indigenous capacity challenges and lack of Indigenous signatories at some of the SEA meetings are also said to impact implementation.

To help ensure the SEAs are implemented as intended, the following suggestions were put forth:

- Opportunities to meet collaboratively at certain stages would allow for renewal and account for changes in policies, and the broad contextual environment. For example, if the proponent were to adopt new rigorous procurement policies that must comply with certain standards, the policy may not align with the SEA established many years before, but the proponent will be required to adhere to these new policies;
- Holding meetings that include the Indigenous signatories;
- Taking action to address the need for skilled workers; and
- Finding interested tradespeople in the communities and understanding when more tradespeople will be required in the future.

With respect to the GNWT, proponent participants identified limitations that negatively impact their ability to successfully implement the SEAs. For instance:

- Lack of clarity regarding responsibilities for communication and implementation;
- Outdated reporting information;
- Lack of transparency about information sharing beyond the annual reporting; and
- Duplicate requests for large amounts of data due to high turnover among staff.

3.4.1.3 Indigenous Governments and Organizations

There were very few responses to this question with individuals indicating they did not know if the SEAs were being implemented as intended. Those who did respond indicated that implementation was not a yes or no answer or that it was a difficult question to answer.

Some noted the SEAs are "toothless" and that because the NWT needs the mines more than the mines need the NWT, the GNWT has no leverage to ensure the mines comply with the commitments. The result being that the mines "at best, may only pay lip service to them [the SEAs]". One participant commented that SEAs are being implemented "as best they can be actioned" and that,

There are still major barriers that need to be addressed to make a difference. The SEAs are not the priority. They're a by-product. There isn't as much of a focus that they [issues] get resolved because when there are issues it's about "well we're doing our best". There needs to be more effort into making sure they [the SEAs] are implemented properly.

Participants also mentioned that SEA implementation is tied to each Indigenous community's capacity/situation on the ground. In order for the SEAs to be implemented properly or more successfully, there is a need for better understanding of the situation on the ground and that can only happen with more collaboration with local communities.

3.4.1.4 Other

Participants from the group that included Chamber of Mines, businesses, women's organizations, regulator and education and training providers indicated that education, training, work experience and job placement programs have been established through partnerships between groups such ECE, Aurora College, MTS, Indigenous Governments and Organizations, and regional training partnerships. They also noted that Aurora College is the primary provider for apprenticeships and said that the College also works closely with the MTS, especially for introductory programming for individuals to enter the mining industry at a basic level.

It was also mentioned that Aurora College works with the GNWT and with the employers to create apprenticeships on site at mine sites, that employers work with ECE for job placement, and that the College works with ECE to coordinate the academic content. It was noted that these programs were not established specifically to support the SEAs but are examples of supports for skills development that are connected to the objectives of SEA.

One participant from the "Other" group believes there is adequate collaboration between agencies that deliver literacy and/or basic adult education programs. They noted that the adult basic education and other literacy programs offered through the College in communities are widely accessible and that there are opportunities for expansion of the programs and funding. They also commented that there may be value in expanding programs to address obstacles to employment identified by community members, such as obtaining criminal record checks and preventing or addressing substance abuse.

Participants from the "Other" group suggested that closer partnerships are needed with training delivery agencies and the mines and noted that the ECE Regional Training Centre did not have the kind of information they needed to make good decisions. For example, they were described as not having information about the types of jobs that were going to be available.

It was noted that the SEAs place the greatest burden on the mining companies because the GNWT only provides their general programs, rather than supporting targeted programs required by the mining companies and needed by the communities. It was mentioned that the MTS Society has been a great success because of their targeted programming and suggested that the GNWT should move past the idea that general programs are adequate in a mining context – with big improvements possible if programs are tailored to mining.

Participants from the “Other” group suggested that SEAs should be a subset of the EA process, with targets based on the EA content, and not the “EA-Plus” approach that government wants. It was also suggested that Indigenous communities should be more involved in supporting mineral development success, for example, by supporting participation of local businesses in procurement and contract opportunities.

Participants from the “Other” group believe there could be greater collaboration between the GNWT, the mines and NGOs to provide a more realistic assessment of barriers to employment and identification/delivery of supports to mitigate those barriers. It was noted this would likely require providing funding to an NGO to support their participation. They suggested the mines could take more initiative in their outreach and have a better understanding of the challenges faced by NGOs.

3.4.2 Desktop Review

Some of the documents reviewed indicate that actions had been taken by proponents as intended to address their commitments under the SEAs related to business development, employment, training and education, community, family, and individual well-being, cultural well-being and traditional economy opportunities, as well as community engagement related to reporting.^{211, 212, 213, 214}

For example, it was reported that Ekati, Diavik, Gahcho Kué and Snap Lake²¹⁵ each carried out activities as part of their commitment to providing socio-economic opportunities and benefits under the SEAs related to employment and training, including:

- Participating in, or sponsoring career fairs in communities;
- Providing and adding pick-up points for workers in Northern communities;
- Renewing their Northern and Indigenous recruitment strategies, advertising positions in Northern newspapers and providing postings to communities;
- Raising awareness of opportunities (e.g., job postings) by using the company’s online sites and social media;
- Providing incentives, allowances, and relocation packages, to encourage employees to live in or relocate to the north, as well as health and wellness programs/initiatives;
- Supporting community social and cultural events;
- Investing in the NWT MTS Partnership; and
- Supporting the advancement of Indigenous employees by providing training through the Aurora College Northern Leadership Training Program.²¹⁶

²¹¹ *Diavik Diamonds Project Socio-Economic Monitoring Agreement. (1999, October 2)*

²¹² *Socioeconomic Agreement BHP Diamonds Project. (1996, October 22). https://www.iti.gov.nt.ca/sites/iti/files/1996-10-22-bhp_diamonds_project_socio-economic_agreement_3.pdf*

²¹³ *Gahcho Kué Project Socio Economic Agreement. (2013, June). https://www.iti.gov.nt.ca/sites/iti/files/de_beers_gahcho_kue_project_-_june_2013.pdf*

²¹⁴ *Based on the documents provided for review, there were no examples of SEA not being implemented as intended.*

²¹⁵ *Snap Lake is not part a target mine under the SEA Program Review but was part of the collective reporting in this document.*

²¹⁶ *Northwest Territories & Nunavut Chamber of Mines. (2017). *Measuring success 1996-2016: diamond mines deliver big benefits to the Northwest territories.* Retrieved from Mining North website: https://www.miningnorth.com/_rsc/site-content/library/publications/NWT-Nunavut_Chamber_of_Mines_Measuring_Success_2016_FINAL.pdf*

Documents also reported on Diavik training activities related to their commitments under the SEMA.²¹⁷ These include:

- Creating an Aboriginal Leadership Development Program to prepare participants for increasing work responsibilities and increase the number of Indigenous employees at the supervisor and manager levels.^{218, 219} The program was developed in 2005 and by the end of 2009, it was expected there would be approximately 50 graduates.²²⁰
- Having begun a Process Plant Training Course at Aurora College in advance of the transition to the operations phase.²²¹
- On-the-job training through the operation of a bulk sample processing plant, engaging Northerners to participate in engineering feasibility studies, having trainees support the geology team, and hiring Northerners to work alongside biologists to learn how to collect and record data.²²²
- Providing an on-site Learning Resource Centre, which supports workers in upgrading their skills, writing external exams, supports literacy, and provides access to online courses.²²³
- Providing an Employee Educational Assistance program to help staff pursue educational opportunities.²²⁴
- Providing a summer student program.²²⁵

With regards to employment, Diavik developed a Recruitment Policy, which addresses the proponent's commitments to prioritize the hiring of Indigenous persons and Northerners and related activities.^{226, 227}

Although it is not a policy specific to Diavik, Rio Tinto – which manages Diavik and owns Diavik Diamond Mine Inc.²²⁸ – states in its Supplier Code of Conduct the expectation that suppliers support initiatives to employ, and build capacity within host communities, as well as provide reporting on economic and social performance.²²⁹ This is aligned with the specific commitment in the SEMA that contractors are required to fulfil reporting requirements related to hiring, employment and training.²³⁰

²¹⁷ *Diavik Diamonds Project Socio-Economic Monitoring Agreement. (1999, October 2).*

²¹⁸ *Eisner, M. (2009, August). Building leadership from the inside out.: Diavik blends cutting-edge management education with time-honoured traditional approaches. CIM Magazine. Pages 35-37*

²¹⁹ *Goldman, J. (2007). Diavik completes second Aboriginal leadership program.*

²²⁰ *Eisner, M. (2009, August). Building leadership from the inside out.: Diavik blends cutting-edge management education with time-honoured traditional approaches. CIM Magazine. Pages 35-37*

²²¹ *Diavik Diamond Mines Inc. (2002). Diavik's training partnerships. Northern partners, northern success.*

²²² *Diavik Diamond Mines Inc. (2002). Diavik's training partnerships. Northern partners, northern success.*

²²³ *Diavik Diamond Mines Inc. (2002). Diavik's training partnerships. Northern partners, northern success.*

²²⁴ *Diavik Diamond Mines Inc. (2002). Diavik's training partnerships. Northern partners, northern success.*

²²⁵ *Diavik Diamond Mines Inc. (2002). Diavik's training partnerships. Northern partners, northern success.*

²²⁶ *Diavik Diamond Mines Inc. (2020). Recruitment policy.*

²²⁷ *Diavik Diamonds Project Socio-Economic Monitoring Agreement. (1999, October 2).*

²²⁸ *Rio Tinto (n.d.). Diavik. Retrieved November 17, 2021, from <https://www.riotinto.com/en/operations/canada/diavik>*

²²⁹ *Rio Tinto. (2021). Supplier code of conduct.*

²³⁰ *Diavik Diamonds Project Socio-Economic Monitoring Agreement. (1999, October 2).*

Information on some Gahcho Kué training and employment (support for women) activities were also reported.²³¹ These include:

- Providing 28,728 hours of induction training in 2016;²³²
- Launching a gender diversity and inclusion program in 2017 to develop new policies, practices, and procedures to increase the number of women and visible minorities, especially in leadership roles;²³³ and,
- Providing a USD \$600,000 scholarship investment for Canadian girls entering science, technology, engineering and math degree programs and a program to support girls from Indigenous communities participate in science camps at the University of Waterloo.²³⁴

Regarding business development, the documents also indicate that Diavik carried out the following activities:²³⁵

- Engaged a venture development manager to work with Northern businesses and Indigenous communities to identify business opportunities;²³⁶
- Facilitating and monitoring joint-venture partnerships;²³⁷ and,
- Providing a business update in 2020 to partners on the upcoming business opportunities anticipated in 2021.²³⁸

²³¹ Gahcho Kué Project Socio Economic Agreement. (2013, June). https://www.iti.gov.nt.ca/sites/iti/files/de_beers_gahcho_kue_project_-_june_2013.pdf

²³² Northwest Territories & Nunavut Chamber of Mines. (2017). *Measuring success 1996-2016: diamond mines deliver big benefits to the Northwest territories*. Retrieved from Mining North website: https://www.miningnorth.com/_rsc/site-content/library/publications/NWT-Nunavut_Chamber_of_Mines_Measuring_Success_2016_FINAL.pdf

²³³ Northwest Territories & Nunavut Chamber of Mines. (2017). *Measuring success 1996-2016: diamond mines deliver big benefits to the Northwest territories*. Retrieved from Mining North website: https://www.miningnorth.com/_rsc/site-content/library/publications/NWT-Nunavut_Chamber_of_Mines_Measuring_Success_2016_FINAL.pdf

²³⁴ Northwest Territories & Nunavut Chamber of Mines. (2017). *Measuring success 1996-2016: diamond mines deliver big benefits to the Northwest territories*. Retrieved from Mining North website: https://www.miningnorth.com/_rsc/site-content/library/publications/NWT-Nunavut_Chamber_of_Mines_Measuring_Success_2016_FINAL.pdf

²³⁵ Northwest Territories & Nunavut Chamber of Mines. (2017). *Measuring success 1996-2016: diamond mines deliver big benefits to the Northwest territories*. Retrieved from Mining North website: https://www.miningnorth.com/_rsc/site-content/library/publications/NWT-Nunavut_Chamber_of_Mines_Measuring_Success_2016_FINAL.pdf

²³⁶ Northwest Territories & Nunavut Chamber of Mines. (2017). *Measuring success 1996-2016: diamond mines deliver big benefits to the Northwest territories*. Retrieved from Mining North website: https://www.miningnorth.com/_rsc/site-content/library/publications/NWT-Nunavut_Chamber_of_Mines_Measuring_Success_2016_FINAL.pdf

²³⁷ Northwest Territories & Nunavut Chamber of Mines. (2017). *Measuring success 1996-2016: diamond mines deliver big benefits to the Northwest territories*. Retrieved from Mining North website: https://www.miningnorth.com/_rsc/site-content/library/publications/NWT-Nunavut_Chamber_of_Mines_Measuring_Success_2016_FINAL.pdf

²³⁸ Diavik Diamonds Project Socio-Economic Monitoring Agreement. (1999, October 2).

Diavik's Procurement Policy recognizes the importance of considering local (Northern) and Indigenous businesses in the procurement process and requires the encouragement of local/Indigenous business participation where qualified businesses are unavailable.²³⁹ The policy is broadly aligned with commitments in the SEMA related to maximizing business opportunities for Northern businesses.²⁴⁰ Although not specific to Diavik alone, Rio Tinto also states in their Supplier Code of Conduct that suppliers are expected to support initiatives to procure, and build capacity within host communities, as well as provide reporting on economic and social performance, which is consistent with the commitment for contractor reporting in the SEMA.^{241, 242}

For Ekati, it was also reported in 2016 that the proponent had largely met its economic commitments under the SEA.²⁴³ Further details on performance against economic objectives under the SEAs are found in the administrative review.

On the topic of community engagement, Diavik is reported to have created a community-based Advisory Board.^{244, 245} The Board was intended to provide community transparency on socio-economic issues.²⁴⁶ The Advisory Board was established through the original SEMA, although this commitment was removed in a later amendment to the agreement.²⁴⁷ Ekati similarly reported holding meetings to provide updates according to the SEA.²⁴⁸

Diavik has a Respectful Workplace Policy which enforces zero tolerance around harassment, discrimination and violence.²⁴⁹ The policy includes sexual harassment under its definition of harassment. This is consistent with Diavik's commitment under the SEMA to enforce a sexual harassment policy at the mine site.²⁵⁰ Although it is not a policy specific to Diavik, Rio Tinto – which manages Diavik – informs all employees and contractors through a Code of Conduct of the importance of not being under the influence of alcohol or drugs, and states that harassment of any kind is not acceptable in the workplace.²⁵¹ Rio Tinto also directs suppliers to prevent harassment in their Supplier Code of Conduct.²⁵² This direction is consistent with the commitment in the SEMA to enforce a sexual harassment policy at the mine site, and an alcohol-and drug-free workplace policy.²⁵³

²³⁹ Diavik Diamond Mines Inc. (2001). *Diavik's business commitment. Northern partners, northern success.*

²⁴⁰ Diavik Diamond Mines Inc. (2001). *Diavik's business commitment. Northern partners, northern success.*

²⁴¹ RioTinto. (2020). *Diavik Business Update.*

²⁴² Diavik Diamonds Project Socio-Economic Monitoring Agreement. (1999, October 2).

²⁴³ Mackenzie Valley Review Board. (2016). *Report of environmental assessment and reasons for decision. Dominion diamond Ekati corp. jay project. EA1314-01.* Retrieved from Mackenzie Valley Review Board website: https://reviewboard.ca/upload/project_document/EA1314-01_Report_of_Environmental_Assessment_and_Reasons_for_Decision.PDF

²⁴⁴ Diavik Diamond Mines Inc. (2002). *Diavik's training partnerships. Northern partners, northern success.*

²⁴⁵ The Mining Association of Canada. (2006). *Towards sustainable mining progress report 2006.*

²⁴⁶ The Mining Association of Canada. (2006). *Towards sustainable mining progress report 2006.*

²⁴⁷ Diavik Diamonds Project Socio-Economic Monitoring Agreement Amendment Agreement. (2015, January 22).

²⁴⁸ The Mining Association of Canada. (2006). *Towards sustainable mining progress report 2006.*

²⁴⁹ Diavik Diamond Mines Inc. (2014). *Respectful workplace policy.*

²⁵⁰ Diavik Diamonds Project Socio-Economic Monitoring Agreement. (1999, October 2).

²⁵¹ RioTinto. (2017). *The way we work*

²⁵² RioTinto. (2021). *Supplier code of conduct.*

²⁵³ Diavik Diamonds Project Socio-Economic Monitoring Agreement. (1999, October 2).

Similar to the guidance from Rio Tinto, although site-specific policies were not provided by proponents for the desktop review, Anglo American – the majority owner of De Beers,²⁵⁴ the operator of the Gahcho Kué mine²⁵⁵ – directs employees in its Code of Conduct to be free from alcohol and drug use at work.^{256, 257} This Code of Conduct also informs employees of zero tolerance in the workplace for bullying, harassment and/or victimization across all global places of work, and both during or outside working hours.²⁵⁸ The direction provided is consistent with the proponent's commitment under the SEA to implement and maintain a harassment policy and an alcohol-free and drug-free workplace policy at the project site.²⁵⁹

Diavik has developed an approach which encompasses payment for interpretation at meetings and workshops hosted by Diavik.²⁶⁰ This is consistent with Diavik's commitment under the SEA to pay for Indigenous language interpreters at community meetings.²⁶¹ Diavik's Leave Policy confirms that employees have one week of personal leave in addition to annual leave, and notes that personal leave might be used for purposes including traditional hunting, fishing, or food harvesting.²⁶² This addresses overall the proponent's commitment to provide one week of unaccountable leave in the SEMA.²⁶³

ITI has been operating several programs which address the GNWT's commitments with respect to training and education. They include:²⁶⁴

- Mining North Works: An online awareness and education initiative which is focused on Northern career opportunities in the resource sector. It was developed and funded by the NWT and Nunavut Chamber of mines, with support from ITI.
- Mining Matters: It was designed to foster an interest in the minerals industry, it provides mineral and geological programming to elementary students across the country. Mining Matters has been a Canada Revenue Agency-registered charitable organization since 1997.
- Resource and Energy Development Information (REDI): It takes the form of a trade show, with representation from various government departments, regulatory agencies, and industry organizations. The trade show enables one-on-one conversations with the public and allows them to pose questions to subject matter experts in any field related to resource and energy development or regulation.

²⁵⁴ Anglo American. (n.d.). Diamonds. Retrieved November 17, 2021 from <https://www.angloamerican.com/products/diamonds?product=diamonds>.

²⁵⁵ De Beers Group. (n.d.). Gahcho Kué Mine. Retrieved November 17, 2021, from <https://canada.debeersgroup.com/operations/mining/gahcho-kue-mine>.

²⁵⁶ AngloAmerican. (2020). Our code of conduct. Our values in action.

²⁵⁷ The Code of Conduct mentions that there are local policies on drug and alcohol at work.

²⁵⁸ The Code of Conduct mentions that there is a global bullying, harassment and victimisation policy, as well as a local employee handbook and HR guidelines on the topic of harassment and bullying.

²⁵⁹ Gahcho Kué Project Socio Economic Agreement. (2013, June). https://www.iti.gov.nt.ca/sites/iti/files/de_beers_gahcho_kue_project_-_june_2013.pdf

²⁶⁰ Diavik Diamond Mines Inc. (2020). Individual honoraria.

²⁶¹ Diavik Diamonds Project Socio-Economic Monitoring Agreement. (1999, October 2).

²⁶² Diavik Diamond Mines Inc. (2013). Leave policy.

²⁶³ Diavik Diamonds Project Socio-Economic Monitoring Agreement. (1999, October 2).

²⁶⁴ Government of Northwest Territories, Department of Industry, Tourism and Investment. (Personal communication, October 18, 2021). Briefing Note: Community Outreach and Engagement.

ECE is offering several training and education programs and supports that address the GNWT's commitments with respect to training and education. They include:

- Regional ECE Career Centres: Provides funding for a range of skills development activities such as upgrading, apprenticeship, on-the-job training, and other short-term training.²⁶⁵
- The Wage Subsidy Program: Provides support to employers to hire and train NWT residents; it is intended to provide work experience and training for up to 52 weeks to better qualify participants for obtain meaningful long-term employment.²⁶⁶
- The Employee Training Program: Provides support to employers for training for up to 52 weeks when an employee requires up-skilling due to economic, technological or organizational change, and may be used to support individuals who are under-employed or employed and in need of training to maintain their current job or progress or move to a different or better job.²⁶⁷
- The Trades and Occupations Wage Subsidy Program: Provides support to an employer to hire and train skilled trades apprentices and occupation trainees who are NWT residents; it provides work experience and training that enables apprentices to progress through an apprenticeship and earn a Certificate of Qualification with a Red Seal endorsement in a designated trade or a Certificate of Competence in a designated occupation.²⁶⁸
- The Skills Development Program: Provides support for eligible individuals to participate in short-term training opportunities (up to 52 weeks) which upgrade or develop essential employability skills. Eligible activities include education and training programs that lead to employment and may include academic upgrading, life skills, pre-employment, training, skill-specific training, postsecondary programs and employment readiness.²⁶⁹
- Community Training Partnerships: Provides training and skills development opportunities to unemployed individuals to improve their employment prospects and obtain meaningful long-term employment. Support is provided for up to 26 weeks to organizations to deliver local activities aimed at increasing skill development, including essential workplace skills.²⁷⁰

Aurora College reported in 2019-20 that it had the largest Northern Leadership Development Program cohort since the program began in 2011 (total of 24 participants). Employers involved in the program include Dominion Diamond Mines, Diavik Diamond Mines, DeBeers Group, Det'ón Cho Corporation, Yellowknives Dene First Nation and the Tł'cho Government.²⁷¹

²⁶⁵ Government of Northwest Territories. (n.d.). *Career Development and Services*.

²⁶⁶ Government of Northwest Territories. (2020). *Supports for Employers*.

²⁶⁷ Government of Northwest Territories. (2020). *Supports for Employers*.

²⁶⁸ Government of Northwest Territories. (2020). *Supports for Employers*.

²⁶⁹ Government of Northwest Territories. (2018). *Supports for Individuals*.

²⁷⁰ Government of Northwest Territories. (2018). *Supports for Organizations*.

²⁷¹ Aurora College. (2020). *Annual Report 2019-2020*.

In addition, HSS and ECE met with De Beers Canada Inc. on numerous occasions from 2019 to 2021 to address various health and social issues and programming including mental health (Shared Mental Health First Aid – Northern Peoples (MHFA-NP) program), homeless women (the Women’s Society shelter in Yellowknife), alcohol and drug abuse (via the Building Forever Initiative) and mental health gender-based violence, early childhood centres and daycare programs, and baby bundles/boxes.²⁷²

Regarding business development, the GNWT has a Business Incentive Policy (BIP) that provides an incentive to NWT-based businesses, for the procurement of goods, services or construction by all GNWT departments and additional public agencies (as identified in the policy).²⁷³ This is consistent with the measure in the Gahcho Kué SEA that the proponent will be provided with information on the GNWT’s Business Incentive Policy and the policy is accessible to the proponent.²⁷⁴ The GNWT policy is available publicly online. The GNWT also maintains a searchable registry of businesses that are eligible under the BIP.²⁷⁵ The Business Incentive Policy (BIP) Registry is available online at: <https://www.iti.gov.nt.ca/en/services/business-incentive-program-bip/search-bip-registry.v>. This addresses measures under the SEAs for Diavik and Gahcho Kué that the GNWT maintain a registry of businesses eligible under the GNWT BIP, and to provide access to the registry to the proponent.^{276, 277}

3.5 Have there been any unintended (positive or negative) outcomes associated with the SEAs?

Question 3.5 Summary Overview

Participants identified both positive and negative unintended outcomes associated with the SEAs. While a greater number of unintended negative outcomes were identified, it is not clear whether their costs outweigh the benefits achieved.

In some cases, specific activities were found to generate both positive and negative unintended outcomes. For example, the use of rotational schedules was identified as facilitating employee participation in traditional activities by providing larger blocks of time away from work, as well as contributing to relationship problems and family breakdowns due to prolonged absences from the community.

²⁷² Government of Northwest Territories. (2019, January 25). Meeting Minutes; *Ibid.* (2019, September 4). Meeting Notes; *Ibid.* (2020, September 18). Meeting Minutes; *Ibid.* (2021, April 6). Meeting Minutes; *Ibid.* (2021, April 17). Meeting Minutes; *Ibid.* (2021, June 18). Meeting Minutes; *Ibid.* (2021, July 17). Meeting Minutes; *Ibid.* (2021, August 9). Meeting Minutes; *Ibid.* (2021, April 17). Meeting Minutes; *Ibid.* (2021, September 16). Meeting Minutes; *Ibid.* (2021, October 27). Meeting Minutes.

²⁷³ Government of Northwest Territories. (2010). Business Incentive Policy. Retrieved from Government of Northwest Territories website: <https://www.iti.gov.nt.ca/sites/iti/files/63-02-bip.pdf>.

²⁷⁴ Gahcho Kué Project Socio Economic Agreement. (2013, June). https://www.iti.gov.nt.ca/sites/iti/files/de_beers_gahcho_kue_project_-_june_2013.pdf.

²⁷⁵ Government of Northwest Territories, Department of Industry, Tourism and Investment Department. (2021). Search BIP Registry. Retrieved from Government of Northwest Territories website: <https://www.iti.gov.nt.ca/en/services/business-incentive-program-bip/search-bip-registry>

²⁷⁶ Diavik Diamonds Project Socio-Economic Monitoring Agreement. (1999, October 2).

²⁷⁷ Gahcho Kué Project Socio Economic Agreement. (2013, June). https://www.iti.gov.nt.ca/sites/iti/files/de_beers_gahcho_kue_project_-_june_2013.pdf.

Perceived positive unintended outcomes identified include:

- Transferability of skills learned through mine employment to other work
- Growth of some businesses working with the mines that has enabled their expansion into other markets
- Benefits of increased spending in communities arising from higher employment and income levels
- Improved job satisfaction for workers who have gained new skills, experience, and working relationships
- Small businesses, local stores, and traditional artisans see more business on a day-to-day basis
- The ability to build a corporation on opportunities provided by the mines

Perceived negative unintended outcomes include:

- Lack of financial management skills contributes to poor decision-making for some workers related to managing their earning
- Workers who lack financial management skills are at increased risk of, and end up developing substance abuse and addictions problems
- In order for some Northern and Northern Indigenous businesses to participate in mining activity, it has been necessary to partner with southern businesses or institutions (due to lack of local capacity); consequently, some services or goods are no longer originating from the community or the NWT
- Annual increases in rates of mental illness and substance abuse, exacerbated by a lack of appropriate counselling and other supports
- Negative environmental impacts affecting caribou
- Loss of culture and language
- Increased community divisions between the “haves” and “have nots”
- Workers who obtain additional training, experience and skills are more likely to leave their community, reducing community resilience

3.5.1 Engagement

Please note: The findings contained within this section reflect the perceptions, experiences, and opinions of engagement participants.

3.5.1.1 GNWT Departments

Participants identified two positive unintended outcomes: the ability of Northern mine employees to transfer skills learned through mine employment to positions outside the mine; and the fact that some Indigenous workers who are employed on a rotational basis have found that this schedule allows them more opportunities to take part in traditional harvesting activities because they have the necessary time off and income to do so.

3.5.1.2 Proponents

Participants identified both positive and negative unintended consequences related to procurement. A positive example is the fact that some businesses have grown and developed to the point where they have expanded beyond the mines and are now doing business with other organizations/industries. A negative example is that while there have been great opportunities for Northern and Northern Indigenous businesses to participate in mining activity, the speed with which businesses are required to adapt or grow to meet the industry's demands has required them to partner with southern businesses or institutions. As a result, some of these services or goods are no longer originating from the community or the NWT. Other unintended outcomes include:

- With the focus and prioritization of Northern Indigenous employees, other individuals/groups have been disadvantaged.
- The SEA has pushed objectives in a different direction from the Participatory Agreements (PAs). With the PAs, there can be a difference between those that are signatories and those that are not signatories to the Agreements.

3.5.1.3 Indigenous Governments and Organizations

Indigenous Government and Organization participants identified a number of unintended positive outcomes including:

- Small businesses, local stores and traditional artisans see more business on a day-to-day basis as a result of the mines.
- The ability to build a corporation on opportunities provided by the mines.

The unintended negative outcomes identified by Indigenous Government and Organization participants include:

- Not seeing significant improvements in education, training and apprenticeship.
- The rates of mental illness and alcohol and drug abuse have increased each year.
- There is not enough being done to deal with these issues. There are not enough tools available to effectively deal with these issues.
- The younger generation do not know how to manage and save their money, so they spend everything they make.
- Because of the large sums of money, they are at increased risk of developing alcohol and substance use problems (increased risk comes with increased income).
- Continued high number of people on income assistance in the community.
- While it seems reasonable to think that someone with education and training, people would want to work – but once they start working, they have to come off income assistance and then they have to deal with high rental costs (approximately 30% of income) along with high equipment costs and high food costs. There is no incentive to work at the mines because of the high cost of living in the smaller communities.
- There are some Elders who suspect environmental affects that have negatively impacted the caribou.
- The lack of consultation, engagement and reporting post-creation of the SEA which has had a negative impact on the Indigenous group.

- Expansion of different mines without proper consultation with the Indigenous group(s) and a recommitment of the key performance indicators to the Indigenous group(s).
- There is a lack of money being invested in education and retirement plans.
- There is evidence of relationship troubles and family breakdowns because of the rotational work and being away from the community.
- There are limited supports available in the community to address problems caused by/exacerbated by working at the mines.
- While some mines have an Employee (and Family) Assistance Program, the counselling supports are provided over the phone and it questionable whether those supports are relevant for Indigenous peoples. There is a need to ensure that counselling companies used by the employer employ Northern and Indigenous counsellors so help build trust.
- There is a loss of culture and language.
- There is limited investment in property or homes.
- There is limited transmission of mine employee knowledge and skills to the other community members.
- There is a division in the community between the haves and the have nots.

3.5.1.4 Other

The “Other” group includes representatives from the Chamber of Mines, businesses, women’s organizations, regulator and education and training providers. It was also noted that the increased income that comes with mine employment generates some significant positive outcomes but also negative social and personal outcomes. For example, workers who obtain additional training, skills and higher incomes appear to be more likely to leave their community which can create challenges for the viability and strength of communities.

3.6 Have SEAs been effective in monitoring, mitigating, and adaptively managing potential impacts?

Question 3.6 Summary Overview

The findings indicate that while the SEAs are somewhat effective in monitoring potential impacts, they show limited effectiveness in mitigating or adaptive managing those impacts. During the engagement, participants indicated that SEAs are not perceived as effective instruments for either ensuring that reporting occurs or managing project impacts, in part due to a lack of feedback and analysis of the reporting that did occur. Participants generally agreed that SEAs are not successfully used as a tool for mitigation or adaptive management, with some noting that they were not designed to fulfill that role. There were suggestions that SEAs do not provide comprehensive information that would allow monitoring and trend analysis to occur and although they can help monitor some benefits of projects, they are much less effective in monitoring more structural issues (such as substance abuse or poverty). It was suggested that the while SEAs are important and needed mechanisms, they should not be the only mechanism in place to mitigate adverse social issues that may arise from projects.

Limitations associated with using the SEAs to manage project impacts include:

- Lack of ability to demonstrate causality between indicator trends and the mining projects, which may contribute to a lack of meaningful discussion about the impacts or potential adaptive management strategies
- Lack of process to address impacts in communities
- Lack of oversight to ensure monitoring, mitigation and management are occurring
- Lack of enforcement mechanisms and implementation plans
- Lack of engagement with communities and businesses and a lack of involvement of the GNWT and Indigenous governments

Suggested changes to ensure the SEAs are an effective tool for monitoring, mitigating, and adaptively managing include:

- A committee to ensure monitoring, mitigation and management are occurring
- A clause in the SEAs such as “check to see if amendments are required every 6 years”, which is included in the PAs
- Increase engagement with communities and businesses regarding the contents of the SEA reports to collect feedback
- Require the SEAs to include an implementation plan to help support successful execution of the commitments
- Increase involvement of the GNWT and Indigenous governments in monitoring and increase their cooperation with industry to support improved monitoring
- Develop a clear vision for the GNWT’s participation, including its role in monitoring and mitigation

3.6.1 Administrative Review

Under the SEAs for Ekati, Diavik and Gahcho Kué, the GNWT has committed to monitoring indicators related to potential impacts and reporting on the resulting information and/or sharing it with community governments. These indicators are related to: cultural well-being and traditional economy; community, family and individual well-being; and business opportunities (bankruptcies). The GNWT provides information in its annual reports on the indicators. **Table 14** shows the number of impact-related indicators monitored by the GNWT by topic area.

Table 14: GNWT Monitoring/Reporting Indicators for the Three SEAs

Indicator Commitment Area	Number of Indicators
Cultural Well-being & Traditional Economy Indicators	2
Community, Family, and Individual Well-being Indicators	30
Business Opportunities Indicators	1
All Indicators	33

Table 15 shows the reporting record by the GNWT in its annual report on the impact-related indicators required under the various SEAs. The table shows all possible opportunities for reporting on each indicator across the years reviewed (2000-2019). It was assumed there was one opportunity for reporting on each indicator, each year.²⁷⁸ Data or trend information was reported for the majority of indicators (79%) across the years reviewed; with actual data being reported 45% of the time and trend data reported 34% of the time (refer to the Legend at the end of the table).

The following notes explain the data in the monitoring table.

- In some cases, the GNWT reported on additional indicators not found in the SEAs. As these were not required under the SEAs, they have been omitted.
- Where data was provided for an indicator, it was considered reported, even if the data was in a slightly different format than anticipated (e.g., data on the population with high school completion or greater used to report against rates of high school completion; “other offences” data for crimes were used to understand the # of alcohol-related crimes; data on adults doing traditional activities was presented but not by age group.)
- In the case of housing indicators, the SEA included examples of indicators and included mention of “etc.” in the indicator description. The GNWT has subsequently reported on a variety of additional housing indicators from year-to-year. Given the broad nature of the indicator description, these varied indicators have been included.
- Where exact figures were not presented but anchored to an exact value, it was considered “data reported” given that the exact indicator value could be calculated based on this information (e.g., “1/3 the national average”).
- Individual income-related indicators and education outcome indicators were included in case there could be related impacts. However, data related to participation in a benefit-driven program related to training / education were left out in keeping with the focus on impacts.
- Business grants, loans and contributions were left out given their focus on benefits but an indicator related to registered businesses, bankruptcies and start-ups was included because of the possible monitoring of bankruptcies as an impact.

²⁷⁸ The table omits instances where reporting was not applicable (e.g., where the mine related to the SEA indicator had not yet started) for all calculations.

Table 15: GNWT Impact Indicator Reporting, 2000-2019

Theme Category	Indicator	2000	2001	2002	2003	2004	2005	2006	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Cultural Well-being & Traditional Economy	Ratio of home-language use to mother tongue, by major age groups	X	X	X	X	X	X	X	R	X	X	X	X	X	X	X	X	X	X	
	% of work force (aged group) engaged in traditional activities (by age group)	X	X	X	X	X	X	X	R	R	T	X	X	R	T	X	X	X	X	
Community, Family, and Individual Well-being	Diagnosed injuries and poisoning	R	R	R	R	R	R	R	R	R	T	T	T	R	X	T	T	T	T	
	Injuries, by age group	N/A	T	X	X	X														
	Potential years of life lost (injury related deaths)	R	R	R	R	R	R	R	R	R	X	T	T	R	T	T	T	X	T	
	# of suicides	R	R	R	R	R	R	R	R	R	T	T	T	R	T	T	T	X	T	
	# of teen births	R	R	R	R	R	R	R	R	R	T	T	T	R	T	T	T	T	T	
	Single parent families	N/A	R	R	R	R	R	R	R	R	T	T	T	R	T	T	T	T	T	
	Children in care / receiving services	R	R	R	R	R	R	R	R	R	T	T	T	X	X	T	T	T	T	
	Family violence / spousal assault incidence	R	R	R	R	R	R	R	R	R	T	T	T	X	T	T	T	T	T	
	Admission of women and children in shelters	N/A	N/A	N/A	R	R	R	R	R	R	T	T	T	R	X	T	T	T	T	
	Police reported incidences (all)	R	R	R	R	R	R	R	R	R	T	T	T	R	T	T	T	T	T	
	Police reported drug-related (federal statute) crimes	R	R	R	R	R	R	R	R	R	T	T	T	R	T	T	T	T	T	
	Police reported property crimes	R	R	R	R	R	R	R	R	R	T	T	T	R	T	T	T	T	T	
	Police reported violent crimes	R	R	R	R	R	R	R	R	R	T	T	T	R	T	T	T	T	T	
	Police reported - other offences	R	R	R	R	R	R	R	R	R	X	T	T	R	T	T	T	T	T	
	# of alcohol and drug related crimes (captured under "federal statute crimes" and "other offences")	R	R	R	R	R	R	R	R	R	T	T	T	R	T	T	T	T	T	
	Sexually transmitted infections	R	R	R	R	R	R	R	R	R	T	T	T	T	T	T	T	T	T	
	Tuberculosis	R	R	R	R	R	R	R	R	R	X	X	X	R	T	T	T	T	T	

Theme Category	Indicator	2000	2001	2002	2003	2004	2005	2006	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Social Conditions	Housing indicators (# of dwellings, average # of persons per dwelling, average # of people per bedroom, % of units with full plumbing and heating systems, etc.)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
	Households with 6 or more persons (i.e., crowding)	R	R	R	R	R	R	R	R	R	T	T	T	R	T	T	T	X	X	X
	% dwellings needing major repairs	R	R	R	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
	Housing - % core need	R	R	R	X	R	R	R	R	R	T	T	T	R	T	T	T	T	X	X
	Housing - % ownership	X	X	X	X	R	R	R	R	R	T	T	T	R	T	T	T	T	X	X
	Average income	R	R	R	R	R	R	R	R	R	T	T	T	R	T	X	X	X	X	X
	Proportion of high income earners	X	R	R	R	R	R	R	R	R	X	X	X	R	X	X	X	X	X	X
	Employment rate	R	R	R	R	R	R	R	R	R	T	T	T	R	T	T	T	T	R	R
	Participation rate	R	R	R	R	R	R	R	R	R	T	T	T	R	T	T	T	T	R	R
	Social assistance / Income support cases	R	R	R	R	R	R	R	R	R	T	T	T	R	T	T	T	T	R	R
	Population with less than Gr 9 education	R	R	R	R	R	R	R	R	R	T	T	T	R	T	T	T	X	X	X
	Population with high school completion or greater	X	X	X	R	R	R	R	R	R	T	T	T	R	T	T	T	T	R	T
	Rates of high school completion	R	R	R	R	R	R	R	R	R	T	X	X	R	T	T	T	T	X	R
Business Opportunities	Registered businesses, bankruptcies and start-ups	N/A	R	R	R	R	R	R	R	R	T	T	T	X	X	X	X	X	X	X

Legend

R	Data Reported
X	Not Provided
T	Trend Only Reported
N/A	Not Applicable (for example, in a year where the mine related to the SEA where the indicator was identified had not yet started)

3.6.2 Engagement

Please note: The findings contained within this section reflect the perceptions, experiences, and opinions of engagement participants.

3.6.2.1 GNWT Departments

There were mixed responses to the effectiveness of the SEAs in monitoring, mitigating and adaptively managing impacts, with some indicating the SEAs are an effective tool to monitor hiring, training and procurement opportunities at the mines and other noting that the SEAs are not sufficient to monitor serious social issues (trauma, substance abuse, poverty). Additionally, it was suggested that SEAs were not intended to be a mitigation or adaptive management tool, but that their original purpose was to ensure that Northerners benefited from resource extraction projects with the focus being on employment and procurement.

3.6.2.2 Proponents

Proponent participants were varied in their assessment of whether the SEAs were an effective tool for monitoring, mitigating, and adaptively managing potential impacts. It was noted that there is no process in the SEAs to address impacts to communities and that the SEAs were not intended to address the challenges of adaptive management. That being said, participants commented that the annual SEA reports do provide comprehensive information on the activities of the mine and it allows them to see trends and monitor developments where improvements are needed.

Suggested changes to ensure the SEAs are an effective tool for monitoring, mitigating, and adaptively managing include:

- A committee to ensure monitoring, mitigation and management are occurring.
- A clause in the SEAs such as “check to see if amendments are required every 6 years”, which is included in the PAs.
- Increase engagement with communities and businesses regarding the contents of the SEA reports to collect feedback.

3.6.2.3 Indigenous Governments and Organizations

While very few Indigenous Government and Organization participants responded specifically to this question, through the interview and focus group discussions there was a high level of agreement that implementation of the monitoring component of the SEAs has not been effectively carried out and there have been very few attempts to address the mines’ inability to address some of the commitments identified in the SEAs. It was suggested that the SEAs each require an implementation plan to help support successful execution of the commitments.

3.6.2.4 Other

The “Other” group included representatives from the Chamber of Mines, businesses, women’s organizations, regulator and education and training providers. Participants from the “Other” group questioned the effectiveness of the SEAs in monitoring, mitigating and adaptively managing impacts, commenting that there needs to be greater involvement of the GNWT and Indigenous governments and greater cooperation with industry to support

improved monitoring. It was suggested that there be a clear vision for the GNWT's participation, including its role in monitoring and mitigation, that the GNWT do less policing and more tailoring of programs for SEA content, and that the GNWT and the communities should own their responsibilities; for example, with respect to provision of social supports and health care, and not place those requirements on mining companies.

3.6.3 Desktop Review

There was extensive discussion in the Mackenzie Valley Environmental Impact Review Board (MVEIRB) documents pertaining to the effectiveness of SEAs with regards to monitoring, mitigating or adaptively managing potential project impacts as part of the EA for the Ekati Jay project, as well as a mention of the topic in the environmental impact review (EIR) for the Gahcho Kué project.^{279, 280} During the Ekati Jay EA, community members indicated the SEA was the only tool available to hold the GNWT and developer accountable on socio-economic issues but at the same time, they noted they did not believe the Ekati SEA had effectively mitigated and managed impacts of the project. There were concerns that the GNWT and the developer were not effectively carrying out research or monitoring to track relevant socio-economic indicators. Community members indicated there was a lack of engagement on SEA initiatives and adaptive management was not happening at a meaningful level. Community members mentioned the lack of feedback and analysis on annual reporting rendered them ineffective. While the data was appreciated, action to address issues identified through the data was considered more important.²⁸¹

While the MVEIRB agreed that there were negative impacts identified through the SEA reporting, they also noted there was a lack of meaningful discussion of the impacts or initiatives to address them and indicated that improved engagement and adaptive management would help the GNWT meet its commitments under the SEA. When the GNWT responded to concerns about SEA ineffectiveness by noting the difficulty of establishing causality between negative indicator trends and diamond mining, the MVEIRB recognized the challenges but found the GNWT's lack of investigation into the causes of socio-economic impacts on communities from diamond mines was not consistent with its SEA obligations. In response to concerns from the GNWT that by catering programming and initiatives to diamond mining communities it would create preferential treatment for these communities, in opposition to its population-based approach to care, the MVEIRB stated that this approach did not represent preferential treatment but rather the GNWT's commitments under the SEA and its responsibility to residents in the mining communities.²⁸²

²⁷⁹ Mackenzie Valley Review Board. (2016). *Report of environmental assessment and reasons for decision. Dominion diamond Ekati corp. jay project. EA1314-01*. Retrieved from Mackenzie Valley Review Board website: https://reviewboard.ca/upload/project_document/EA1314-01_Report_of_Environmental_Assessment_and_Reasons_for_Decision.PDF

²⁸⁰ Mackenzie Valley Review Board, Gahcho Kué Panel. (2013). *Report of environmental impact review and reasons for decision. EIR 0607-001*. Retrieved from Mackenzie Valley Review Board website: https://reviewboard.ca/upload/project_document/EIR0607-001_Gahcho_Kue_Diamond_Mine_Project_Report_of_EIR.PDF

²⁸¹ Mackenzie Valley Review Board. (2016). *Report of environmental assessment and reasons for decision. Dominion diamond Ekati corp. jay project. EA1314-01*. Retrieved from Mackenzie Valley Review Board website: https://reviewboard.ca/upload/project_document/EA1314-01_Report_of_Environmental_Assessment_and_Reasons_for_Decision.PDF

²⁸² Mackenzie Valley Review Board. (2016). *Report of environmental assessment and reasons for decision. Dominion diamond Ekati corp. jay project. EA1314-01*. Retrieved from Mackenzie Valley Review Board website: https://reviewboard.ca/upload/project_document/EA1314-01_Report_of_Environmental_Assessment_and_Reasons_for_Decision.PDF

The MVEIRB indicated that the SEA should not be the only mechanism to mitigate adverse social issues likely to arise from the Ekati Jay Project.²⁸³ That being said, MVEIRB also “...agrees with the SEA’s intent and agrees that the GNWT should maintain a leading responsibility in managing social issues related to diamond mining”.²⁸⁴

Under the EIR for the Gahcho Kué project, one of the communities indicated that socio-economic agreements between Indigenous organizations and the proponent are needed in addition to the SEA (between the GNWT and the proponent) to address the impacts from an influx of southern workers anticipated with the development of the mine.²⁸⁵ The MVEIRB Panel agreed with the GNWT that the SEA was needed as a mechanism to achieve the objectives of monitoring, reporting, testing of socio-economic predictions in the environmental impact statement as well as to use adaptive management to maximize benefits for all NWT residents, but there was no mention of the degree to which SEAs were successful in their objectives.²⁸⁶

3.7 How well-suited are the indicators for measuring progress?

Question 3.7 Summary Overview

The review found that while the indicators are well-suited to contribute to measurements of progress in some instances, in others they are not appropriate for ensuring there is adequate context to understand the results or for capturing the full impact of a project or its SEA commitments. It was suggested that more qualitative information was required to show what is actually happening on the ground. It was also noted that some indicators, especially health indicators for local communities, are not measuring their intended targets.

While many participants mentioned that some indicators are appropriate and useful, it was regularly noted that the indicators have limitations. Some participants question whether there is sufficient monitoring taking place to ensure the data is being collected, reported and used in any meaningful way.

Participants identified a variety of additional mine and GNWT indicators they feel would be useful and should be considered for inclusion in the SEAs, including, for example, measurable indicators focused on employment, income, training, education, business forecasting, and scholarships. A need was expressed for more indicators that address individual, family and community health and well-being as well as environmental indicators such as number of caribou (given the link between Indigenous health and wellness and reliance on country food).

²⁸³ Mackenzie Valley Review Board. (2016). *Report of environmental assessment and reasons for decision. Dominion diamond Ekati corp. jay project. EA1314-01*. Retrieved from Mackenzie Valley Review Board website: https://reviewboard.ca/upload/project_document/EA1314-01_Report_of_Environmental_Assessment_and_Reasons_for_Decision.PDF

²⁸⁴ Mackenzie Valley Review Board. (2016). *Report of environmental assessment and reasons for decision. Dominion diamond Ekati corp. jay project. EA1314-01*. Retrieved from Mackenzie Valley Review Board website: https://reviewboard.ca/upload/project_document/EA1314-01_Report_of_Environmental_Assessment_and_Reasons_for_Decision.PDF

²⁸⁵ Mackenzie Valley Review Board, Gahcho Kué Panel. (2013). *Report of environmental impact review and reasons for decision. EIR 0607-001*. Retrieved from Mackenzie Valley Review Board website: https://reviewboard.ca/upload/project_document/EIR0607-001_Gahcho_Kue_Diamond_Mine_Project_Report_of_EIR.PDF

²⁸⁶ Mackenzie Valley Review Board, Gahcho Kué Panel. (2013). *Report of environmental impact review and reasons for decision. EIR 0607-001*. Retrieved from Mackenzie Valley Review Board website: https://reviewboard.ca/upload/project_document/EIR0607-001_Gahcho_Kue_Diamond_Mine_Project_Report_of_EIR.PDF

Participants noted that there is little consistency between the SEA commitments in different agreements, potentially arising from lessons learned (i.e., over time and based on past experience new commitments have been included in new agreements) and suggested that the indicators chosen should be tailored for each project and its potential impacts and community characteristics. Concern was expressed that data collection was treated more like a mechanical process, or 'check box' exercise, and it was suggested that the indicators be revisited and refreshed during the life of the project, potentially updated based on actual possible achievements and the available workforce.

In addition, there were recommendations for the adoption of an adaptive management approach to ensure that effects from resource development activities are fully understood at the beginning, middle, and end of a project.

3.7.1 Engagement

Please note: The findings contained within this section reflect the perceptions, experiences, and opinions of engagement participants.

3.7.1.1 GNWT Departments

While some GNWT participants feel the indicators are appropriate, they also noted limitations such as constraints regarding timeframes (e.g., to end of mine life), lack of focus on mitigation indicators and little consistency between the SEA indicators across mines. Suggestions for new mine and GNWT indicators are provided below.

Mines:

- Employment Data
 - Hiring data by Hiring Priority, job category, by NWT community in total numbers (head count), and percentage of total hires
 - Total employment in person years and head count, by Hiring Priority, job category, by NWT Community, in total numbers and percentage of the workforce
 - Efforts to promote the participation of women in the workforce
- Training Indicators
 - Participation rates, effectiveness/results of training activities for trades, apprenticeships, and professional training
- Gross value of goods and services purchased during the calendar year by category of purchase in relation to the phase of the mine project and the purchase priorities
- A business forecast and assessment for the upcoming year to identify foreseeable procurement requirements of mines, and record of providing it to Aboriginal businesses and NWT businesses annually
- Allocation of scholarships to Aboriginal Persons and the NWT Residents by gender and the study topic
- Participation of Aboriginal Persons and NWT Residents in summer employment opportunities
- Pick-Up Point locations for the previous year
- report of healthy food options available at the mine site
- Activities related to promoting cultural preservation and understanding
- Information relating to mine's progress in fulfilling its commitments under the SEAs and employment and training by gender

GNWT:

- Average income
- Income assistance cases
- Employment
- Employment participation rate
- Registered businesses, bankruptcies and start-ups
- Percent of work force engaged in traditional activities
- Ratio of home-language use to mother tongue, by major age groups
- Injuries, by age group
- Lone-parent families
- Number of mothers and children referred to shelters
- Police-reported crimes according to the following categories: violent, property, drug-related, other
- Communicable diseases (sexually transmitted infections, tuberculosis)
- Children in care
- Reporting on training activities
 - Principal ECE liaison
 - Collaborations with Aboriginal organizations, Aurora College, Mine Training Society, and other organizations on literacy and training programming
 - Planning and delivery of community-based literacy and training programs
 - Collaborations with mines to plan, design, or co-ordinate the delivery of employment support programs
 - Funding provided for literacy, pre-employment training and trades-related training for GNWT approved activities
 - Development and distribution of information on careers in the mining industry to high school counsellors and distributed publicly
 - Promoting and organizing career fairs for high school students and adults
 - Course offered in schools that prepare students for future employment in the mining industry
 - Opportunities offered to mine employees to participate in professional development programs or courses organized for the territorial public service

Further additions that could be made to indicators and reporting include:

- Adding high school completion rate²⁸⁷
- Adding participation rates, effectiveness/results of training activities for trades, apprenticeships, and professional training
- Including information that will support adaptive management efforts
 - For example, knowing which positions are being trained and efforts are being expended where the NWT resident shortages are would improve SEA performance. Reporting could indicate how the goal of improving participation rates in the job categories that are experiencing the greatest challenges is being addressed.
 - Apprenticeship Training Assistance needs and participation
 - Focus adaptive management on mine databases of qualified suppliers on the areas where NWT business are not succeeding in providing the goods and service.

²⁸⁷ High school completion rate is currently an indicator under the Ekati SEA but did not appear to be included in annual reporting.

Mines:

- Advancement rates
- Turnover rate
- Job Titles employed
- Job profiles
- Pay Ranges for determination of the estimated salary dollar leakage to other jurisdictions
- Establish different levels of information and reporting, enabling some information shared to not become public to support the confidentiality of businesses while focusing on improving benefits.
- Use standardized definitions of job categories to enable comparisons and improve the tools that ECE would have at their disposal for future career fairs and community engagement.
- Collect best practices from the mines on support for local business to improve performance at other projects, and or industries
- Improve the ability to verify the data

3.7.1.2 Proponents

While some proponents feel their company's indicators are appropriate, others question their suitability. For instance, one individual commented that the hiring targets are not achievable and seem to be a "*checkbox exercise*", and another noted that the indicators used for measuring progress or achievement of SEA hiring, education/training and retention/advancement commitments are not appropriate because "*they do not tell the full story*" and that indicators that could provide additional detail, such as the number of applicants for positions, are missing.

It was suggested that having some metrics for measuring SEA outcomes related to employment and business spending would be helpful as would ensuring some flexibility in the metrics because there are many ways to present information in these areas. It was noted, for example, that percentage of total employment "*doesn't tell enough of a story*". Participants agreed that changes should be made to the indicators to allow for review, change and flexibility over time. They noted that the metrics were developed at the start of the agreement, before the project start date, so a collective review and revisit of the indicators would be helpful. Similarly, it was suggested that the indicators be updated based on actual possible achievements and the available workforce, and that hiring targets be adjusted with agreement from all signatories.

3.7.1.3 Indigenous Governments and Organizations

It was suggested that the indicators be revised to allow for the capture of more contextual information that would tell a more complete story.

I don't think anyone takes issue with seeing more Indigenous people employed but there needs to be a broader set of indicators that can better appreciate the capacity issues and the internal issues that come with a SEA. For example, how many training positions have been created under the SEAs. Need more qualitative data, not just the quantitative data because the qualitative data shows what's really changing on the ground.

Indigenous Government and Organization participants spoke about the need for more indicators that address individual, family and community health and well-being. These indicators include: teenage pregnancy, cancer rates, family breakdown, manner justice is applied to Indigenous peoples, and cost of living (comparison between small and larger communities). It was also noted that the suite of community well-being indicators is not sufficient; that they are just indicators, just numbers with little or no meaning and analysis to try to understand the actual outcomes. It was recommended that the indicators reflect both traditional and western (“*old and new*”) understanding of well-being. Participants also suggested the need for environmental indicators such as number of caribou given the link between Indigenous health and wellness and reliance on country food, high cost of food in the small communities and increasing rates of diabetes.

It was suggested that the SEA commitments for each mine be presented as a dashboard that was colour-coded to allow for differentiation of indicators which have been met, are struggling to be met, and are clearly not being met. If the information was presented in this manner and shared among the parties (mine, the GNWT and Indigenous communities) then they could more easily work together to identify solutions that would support successful implementation of the SEAs.

3.7.1.4 Other

The “Other” group included representatives from the Chamber of Mines, businesses, women’s organizations, regulator and education and training providers. Participants from the “Other” group commented that there is a growing realization that the indicators being used are too broad and are not specific enough with respect to families and communities. They also noted there may have been a practice of using some indicators because they were based on data that was able to be collected, not because it was of significant value. They also suggested that prioritizing indicators between communities/projects is also important, as they are not all the same, and that monitoring will become increasingly important to enable adaptive management. Along the same lines, it was recommended that the indicators be re-examined to determine their value and how they are used and that this analysis should recognize that there are other forces at play that need to be identified as affecting success at resource development benefits.

Participants suggested the following indicators be added:

- High school completion rates
- Average education achievement
- Worker retention
- Worker advancement
- Reasons why workers leave employment

3.7.2 Jurisdictional Scan

It is suggested that when selecting indicators to monitor, that certain characteristics be taken into consideration:

- Simple and relevant
- Understandable to stakeholders
- Not require too many resources in terms of monitoring
- Comparable over time
- Available for the geographic area under consideration²⁸⁸

3.7.3 Desktop Review

The documents reviewed suggest that an ‘adaptive management’ approach must be taken in order to ensure that effects from resource development activities are fully understood at the beginning, middle, and end of a project. It was noted that the current indicators do not take into consideration the *“importance of having an iterative adaptive mechanism, whereby adjustments may be made as the project progresses”*²⁸⁹ and that the government and proponents have a responsibility to help ensure that indicators for progress are *“actually implemented; and support the ongoing review of both project operations and intervention strategies to ensure that net social benefits continue to be maximized”*.²⁹⁰

The literature also suggested that indicators for measuring progress towards commitments, especially with respect to health indicators for local communities, are often not measuring their intended targets.²⁹¹ To remedy this situation, new indicators were identified including, but are not limited to: equity (equal access to health services and health personnel for all members of the community); community participation (meaningful participation of the community in decision-making regarding planning, implementation and maintenance of health services); health promotion (providing people with information and to control and improve their own health); and intersectional collaboration (calls for action by sectors outside health services in a coordinated effort to support health).²⁹²

²⁸⁸ Northern Development Ministers Forum. (August 2013). *Benefit Agreements in Canada’s North - Priority Project on Sustainable Resource Development*. Retrieved from: <https://www.nadc.gov.ab.ca/Docs/benefit-agreements-2013.pdf>

²⁸⁹ Buse, C.G., et al. (2018.) *Towards more robust and locally meaningful indicators for monitoring the social determinants of health related to resource development across Northern British Columbia*. Report prepared for Northern Health. Prince George, BC: University of Northern British Columbia.

²⁹⁰ O’Faircheallaigh, C. (2009). *Effectiveness in social impact assessment: Aboriginal peoples and resource development in Australia*. *Impact Assessment and Project Appraisal* 27(2). Pages 95-110. <https://doi.org/10.3152/146155109X438715>

²⁹¹ Banfield, L. & Jardine, C. (2013). *Consultation and remediation in the north: meeting international commitments to safeguard health and well-being*. *International Journal of Circumpolar Health* 72(1). <https://doi.org/10.3402/ijch.v72i0.21231>

²⁹² *Ibid.*

4. Key Relevance Findings

This section presents the analyzed key relevance findings necessary to answer the evaluation question:

Are the current SEA indicators the most relevant ways to document performance against desired outcomes and areas for improvement?

Based on the evaluation matrix, findings for following **relevance sub-questions** were presented:

- What SEA commitments contributed most/least to achievement of SEA intended objectives? (Sub-question 2.1)
- Are there any other factors that may have played a role in achievement of SEA intended objectives? (Sub-question 2.2)
- Are there benefits that are currently not being realized through SEAs? (Sub-question 2.3)
- Are there additional commitments that should be added within the SEAs? Why? (Sub-question 2.4)
- To what extent have SEA commitments remained relevant over the life of the project? (Sub-question 2.5)
- What SEA reporting occurs outside of SEA commitments/indicators? (Sub-question 2.6)

The findings for each sub-question are presented by data collection method – administrative review, engagement (GNWT Departments, proponents, Indigenous Governments, and Others (NWT and NU chamber of Mines, NWT businesses, women's organization, regulator, education and training providers)), jurisdictional scan and desktop review – and then a summary of all findings from all methods is included at the end of each sub-question.

Please note that based on the evaluation matrix (refer to Appendix A), not every data collection method addresses each question.

4.1 What SEA commitments contributed most/least to achievement of SEA intended objectives?

Following the summary overview, the findings for this question are organized as follows:

- SEA commitments that contributed most to achievement of SEA intended objectives
- SEA commitments that contributed least to achievement of SEA intended objectives

There are a number of commitments for which it is not possible to say whether they contributed most/least to the achievement of SEA intended objectives because of lack of data and inconsistent trend data.

Question 4.1 Summary Overview

Although the evidence suggests the performance of some commitments is uncertain (e.g., apprenticeships because of such varied responses), it is possible to identify what appear to be the most and least successful contributors to the SEA intended objectives.

Commitments that contributed most to SEA objectives were:

- In the Employment area: employment of Northern residents, indigenous peoples and women and the career advancement of Northern residents and Indigenous peoples²⁹³
- In Business Development: the purchase of goods and services from NWT and Indigenous businesses
- In Training and Education: Training provided by the Mine Training Society, trades training and scholarships (proponent commitments) Training by the GNWT and reduced proportion of residents with education levels less than Grade 9 (GNWT commitments)

Commitments that appeared to contribute least to achieving SEA objectives were:

- Career advancement of Northern residents and Indigenous peoples²⁹⁴
- Number of registered NWT businesses
- Number of STIs
- Number of single parent families
- Incidence of family violence / spousal assault
- Police reported incidences (all) and police reported violent crimes, property crimes, traffic crimes and other criminal code offences

4.1.1 SEA commitments that contributed most to achievement of SEA intended objectives

4.1.1.1 Administrative Review

Based on the review of administrative information available (i.e., proponent and GNWT annual reports), the commitments identified in this section (for the year(s) specified), met or exceeded the intended objectives of the SEA. The findings are presented by commitment area:

- Employment
- Business development
- Training and education

²⁹³ Evidence from the administrative review suggests that commitments related to career advancement of Northern residents and Indigenous peoples both contributed most and least to SEA objectives. Increases were observed for some years regarding the percent of employment in a management labour category or management and skilled labour category, while decreases were observed for some years with respect to the percent of employment in the professional labour category.

²⁹⁴ Evidence from the administrative review suggests that commitments related to career advancement of Northern residents and Indigenous peoples both contributed most and least to SEA objectives. Increases were observed for some years regarding the percent of employment in a management labour category or management and skilled labour category, while decreases were observed for some years with respect to the percent of employment in the professional labour category.

Employment Commitments

Table 16 identifies employment commitments made by the proponents that supported achievement of their specific SEA objectives.

Table 16: Employment Commitments That Contributed Most to Achieving SEA Objectives

Commitment/Indicator	Evidence	Supporting Data
Employment of Northern residents	Targets met in 2 SEAs; ²⁹⁵ many hundreds of Northern residents employed	<ul style="list-style-type: none"> Diavik: 306.5 (2015) to 335.0 (2018)²⁹⁶ Ekati: 494 (1999) to 962 (2015) Gahcho Kué: 149 (2015) to 239 (2019)
Employment of Indigenous peoples	Targets met in all 3 SEAs; many hundreds of Indigenous persons employed	<ul style="list-style-type: none"> Diavik: 213 (2015) to 229 (2018)²⁹⁷ Ekati: 235 (1999) to 500 (2015) Gahcho Kué: 47 (2015) to 151 (2019)
Employment of women	Increased % of women employed	<ul style="list-style-type: none"> Ekati: increase from 13% (2000) to 14% (2019) Gahcho Kué: increase from 13% (2015) to 17% (2019)
Career advancement of Northern residents	General increased % of employment in management labour category	<ul style="list-style-type: none"> Diavik: 3.2% (2015) to 5.6% (2018) Ekati: 0% (2000) to 3.2% (2019) Gahcho Kué: 0.1% (2015) to 3.2% (2019)
Career advancement of Indigenous peoples	General increased % of employment in management and skilled labour categories	<p><u>Management:</u></p> <ul style="list-style-type: none"> Diavik: 0% (2015) to 0.8% (2018) Ekati: 0% (2000) to 0.8% (2019) Gahcho Kué: 0.2% (2015) to 1.3% (2019) <p><u>Skilled:</u></p> <ul style="list-style-type: none"> Diavik: 56.5% (2015) to 65.4% (2018) Ekati: 12.4% (2000) to 35.0% (2019)

Sources: *Diavik Diamond Mine Sustainable Development Annual Report (2019); Ekati Diamond Mine Annual Socio-Economic (Agreement) Report (2016, 2019); Gahcho Kué Mine Socio-Economic Report (2019)*

Business Opportunity Commitments

Table 17 identifies business opportunity commitments made by the proponents that supported achievement of their specific SEA objectives.

Table 17: Business Opportunity Commitments That Contributed Most to Achieving SEA Objectives

Commitment	Evidence	Supporting Data
Purchase of goods and services from NWT businesses	Targets met in all 3 SEAs; hundreds of millions of \$ purchased each year by each mine	<ul style="list-style-type: none"> Diavik: between \$259M (2015) and \$521M (2007) Ekati: between \$150M (1998) and \$374M (2005) Gahcho Kué: between \$179M (2016) and \$225M (2015)
Purchase of goods and services from Indigenous businesses	Targets met in all 3 SEAs; hundreds of millions of \$ purchased each year	<ul style="list-style-type: none"> Diavik: between \$110M (2015) and \$276M (2007) Ekati: between \$25M (1999) and \$151M (2018) Gahcho Kué: between \$42M (2016) and \$89M (2015)

Sources: *Diavik Diamond Mine Sustainable Development Annual Reports (2007, 2015); Ekati Diamond Mine Annual Report on Northern Employment and Spending (2005); Ekati Diamond Mine Annual Report on Local Purchases Construction Phase (1998); Ekati Diamond Mine Socio-Economic Agreement Report (2018); Gahcho Kué Mine Socio-Economic Reports (2015, 2016)*

²⁹⁵ *Ekati and Gahcho Kué SEAs only.*

²⁹⁶ *All in person years.*

²⁹⁷ *All in person years.*

Training and Education Commitments

Table 18 identifies a number of training and education commitments made by the proponents and the GNWT that supported achievement of their specific SEA objectives.

Table 18: Training and Education Commitments That Contributed Most to Achieving SEA Objectives

Commitment/Indicator ²⁹⁸	Evidence	Supporting Data
Proponents		
Apprenticeships	Targets met	<ul style="list-style-type: none"> • Diavik: exceeded minimum target of 8 apprenticeships every year (min 13, max 29) • Gahcho Kué: met minimum target of 3 apprenticeships within stipulated 3-year timeframe
Trades Training	Target met	<ul style="list-style-type: none"> • Gahcho Kué: met minimum target of 4 trades training positions within stipulated 3-year timeframe
Scholarships	Annual scholarships to NWT high school graduates	<ul style="list-style-type: none"> • Diavik: between \$187k and \$216k per year • Ekati: scholarships provided annually; no clear break-down of \$ amounts • Gahcho Kué: between \$20k and US\$33k per year
GNWT		
Training by GNWT	Job-specific, pre-employment and literacy training provided in 6 communities	<ul style="list-style-type: none"> • Totals (2017): <ul style="list-style-type: none"> • Job-specific: 344 trainees • Pre-employment: 799 trainees • Literacy: 7 trainees
Education Levels: less than Grade 9	Reduced %	<ul style="list-style-type: none"> • 1999: 12.8% • 2009: 9.4%

Sources: *Diavik Diamond Mine Sustainable Development Annual Report (2005, 2007, 2010, 2015, 2016, 2017, 2018); Ekati Northern and Aboriginal Employment Report (2001), Environmental Agreement Annual Report (2002), Annual Report on Northern Employment and Spending (2006), Socio-economic Agreement Report (2017, 2018, 2019); Gahcho Kué Socio-Economic Report (2015, 2016, 2017, 2018, 2019); GNWT Communities and Diamonds Annual Report (2000, 2013)*

It is important to keep in mind that the education level GNWT indicator is for the NWT as a whole.

Community, Family and Individual Well-being Indicators

It is important to keep in mind that GNWT indicators are for the NWT as a whole; they are not specific to those communities impacted by the mines.

²⁹⁸ *Indicators in italics are reported by the GNWT.*

²⁹⁹ *Diavik and Gahcho Kué SEAs only.*

³⁰⁰ *Gahcho Kué SEA only; no trades position targets in other SEAs.*

4.1.1.2 Engagement

Please note: The findings contained within this section reflect the perceptions, experiences, and opinions of engagement participants.

GNWT Departments

Participants noted that largest contributions came from:

- MTS training programs, apprenticeships and participation in the Northern Leadership Development Program
- Targets for employment and procurement
- Participation in, and results of, training activities for trades, apprenticeships, and professional training
- Requirements for engagement – as they are currently the primary method for Indigenous Governments to have a voice in the process
- Priority hiring and procurement
- Public reporting requirements as they offer increased accountability to NWT residents

Proponents

The following organization/activities were identified as contributing most to achievement of SEA intended objectives:

- The MTS, through their programs, have created a more qualified workforce and trained a large number of apprentices to date.
- An economy for local businesses has been created with some high-performing businesses in communities.
- Exceeding the targeted number of Northern employees.

Other

The commitments said to have contributed most are those that focus on: reporting requirements, with the statistics related to jobs, training, and businesses created being very powerful; and training partnerships (i.e., the MTS has been very successful in training a large number of Northerners for the mines).

4.1.2 SEA commitments that contributed least to achievement of SEA intended objectives

4.1.2.1 Administrative Review

Based on the review of administrative information available (i.e., proponent and GNWT annual reports), the commitments identified in this section (for the year(s) specified), appear not to have met the intended objectives of the mine-specific SEA. The findings are presented by commitment area:

- Employment
- Business development

Employment Commitments

Table 19 identifies employment commitments made by the proponents that did not support achievement of their specific SEA objectives.

Table 19: Employment Commitments That Contributed Least to Achieving SEA Objectives

Commitment/Indicator	Evidence	Supporting Data
Career advancement of Northern residents	General decreased % of employment in Professional labour category ³⁰¹	<ul style="list-style-type: none">• Diavik: 24.0% (2015) to 13.2% (2019)• Ekati: 18.0% (2000) to 0.9% (2019)
Career advancement of Indigenous peoples	General increased % of employment in Professional labour category ³⁰²	<ul style="list-style-type: none">• Ekati: 50.6% (2000) to 42.9% (2019)• Gahcho Kué: 26.8% (2015) to 19.7% (2019)

Sources: *Diavik Diamond Mine Sustainable Development Annual Report (2019); Ekati Diamond Mine Annual Socio-Economic (Agreement) Report (2016, 2019); Gahcho Kué Mine Socio-Economic Report (2019)*

Business Opportunity Indicators

Table 20 shows one GNWT indicator that did not support business opportunity development.

Table 20: Business Opportunity Commitment That Contributed Least to Achieving SEA Objectives

Commitment/Indicator	Evidence	Supporting Data
Registered NWT businesses	Reduced number of registered businesses in the NWT	<ul style="list-style-type: none">• 2002: 2,212 registered businesses• 2007: 1,953 registered businesses

Sources: *GNWT Communities and Diamonds Annual Report (2002, 2008)*

4.1.2.2 Engagement

Please note: The findings contained within this section reflect the perceptions, experiences, and opinions of engagement participants.

GNWT Departments

It was mentioned that smaller contributions to the achievement of SEA objectives arose from commitments to:

- Apprenticeships
- Scholarships
- Average income
- Income assistance cases
- Employment
- Employment participation rate
- Registered businesses, bankruptcies and start-ups
- Number of people 15 years and older with less than grade 9
- Number of people 15 years and older with a high school diploma

³⁰¹ True for 2 of the 3 SEAs.

³⁰² True for 2 of the 3 SEAs.

Proponents

The following /activities were identified as contributing least to achievement of SEA intended objectives:

- The lack of information about how much money is generated by local businesses and stays within the communities.
- The cultural and community well-being components of SEA which are expected to diminish when the mine closes before coming to an end.
- The lack of forum to address ongoing gaps between expected and actual outcomes.

Other

As for those commitments that have contributed least, it was suggested that apprenticeships are not the most effective mechanisms for SEAs, as they take too long, do not provide a lot of return for the mines, and require a supportive journey person as a mentor (which cannot be assumed to be in place).

More generally, it was stated that it is difficult to identify the significance of effects as a result of the SEAs, and that SEAs are reactive in nature – seeming to require communities to reach a certain level of effects before action is taken. Additionally, many of the commitments within the SEAs are vaguely articulated, which has created problems for tracking. It was also noted that while the indicators are relevant for economic areas, they are less so for social well-being.

It was suggested that thresholds should also be set and measured to support mitigation response programs and understanding of acceptable levels of change. In addition, there needs to be increased analysis of effects in addition to the monitoring and reporting that occurs and, increased emphasis on adaptive management and mitigation along with greater coordination of actions within the GNWT (a “whole of government” approach is needed).

4.2 Are there any other factors that may have played a role in achievement of SEA intended objectives?

Question 4.2 Summary Overview

Other factors that may have played a role in the achievement of SEA intended objectives include:

- GNWT's Territory-wide programs for education, supported by federal transfer payments
- IBAs with Indigenous Governments and Organizations, the ISETS Program, and the environmental assessment processes requiring proponents to work with Indigenous Governments and supporting skill building initiatives
- Increased awareness of labour market opportunities and increased connectedness arising from social media.

4.2.1 Engagement

Please note: The findings contained within this section reflect the perceptions, experiences, and opinions of engagement participants.

4.2.1.1 GNWT Departments

It was noted that the provision of a wide range of GNWT programs and services to the broader NWT population plays a direct role in improving levels of education and training. Similarly, there are many initiatives, such as on-the-land training, that contribute to SEA intended objectives. Additionally, IBAs with Indigenous Governments and Organizations, the ISETS Program, and the environmental assessment processes requiring proponents to work with Indigenous Governments may have played a role in helping achieve SEA objectives. As well, partnerships with the NWA-NWT and MTS may also have provided assistance.

4.2.1.2 Indigenous Governments and Organizations

Federal transfer payments received by the NWT and used to support training and development, help more local people enhance their knowledge and skills.

4.2.1.3 Other

The “Other” group included representatives from the Chamber of Mines, businesses, women’s organizations, regulator and education and training providers. Positive contributions may have arisen from increased awareness of national and global labour market opportunities, jobs, careers and more awareness of training through the internet. Social media is said to having an empowering effect, enabling greater connectivity and independence. Additionally, it was noted that IBAs helped with the achievement of SEA objectives and that there were pockets of excellence arising from “Indigenous Skills Education Training” (ISkill) which provided \$90M over 5 years.

Some factors, such as the legacy of residential schools and substance abuse, may also be impacting the achievement of SEA intended objectives.

4.3 Are there benefits that are currently not being realized through SEAs?

Question 4.3 Summary Overview

The review revealed that there are benefits currently not being achieved through SEAs. Specific benefits include the retention of office positions for mining companies within the NWT, counselling and in-person services and training in communities, the hiring of women, and the promotion and retention of employees.

4.3.1 Engagement

Please note: The findings contained within this section reflect the perceptions, experiences, and opinions of engagement participants.

4.3.1.1 GNWT Departments

It was noted that the national average for female participation in the mining workforce in 2020 was 16% of total employees, and that for a long time, NWT mines have fallen behind the national average. A contributing factor is that mines have a limited pool of candidates to hire from in the NWT, and there is competition among the mines. However, a concerted effort has led to more women participating, and that the lessons learned from this push could contribute to fixing other areas of low performance. It was also mentioned that there is an inadequate focus on promotion advancement and the training of existing employees. GNWT Participants suggested that support for achieving these benefits may come from enhancing enforcement capabilities for SEAs and improving collaboration and capacity to allow organizations such as the NWA-NWT to expand their programming.

Other GNWT participants stated that broad support for Northern trainers is not occurring. They noted that while the MTS receives funding, other northern trainers could be candidates for support to extend training into small communities. There are also challenges providing training in small, remote communities with low participant numbers, and it was suggested that multi-year funding agreements for training along with in-kind support from the mines could help support achievement of greater training benefits.

4.3.1.2 Proponents

It was noted that outpatient counselling and other commitments to be delivered in the communities by proponents are hard to implement. Companies usually rely on online options to provide these services and/or limit the benefits to employees on-site. It was suggested that a steering committee to review and identify priorities each year as well as to identify how to fill gaps is needed to help support achievement of benefits. It was also suggested that collecting feedback from communities to understand impacts that are not being mitigated would be helpful.

4.3.2 Desktop Review

The NWT and NU Chamber of Mines reported in 2017 that some job losses since 2011 were a result of Dominion Diamond relocating its corporate office to Calgary from Yellowknife and De Beers Canada moving some of their staff from Yellowknife to Calgary.³⁰³ Although the Diavik SEMA requires that the corporate headquarters for the mine remain in the NWT during the life of the project and that the Calgary office is to be closed with remaining employees relocated to the NWT after construction, Dominion Diamond was the minority partner in Diavik at the time of the report and these commitments may not have been applicable.^{304, 305} Similarly for Gahcho Kué, there is a commitment in the SEA to maintain a human resources office in the NWT but it does not stipulate that staff roles unrelated to human resources cannot relocate from Yellowknife to Calgary.³⁰⁶ In this case, although it seems that the commitments were met, the desired outcome may not have been achieved - to retain office positions in the NWT.

³⁰³ Northwest Territories & Nunavut Chamber of Mines. (2017). *Measuring success 1996-2016: diamond mines deliver big benefits to the Northwest territories*. Retrieved from Mining North website: https://www.miningnorth.com/_rsc/site-content/library/publications/NWT-Nunavut_Chamber_of_Mines_Measuring_Success_2016_FINAL.pdf

³⁰⁴ Northwest Territories & Nunavut Chamber of Mines. (2017). *Measuring success 1996-2016: diamond mines deliver big benefits to the Northwest territories*. Retrieved from Mining North website: https://www.miningnorth.com/_rsc/site-content/library/publications/NWT-Nunavut_Chamber_of_Mines_Measuring_Success_2016_FINAL.pdf

³⁰⁵ Diavik Diamonds Project Socio-Economic Monitoring Agreement. (1999, October 2).

³⁰⁶ Gahcho Kué Project Socio Economic Agreement. (2013, June). https://www.iti.gov.nt.ca/sites/iti/files/de_beers_gahcho_kue_project_-_june_2013.pdf

4.4 Are there additional commitments that should be added within the SEAs? Why?

Question 4.4 Summary Overview

Although some participants indicated that no new commitments should be considered until there is improved performance on existing commitments, the review identified a number of additional commitments that could be added to the SEAs.

A significant number of the additional commitments identified focused on improving the effectiveness of employment, training and business development targets through better data, coordination of information and collaboration among parties and projects. Suggestions included improving the identification of skill needs and their timing in the project, as well as their linkages to the available labour pool and training programs. Cooperative recruitment initiatives and training coordination that includes local, territorial, federal and Indigenous governments was also identified. In addition, specific targets for hours worked by locally hired workers, and the development of specific skills and capacities (in particular technical skills) were identified as more effective commitments.

To improve effectiveness of business development commitments, suggestions included encouraging joint ventures and the direct-award of contracts to local firms, requiring bids to detail expected local benefits and enforcing those actions through suppliers, requiring contractors to have a base of operations in the Territory, providing annually updated five-year business opportunities forecasts to government, and regularly assessing the success in obtaining local content and developing action plans for improvement.

Another group of suggested commitments aim to improve or extend the legacy of investments made during the project, for example by establishing a long-term education and training fund and/or contribution to an education and research legacy or innovation centre. Including a commitment to provide training on employment and business management skills that are transferrable to work beyond the project in question was suggested, as well as providing training and support to improve worker and business capacity to participate in initiatives post closure or remediation.

Another group of potential additional commitments is aimed at improving the fit or management of project benefits with community needs and capacity be considered for inclusion. For example, using community input to tailor commitments to individual communities as well as to prioritize retraining and transition supports, including community capacity development initiatives. Additionally, infrastructure commitments that are collaboratively planned with local and territorial governments were also identified.

A further potential commitment area identified relates to extending the scope of the benefits included. For example, commitments could support a broader range of the workforce (e.g., disadvantaged populations, including potentially women, visible minorities, persons with disabilities, and Indigenous groups) as well as specific gender and diversity targets and supports. Other suggestions included requiring construction of

accommodations within a community to house non-local workers, and not allowing fly-in workers after the construction period and requiring some kind of local processing of extracted materials (e.g., off site sorting, valuation etc.). In addition, commitments related to protecting archeological resources, providing revenue or rent to government(s) and providing a more robust cultural and mental well-being and family assistance resource network were also noted. It was mentioned that government may also provide additional benefits, such as commitments for issuing grants or preferred utility rates, and to maintain a legislative framework for the duration of the project.

Moreover, additional commitments were identified that would improve the oversight and management of SEAs, such as outlining specific processes for dispute resolution, oversight and enforcement of agreements, and requiring plans for compliance with commitments and for holding contractors to commitments as well.

4.4.1 Engagement

Please note: The findings contained within this section reflect the perceptions, experiences, and opinions of engagement participants.

4.4.1.1 GNWT Departments

GNWT participants suggested that SEAs might include new commitments, such as re-training and transition support for workers leaving a position (e.g., due to closure or advancement opportunity) and training programs, with input from Indigenous governments and prioritized by community advisory groups. Collaboration across projects was also suggested, for example, including data and information sharing commitments to work with other industry partners for improved benefit retention for NWT residents. It was also proposed there could be commitments addressing new business capacity.

4.4.1.2 Proponents

With respect to the hiring and training of Northern employees, it was suggested that new commitments in the following areas be considered:

- Community-level data that identifies those who are looking for work and their skill levels
- Better partnership with the communities
- Renewed focus on the apprenticeship program
- Identification of what skills are needed in the different phases of the project and then to create targets around them - workforce planning from the business perspective
- Proactive and timely skill development that supports transitions from one phase of the project to another
- For post-closure skill development - the skills needed in construction and operations are very different from those needed at closure
 - It was suggested that the SEA be reviewed and revised to address closure as this was not considered when the SEAs were written, and some projects with SEAs are approaching closure
- Inclusion of more MTS programs for adult learners in the high school curriculum
- Skill development focused on business and sustainability (i.e., transferrable skills and skills required in the future as the industry changes

With respect to additional SEA commitments to better support cultural well-being and traditional economy opportunities, proponent participants identified:

- A better approach to managing mental well-being especially for Indigenous employees that includes a formal network of Indigenous counsellors and counsellors who understand the legacy of residential school trauma
- Ensure the social landscape is being addressed – for example, during language month in the NWT, if the GNWT Indigenous language division is providing training, that could be shared with the mines to support these areas
- Align relevant processes, engagements, or protocols related to cultural well-being commitments – for example, there is interest in aligning with the GNWT around honoraria, translation and knowledge gathering to ensure the company is operating in a culturally appropriate way.

New commitment areas related to community, family and individual well-being that were identified include: financial or money management training; on-site counselling especially for trauma triggered by the COVID-19 pandemic lockdowns; and family counselling. It was suggested that these are GNWT commitments, or commitments that could be addressed in partnership with industry.

4.4.1.3 Indigenous Governments and Organizations

Suggested additional commitments include:

- Legacy commitments that address post closure
- Sustainability of resource development commitments that are linked to economic, social, land and water needs - this would recognize that *“We need to have the modern economy but have got to think about the future generations”*.
- Social commitments that address the effects of residential school and speak to reconciliation.
- Environmental commitments that address the diminishing number of caribou.
- Retention commitments that focus on reducing “leakage out of the territory”.

Throughout a number of engagement sessions, individuals spoke about the need for commitments tailored to each signatory community's current capacity rather than general commitments that are applied to all communities. As one participant commented,

When you're designing the SEAs, there should be attention paid to the real capacity on the ground. And how to develop that capacity to achieve the desired results and impacts desired in the agreement. If the [Indigenous group] has limited business development, etc., the SEA should include metrics to understand the concrete situation on the ground and to be able see the improvements over time.

4.4.1.4 Other

The “Other” group included representatives from the Chamber of Mines, businesses, women's organizations, regulator and education and training providers. It was suggested that additional commitments that address broader societal problems and that require all levels of government, including community leadership and the

federal government, should be included. It was also suggested that programs should be required to address the whole lifecycle of a mine. Another individual stated that there should be more government commitments alongside industry's commitments, given that the government has tools to support achievement of some commitments that industry does/may not. It was recommended that no new commitments be added, but instead, the focus should be on improving the performance of what has already been committed to before introducing new things.

4.4.2 Jurisdictional Scan

With respect to what additional commitment could be considered for addition, the jurisdictional scan identified areas in which commitments were found to be **missing**³⁰⁷ from the NWT SEAs or **substantively different**³⁰⁸ in content from the NWT SEAs include:

1. Employment and Training
2. Procurement and Business Development
3. Further Processing/Additional Activities
4. Research and Development
5. Additional Charges
6. Checks, Balances and Remedies
7. Dispute Resolution
8. Government Commitments
9. Community, Family and Individual Well-being
10. Cultural Well-being and Traditional Economy Opportunities
11. Other (e.g., infrastructure, conflict of interest)

Each area is discussed below.³⁰⁹

Employment and Training

A number of additional employment and training commitments were identified in the jurisdictional agreements (refer to Table 21). These focus on local employment and training benefits and collaboration with government and other partners (e.g., educational institutions) to offer employment and training programs. While the approaches to implementing these commitments appears to be similar, the Newfoundland and Labrador (NL) agreements also include broad language around diverse/disadvantaged populations and require related plans, rather than focusing on local (Indigenous) residents only as seen in the NWT SEAs. Disadvantaged populations in NL included women, Indigenous groups, persons with disabilities and members of visible minorities.³¹⁰ It appears that some of these commitments also attempt to increase local capacity or benefits where direct local employment may not be initially possible.

³⁰⁷ "Missing" refers to commitments found in an agreement from another jurisdiction that are sufficiently different from commitments that exist in the NWT SEAs to be considered new and no longer substantially different variations of commitments in the NWT SEAs.

³⁰⁸ "Substantially different" refers to commitments found in an agreement from another jurisdiction that are related to but vary notably from commitments that exist in any of the NWT SEAs.

³⁰⁹ Please see the agreements for full original text.

³¹⁰ Canada-Newfoundland & Labrador Offshore Petroleum Board (C-NLOPB). (2016). *Canada-Newfoundland and Labrador Benefits Plan Guidelines*. Retrieved June 29, 2021 from <https://www.cnlopb.ca/wp-content/uploads/cnlopbsn/bpguide.pdf>

Table 21: Employment and Training Commitments

Jurisdiction	Project	Additional Commitment Information
Newfoundland and Labrador (NL)	Voisey's Bay	<ul style="list-style-type: none"> Targets for numbers of person hours worked in the province including for specific skilled areas (engineering, construction management, project management). Strong focus on skilled work and the development of technical capacity: <ul style="list-style-type: none"> Identifying opportunities and a plan in the human resources (HR) plan for technical staff (e.g., engineers, geoscientists) to develop and assume increasingly senior positions as the project proceeds; Requiring engineering during the operations phase to be performed from offices in the province; If work must be carried out outside the province, collaboration between local and out-of-province engineering firms; and Participation of provincial technical staff and plan identifying opportunities to develop and assume increasingly senior positions to be included in the HR plan. Proponent to identify gaps in provincial labour, suppliers, and supply as well as providing recommendations to the government to develop initiatives to improve capacity.
NL	Kami	<ul style="list-style-type: none"> Strong focus on skilled work and the development of technical capacity: <ul style="list-style-type: none"> Targets for numbers of person hours worked in the province for specific skilled areas (engineering, construction management, project management); Maximizing the use of engineering graduates and engineering co-operative program students in the province; Target for apprentices as a percentage of the workforce; If work must be carried out outside the province, creation of additional positions for residents to be based out of contractor locations – with a minimum number of associated work hours; and Knowledge transfer is also to be advanced through activities such as mentoring, job enrichment, and job sharing. Proponent to identify gaps in provincial labour, suppliers, and supply as well as providing recommendations to the government to develop initiatives to improve capacity. Construction of an accommodations complex in the province to house non-local workers during construction. 100% provincial resident workforce during the operations phase with no fly-in workers after a transition period. 100% provincial resident workforce for related railway operations; (short-term) training related to railway workers and non-apprenticed work to ensure that local residents meet the needs of the project. Establishing an education and training fund of not less than \$1 million per year over a seven year period for a total of not less than \$7 million; new agreement to be negotiated if mine output increases from 8 to 16 million tonnes per annum.
NL	Hibernia	<ul style="list-style-type: none"> Contribute \$10 million to one or more education and research oriented legacy projects; compliance with all requirements and guidelines of the Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB) regarding education and training activities. Gender equity and diversity program including a diversity plan (and separate women's employment plan); plans to include: <ul style="list-style-type: none"> Necessary organizational resources to lead related consultations, develop and implement (the plans); Long-term goals to employ more women in historically under-represented occupational areas; Implementation schedules for the plans, with monitoring and reporting on progress; Consultation on development and progress of the plans; annual consultation with stakeholders including community groups, the Board and government agencies; and (For the women's employment plan) accommodate women in living accommodations; provide safe and respectful working environment.

Saskatchewan (SK)	McClean Lake	<ul style="list-style-type: none"> Joint review with government (specifically Saskatchewan Learning) of Human Resource Development Agreement (HRDA), development in consultation with government of annual Human Resource Development Plans (HRDP). Special recruiting efforts in Northern communities in cooperation with local governments, First Nations, Métis, federal and provincial agencies. Organization and implementation of training programs to allow their application as credit towards certification or status recognized in Saskatchewan broadly - not limited to apprenticeship requirements.
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Procurement and Business Development

Although the NWT SEAs include commitments related to business development, the agreements from other jurisdictions include additional commitments related to these topics. These additional commitments were related to:

- Supporting and prioritizing local businesses
- Building local capacity
- Requiring local project offices

Supporting and Prioritizing Local Businesses

Some of the agreements in other jurisdictions include commitments to help support and prioritize local businesses, including provincial contracts being awarded with a competitive bid, proposals that describe the expected benefits, and the preparation of business opportunity forecasts (refer to **Table 22**).

Table 22: Supporting and Prioritizing Local Business Commitments

Jurisdiction	Project	Additional Commitment Information
NL	Voisey's Bay	<ul style="list-style-type: none"> Allowing contracts to be awarded without a competitive process if it is to a provincial supplier. Requiring proposals to describe and quantify the expected benefits to accrue in the province and using the level, nature and geographic location of expected Provincial benefits as part of bid evaluation. Requiring management, fabrication, engineering and procurement activities related to construction, fabrication and assembly services performed in the project to be located in-province. Shipping suppliers (e.g., shipping Nickel Concentrate) and air transportation services to have a base of operations in the Province. Vessels shipping to Canadian destinations, Canadian flagged and crewed; ships transporting Nickel Concentrate crewed by Provincial residents subject to availability.
NL	Kami	<ul style="list-style-type: none"> Use of provincial research institutions, laboratories, or other analytical facilities if needed during the life of the project. Encouraging non-provincial suppliers to establish operations in the province.
NL	Hibernia	<ul style="list-style-type: none"> Engineering and construction work that can be performed in the province, shall be performed in the province. Bidders required to use standards that meet Canadian Government Authority requirements; Canadian standards specified where appropriate. Any transshipping of crude oil to occur in the province.
SK	McClean Lake	<ul style="list-style-type: none"> Preparing and submitting annually a five-year rolling Business Opportunities Forecast to the government.

The literature suggests that the most effective way to support local businesses is through joint ventures with new and existing local businesses to provide goods and services.³¹¹ In Norway, they take this a step further by creating policies (supporting their agreements) that mandate local procurement of goods and services required for extraction. This has resulted in a system that incentivizes development of industries that support resource development projects (in their case oil and gas).³¹² Additionally, in Mongolia, they require proponents to create procurement commitments that are informed by community consultation as well as non-mining development.³¹³ While not a government-proponent agreement, the Qikiqtani IBA requires an annual review of contracts awarded by the proponent in the previous year to assess Inuit content in contracting.³¹⁴

Building Capacity

To build local capacity, the NL agreements include commitments such as encouraging alliances to support the transfer to skills and requiring debriefs for unsuccessful bidders (refer to Table 23).

Table 23: Building Capacity Commitments

Jurisdiction	Project	Additional Commitment Information
NL	Voisey's Bay	<ul style="list-style-type: none"> • Encouraging alliances/joint ventures between suppliers – specifically inside and outside province for the transfer of technological capabilities and skills to local businesses and residents. • Providing debriefs for unsuccessful bidders. • Sharing of information about major contract awards with the government.
NL	Kami	<ul style="list-style-type: none"> • Providing debriefs for unsuccessful bidders. • The province reserves right to review any procurement and or employment activities at any time to ensure compliance with the Agreement.

The literature suggests that capacity is key to a communities' ability to capitalize on resource development opportunities. When proponents work with communities to create capacity development plans that align with both the project needs and the community needs, benefits are maximized both during and after the project.³¹⁵

³¹¹ Loutit, J., Mandelbaum, J., and Szoke-Burke, S. (2016). *Emerging Practices in Community Development Agreements*. Columbia Center on Sustainable Development.

³¹² Werker, Eric; Cascadden, Maggie; Zmuda, Katherine; O'Reilly, Kevin. (April 23, 2017). *Policies for generating socioeconomic benefits from natural resource extraction projects: A research report for the Government of the Northwest Territories*. Retrieved from: https://www.jstor.org/stable/community.27990109?seq=1#metadata_info_tab_contents

³¹³ Werker, Eric; Cascadden, Maggie; Zmuda, Katherine; O'Reilly, Kevin. (April 23, 2017). *Policies for generating socioeconomic benefits from natural resource extraction projects: A research report for the Government of the Northwest Territories*. Retrieved from: https://www.jstor.org/stable/community.27990109?seq=1#metadata_info_tab_contents

³¹⁴ Werker, Eric; Cascadden, Maggie; Zmuda, Katherine; O'Reilly, Kevin. (April 23, 2017). *Policies for generating socioeconomic benefits from natural resource extraction projects: A research report for the Government of the Northwest Territories*. Retrieved from: https://www.jstor.org/stable/community.27990109?seq=1#metadata_info_tab_contents

³¹⁵ Werker, Eric; Cascadden, Maggie; Zmuda, Katherine; O'Reilly, Kevin. (April 23, 2017). *Policies for generating socioeconomic benefits from natural resource extraction projects: A research report for the Government of the Northwest Territories*. Retrieved from: https://www.jstor.org/stable/community.27990109?seq=1#metadata_info_tab_contents

Local Offices

Although NWT SEAs include commitments related to establishing local project-related offices, some of the jurisdictional agreements include additional requirements such as senior management located in the province, procurement personnel being knowledgeable about provincial suppliers, and engineering, procurement and construction management (EPCM) requiring provincial offices (refer to **Table 24**).

Table 24: Local Office Commitments

Jurisdiction	Project	Additional Commitment Information
NL	Voisey's Bay	<ul style="list-style-type: none">Procurement personnel staff at the office required to be knowledgeable about the capacities and capabilities of provincial suppliers.The engineering, procurement and construction management (EPCM) contractor required to establish and maintain an office in the province.Information centres were to be established (in the province), providing project information to the public.
NL	Kami	<ul style="list-style-type: none">The office to have appropriate levels of decision making to develop and operate the project and that senior management were to relocate to NL.
NL	Hibernia	<ul style="list-style-type: none">The office to have appropriate levels of staffing and decision-making.Main project engineering, procurement and construction contractors to have a contracts and procurement office in the province to manage activities.
NU	Meadowbank	<ul style="list-style-type: none">Administrative functions for the mine were to be located in Baker Lake to the extent practical.

Further Processing/Additional Activities

The Voisey's Bay and Kami agreements include commitments related to additional processing/project work (refer to Table 25). While the Diavik SEMA mentions a memorandum of understanding between the proponent and the GNWT regarding the availability of rough diamonds from the project to secondary diamond industry manufacturers, and the establishment of an off-site sorting facility for production splitting and royalty valuation purposes, the MOU is specified as being separate from the SEA and the commitment related to the sorting facility is narrower than those found in the NL agreements.

Table 25: Further Processing/Additional Activities Commitments

Jurisdiction	Project	Additional Commitment Information
NL	Voisey's Bay	<ul style="list-style-type: none">Commitment to carry out studies to explore additional activities (e.g., underground mine).Commitment to research and development to establish the feasibility of processing technology and a demonstration plant, and follow up commitments (e.g., construction and operation of hydromet plant in the province)Commitments related to the import and export of mineral concentrate into/from the province to maximize processing within the province.
NL	Kami	<ul style="list-style-type: none">Commitment to construct and operate a pellet plant in the province if product offering is expanded during the life of the project to include a pelletized product.

Research and Development

Research and development is an area not addressed in the NWT SEAs but included in a couple of the other jurisdictional agreements (refer to **Table 26**).

Table 26: Research and Development Commitments

Jurisdiction	Project	Additional Commitment Information
NL	Voisey's Bay	<ul style="list-style-type: none">The proponent to spend \$10 million on and provide an endowment of \$1 million per year over a ten-year period to cover operational costs for an Innovation Centre in the province with the local university.The proponent to carry out research and development to establish the feasibility of a process technology for processing Nickel Concentrate in the province and if feasible, to construct, operate and maintain such a plant and to produce a set amount of finished product.
NL	Hibernia	<ul style="list-style-type: none">Compliance with all requirements and guidelines of the C-NLOPB regarding research and development activities.

Additional Charges

The agreements found in other jurisdictions included charges/taxes related to the projects (refer to **Table 27**).

Table 27: Additional Charge Commitments

Jurisdiction	Mine	Additional Commitment Information
NL	Voisey's Bay	<ul style="list-style-type: none">Annual rental amount under the mine lease.Charge for exceedances of the project's mineral concentrate exemptions (in addition to the charges related to delays).
NL	Kami	<ul style="list-style-type: none">Agreement required to be concluded before the start of construction providing province with annual revenue from the project equal to amount received if Kami and its partners allocated maximum possible but no less than 90% of their taxable income from the project to the province's jurisdiction for tax purposes.
SK	McClean Lake	<ul style="list-style-type: none">Provide an annual Land Development Report to the government, which is used to calculate rent or other charges; rent or other charges due annually in advance.Compensate any individuals who held a lease, license or permit to use or occupy the Lease Lands before the Surface Lease Agreement for any monetary loss; annually report the names of compensated individuals with consent.

Checks, Balances, Remedies

A number of jurisdictional agreements include commitments related to further oversight of the project or describe possible remedies when commitments cannot be met³¹⁶ (refer to **Table 28**).³¹⁷ For example, the Voisey's Bay agreement requires the proponent to pay the government if there are project delays.

³¹⁶ Please refer to the agreement for full and specific legal language.

³¹⁷ Note: The remedies section in the Snap Lake agreement, where the SE Monitoring Agency created under the SEA makes recommendations to any party to take adaptive measures in respect of the commitments under the agreement. Where a party does not meet commitments or determines formal recommendation is unachievable/unreasonable, the Party provides written reasons to the Agency; the Agency reviews this submission and makes a response; However, no charges are mentioned. No other NWT SEAs include mention of remedies (only Snap Lake).

Table 28: Project Oversight Commitments, Remedies

Jurisdiction	Mine	Additional Commitment Information
NL	Voisey's Bay	<ul style="list-style-type: none"> • Government may deliver notice of default to proponent with details of the default, and if the Government intends to exercise its rights under the agreement in the section regarding termination and when. • Where there is an Event of Default, the Government may after giving notice and subject to some exceptions, take actions including terminating the agreement, terminating the Mining Lease, rescinding the Exemption Order, and taking action for any remedy at law or in equity. • Contingent Unprocessed Nickel Charge to be reduced according to the proponent's progress on the Underground Mine. • If the proponent fails to start mining at the Underground Mine by the milestone date, they will be required to pay the government a pre-estimated amount lost due to the delay and within a specific period. • If the proponent does not achieve first ore production from the named deposit in the fashion described in the agreement such as by a specific date [text redacted] or the proponent abandons the Underground Mine Project, the outstanding balance of the Contingent Unprocessed Nickel Charge will be due within 30 days (of written demand) • If exports under the Middlings Concentrate Exemption Order have not been replaced as required and the Nickel-in Concentrate export limit has been reached, the Government may suspend the Middlings Concentrate Exemption Option after 12 months from export date until the Nickel-in-Concentrate has been replaced. • Exports under the Middlings Concentrate Exemption Option not replaced within 12 months, subject to, and calculated as, a liquidated damages amount. • If the proponent does not meet its obligations to ship Replacement Concentrate into the Province for processing at the Processing Plant before the Cessation of Mining Operations, the Government may take action for remedies including an order for specific performance, appropriate injunctive relief, and monetary damages. • Commitments related to providing financial assurance to the government in the Voisey's Bay agreement: <ul style="list-style-type: none"> • Requirements to secure amounts under a grant of security and collateral realty mortgage, and maintain letters of credit as well as related procedures; the agreement describes when the government can realize the Security and demand payment of the amount outstanding under a letter of credit. • If at the end of construction, actual employment fell short of the target (total or engineering employment), the proponent will be required to fund research and development in the province on projects approved by the government at a rate dependent on the shortfall. • <i>Indemnification: The proponent releases and discharges and agrees to indemnify and save harmless the Government from every claim of every nature, whether in damages (including consequential or indirect damages) or not, which may arise or be suffered by the proponent or any Person claiming through or under the proponent by reason of or as a result of anything done by the Government or any successor or assign claiming through or under the Government under the provisions of Section 7.2 [termination of the Agreement / termination of the Mining lease / rescinding of the Exemption Orders / taking action for any remedy at law or in equity].</i> • If the Government does not issue or grant an Authorization on a timely basis, the Government grants the proponent an extension of dates in the Agreement and related Orders and/or amends the Nickel Concentrate Exemption Order to allow the proponent to exceed the quantity of contained nickel in Nickel Concentrate shipped out of the Province permitted under the Order where the delay impacts completion of the Processing Plant. • <i>The Government is only responsible for delays caused by or resulting directly from the Government or its representative.</i>

Jurisdiction	Mine	Additional Commitment Information
NL	Kami	<ul style="list-style-type: none"> Process for addressing defaults under the agreement with consequences: Notification and consultation on the Default, 45 calendar days for remedy to occur after which actions can be taken (stop work order, other terms / conditions as required, other action / remedy at law). Kami must ensure secured creditor(s) with a security interest in the project acknowledge to the Province Kami's rights and obligations under the Agreement. The Province provides any notices including notices of default to Kami and the secured creditor(s) who have the same rights to remedy any default as Kami. Indemnification: <i>Kami releases and forever discharges and agrees to fully indemnify and save harmless the Province from any and every action, claim or proceeding of every nature whether in damages (including consequential, punitive or indirect damages) or otherwise, which may arise as a result of any action by, or anything done by Kami or its successors which would constitute an Event of Default or through which liability to the Province could accrue.</i> Indemnification: <i>The Province releases and forever discharges and agrees to fully indemnify and save harmless Kami from any and every action, claim or proceeding of every nature, whether in damages (including consequential, punitive or indirect damages) or otherwise, which may arise as a result of or in response to acts of negligence, willful misconduct or breach of applicable laws by the Province or any of its employees, agents or representatives.</i>
NL	Hibernia	<ul style="list-style-type: none"> <i>Please see the description of additional oversight from the C-NLOPB in the research and development as well as employment and training In Tables 4, 9.</i>
SK	McClean Lake	<ul style="list-style-type: none"> Written notice provided to proponent for failure to pay (part of) rent or observe/perform other requirements in the agreement identified. Termination possible if the failure is not remedied in 30 days (or for failures that cannot be remedied in this period the remedy started, continued and action taken to reasonably ensure the failure will not occur again). Lessee can seek relief from the Minister and the Minister can establish alternative procedures and requirements. If these are not met within a further 30 days, the Minister may terminate the agreement. Minister can waive rights of termination in writing (specific to the default). Lessee can take legal action in court if the Minister terminates the agreement. Saskatchewan Labour can serve the Lessee a notice for contravening the agreement where it relates to occupational health and safety, legislation related to occupational health and safety or related regulations where the contravention is likely to continue or repeat (which requires the Lessee to remedy the contravention within a specific period but which the Lessee can appeal). If the Lessee does not comply with an order of the arbitrator / arbitration board or the final decision of a court (where there is an appeal) regarding a dispute, the Agreement terminates. The Agreement identifies actions the Lessee must take where a radiation worker receives a dose of radiation above the limit in the Agreement. Indemnification: <i>The Lessee shall indemnify and keep the Minister harmless from and against all actions suits, claims and demands arising out of or in connection with the operations carried on by the Lessee, its servants, employees, agents, licensees and contractors, in, under or upon the Lease Lands except for actions, suits, claims and demands against the Minister arising from the negligence or fault of the Minister or the Minister's servants, representatives, employees or agents. If any claim comes to the attention of the Minister which could give rise to a right of indemnity hereunder, the Minister shall promptly give written notice to the Lessee and the Lessee may at its option, defend such claim, in which event the Minister shall, at the Lessee's expense, cooperate with the Lessee in any reasonable way including providing such information as the Lessee may reasonably request and allowing the Lessee to act for, on behalf and in the name of the Minister for such purposes. In defending such claim, the Lessee shall not make any admission of liability or fault on behalf of the Minister without the written consent of the Minister. If the Minister elects to defend such claim and the Lessee does not exercise its option to do so on behalf of the Minister, the Lessee shall only be liable in respect of the costs and expenses of such defence for those costs and expenses which, reasonably viewed, would have been incurred in such defence by a Lessor other than the Government of Saskatchewan.</i>

Dispute Resolution

Some of the jurisdictional agreements included commitments related to dispute resolution that differed from the approach taken in the NWT SEAs (refer to Table 29). Overall, these differences related to the dispute resolution process (e.g., the progression of escalating dispute resolution) or its outcome (e.g., scope of the arbitration decision).

Table 29: Dispute Resolution

Jurisdiction	Mine	Additional Commitment Information
NL	Voisey's Bay	<ul style="list-style-type: none">The progression of escalation is first to a joint committee, then non-binding mediation followed by arbitration.Neither the Sole Arbitrator / Arbitration Panel has the jurisdiction to amend or vary the Arbitration Procedures in the Dispute Resolution Procedures Schedule or the ADR Institute of Canada's RulesParties agree on the fees of the Sole Arbitrator / Arbitration Panel at the time of their selection.Judgement on the arbitration decision / award can be entered in or an application can be made to any court having jurisdiction for judicial recognition of the award or an order of enforcementBenefits Plan is to include a dispute resolution and remedy section.In a dispute between the proponent and Government on the interpretation of the Agreement or transactions in the Agreement, the prevailing party shall be entitled to recover reasonable legal fees and expenses from the other party.
NL	Kami	<ul style="list-style-type: none">Disputes related to the Agreement which the parties are unable to resolve are submitted to the courts of the Province for resolution subject to any right of appeal.
NL	Hibernia	<ul style="list-style-type: none">Limitation periods related to a dispute are suspended from the time the dispute is referred to arbitration under the Dispute Resolution Procedure until 30 days after the termination of the arbitration or a later date agreed by the Parties. Subject to the previous sentence, the Parties waive their rights to assert the expiry of such a limitation period as a defence or bar in proceedings related to the dispute.Three-step process to resolve disputes starting with negotiation involving members of senior management of all Parties, followed by non-binding mediation and binding arbitration.Arbitrator does not have the jurisdiction to amend or vary the terms of this Dispute Resolution Procedure or of the rules of the ADR Institute of Canada's rules that apply to national matters..One arbitrator only where the net amount in controversy does not exceed \$5,000,000 or involves limited technical issues and the Parties unanimously agree.Arbitrator may award damages and any other remedy available to them pursuant to the Arbitration Act, R.S.N.L. 1990, c.A-14, at common law, in equity or otherwise. Notwithstanding the Rules, the arbitrator shall not be entitled to order relief of any kind or nature that causes a delay in the Project schedule.

Jurisdiction	Mine	Additional Commitment Information
SK	McClean Lake ³¹⁸	<ul style="list-style-type: none"> Lessee may submit to arbitration a decision of an adjudicator following an appeal of a notice of contravention related to occupational health and safety (in s7.4 of the Agreement) if the decision of the adjudicator results in a written Termination Notice and the filing is within 30 days of the Lessee receiving the Termination Notice. The submission to arbitration does not stay the operation of the adjudicator's decision. Arbitrator / arbitration board shall not be bound by the Rules of Court of the Province of Saskatchewan or by the traditional rules of evidence. Arbitrator / arbitration board shall have the authority to include in an award (among others), an order to pay a penalty for a breach of the Agreement, an order to pay a fixed sum daily by way of penalty until the Party to pay discontinues or remedies the breach of the Agreement, a direction to pay damages. Arbitrator / arbitration board may make interim orders it considers appropriate pending resolution of a dispute submitted to arbitration. Agreement stays in full force during arbitration until a final determination is made and the period for starting an appeal has expired, or if there is an appeal, until a final court decision is issued.

The literature speaks to the importance of effective grievance mechanisms and enforcement mechanisms, noting that they are vital to strengthening the impetus of the proponent (and the government) to implementing the agreement effectively. The most common approach is the development of a dispute resolution framework that highlights amicable resolution dialogue and mediation before turning to court or tribunals for resolution. Some agreements also impose obligations to pay compensation for loss or damage caused by non-performance of contractual obligations.³¹⁹

Government Commitments

The jurisdictional agreements also include other government commitments (refer to **Table 30**).

Table 30: Government Commitments

Jurisdiction	Mine	Additional Commitment Information
NL	Voisey's Bay	<ul style="list-style-type: none"> Timely government action (issuance of grants/authorizations and extensions to dates in the agreement if this is not met). Providing the proponent with power at the industrial rate and to ensuring supply for operations. Substantially maintaining the legislative framework for the duration of the project subject to government responsibilities. If requested by the proponent, issuing a special project order to ensure stable labour relations throughout the construction phase of the project.
SK	McClean Lake	<ul style="list-style-type: none"> Coordinate and consolidate reporting request by the government to avoid duplication of reporting related to the agreement.

³¹⁸ Note: Although it would only be applicable to the NWT SEAs in the event that there were multiple proponent organizations, liability under this Agreement is joint and several.

³¹⁹ Loutit, J., Mandelbaum, J., and Szoke-Burke, S. (2016). *Emerging Practices in Community Development Agreements*. Columbia Center on Sustainable Development.

Community, Family, and Individual Well-being

In an amendment to the Voisey's Bay agreement, the proponent commits to community investment. The McClean Lake agreement also includes commitments related to community and individual well-being. The NWT SEAs include health-related indicators and mention of medical services on-site but among the NWT SEAs and jurisdictional agreements, the McClean Lake agreement stands out for its extensive focus on occupational health and safety. The unique commitments in the McClean Lake agreement appear to be related to the specific risks of uranium mining (refer to **Table 31**).

Table 31: Community, Family and Well-being Commitments

Jurisdiction	Mine	Additional Commitment Information
NL	Voisey's Bay	<ul style="list-style-type: none"> Community investment of \$30 million.
SK	McClean Lake	<ul style="list-style-type: none"> Working with government agencies and industry counterparts, developing and funding study of impacts of uranium mining on vitality of communities in Northern Saskatchewan.
		<ul style="list-style-type: none"> Consult and inform residents about the proponent's mining operations in Northern Saskatchewan.
		<ul style="list-style-type: none"> Extensive commitments related to occupational health and safety and an occupational health and safety program including related to: <ul style="list-style-type: none"> Retaining, providing adequate resources for, and consulting with a radiation health and safety expert Incident management Inspections Minimizing radiation exposure Code of practice for action at different levels of radiation Code of practice for action at different levels of radiation Monitoring Designation of staff as radiation workers Exposure limits Record-keeping Training Medical surveillance

Cultural Well-being and Traditional Economy Opportunities

The Meadowbank agreement includes a commitment related to protecting archaeological resources. It is the only agreement reviewed that includes this commitment (refer to **Table 32**).

Table 32: Community Well-being and Traditional Economy Opportunities Commitments

Jurisdiction	Mine	Additional Commitment Information
NU	Meadowbank	<ul style="list-style-type: none"> Proponent to work with the government to protect archaeological resources affected by the project and to ensure implementation of the project's Archaeological Resources Management Plan.

Other

The jurisdictional agreements also include a variety of other commitments on topics not addressed/addressed differently in the NWT SEAs:

- Infrastructure
- Conflict of interest
- Contractor compliance
- Engagement among proponents
- Use of the land and other land interests
- Claims (e.g., under a trade agreement)

Refer to **Tables 33 to 38**.

Table 33: Infrastructure Commitments

Jurisdiction	Mine	Additional Commitment Information
NU	Meadowbank	<ul style="list-style-type: none">• Review of the status and future of the all-weather road (with the government).• Identifying project infrastructure in the Hamlet or on Commissioner's lands for review and discussion; accommodating suggestions for modification from the government.• Right of first refusal for government on surplus infrastructure assets not acquired by the Kivalliq Inuit Association.• Proponent making unused marine backhaul available to the government at cost.
SK	McClean Lake	<ul style="list-style-type: none">• After the agreement terminates, remove all property from the Lease Lands if rent and charges are paid; if not removed within six months of termination or environmental protection provisions are not met, the property is forfeited to the government<ul style="list-style-type: none">• The requirement to remove property as well as commitments related to decommissioning and reclamation apply even after the agreement terminates/expires.

Table 34: Conflict of Interest Commitments

Jurisdiction	Mine	Additional Commitment Information
NL	Voisey's Bay	<ul style="list-style-type: none">• Proponent to ensure no benefits for a member of the House of Assembly of the Province from the agreement or activity directly resulting from the agreement (e.g., study, report).
NL	Kami	<ul style="list-style-type: none">• Requirement that main contractors to provide a plan for compliance with the Benefits agreement as a whole and acknowledgement from successful bidders that they will comply with the Agreement.
NL	Hibernia	<ul style="list-style-type: none">• Contractors required to comply with all terms of the agreement that are relevant to the activities of the contractor (under contract), not only with select commitments (as is required in some NWT SEAs).

Table 35: Contractor Compliance Commitments

Jurisdiction	Mine	Additional Commitment Information
NL	Kami	<ul style="list-style-type: none"> Requirement that main contractors to provide a plan for compliance with the Benefits agreement as a whole and acknowledgement from successful bidders that they will comply with the Agreement.
NL	Hibernia	<ul style="list-style-type: none"> Contractors required to comply with all terms of the agreement that are relevant to the activities of the contractor (under contract), not only with select commitments (as is required in some NWT SEAs).

Table 36: Engagement Among Proponents Commitments

Jurisdiction	Mine	Additional Commitment Information
NL	Hibernia	<ul style="list-style-type: none"> Proponent (officer/employee/agent) not to pay or provide any commission, fee, rebate, gift or entertainment of significant value to any other proponent (officer/employee/agent) related to the Agreement. Proponent not to enter into any business arrangement with an officer/employee/agent of another proponent except as a representative of the other proponent without notifying the other proponent first in writing.

Table 37: Use of Land and Other Land Interests Commitments

Jurisdiction	Mine	Additional Commitment Information
SK	McClean Lake	<ul style="list-style-type: none"> Limiting the proponent's use of land leased from the province for purposes related to the mining project. Proponent to provide access to the lands leased for the project – public access to acquire underlying mineral rights, and reasonable access authorized by the government to valid mineral disposition holders to explore and commercially develop their dispositions. Government to consult with the proponent first before granting/permitting other surface leases or agreements allowing easement, tenement or other rights on the lands leased by the proponent for the project while the agreement is in effect and obtaining the proponent's consent if the other interest will interfere with the proponent's operation.

Table 38: Claims Commitments

Jurisdiction	Mine	Additional Commitment Information
NL	Hibernia	<ul style="list-style-type: none"> Waiving any claims that could be brought under the North American Free Trade Agreement (NAFTA) related to Research and Development and Education and Training activities related to the Project.

A review of the literature also identified additional commitments, not currently targeted in the NWT SEAs:

- **Transferable Skills**

- It is suggested that some training be focused on transferable skills to account for the fact that the mine may/will close before the end of an employee's career. An unpublished dissertation examining the benefits for Ross River Dena resulting from mineral projects recommends that agreements include long-term planning that provides Indigenous communities with skills and business ventures that are transferable to economic sectors other than mining. Identifying which areas of employment and business are transferable to other business sectors, helps prepare community members for mine closure, and foster long-term benefits from the development.
- It is also advised that proponents interested in supporting more long lasting community development, increase their efforts to provide training programs that meet other needs of the community (i.e., aside from just skills necessary for employment at the mine), by offering transferrable skills and training for occupations that serve both the project and the community, as well as those that support sustainable development after the life of the mine.

- **Infrastructure**

- It is advised that including infrastructure commitments supports longer term benefits.
- It is suggested that including infrastructure planning commitments in SEAs, that support shared infrastructure investments, benefits the proponent and local communities. Rather than resource companies providing their own infrastructure with no connection to local/regional/territorial infrastructure plans, best practice supports involving local community members in the design of infrastructure so that infrastructure meets the needs of the community as well as the proponent. From both the local and government perspective, sharing infrastructure promotes other development in the area (i.e., economic diversification). ,
- See the Meadowbank agreement discussed above for some related commitment examples.

³²⁰ It is important to note that education, training and scholarship opportunities offered by the NWT mines do support development of transferable skills for employees and students. The difference is that, in the example provided, transferrable skills were a targeted outcome identified in long term plans.

³²¹ Werker, Eric; Cascadden, Maggie; Zmuda, Katherine; O'Reilly, Kevin. (April 23, 2017). Policies for generating socioeconomic benefits from natural resource extraction projects: A research report for the Government of the Northwest Territories. Retrieved from: https://www.jstor.org/stable/community.27990109?seq=1#metadata_info_tab_contents

³²² Dreyer, D. (2004). Impact and benefits agreements: Do the Ross River Dena benefit from mineral projects? (Unpublished Master's thesis). <https://unbc.arcabc.ca/islandora/object/unbc:15784> (p.98 and 117)

³²³ Loutit, J., Mandelbaum, J., and Szoke-Burke, S. (2016). Emerging Practices in Community Development Agreements. Columbia Center on Sustainable Development.

³²⁴ Werker, Eric; Cascadden, Maggie; Zmuda, Katherine; O'Reilly, Kevin. (April 23, 2017). Policies for generating socioeconomic benefits from natural resource extraction projects: A research report for the Government of the Northwest Territories. Retrieved from: https://www.jstor.org/stable/community.27990109?seq=1#metadata_info_tab_contents

³²⁵ Loutit, J., Mandelbaum, J., and Szoke-Burke, S. (2016). Emerging Practices in Community Development Agreements. Columbia Center on Sustainable Development. https://scholarship.law.columbia.edu/cgi/viewcontent.cgi?article=1115&context=sustainable_investment_staffpubs

³²⁶ CCSI. (2014). A Framework to Approach Shared Use of Mining-Related Infrastructure. https://ccsi.columbia.edu/sites/default/files/content/docs/our%20focus/A-Framework-for-Shared-use_March-2014.pdf

³²⁷ It is important to note that while the location of NWT mines may prevent infrastructure, such as in roads, from being built, companies have contributed to community infrastructure through financial and/or in-kind contributions.

4.5 To what extent have SEA commitments remained relevant over the life of the project?

Question 4.5 Summary Overview

In general, the review found that for the most part the SEA commitments remained relevant over the life of the project, but that they may benefit from ongoing review and continued refinement as required. The ability to revise commitments would help incorporate lessons learned through experience and new initiatives that unfold during the life of the project (e.g., the Mining Incentive Program) as well as changes that occur in community priorities and capacity.

It was proposed that commitment relevance would be improved if the SEA Program adopted a clearer program evaluation framework to support the development of an educated, skilled and trained Northern workforce and if the whole life cycle of the mine was included.

4.5.1 Engagement

Please note: The findings contained within this section reflect the perceptions, experiences, and opinions of engagement participants.

4.5.1.1 GNWT Departments

Some GNWT participants feel that the commitments had remained relevant over time as is demonstrated by the fact that new SEAs and socio-economic strategies have been developed for smaller mines and remediation projects that contain the same areas of commitments. It was proposed, however, that procurement commitments be improved, with the mines offering capacity building in their contracts. It also suggested that relevance may be improved by creating adaptable linkages to the other NWT projects that contribute to SEA outcomes, such as the Mining Incentive Program, noting that most of these programs were created after the SEAs were established and are therefore not referenced explicitly. It was proposed that this change might lead to enhanced reporting, and/or lead to more in-depth relationships to fulfill specific outcomes by relying on GNWT initiatives that are in some way linked to SEAs.

Additionally, it was recommended that the SEA Program adopt a clearer program evaluation framework to support the development of an educated, skilled and trained Northern workforce.

From my current perspective it would be beneficial to clearly articulate the outcomes and identify the activities and outputs to support the outcomes; determine meaningful indicators and measures and how the data will be collected and reported; where is the needs assessment and program design to support the commitments?

4.5.1.2 Proponents

Overall, proponent participants agreed that the SEA commitments have remained relevant but it was suggested they be reviewed regularly (e.g., with all signatories) and that efforts need to continue to ensure they are being met and enhanced when possible (e.g., hiring commitments, continued efforts around Indigenous and Northern people going into senior roles.).

While some proponent participants agreed that the existing cultural well-being and traditional economy commitments remain relevant, it was proposed that additional focus is needed in this area and that brainstorming among the mines, the GNWT and communities as well as the of sharing ideas and initiatives across the North would be beneficial. They also noted that it was necessary for Indigenous people to identify their needs and for the GNWT and the mines to address those needs.

The relevancy of family visits to the mine was questioned as were spousal tours of the workplace because these visits/tours can be challenging and it is hard to make family and spouse visits available equally to a workforce with family members who may live across Canada and elsewhere.

4.5.1.3 Indigenous Governments and Organizations

It was recommended that the SEAs be reviewed at regular intervals to determine their continued relevance or need for revision, and that Indigenous groups be involved in these reviews, and if a SEA Board was created for each mine, this be part of their responsibility.

4.5.1.4 Other

The “Other” group included representatives from the Chamber of Mines, businesses, women’s organizations, regulator and education and training providers. It was noted that the commitments had not remained relevant, and it was suggested that at the different stages of the mine life the commitments should perhaps be different or have a difference focus. It was recommended that the SEA commitments be revisited every five years or at specific milestones. Similarly, it was suggested that the indicators be re-evaluated around causal relationships, and that the benchmarks be re-examined to improve the understanding of the linkages between the outcomes, indicators and causes. As was noted,

You need to understand how your programs directly lead to those outcomes and build reasonable expectations for the outcomes.

That being said, it was noted that for individual projects, it may not be appropriate to review commitments unless the scope of their project increases, and that usually takes an EA. There was some concern that a review of commitments may just signal government trying to get more out of industry.

4.6 What SEA reporting occurs outside of SEA commitments/ indicators?

Question 4.6 Summary Overview

The findings from the desktop review revealed there is some reporting occurring outside of the SEA commitments (e.g., performance reports, activity showcase documents).

4.6.1 Desktop Review

The Northwest Territories and Nunavut Chamber of Mines produces documents that report on the performance of the diamond mines in their SEA commitment areas (e.g., employment, training, business opportunities).^{328, 329} Diavik has also prepared a series of documents that showcase their commitment activities – specifically in the areas of training, and business development.^{330, 331, 332}

³²⁸ BHP Billiton Ekati, RioTinto, Diavik Diamond Mines, & DeBeers. (2013). *Measuring success. The positive impact of diamond mining in the Northwest territories | 1998-2012*

³²⁹ Northwest Territories & Nunavut Chamber of Mines. (2017). *Measuring success 1996-2016: diamond mines deliver big benefits to the Northwest territories.* Retrieved from Mining North website: https://www.miningnorth.com/_rsc/site-content/library/publications/NWT-Nunavut_Chamber_of_Mines_Measuring_Success_2016_FINAL.pdf

³³⁰ RioTinto, & Harry Winston Diamond Corporation. (2011). *Diavik's community legacy projects. Highlighting our first decade of investing in the North.*

³³¹ Diavik Diamond Mines Inc. (2002). *Diavik's training partnerships. Northern partners, northern success.*

³³² Diavik Diamond Mines Inc. (2001). *Diavik's business commitment. Northern partners, northern success.*

5. Key Administration Findings

This section presents the analyzed key administration findings necessary to answer the evaluation question:

Are SEAs the most appropriate mechanism through which to garner socio-economic benefits from large projects?

Based on the evaluation matrix, findings for the following **administration sub-questions** will be presented:

- Are SEAs the most effective tool to maximize benefits? (Sub-question 3.1)
- Are there other mechanisms/tools available that support maximization of local benefits from resource development projects? (Sub-question 3.2)
- Are there other mechanisms/tools available to track fulfilment of commitments or targets? (Sub-question 3.3)

The findings for each sub-question are presented by data collection method – administrative review, engagement (GNWT Departments, proponents, Indigenous Governments, and Others (NWT and NU chamber of Mines, NWT businesses, women's organization, regulator, education and training providers)), jurisdictional scan and desktop review – and then a summary of all findings from all methods is included at the end of each sub-question.

Please note that based on the evaluation matrix (refer to Appendix A), not every data collection method addresses each question.

5.1 Are SEAs the most effective tool to maximize benefits and minimize impacts?

Question 5.1 Summary Overview

The evidence indicates that SEAs have been, in general, an effective tool for maximizing benefits and for minimizing impacts; however, a number of shortcomings were identified regarding both the content of the SEAs and the processes for implementing them. No alternatives to SEAs were explicitly identified in the evidence reviewed.

The review revealed that the NWT's SEAs have a number of strengths when compared to other jurisdiction; these strengths are primarily in the areas of monitoring commitments and creating benefits for all NWT residents (as opposed to Impact Benefit Agreements with specific communities). It was also made clear from a variety of stakeholders that the effectiveness of the SEAs is largely dependent upon the relationships among the mine proponents, the affected communities and the GNWT.

A number of challenges were identified with respect to the implementation of the SEAs. For example, the increased suite of responsibilities as a result of devolution (in 2014) has adversely impacted the ability of some GNWT departments to be involved in the ongoing commitments stated in the SEAs. There have also been challenges in establishing partnerships between Indigenous groups and training providers such as MTS and Aurora College and in empowering communities to deliver programs and services that are identified in the SEAs. Gaps or shortcomings identified regarding the content of the NWT SEAs include:

- The voluntary nature of the agreements without penalties for non-compliance
- The aspirational/‘soft’ targets in the agreements
- SEAs have not been written with sufficient attention to closure
- Lack of commitments to infrastructure support
- Education and training programs for non-employees were generic and not tailored to the communities
- Indicators that may not be as relevant and valuable as they could be
- Lack of enforcement mechanisms
- Lack of joint ownership and accountability to manage impacts

Gaps or shortcomings identified regarding the implementation of NWT SEAs include:

- Lack of communication and data sharing between the mines and GNWT departments
- Lack of collaboration between mine proponents, the GNWT departments and the communities
- Proponents encourage competition among Indigenous businesses rather than cooperation and collaboration
- Lack of a ‘whole government’ approach to program delivery

5.1.1 Engagement

Please note: The findings contained within this section reflect the perceptions, experiences, and opinions of engagement participants.

5.1.1.1 GNWT Departments

GNWT participants stated that in many ways, SEAs are an effective tool to maximize benefits and minimize impacts. They noted that most of the statistics that track impacts are reported annually in the SEA Report, and the responsible department drafts the language to respond to a given statistic, and that trends can be viewed and compared over time. They also noted that the most critical statistics related to Northern/NWT/local and Indigenous businesses (employment and procurement totals) are reported on regularly at sessions of the legislative assembly in a cumulative fashion.

Suggestions from lessons learned that could lead to improvements in the ability of SEAs to meet their objectives, include changes such as expanding or modifying indicators so they can provide more relevant and valuable baseline data, and expanding reporting on commitments outside of indicators. In addition, it was suggested that new ideas should be considered for measuring SEA performance and mandatory reviews or renewals of SEAs be required so that they do not become obsolete or stagnant.

It was also noted that reporting has changed over time – in particular, with respect to social measures, and that maintaining reporting and engagement is important.

Some reporting is completely new, such as COVID-19 reporting. SEA reports have been a great place to collect the responses of mines to the pandemic. Engagement meetings have been an effective way for mines to share strategies and express their concerns and seek guidance to deal with particular issues.

One of the challenges faced in trying to implement the SEAs is the reliance on the EA process to establish an SEA. It was noted that since devolution, ITI's capacity to provide input has been reduced as responsibilities have shifted within the GNWT, such that there is no longer prioritization of the roles and processes for negotiating a SEA during the EA process due to a whole-of-Government approach. It was suggested that creating negotiating guidelines to guide internal GNWT policy and participation of departments, and creating a dispute resolution process, would be useful.

Rather than enforcing the SEA through court or settlements, a dispute resolution mechanism would add to the tools the GNWT has to enforce an SEA ... [and support] opportunities to fulfill commitments through the adaptive management approach.

GNWT participants also stated that the varying reporting timelines for SEAs produce difficulties for creating, collecting and tabling reports. It was suggested that these issues are exacerbated by a lack of communication and sharing of data/reports between mines and GNWT departments, which would benefit from a more enforceable information sharing requirement. It was also noted that having additional signatories to a SEA makes renegotiation significantly more difficult.

Some GNWT participants commented that cooperation between the GNWT and the partners identified in the SEAs has been quite good although there are areas of concern such as the sharing of reports and meeting reporting timelines. It was suggested that getting buy-in at the senior level was the most effective strategy to support collaboration. It was further suggested that engagement could be improved by better reflecting the needs and wants of impacted communities and, when reviewing reports and developing action plans, ensuring performance and strategy are measured and considered with the corresponding capacity necessary to achieve. In addition, it was proposed that learning from past community advisory boards and creating improved methods of including Indigenous Governments and Organizations in a meaningful way in the participation of adaptive management may improve socio-economic outcomes.

It was also mentioned that enabling enforcement of key commitments could help maximize socio-economic benefits or minimize negative impacts. To this end, the development of a list of specific key commitments that require additional enforcement while developing the *Mineral Resources Act* regulations would be helpful as would constructive discussion to determine which benefits should have this added protection.

It was suggested there may need to be new mechanisms to encourage mines to meet their commitments,

Although there may not be mechanisms to hold them [mines] accountable, there may be mechanisms to incentivize them to do better. Perhaps the focus needs to be on what is needed to improve (positives) as opposed to why commitments were not met (negatives).

With respect to apprentices, setting realistic commitments that balance project size and benefits would likely create a more resilient agreement than setting specific number targets (e.g., require all apprentices be from NWT and link apprentices to the hiring priorities vis-à-vis Indigenous and NWT residents) and that creating thresholds to negotiate and complete SEAs should be considered.

GNWT participants suggested that adding a forecast component (e.g., of jobs in demand) to reporting could help the GNWT plan joint program delivery with the mines and that performance measurement plans (indicators and measures) and data collection and reporting timelines should be established, and not just for the GNWT annual report. It was also recommended that SEAs have more frequent reporting requirements, as more frequent data would improve adaptive management, and that the GNWT may need to increase its capacity to communicate with related groups and projects on a more frequent basis.

Additionally, it was noted that it would be useful to establish a longer-term vision for health and well-being programs, and to situate the SEA commitments within them, with an increased coordination of efforts related to implementation.

5.1.1.2 Proponents

Proponent participants suggested increased engagement and collaboration among the mines, the GNWT, and the communities would enhance benefits and minimize impacts. It was noted that industry is proactively taking steps to minimize impacts independently, but joint ownership and accountability is needed. Similarly, it was proposed that an annual meeting between the GNWT and the mines, before the start of the fiscal year, be carried out so they can work together to plan how to address identified opportunities and collaborate on implementation in an open and transparent way. It was also suggested that the SEAs could be improved by being written with closure in mind, addressing relinquishment and understanding the goal of the mine's life.

5.1.1.3 Indigenous Governments and Organizations

Indigenous Government and Organization participants made reference to the fact that the SEAs are not legislatively mandated and because of this, there is no way to ensure that the mines or the GNWT follows through with the commitments contained within the SEAs. This in turn, limits the effectiveness of the SEAs as a tool. As one person commented,

The SEAs are not binding. As long as something is not binding, unless you have a big stick and you're going to comply with the spirit, you're not going to get anywhere. Our Indigenous group was not part of the negotiation with the SEAs. There are no mechanisms to enforce a lot of things. A lot of wording is nebulous and it's hard to measure if the SEAs are being achieved or not. The idea of a binding socio-economic agreement might be hard for government to adhere to. ... When I think of the Mineral Resources Act, I don't think there's anything in that Act that refers to socio-economic benefits other than the reference that IBAs will be dealt with in regulations.

Additionally, that irrespective if the *Mineral Resources Act* has two provisions with enabling powers relevant to the SEAs,³³³

...it doesn't necessarily mean they could enforce it [the SEA]. But that's important because you could make regulations and make this kind of activity more binding. This brings a different tone to what the SEA looks like.

There was also some question about whether the SEAs should be binding and mentioned the new benefit agreement identified in the *Mineral Resources Act*,

I think we need to consider if they should be binding. If some of the results should be binding instead of aspirational. There are examples of SEAs that are binding in Canada and Canadian law. With the new mineral resources legislation passed in GNWT, there is a commitment to establish a new kind of agreement, a "benefit agreement" that will be binding. We need to consider if a binding agreement is a viable form of agreement that is going to be something that industry is capable of entering into and the work isn't seen as a barrier to investment but will improve the desired result of investments on socio-economic conditions. If the GNWT wants to establish a new thing called a binding benefit agreement, need to have a clear policy environment and in that environment, needs to be a clear understanding of how to achieve these results and we should be considering if they should be made binding.

A number of Indigenous and Organization participants identified ways in which the SEAs could be improved to help maximize socio-economic benefits or minimize negative socio-economic impacts for Indigenous community members and/or businesses. The majority of these suggested improvements focused on implementation of the SEAs rather than content. For example:

- There is a need for regular and direct communications between the mines and Indigenous administration, training or economic development divisions. Representatives from the mines should come to the communities to find out about community members and businesses. The mines should understand Indigenous ways of doing things.
- The GNWT should hire people who have a better understanding of the communities and can act as advocates for the communities.
- Boards like the Diavik Community Advisory Board, which was shut down, should be set up for each of the mines. The boards should have equal representation from each of the Indigenous signatories to ensure that everyone's ideas are heard and considered. The boards provide a good opportunity to discuss problems related to employment, training and business and to work together to collect data that could be analyzed and then used to make improvements.
- The mines should encourage collaboration, cooperation and unity among Indigenous groups and communities regarding business opportunities rather than fostering an environment of competition.
- There needs to be more opportunities for joint ventures with Indigenous businesses that support entrepreneurship and development of business skills.

³³³ MHA Provisions: Benefits for People of the Northwest Territories [[51] The Commissioner on the recommendation of the Minister may prescribe requirements in respect of measures that provide benefits to the people of the Northwest Territories] and Benefit Agreements with Indigenous Governments and Organizations.

- More training dollars should be made available and Indigenous peoples should have control of those dollars so they can create work plans for their members and so they can create their own partnerships with MTS and Aurora College.
- The mines need to demonstrate more follow through, “actually implementing what they’re committing to. Don’t just commit and then put it on a shelf. If you’re going to commit to doing something, actually following through on it”. It should not be up to the Indigenous groups to ensure that the mine is doing its job.
- There needs to be improved monitoring and follow-up at all stages throughout implementation of the SEAs. There is a need for Indigenous groups to take the lead and ensure that the mines are being held accountable for the commitments they have made.

With respect to SEA content, participants identified a need for more commitments regarding infrastructure supports (e.g., training facility, technology (internet and computers), promotion of Indigenous language at the site, and education and training programs that target financial management/retirement planning, business development skills (e.g., human resources, management), and transferrable skills (to prepare for post-closure). It was also suggested that the SEAs require more tailored/targeted education and training programs for Indigenous communities rather than relying on existing GNWT programs.

5.1.1.4 Other

The “Other” group included representatives from the Chamber of Mines, businesses, women’s organizations, regulator and education and training providers. Participants from the “Other” group commented that overall, there needs to be a deeper commitment from the mines to meet their targets and suggested that experience has shown that with the right leadership – targets have been met. It was also noted that the GNWT needs to do a better job of engaging with communities about the effectiveness of the programming that the GNWT delivers to mitigate negative trends and effects. It was suggested that a whole-of-government approach should be used for program delivery and that attention should be paid to possible actions to prepare for adverse outcomes during and after closure. They further suggested consideration of empowering communities to deliver their own program and services and to carry out monitoring. Another individual stated that the boards could be revived with clear description of the roles and responsibilities and how expectations will be met.

5.1.2 Jurisdictional Scan

The dearth of secondary literature assessing the effectiveness of SEAs, and the lack of access to all proponents/jurisdictions agreements (i.e., not publicly available), does not allow for a comprehensive comparison to determine the effectiveness or ineffectiveness of SEAs as a tool to maximize benefits. Identifying best practices regarding the content and processes to be used for the agreements is also difficult due to considerable differences between communities, companies, geographic locations and regulatory contexts.³³⁴

The research conducted by Werker et al. states that it is not possible to state with certainty if legislative or non-legislative policy instruments are the most effective in generating socio-economic benefits because this is an under-researched area. They quote research conducted by Soderholm and Svahn:

³³⁴ Loutit, J., Mandelbaum, J., and Szoke-Burke, S. (2016). *Emerging Practices in Community Development Agreements*. Columbia Center on Sustain Development.

*...they observe that “[a]n important finding is that this is still an under-researched field, e.g., with little insights gained on the relative merits of different types of benefit-sharing mechanisms” and conclude that “much relevant research on benefit-sharing in the mining sector remains to be done. This concerns the relative merits of different types of mechanisms (e.g., employment and local procurement targets versus investment funds). More in-depth comparisons of voluntary versus state-led benefit-sharing mechanisms are also called for”.*³³⁵

In other words,

*...there are simply too many jurisdictions trying too many things with different contexts, and not enough careful research, to draw definitive conclusions on which of these modalities and instruments, competently administered, would work best. On top of that, there has been movement in norms, especially with regard to social license, land claims, and court rulings. Thinking not only which instruments are best today, but which will be able to deal with changing norms and divergent bargaining capabilities of different communities, which are easiest to administrate and monitor, which can handle fluctuating resource prices, and which have the most legitimacy across stakeholders, is also necessary.*³³⁶

There is, however, some literature that speaks to factors that strengthen and weaken a SEA.

With specific reference to the NWT SEAs, the literature identifies a number of strengths. The NWT SEAs:³³⁷

- Include commitments that require long-term monitoring.
- Create a consistent mechanism for monitoring.
- Use the same/similar indicators for more than one project which enables monitoring of cumulative resource development impacts.
- Act as umbrella agreements, meaning they create benefits for all NWT residents, together with any confidential IBAs that may have been negotiated with the proponent and any specific community.

³³⁵ Solderholm, P and Svahn, N. (2014). *Mining, regional development and benefit-sharing. Research Report. Economic Unit, Lulea University of Technology, Lulea, Sweden* cited in Werker, Eric; Cascadden, Maggie; Zmuda, Katherine; O'Reilly, Kevin. (April 23, 2017). *Policies for generating socioeconomic benefits from natural resource extraction projects: A research report for the Government of the Northwest Territories*. Retrieved from: https://www.jstor.org/stable/community.27990109?seq=1#metadata_info_tab_contents

³³⁶ Werker, Eric; Cascadden, Maggie; Zmuda, Katherine; O'Reilly, Kevin. (April 23, 2017). *Policies for generating socioeconomic benefits from natural resource extraction projects: A research report for the Government of the Northwest Territories*. Retrieved from: https://www.jstor.org/stable/community.27990109?seq=1#metadata_info_tab_contents

³³⁷ Northern Development Ministers Forum. (August 2013). *Benefit Agreements in Canada's North - Priority Project on Sustainable Resource Development*. Retrieved from: <https://www.nadc.gov.ab.ca/Docs/benefit-agreements-2013.pdf>

The literature also speaks to some of the key weaknesses with the NWT SEAs. One of the main limitations is their voluntary nature. While SEAs are a follow-up program of an environmental assessment,³³⁸ they are not a necessary condition/measure of the EA process. When an EA or EIR occurs, the GNWT asks the MVEIRB to recommend a SEA as a formal measure of the EA or EIR to ensure that the socio-economic commitments made by the proponent are fulfilled.³³⁹ The process for requesting a measure of project approval in order to require a SEA is ineffective and there is always the chance that the MVEIRB will not make the SEA a measure of the project.³⁴⁰ In the absence of legislation, this is the only process that supports maximization of socio-economic benefits and the minimization of negative impacts for NWT communities and businesses by both the proponent and the GNWT for the lifetime of the mine.

Another key limitation of the NWT SEAs is the use of “aspirational, or soft, targets without penalties for noncompliance and with few actions required of the company” in the employment clauses. For example, language such as the following is found in the various agreements: shall use “best efforts” to apply the hiring priorities outlined in the agreement; shall use “reasonable efforts” to achieve specific numerical targets; and will take “all reasonable steps, acting in good faith”.³⁴¹ It is suggested that the language could be strengthened through hard targets and penalties for non-compliance.^{342, 343}

Moreover, in countries that experience a shortage of skilled labourers – similar to the NWT in Canada – contracts often specify between skilled and unskilled labour. For example, “*The Contractor shall employ...citizens in the performance of [the project] whenever suitably qualified and available for employment*” and it goes on to say that “*the Contractor shall hire only citizens of ... for unskilled labor positions...*”.³⁴⁴ This language ensures that at minimum, proponents must hire locally for all unskilled positions.

In addition to the agreement content and language, the literature notes the importance of the supporting processes in maximizing SEA benefits. For example, a review of the Saskatchewan Mine Surface Lease Agreement in the literature, states that,

³³⁸ GNWT, ITI. (n.d.). *Socio-Economic Agreements*. https://www.iti.gov.nt.ca/sites/iti/files/SEA_FACT_SHEET_Oct%252024-11.pdf

³³⁹ Northern Development Ministers Forum. (August 2013). *Benefit Agreements in Canada’s North - Priority Project on Sustainable Resource Development. Appendix B: Local Benefits Approaches by Northern Jurisdictions in the Canadian Resource Sector*. <https://www.nadc.gov.ab.ca/Docs/benifit-agreements-2013.pdf>

³⁴⁰ GNWT, ITI. (2021). Personal comment.

³⁴¹ Werker, Eric; Cascadden, Maggie; Zmuda, Katherine; O'Reilly, Kevin. (April 23, 2017). *Policies for generating socioeconomic benefits from natural resource extraction projects: A research report for the Government of the Northwest Territories*. Retrieved from: https://www.jstor.org/stable/community.27990109?seq=1#metadata_info_tab_contents

³⁴² Werker, Eric; Cascadden, Maggie; Zmuda, Katherine; O'Reilly, Kevin. (April 23, 2017). *Policies for generating socioeconomic benefits from natural resource extraction projects: A research report for the Government of the Northwest Territories*. Retrieved from: https://www.jstor.org/stable/community.27990109?seq=1#metadata_info_tab_contents

³⁴³ See also examples of additional commitments identified for jurisdictional agreements on the topic of “checks and balances”.

³⁴⁴ Werker, Eric; Cascadden, Maggie; Zmuda, Katherine; O'Reilly, Kevin. (April 23, 2017). *Policies for generating socioeconomic benefits from natural resource extraction projects: A research report for the Government of the Northwest Territories*. Retrieved from: https://www.jstor.org/stable/community.27990109?seq=1#metadata_info_tab_contents

*“...best efforts to maximize benefits includes signing a Human Resources Development Agreement, taking a collaborative approach to designing effective local recruitment, training, and career advancement opportunities for local people, and overall augmenting locals’ capacity to take advantage of current and future development”.*³⁴⁵

Additionally, the strength of proponent-community relationships is the key driver of agreement success or failure. They note that the development of strong and lasting relationships with local communities that focus on the land and what the land means to people, supports more successful and beneficial outcomes.³⁴⁶

5.2 Are there other mechanisms/tools available that support maximization of local benefits from resource development projects?

Question 5.2 Summary Overview

The evidence indicates that there are noteworthy tools and mechanisms embedded within the existing SEAs and best practices which support the maximization of local benefits and minimize project impacts. In addition, there are beneficial policies being implemented by the owners of the diamond mines operating in the NWT, there have been recent developments in the NWT’s legislative landscape, and there are different mechanisms and tools being used in other jurisdictions which support the maximization of local benefits and minimize impacts from resource development projects.

It was noted that the *Mineral Resources Act* will allow for many SEA requirements to be legislated, which would require a balanced approach that seeks maximum of benefits. In particular, Part 5 – New Benefits for People and Communities – includes a provision Benefit Agreements for Indigenous Governments and Organizations. This is a new tool that could be rolled up in discussions about SEAs in the NWT.

Alternative/complementary mechanisms and tools to the SEA include:

- A collaborative agreement that brings together Indigenous groups, industry and government together
- Internal/External Assurance Audits
- Human Resources Plan / Human Development Plan
- Employment Equity Policy and Implementation Plan
- Women’s Employment Plan /Gender Equity and Diversity Plan
- Training and Employment Plan
- Benefits Plan
- Succession Plan
- Business Development Plan
- Implementation Plan
- Infrastructure Plan
- Archaeological Resources Management Plan

³⁴⁵ Werker, Eric; Cascadden, Maggie; Zmuda, Katherine; O'Reilly, Kevin. (April 23, 2017). *Policies for generating socioeconomic benefits from natural resource extraction projects: A research report for the Government of the Northwest Territories*. Retrieved from: https://www.jstor.org/stable/community.27990109?seq=1#metadata_info_tab_contents

³⁴⁶ O'Faircheallaigh, C. (2013). *Community development agreements in the mining industry: an emerging global phenomenon*. *Community Development*; 44(2).

- Plan of Compliance with the Benefits Agreements
- Guidelines for Research and Development Expenditures
- Monitoring and Reporting Guidance
- Industrial Benefit Planning

5.2.1 Engagement

Please note: The findings contained within this section reflect the perceptions, experiences, and opinions of engagement participants.

5.2.1.1 GNWT Departments

It was noted that the *Mineral Resources Act* will allow for many SEA requirements to be legislated, which will require a balanced approach that seeks maximum of benefits but is scaled to the size of a project. This was suggested that the Act will likely be the greatest tool the GNWT will have to maximize socio-economic benefits from a resource development project.

It was also proposed that undertaking smaller, independent reviews (i.e., smaller than the SEA Program Review) could focus improvement on specific parts of SEAs. It was also suggested that improved identification of and participation in opportunities to collaborate on related projects across the GNWT would lead to better SEA outcomes, and that adopting cost-benefit and opportunity cost analyses would improve prioritization of commitments and measurement of their value.

5.2.1.2 Proponents

Audits were said to be a valuable tool that could help organizations meet targets and addressing commitments. Additionally, creating an inventory of people available to work in each community and having more technological supports in each community would be beneficial tools. It was also suggested that the GNWT create its own toolkit on how to implement the SEA to maximize benefits.

5.2.1.3 Indigenous Governments and Organizations

The *Mineral Resources Act*, specifically Part 5 – New Benefits for People and Communities – which includes a provision [52] Benefit Agreements for Indigenous Governments and Organizations was identified as a new tool.³⁴⁷

One Indigenous Government and Organization participant noted,

We have a robust regulatory system that gives a lot of space to Indigenous participation and that system is working well for the interests of northerners. I think our policy environment is actually robust in protecting the interest of the Territory and its peoples and Indigenous peoples within the Territory. But as things move forward and there is new legislation and a review of old instruments and legislation, we should be cautiously proceeding so that any changes made are well thought through and benefit Indigenous peoples to the maximum extent possible because Indigenous people have owned the land since time immemorial and since the mines are on... traditional lands... [and] the benefits should flow to the [Indigenous group] first and the Territory second.

³⁴⁷ https://www.ntassembly.ca/sites/assembly/files/bill_34.pdf

5.2.2 Jurisdictional Scan

The jurisdictional agreements reviewed reference other tools that help support maximization of socio-economic benefits from the project. These include tools such as:^{348, 349}

- Human Resources Plan
- Human Development Plan
- Employment Equity Policy and Implementation Plan
- Diversity Plan
- Women's Employment Plan
- Gender Equity and Diversity Plan
- Training and Employment Plan
- Benefits Plan
- Succession Plan
- Business Development Plan
- Implementation Plan
- Infrastructure Plan
- Archaeological Resources Management Plan
- Plan of Compliance with the Benefits Agreements
- Guidelines for Research and Development Expenditures

The NWT SEAs also reference other tools that go beyond the SEAs in helping to support the maximization of socio-economic benefits from the project. These tools were examined as part of the desktop review.

Some of the additional jurisdictional tools supporting maximization of benefits have a comparable focus to the NWT SEAs in that they support the tracking of employment and business opportunities,³⁵⁰ however, they also present additional information on such topics as research and development expenditures, bidders, and women owned businesses (refer to **Table 39**).

³⁴⁸ In some instances, only the amendment rather than the original plan was found while in others, a report related to the plan, rather than the plan itself or a plan for a sub-component of the development project was found and reviewed. A number of plans were unavailable online and could not be reviewed.

³⁴⁹ Although addressed in Section 5.3 (Sub-Question 3.3: Are there other mechanisms/tools to track fulfillment of commitments or targets?), it is important to note that monitoring and reporting can support both the maximization of local benefits and the minimization of impacts from resource development projects as well as tracking the fulfillment of proponent commitments or targets under the projects. For the purposes of this scan, additional tools (not monitoring specific (e.g., Monitoring Plans/Programs) have been addressed under the maximizing benefits/minimizing impacts question while monitoring specific tools have been addressed under the tools to track fulfillment of commitments and targets question.

³⁵⁰ Although the specific characteristics of individuals/businesses prioritized for hiring depend on the jurisdiction where the agreement or document applies (e.g., prioritization of NWT residents vs. Nunavut resident), the general monitoring itself is seen as comparable.

Table 39: Tool Content

Jurisdiction	Other Tools	Tools Focus
NL	• Hibernia (Benefits Plan)	• Research and development expenditures according to the C-NLOPB Guidelines
NL	• C-NLOPB Monitoring and Reporting Guidance	• Details of bidders, and the procurement target related to the prequalification, bidding, and award stage of procurement to support C-NLOPB's review of contracts, subcontracts and purchase orders
NL	• C-NLOPB Guidelines for Research and Development Expenditures	• Research and development expenditures (past year) and plans for expenditure in the current year
NL	• Kami (Gender Equity and Diversity Plan)	• Contracts awarded to businesses owned by women or by individuals from other under-represented groups

With respect to reporting, the majority of additional jurisdictional tools used to maximize benefits are similar to the NWT SEAs in that they require formal, annual reporting on the progress of achievement of socio-economic benefits and regular reviews, however, there are also some additional requirements noted in some of the NL tools (refer to **Table 40**).

Table 40: Formal Reporting Commitments

Jurisdiction	Other Tools	Reporting Requirements
NL	• Hibernia (Benefits Plan)	• Quarterly benefits report including employment and expenditure reporting • Procurement, contracting, research and development activities/expenditures reported according to the C-NLOPB's Guidelines • Gender equity and diversity reporting according to processes and procedures established in consultation with stakeholders including C-NLOPB
NL	• C-NLOPB Monitoring and Reporting Guidance	• Quarterly procurement forecast (upcoming contracts, subcontracts, purchase order of at least \$250,000 for the next quarter) • Quarterly procurement report (listing of contracts, subcontracts, purchase orders of at least \$250,000 awarded in the last quarter)
NL	• Voisey's Bay (Women's Employment Plan for Long Harbour Processing Plant)	• Monthly, quarterly Industrial Employment Benefits Agreement Reports including employment information
NL	• Kami (Gender Equity and Diversity Plan)	• Consistent with the Benefits Agreement: Monthly report on employment and procurement • Consistent with the Benefits Agreement: Quarterly report on employment and procurement, including an update on education and training initiatives, gender and diversity initiatives and upcoming procurement forecast

With respect to oversight, a number of jurisdictional mechanisms that support maximization of benefits require reviews by committees or groups of the commitment indicators to track progress (refer to **Table 41**). The roles described appear to go beyond that of such committees identified in the Snap Lake SEA and Diavik SEMA.³⁵¹

³⁵¹ The advisory board was later removed in an amendment to the Diavik SEMA.

Table 41: Committee/Board Review Commitments

Jurisdiction	Other Tools	Committees
NL	<ul style="list-style-type: none"> • C-NLOPB Monitoring and Reporting Guidance 	<ul style="list-style-type: none"> • The C-NLOPB reviews no more than 20% (expected figure) of contracts, subcontracts and purchase orders valued at \$250,000 or greater based on the proponent's quarterly procurement forecasts. The C-NLOPB conducts reviews at three procurement stages: <ul style="list-style-type: none"> • Prequalification review • Bidders list review • Award review
NL	<ul style="list-style-type: none"> • C-NLOPB Guidelines for Research and Development Expenditures 	<ul style="list-style-type: none"> • The C-NLOPB reviews the proponent's annual report of the previous year's research and development expenditures with respect to the proponent's plan for the period
NL	<ul style="list-style-type: none"> • Voisey's Bay - Women's Employment Plan for Long Harbour Processing Plant 	<ul style="list-style-type: none"> • Annual review of Plan and objectives with internal and where appropriate external stakeholders; annual review of progress on the Plan with stakeholders
NL	<ul style="list-style-type: none"> • Kami (Gender Equity and Diversity Plan) 	<ul style="list-style-type: none"> • Gender Equity and Diversity Committee <ul style="list-style-type: none"> • Meets quarterly to review implementation of the Gender Equity and Diversity Plans, identify opportunities for improvements (during construction and for first three years of operations, at least twice per calendar year after this period) • Includes representation from any trade unions • Conducts periodic surveys of employees to determine the effectiveness of the Plans and recommends changes to increase performance to senior management • Reviews the proponent's Human Resources Plan to make sure it complies with the Gender Equity and Diversity Plans and recommends changes • Proponent shares and gathers information with women's organizations and other stakeholder groups to facilitate success of the Gender Equity and Diversity Plans • Proponent meets periodically with trade unions to review and discuss any issues with implementation of the Gender Equity and Diversity Plans; other interested stakeholders may be invited

The literature speaks to industrial benefit planning (IBP) which is considered a key tool for managing socio-economic benefits and for supporting Corporate Social Responsibility (CSR) particularly when developed through strong cross-sector collaboration.³⁵² An IBP is a component of the EA process for resource development projects in NL.³⁵³ NL relies on IBP to derive socio-economic benefits for the province when reaching development agreements with the petroleum industry. Including IBPs within the broader EA regulatory framework, as occurs with the offshore petroleum industry, is now a standard for resource development projects in the province. As was noted,³⁵⁴

³⁵² Murphy, I. (2013). *Industrial benefits planning: a bridge between SIA & CSR*. <https://conferences.iaia.org/2013/pdf/Final%20papers%20review%20process%202013/Industrial%20benefits%20planning%20-%20a%20bridge%20between%20SIA%20and%20CSR.pdf>

³⁵³ Werker, Eric; Cascadden, Maggie; Zmuda, Katherine; O'Reilly, Kevin. (April 23, 2017). *Policies for generating socioeconomic benefits from natural resource extraction projects: A research report for the Government of the Northwest Territories*. Retrieved from: https://www.jstor.org/stable/community.27990109?seq=1#metadata_info_tab_contents

³⁵⁴ Murphy, I. (2013). *Industrial benefits planning: a bridge between SIA & CSR*. <https://conferences.iaia.org/2013/pdf/Final%20papers%20review%20process%202013/Industrial%20benefits%20planning%20-%20a%20bridge%20between%20SIA%20and%20CSR.pdf>

Regulator guidelines for environmental assessment related to projects in oil and gas, mining, and other industrial sectors routinely include requirements to engage in IBP and to submit a project benefits plan for approval. This reflects a growing concern by governments and stakeholders regarding the delivery of socio-economic benefits as compensation for any economic, social, or environmental costs associated with a project. At the same time, project proponents have recognized the importance of delivering local benefits as a method of promoting their CSR mandate, while garnering the public support that is required for a social license to operate and subsequent project approval.

In NL, as with NWT, there is an ongoing shortage of skilled labour which presents a constant challenge for resource development projects and creates an obstacle to achieving local employment commitments. While the labour shortage is a challenge faced by the entire province, and not an issue to be solved by project proponents, a number of IBPs have included strategies, policies, and actions to address this problem. By relying on cross-sector collaboration, these IBP-related initiatives help to address labour challenges that affect both industry and the general public of NL. Additionally, these strategies, help promote a proponent's CSR mandate. An example of one of the strategies to overcome skilled labour shortages is the active promotion of the development of industry-required skills by collaborating with governments and training institutions. This includes skills development commitments to communicate forecasted labour requirements to education and training institutions, and to provide support and contributions to post-secondary institutions.³⁵⁵

The literature identifies development and implementation best practices, put forth by jurisdictions, for maximizing socio-economic benefits from major projects. These include:³⁵⁶

- Collaboration of all stakeholders in the development of indicators and provide opportunities for continuing communication and feedback.
- Adjust measures, which are ever evolving and changing, as necessary.
- Incorporate regular reporting into the life of the project.
- Measure immediate outcomes.
- Track progress of programs used to contribute to objectives.
- Establish indicators at the beginning of the project.
- Track level of ability to influence indicators.
- Using the same indicators for similar projects creates a consistent framework for monitoring and helps facilitate the monitoring of cumulative resource development impacts.

5.2.3 Desktop Review

In order to support the maximization of local benefits from resource development projects, it is suggested that increased dialogue and involvement of First Nation communities via methods such as interagency discussion, resource sharing, and international forums, could maximize local benefits. Four recommendations for the maximization of local benefits are identified:

³⁵⁵ Murphy, I. (2013). *Industrial benefits planning: a bridge between SIA & CSR*. <https://conferences.iia.org/2013/pdf/Final%20papers%20review%20process%202013/Industrial%20benefits%20planning%20-%20a%20bridge%20between%20SIA%20and%20CSR.pdf>

³⁵⁶ Northern Development Ministers Forum. (August 2013). *Benefit Agreements in Canada's North - Priority Project on Sustainable Resource Development*. Retrieved from: <https://www.nadc.gov.ab.ca/Docs/benefit-agreements-2013.pdf>

1. Natural resource development proponents and the government should undertake a comprehensive national dialogue (potentially in the form of roundtables), inviting First Nations, industry members and government/non-government organizations to discuss practical involvement of First Nations communities in natural resource development.
2. A national discussion with appropriate government leaders should be convened to discuss resource revenue sharing as the best means of eliminating socio-economic disparities.
3. Establishment of a central knowledge and information resource that would assist First Nations communities by providing them with access to practical and technical information and advisory services that could enable them to participate more fully in all aspects of natural resource development.
4. An international forum should be held to encourage and expand First Nations involvement in resource development, trade relationships, business partnerships, and access to foreign markets.³⁵⁷

Anglo American – the majority owner of De Beers³⁵⁸ and proponent for the Gahcho Kué mine³⁵⁹ – has a Social Way Policy which aims to “deliver a lasting, positive contribution to local communities and those affected by our activities”. Although there was a passing mention of sponsoring community celebrations that promote cultural practices in accordance with proponent’s policy for social investment, the SEA was otherwise silent on the development of a social investment policy.³⁶¹ The policy applies to AngloAmerican sites and contractors, and AngloAmerican supports the adoption of the policy at sites that are not managed by Anglo American but where there is a business relationship.³⁶² This 2020 policy is extensive and requires each site to develop, document, and implement a Social Performance Management Committee to support leadership, resourcing, capability, monitoring, and evaluation of the Social Way Policy as well as develop a Social Management Plan that summarizes long-term socio-economic development objectives and activities required to achieve the objectives.³⁶³

Under the Social Way Policy, there are also requirements related to:

- Using baseline data used for inform the Social Management Plan as well as the timeline for its renewal;
- Documenting, monitoring and reporting on progress;
- Development of an annual plan and its content;
- Consulting with the public and sharing of the Social Management Plan and related timelines with them;
- Developing and implementing a Stakeholder Engagement Plan and timelines for its renewal;
- Conducting a Community Engagement Forum;
- Developing a Socio-Economic Development Plan if applicable and criteria for applicability of the plan;
- Creating an Annual Activity Plan related to the Socio-Economic Development Plan and its contents and related Socio-Economic Development projects;

³⁵⁷ Working Group on Natural Resource Development. (2015). *First Nations and natural resource development: advancing positive, impactful change. Step one: finding the ways and means for First Nations to fully share in natural resource development.*

³⁵⁸ Anglo American. (n.d.). Diamonds. Retrieved November 17, 2021 from <https://www.angloamerican.com/products/diamonds?product=diamonds>.

³⁵⁹ De Beers Group. (n.d.). Gahcho Kué Mine. Retrieved November 17, 2021, from <https://canada.debeersgroup.com/operations/mining/gahcho-kue-mine>.

³⁶⁰ AngloAmerican. (2020). Group social way policy.

³⁶¹ Gahcho Kué Project Socio Economic Agreement. (2013, June). https://www.iti.gov.nt.ca/sites/iti/files/de_beers_gahcho_kue_project_-_june_2013.pdf

³⁶² AngloAmerican. (2020). Group social way policy.

³⁶³ AngloAmerican. (2020). Group social way policy.

- Engaging with stakeholders during the review and validation of the Socio-Economic Development Plan;
- Maximizing positive impacts from contractor activities;
- Respecting the rights, interests and perspectives of Indigenous peoples and consideration of their special connections to the environment;
- Outlining roles, responsibilities, and accountability; and
- Reporting on results/outcomes.³⁶⁴

To support maximization of benefits and minimization of impacts, the mines have created supporting policies and procedures.

As mentioned elsewhere in this report, although the policies themselves were not provided by the proponent for the purposes of the desktop review, a Code of Conduct from Anglo American – which owns the majority of De Beers, the proponent for the Gahcho Kué mine, – indicates that there is an alcohol-free and drug-free work place policy at the Gahcho Kué site and a bullying, harassment and victimisation policy that applies to Gahcho Kué.^{365, 367} Similarly, Rio Tinto's Code of Conduct, which appears to apply to employees and contractors at Diavik, states the importance of each person not being under the influence of alcohol or drugs and indicates that harassment of any kind is not acceptable in the workplace.³⁶⁷ Specific to Diavik, the Respectful Workplace Policy also aims to provide employees, including contractors, with a respectful working environment and enforces zero tolerance on harassment – including sexual harassment, discrimination, and violence.³⁶⁸ Rio Tinto's Supplier Code of Conduct, further indicates that suppliers are expected to prevent harassment, as well as support initiatives to employ, procure, and build capacity within host communities, and provide reporting on economic and social performance.³⁶⁹ Together, these tools may help minimize related negative impacts related to alcohol and drug use as well as harassment, and maximize local benefits related to contractor business development, employment, and training.

Diavik has also developed a series of policies – both identified in the SEMA and which go beyond the SEMA – that relate to the priority hiring of Indigenous and Northern persons, Northern business opportunities, donations and sponsorships for local communities, employee leave, and renumeration for individuals who contribute their knowledge and other services to Diavik as individuals. The policies are described in appropriate detail below.

The Diavik Recruitment Policy is consistent with the proponent's commitments related to employment, including the measure to develop policies, practices and programs pursuant to their employment commitments in the SEMA.³⁷⁰ However, the policy appears to go beyond the SEMA, supporting the maximization of local benefits in other areas.³⁷¹

³⁶⁴ AngloAmerican. (2020). *Group social way policy*.

³⁶⁵ AngloAmerican. (2020). *Our code of conduct. Our values in action*.

³⁶⁶ *The Code of Conduct* mentions that there are local policies on drug and alcohol at work.

³⁶⁷ Rio Tinto. (2017). *The way we work*.

³⁶⁸ Diavik Diamond Mines Inc. (2014). *Respectful workplace policy*.

³⁶⁹ Rio Tinto. (2021). *Supplier code of conduct*.

³⁷⁰ Diavik Diamonds Project Socio-Economic Monitoring Agreement. (1999, October 2).

³⁷¹ Diavik Diamond Mines Inc. (2020). *Recruitment policy*.

As noted earlier, Diavik's Procurement Policy addresses the commitment in the SEA related to implementing policies to maximize business opportunities for Northern businesses overall.^{372, 373} The policy is also consistent with some of the other commitments in the SEA related to business development and presents a potentially powerful tool to maximize benefits for Northern and Northern Indigenous businesses related to the Diavik project.³⁷⁴

Diavik's policy approach toward charitable giving is another tool that could support the maximization of local benefits from the mine. This policy is not directly related to the commitments under the SEMA but identifies priority topic areas and eligibility criteria to guide the distribution of funds in response to community contribution requests.³⁷⁵

The Diavik Leave Policy³⁷⁶ addresses the proponent's commitment under the SEMA to provide a week of unaccountable leave but the policy was not specifically required under the SEMA.³⁷⁷ The policy goes beyond the commitments in the SEMA, setting out guidelines for additional paid leave benefits, which could have benefits for local employees. The policy also addresses leave without pay.

There was no mention of an honoraria policy in the SEMA. However, Diavik has developed an approach, which ensures that eligible individuals receive compensation for their contribution to Diavik.³⁷⁸ This could help maximize benefits to individuals in local communities, and also includes content, which addresses the proponent's commitment under the SEMA to provide for Indigenous language interpreters at community meetings.³⁷⁹

No other plans or policies (additional tools), which could support the maximization of benefits identified in the SEAs were provided by the proponents. In some cases, documents reported developing other tools (e.g., policies) but they were not provided and could not be reviewed.

The Truth and Reconciliation Commission's Call to Action #92 can also help support the maximization of local benefits related to natural resource development projects by calling on the corporate sector to take action that ensures Indigenous peoples' consent before moving ahead with projects, and ensures equitable access for Indigenous peoples to jobs, training and education opportunities in the corporate sector as well as long-term sustainable benefits from such projects for Indigenous communities.^{380, 381}

³⁷² *Diavik Diamonds Project Socio-Economic Monitoring Agreement. (1999, October 2).*

³⁷³ *Diavik Diamond Mines Inc. (2021). Diavik Procurement Policy.*

³⁷⁴ *Diavik Diamond Mines Inc. (2021). Diavik Procurement Policy.*

³⁷⁵ *Diavik Diamond Mines Inc. (2020). Partner to operate investment donations and sponsorship policy.*

³⁷⁶ *Diavik Diamond Mines Inc. (2013). Leave policy.*

³⁷⁷ *Diavik Diamonds Project Socio-Economic Monitoring Agreement. (1999, October 2).*

³⁷⁸ *Diavik Diamond Mines Inc. (2020). Individual honoraria*

³⁷⁹ *Diavik Diamonds Project Socio-Economic Monitoring Agreement. (1999, October 2).*

³⁸⁰ *Government of Canada (2012). Honouring the truth, reconciling for the future. Summary of the final report of the truth and reconciliation commission of Canada. Retrieved from the Government of Canada Publications website: <https://publications.gc.ca/site/eng/9.800288/publication.html>*

³⁸¹ *Government of Canada (2012). Truth and reconciliation commission of Canada: Calls to action. Retrieved from the Government of Canada Publications website: <https://publications.gc.ca/site/eng/9.801236/publication.html>*

The Call to Action states,

"We call upon the corporate sector in Canada to adopt the United Nations Declaration on the Rights of Indigenous Peoples as a reconciliation framework and to apply its principles, norms, and standards to corporate policy and core operational activities, involving Indigenous peoples and their lands and resources. This would include, but not be limited to, the following:

- i. Commit to meaningful consultation, building respectful relationships, and obtaining the free, prior, and informed consent of Indigenous peoples before proceeding with economic development projects.
- ii. Ensure that Aboriginal peoples have equitable access to jobs, training, and education opportunities in the corporate sector, and that Aboriginal communities gain long-term sustainable benefits from economic development projects.
- iii. Provide education for management and staff on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal - Crown relations. This will require skills based training in intercultural competency, conflict resolution, human rights, and anti-racism."^{382, 383}

The GNWT currently has a publicly accessible BIP online.³⁸⁴ Under the SEA for Gahcho Kué, information about the BIP is to be provided to the proponent and the BIP is to be accessible to the proponent.³⁸⁵ Sharing the BIP with the proponent may have supported business opportunities for NWT businesses. However, further benefits related to the policy would fall beyond resource development projects – the BIP's original use is by GNWT departments and select additional public agencies to ensure NWT businesses receive special consideration under these government procurement processes for goods, services, and construction.

In addition to the BIP, the GNWT has maintained a registry of businesses eligible under the BIP.³⁸⁶ This is in accordance with the SEAs.^{387, 388} The registry can support business opportunities for NWT residents related to the mining projects related to the SEAs and other future resource development projects, as intended in the SEAs. However, any additional benefits related to the registry for NWT businesses would appear to fall beyond resource development projects. There could be additional benefits for local businesses if other sectors use the registry to support the involvement of NWT businesses in business opportunities.

³⁸² Government of Canada (2012). *Honouring the truth, reconciling for the future. Summary of the final report of the truth and reconciliation commission of Canada*. Retrieved from the Government of Canada Publications website: <https://publications.gc.ca/site/eng/9.800288/publication.html>

³⁸³ Government of Canada (2012). *Truth and reconciliation commission of Canada: Calls to action*. Retrieved from the Government of Canada Publications website: <https://publications.gc.ca/site/eng/9.801236/publication.html>

³⁸⁴ Government of Northwest Territories. (2010). *Business Incentive Policy*. Retrieved from Government of Northwest Territories website: <https://www.iti.gov.nt.ca/sites/iti/files/63-02-bip.pdf>

³⁸⁵ Gahcho Kué Project Socio Economic Agreement. (2013, June). https://www.iti.gov.nt.ca/sites/iti/files/de_beers_gahcho_kue_project_-june_2013.pdf

³⁸⁶ Government of Northwest Territories, Department of Industry, Tourism and Investment Department. (2021). *Search BIP Registry*. Retrieved from Government of Northwest Territories website: <https://www.iti.gov.nt.ca/en/services/business-incentive-program-bip/search-bip-registry>

³⁸⁷ Diavik Diamonds Project Socio-Economic Monitoring Agreement. (1999, October 2).

³⁸⁸ Gahcho Kué Project Socio Economic Agreement. (2013, June). https://www.iti.gov.nt.ca/sites/iti/files/de_beers_gahcho_kue_project_-june_2013.pdf

The NWT's *Mineral Resources Act*³⁸⁹ and related regulations are other tools that could support maximization of local benefits from resource development projects going forward. The *Mineral Resources Act* empowers (the Commissioner on the recommendation of) the Minister to prescribe requirements for measures that provide benefits to the people of the NWT and to make regulations regarding measures that provide benefits to the people of the NWT.

5.3 Are there other mechanisms/tools available to track fulfilment of commitments or targets?

Question 5.3 Summary Overview

The evidence highlights the importance of monitoring and reveals there are monitoring tools being used in other jurisdictions that track areas not currently covered in the NWT SEAs.

Monitoring is considered key to the successful maximization of benefits. Currently, most monitoring mechanisms focus primarily on economic impacts because the social effects of projects are difficult to predict (i.e., it is difficult to anticipate the social impacts of a project on a community, since many factors can influence its social environment) and are often poorly documented. To achieve greater effectiveness and to influence the practices of proponents, the agreements must include a project monitoring system (or to an associated monitoring plan).

Monitoring tools found in other jurisdictions have a comparable focus to the NWT SEAs regarding the monitoring of employment and business opportunities, community and individual well-being. However, some additional areas are monitored in these jurisdictions, including payments and investments, business opportunities/employment for additional under-represented groups, employee retention and competition, changes to the population, public and private services, engagement, food security, health including health and safety compliance, social cohesion, resilience and sustainability, as well as land and resource use.

To support monitoring in the NWT SEA context, a number of new mechanisms/tools were identified, including:

- A logic model that clearly identifies the SEA program intended outcomes (short, intermediate and long-term) that aligns with the individual SEAs and performance measurement plan that are reflective of a holistic or whole-of-government approach to SEAs
- A database customized by the GNWT that could process data for monthly reports
- An online reporting platform that presents the most up-to-date information from GNWT departments
- Regularly reviewed and updated indicators
- More community-based monitoring activities capturing qualitative/contextual information

5.3.1 Engagement

Please note: The findings contained within this section reflect the perceptions, experiences, and opinions of engagement participants.

³⁸⁹ Bill 34: *Mineral Resources Act*. (2019). 1st Reading February 11, 2019. 18th Parliament, 3rd session.

5.3.1.1 GNWT Departments

It was suggested that an online reporting platform be created to improve reporting,

...would allow for the most up-to-date information from GNWT departments that would normally be contained in an Appendix of the SEA report to be displayed online. Departments would be responsible to maintain their sections and could update them on a regular basis.

It was also suggested that adopting a logic model that clearly identifies the SEA program intended outcomes (short, intermediate and long-term) that aligns with the individual SEAs and performance measurement plan that are reflective of a holistic or whole-of-government approach to SEAs and that spoke to specific activities, output and outcomes with indicators and measures (not just targets/commitments), and built in reviews/evaluations would be beneficial.

5.3.1.2 Proponents

A customized GNWT database that could process data for monthly reports was recommended to help address data reporting delays.

5.3.1.3 Indigenous Governments and Organizations

Indigenous Government and Organization participants suggested that the indicators be reviewed and updated to ensure they match current needs,

When agreements were first created 20 years ago, the team in charge 20 years ago may not have been aware of things that are available now. The more we learn about different things, our need changes. So, the KPIs need to match our current needs and they need to progress. Something that might have been acceptable 20-30 years ago is not acceptable now. We need to bring everything back to current.

5.3.1.4 Other

The “Other” group included representatives from the Chamber of Mines, businesses, women’s organizations, regulator and education and training providers. It was recommended that more community-based monitoring be incorporated, rather than relying on statistics alone. They noted a tool used in a community-based partnership with the University of Guelph that had a good way of describing and tracking well-being and communication.

5.3.2 Jurisdictional Scan

The literature states that to achieve greater effectiveness and to influence the practices of proponents, the agreements must include a project monitoring system (or to an associated monitoring plan). The existence of a monitoring system is said to facilitate easier integration of projects into the economic, social, environmental, and cultural life of local communities. Monitoring is considered key to the successful maximization of benefits.

Currently, most monitoring mechanisms focus primarily on economic impacts because the social effects of projects are difficult to predict (i.e., it is difficult to anticipate the social impacts of a project on a community, since many factors can influence its social environment) and often poorly documented.³⁹⁰

The scan identified a number of monitoring documents in other jurisdictions. These documents focus on tracking the socio-economic impacts relevant to each project. As with the SEAs, this was carried out by assessing indicator data specific to each of the socio-economic commitments. For example, the targeted number of local residents employed by the project is an indicator that speaks to the degree to which the proponent has been successful in fulfilling its employment commitments or meeting employment-related targets. It is important to note that these monitoring tools also help support maximization of benefits. They do so through their implementation during the construction, operations and closure phases, by, for example:

- Verifying the predicted socio-economic effects, including predictions of no effect or no significance, of the Project as summarized in the environmental impact assessment;
- Identifying unforeseen socio-economic effects of the Project;
- Evaluating the effectiveness of mitigation measures in managing socio-economic effects;
- Documenting changing socio-economic conditions affecting or affected by the Project (including attribution of causality) and contributing to improving baseline data at a local, regional and territorial level;
- Verifying project-related commitments are implemented by the proponent, government and other parties as appropriate;
- Reporting the results of monitoring to the proponent, government and other parties as appropriate;
- Informing an adaptive management approach and providing for alternate mitigation and management actions where warranted;
- Informing future socio-economic effects assessment associated with mine expansion, as required; and
- Contributing to the assessment, management and monitoring of regional cumulative effects resulting from effects of the mine in combination with socio-economic effects resulting from past, present and (reasonably foreseeable) future developments and changing environmental conditions.³⁹¹

Monitoring tools found in other jurisdictions have a comparable focus to NWT SEAs around the monitoring of employment and business opportunities,³⁹² community and individual well-being (indicators related to e.g., income, education, crime, health system and social services use).³⁹³ However, there are some differences (refer to **Table 42**).

³⁹⁰ Northern Development Ministers Forum. (August 2013). *Benefit Agreements in Canada's North - Priority Project on Sustainable Resource Development*. Retrieved from: <https://www.nadc.gov.ab.ca/Docs/benefit-agreements-2013.pdf>

³⁹¹ Selkirk First Nation, Yukon Government and Capstone Mining Corp. (2014). *Minto Mine Appendix A: Minto Mine Socio-Economic Monitoring Program Framework Components, Information and Program Requirements*. https://emr-ftp.gov.yk.ca/emrweb/COMM/major-mines/mml_minto_socioeconomic_monitoring_program.pdf

³⁹² Although the specific characteristics of individuals/businesses prioritized for hiring depend on the jurisdiction where the agreement or document applies (e.g., prioritization of NWT residents vs. Nunavut resident), the general monitoring itself is seen as comparable.

³⁹³ In some cases, monitoring may also be occurring through another channel (e.g., through a regional SEMC)

Key areas monitored in documents but missing from the NWT SEAs include payments and investments, business opportunities/employment for additional under-represented groups, employee retention and competition, changes to the population, public and private services, engagement, food security, health including health and safety compliance, social cohesion, resilience and sustainability, as well as land and resource use.

There were some differences between the NWT SEAs and the monitoring tools found in other jurisdictions in the indicators used to report on similar commitments. For example, an indicator in the Diavik SEMA is the percentage of the workforce aged group engaged in traditional activities. The indicator used in the Agnico Eagle Kivalliq Projects Monitoring Program is the self-reported effect of the project on culture and traditional indicators. Additionally, a survey of Inuit employees asked participants about the impact of the mine on their ability to participate in cultural and traditional activities.

Table 42: Monitoring Tool Focus

Jurisdiction	Monitoring Tools	Additional Monitoring Tool Focus
NU	Hope Bay Project 2019 Socio-economic Monitoring Program	<ul style="list-style-type: none"> • Payments by the proponent to the KIA, Nunavut Tunngavik Incorporated, and the Kitikmeot corporation • Payments by the proponent to the Government of Nunavut for taxes and fuel purchases • Employee retention • Investments in education-based initiatives • Population size, migration • Health services utilization • Food security • Sale of alcoholic beverages
NU	Socio-economic Monitoring Report for the Mary River Project	<ul style="list-style-type: none"> • Payments by the proponent to the QIA • Payments by the proponent to the Government of Nunavut for taxes • Employee retention • Investments in education-based initiatives • Population size, migration • Health services utilization (project-related, public) • Childcare access • Use of community infrastructure • Competition for skilled workers • Meetings in communities with governments and Inuit organizations • Wildlife compensation fund claims related to land use and harvesting issues (that may be due to the project) • Food security • Monitoring related to proposed and completed archaeological work and any changes to the status of identified archaeological sites is carried out through the Archaeology Status Update Report • Governance and leadership is a Valued SE Component (VSEC) but related monitoring indicators have not yet been developed

³⁹⁴ This is identified in the Mary River 2020 SE Monitoring Report but the Archaeology Status Update Report could not be found through a targeted online search.

Jurisdiction	Monitoring Tools	Additional Monitoring Tool Focus
NU	Agnico Kivalliq Projects: 2020 Socio-Economic Monitoring Program Report	<ul style="list-style-type: none"> Payments by the proponent to the Kivalliq Inuit Association and Nunavut Tunngavik Incorporated Payments by the proponent to the Government of Nunavut for taxes Employee retention Investments in education-based initiatives Population size, migration Health services utilization (project-related, public) Food security Use of community infrastructure
YK	Minto Mine Socio-Economic Monitoring Program: Components, Information and Program Requirements (amended 2018)	<ul style="list-style-type: none"> Other fees paid by the proponent Migration, residency Health (mental, physical) Social cohesion Ability of parties (proponent, Selkirk First Nation, Government of Yukon) to manage project-related SE commitments, impacts and risks Household resilience Management of mine closure Costs and benefits for future generations
NL	Lower Churchill Project Socioeconomic Environmental Effects Monitoring Plan	<ul style="list-style-type: none"> Migration Consultations with property owners, trappers Human health risk assessment Community liaison committee Quarterly meetings with the town of Happy Valley-Goose Bay Snowmobile trails Community-level land and resource use

While the NWT SEAs and the jurisdictional monitoring tools identify the parties responsible for collecting monitoring data (e.g., proponent, government), include a commitment to an employee survey and the Ekati SEA generally references internal reports to be used as a baseline, some of the jurisdictional monitoring tools describe the specific data sources to be used to establish the baseline for monitoring and the data sources to be used to support ongoing monitoring (refer to **Table 43**).

Table 43: Data Source Commitments

Jurisdiction	Monitoring Tools	Data Sources
NU	Hope Bay Project 2019 Socio-economic Monitoring Program	<ul style="list-style-type: none"> Qualitative data may be used to evaluate and interpret quantitative data and trends: e.g., reports and observations from the proponent, KIA, the Government of Nunavut, Government of Canada, Kitikmeot socio-economic monitoring committee (SEMC) members, hamlets, local service providers about community activities and events

Jurisdiction	Monitoring Tools	Data Sources
NU	Agnico Kivalliq Projects: 2020 Socio-Economic Monitoring Program Report	<ul style="list-style-type: none"> • Data sources are primarily the proponent, NU Bureau of Statistics, Statistics Canada, Government of Nunavut departments • Proponent has been involved in undertaking additional data collection activities related to the project that provide information for the SE reporting (these go beyond the general employee surveys identified in the NWT SEAs): <ul style="list-style-type: none"> • Baker Lake Community Liaison Committee - composed of proponent staff and local stakeholder to inform stakeholders about mine activities and consult with them on specific projects or issues <ul style="list-style-type: none"> • Committee produces an annual report • Inuit & Nunavummiut Employee Survey • Other key sources of information include studies/analysis undertaken as a result of requirements under an Inuit Impact Benefit Agreement (IIBA) and Nunavut Inuit Labour Force Analysis required under the Nunavut Land Claims Agreement
YK	Minto Mine Socio-Economic Monitoring Program: Components, Information and Program Requirements (amended 2018)	<ul style="list-style-type: none"> • Territory-wide administrative data collected by the Government of Yukon (largely reliant on the national Census) • Community-level data from the Aboriginal People's Survey, First Nations Regional Health Survey, Community Well-Being Index • Proponent's administrative data • Focus groups / community round tables (may be carried out by the proponent, Government of Yukon or Selkirk First Nation) • Need for a new community-level household survey of Selkirk First Nation households every five years identified (no responsible party identified)
NL	Lower Churchill Project Socioeconomic Environmental Effects Monitoring Plan	<ul style="list-style-type: none"> • Census data to be used to update socio-economic baseline study and EIS • Local and regional data from relevant agencies • Monitoring perceptions from ongoing stakeholder engagement • Proponent's stakeholder engagement and workforce management as information source; proponent's community relations and management staff to informally monitor day-to-day implementation of SE mitigation and enhancement measures with community meetings to discuss project-related issues • Issue-specific engagement organized through established Community Liaison Committee • Proponent's administrative data

The majority of jurisdictional monitoring tools were similar to the NWT SEAs in requiring formal, annual reporting on the results of socio-economic monitoring and regular reviews; however, there were some additional requirements noted in two of the tools (refer to **Table 44**).

Table 44: Formal Reporting Commitments

Jurisdiction	Monitoring Tools	Additional Reporting Requirements
YK	Minto Mine Socio-Economic Monitoring Program: Components, Information and Program Requirements (amended 2018)	<ul style="list-style-type: none"> The proponent to provide bi-annual reporting of socio-economic data in addition to the annual reporting Calendar of monitoring and reporting milestones throughout the year established to ensure monitoring and reporting achieved
NL	Lower Churchill Project Socioeconomic Environmental Effects Monitoring Plan ³⁹⁵	<ul style="list-style-type: none"> Monthly reporting on employment and procurement Monthly reporting specifically on the Muskrat Falls Projects on topics including construction and procurement activities, construction costs, employment, employment programs, benefits, community engagement, and community investment Quarterly reporting on compliance with the benefits strategy, business development³⁹⁶ and employment programs (gender equity, diversity³⁹⁷) <i>Regular updates on the project³⁹⁸, published on the proponent's website, as per the Lower Churchill Construction Projects Benefits Strategy</i>

The jurisdictional monitoring tools focus on monitoring more broadly than in the NWT SEAs, by going beyond tracking commitments (refer **Table 45**). Some jurisdictional committees required by the jurisdictional monitoring tools are also involved in the development of monitoring indicators. There appears to be greater involvement of stakeholders in the development of the monitoring program and indicators in other jurisdictions through these committees. It is important to note that the monitoring program for Hope Bay (NU) mentions considering and incorporating Inuit Qaujimajatuqangit (IQ) into the program to ensure that the monitoring design and methodologies are culturally appropriate.

³⁹⁵ Consistent with the Lower Churchill Construction Projects Benefits Strategy found; exceptions noted.

³⁹⁶ Including procurement forecasts, according to the Lower Churchill Construction Projects Benefits Strategy.

³⁹⁷ Consistent with the reporting described in the Muskrat Falls Projects: Gender Equity and Diversity Program.

³⁹⁸ Includes reporting on gender equity and diversity information, as set out in the Muskrat Falls Projects: Gender Equity and Diversity Program.

Table 45: Committee/Board Review Commitments

Jurisdiction	Monitoring Tools	Committees
NU	Hope Bay Project 2019 Socio-economic Monitoring Program	<ul style="list-style-type: none"> Hope Bay SE (Monitoring) Working Group (SEMWG) required under NIRB Project Certificates to ensure the SE Monitoring Program provides for appropriate project-specific SE effects monitoring <ul style="list-style-type: none"> Members include the proponent, the Government of Nunavut, Indigenous and Northern Affairs Canada (now Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), and the KIA; new members may be invited Regional Kitikmeot SEMC provided for by the Nunavut Land Claims Agreement to complement and support project-specific SE monitoring working groups³⁹⁹ <ul style="list-style-type: none"> The objectives of the SEMC are: <ul style="list-style-type: none"> Ensuring compliance with SE monitoring requirements during the monitoring processes as required by the NIRB and the Nunavut Land Claims Agreement; Supporting project-specific SE monitoring working groups by collecting and disseminating information, facilitating meetings, and reporting to NIRB; Bringing together communities, governments, agencies, Regional Inuit Associations, and proponents in a forum that encourages discussion and information-sharing among parties Collecting baseline data validated by local and traditional knowledge Provide consistent participation forum for stakeholders SE monitoring program indicators include, among others, indicators identified by the SEMWG Periodic review if SEMWG members think it is needed, of the SE Monitoring Program to make sure it is effective SEMWG reviews results of the SE Monitoring Program to identify SE changes in communities and to think about the possible influence of the project on these changes
NU	Socio-economic Monitoring Report for the Mary River Project	<ul style="list-style-type: none"> Any additional indicators selected in consultation with the SEMWG Proponent is engaged with the regional Qikiqtaaluk SEMC (QSEMC)⁴⁰⁰ as required in the NIRB Project Certificate <ul style="list-style-type: none"> Some SE monitoring may be carried out by the QSEMC rather than through the project Mary River SEMWG supports the QSEMC's regional monitoring through project-specific SE monitoring and supports the fulfilment of SE terms and conditions in the NIRB Project Certificate <ul style="list-style-type: none"> Members include the proponent, Government of Nunavut, Government of Canada, Qikiqtaaluk Inuit Association (QIA) SE monitoring program based on initial framework described in the EIS, has evolved based on lessons learned and stakeholder feedback, and includes indicators required to comply with the NIRB Project Certificate SE Monitoring Plan includes SEMWG terms of reference
NU	Agnico Kivalliq Projects: 2020 Socio-Economic Monitoring Program Report	<ul style="list-style-type: none"> <i>Agnico Kivalliq Projects SE Monitoring Program (SEMP) developed with Kivalliq SEMC⁴⁰¹</i> <ul style="list-style-type: none"> <i>Kivalliq SEMC supported development of the framework, identification of and access to data to improve SE performance</i> <i>SEMP includes monitoring against impacts in the Final Environmental Impact Statements (FEIS) as well as concerns and priorities identified by the Kivalliq SEMC; aligns where possible with the Government of Nunavut's territorial core indicators</i> <i>Agnico Kivalliq Projects SE Working Group supports the design and implementation of the SEMP</i>

³⁹⁹ Three regional SEMCs were established by the Government of Nunavut in 2007

⁴⁰⁰ Three regional SEMCs were established by the Government of Nunavut in 2007

⁴⁰¹ Three regional SEMCs were established by the Government of Nunavut in 2007

The literature notes that the creation of a project monitoring committee involving as many stakeholders as possible is also key to succeeding in efforts to maximize benefits. Creating such a committee makes it possible to:

- Facilitate appropriate development of the project,
- Identify objectives shared by the partners,
- Deal with problems and find solutions acceptable to a majority of partners,
- Mitigate negative impacts on the development of the region,
- Identify maximization objectives by consensus and thereby identify monitoring mechanisms and indicators for the project,
- Produce reports and share them with the populations involved, and
- Adjust maximization objectives and indicators as the project progresses and on the basis of the benefits involved.⁴⁰²

Additional commitments regarding tracking fulfilment of commitments or targets are included in some jurisdictional agreements (refer to **Table 46**). Examples include quarterly reporting requirements, meetings after the submission of reports and provision of information on major provincial contract awards.

Table 46: Additional Monitoring Commitments

Jurisdiction	Project	Additional Commitment Information
NL	Voisey's Bay	<ul style="list-style-type: none"> • Monthly, quarterly reporting of information related to employment and/or business opportunities (more frequent than the annual requirement in the NWT SEAs). • Monthly and quarterly reporting on project progress. • Annual reporting related to the production and expenditures of the project itself. • Meeting between proponent and government after each report; reporting can also be used to calculate additional charges. • Upon completion of the Processing Plant, reporting on employment during construction to determine any research and development funds that need to be provided based on the degree to which the proponent met the employment target. • Provide information to the government about major contracts upon award. • Monitor implementation of the employment equity policy and implementation plan for the recruitment, training, and advancement of qualified women (this plan does not form part of the agreement).
NL	Kami	<ul style="list-style-type: none"> • Monthly, quarterly reporting of information related to employment and/or business opportunities (more frequent than the annual requirement in the NWT SEAs).

⁴⁰² Northern Development Ministers Forum. (2007). *Initiatives to Maximize Economic and Social Impacts from Major Projects in the North: Activities Report 2005-2006 and Recommendations*. Retrieved from: <https://acpt-numerique.banq.qc.ca/patrimoine/details/52327/1763094?docref=Wa2P6OXlgDDwbEdjE7BBZw>

Jurisdiction	Project	Additional Commitment Information
NL	Hibernia	<ul style="list-style-type: none"> The agreement is provided to the Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB) for monitoring and oversight. Following monitoring and reporting requirements under the Canada-Newfoundland and Labrador Benefits Plan Guidelines and Benefits Plan approved by the C-NLOPB for the project <ul style="list-style-type: none"> Reporting data in a format compatible with the requirements of Audit Services Canada and the Newfoundland and Labrador Statistics Agency or as required by the C-NLOPB.
SK	McClean Lake	<ul style="list-style-type: none"> The Government of Saskatchewan identified as holding primary responsibility for monitoring the success of activities undertaken to address employment and economic benefit objectives; however, the proponent is responsible for annual reporting on employment status and Northern business participation. Proponent to allow government (ministers of select ministries and employees authorized by those ministers) to access the lands leased for the project to monitor compliance with the agreement related to employment and economic benefits, occupational health and safety, land tenure, and miscellaneous provisions, and to provide (government) the information needed to monitor compliance with the agreement upon request <ul style="list-style-type: none"> Proponent to provide site transportation, meals, accommodations needed and available and may charge for them. Submitting annual report to government on proponent's public involvement programs, including progress and achievements related to the study of the impacts of uranium mining on community vitality in Northern Saskatchewan. Submitting annual report to government on compensation provided to individuals who before the current land lease used or occupied the lands leased for the project through a government lease, license or permit. Submitting annual report to government on portion of lands leased for the project that have been developed, to calculate rent or other charges.

The results of a maximizing benefits survey recommends that the following elements be considered when developing a monitoring system:

- Collaborating with relevant stakeholders and local communities.
- Establishing the monitoring system at the beginning of the project but allow flexibility to adjust and fine-tune indicators as the need arises.
- Incorporating regular monitoring and reporting throughout the life of the project.
- While monitoring systems may be flexible to meet project/industry/regional needs, a comprehensive framework with core indicators may enable cumulative impact monitoring.
- Securing adequate resources (staff, time, technology) continues to be a challenge associated with monitoring. Signing partnership agreements to commit to monitoring may be one solution.⁴⁰³

⁴⁰³ Northern Development Ministers Forum. (August 2013). *Benefit Agreements in Canada's North - Priority Project on Sustainable Resource Development*. Retrieved from: <https://www.nadc.gov.ab.ca/Docs/benefit-agreements-2013.pdf>

6. Key Sustainability Findings

This section presents the key sustainability findings necessary to answer the evaluation questions:

**Are benefits lasting beyond the life of the project?
What are the net benefits over time?**

Based on the evaluation matrix, findings for following **sustainability sub-questions** will be presented:

- What commitments have benefits that last beyond the life of the project? (Sub-question 4.1)
- What supports and/or actions are necessary to ensure the sustainability of those project benefits? (Sub-question 4.2)

The findings for each sub-question are presented by data collection method – administrative review, engagement (GNWT Departments, proponents, Indigenous Governments, and Others (NWT and NU chamber of Mines, NWT businesses, women's organization, regulator, education and training providers)), jurisdictional scan and desktop review – and then a summary of all findings from all methods is included at the end of each sub-question.

Please note that based on the evaluation matrix (refer to Appendix A), not every data collection method addresses each question.

For the purposes of this review project, sustainability refers to the extent to which the net benefits of the intervention continue or are likely to continue.⁴⁰⁴

6.1 What commitments have benefits that last beyond the life of the project?

Question 6.1 Summary Overview

A number of commitments were identified as having benefits that last beyond the life of the project. The most prominent examples noted were in the areas of skills training, business capacity and experience gained by workers and contractors that are transferrable outside of the mining project. Infrastructure improvements or legacy investments in communities were also identified as having a lasting impact. It was noted that improvements could be made to extend or increase the legacy of benefits.

⁴⁰⁴ OECD. (n.d.). *Evaluation criteria*. <https://www.oecd.org/dac/evaluation/daccriteriaforevaluatingdevelopmentassistance.htm>

6.1.1 Engagement

Please note: The findings contained within this section reflect the perceptions, experiences, and opinions of engagement participants.

6.1.1.1 GNWT Departments

GNWT participants identified a variety of sustainable benefits including:

- Infrastructure improvements will have long-term benefits. For example, mines often make investments in the infrastructure of impacted communities (e.g., through donations to hospitals or of equipment to communities) to address the higher number of people moving to the NWT to be employed at the mines.
- Investments to address social issues, such as addictions management and the need for retirement homes, will have lasting benefits.
- Skills and work experience gained by Northern residents will build capacity, enabling those individuals to work in other industries and with other employers.
- Increases in local business capacity (i.e., through development of Indigenous development corporations) will enable companies to participate in other business opportunities, beyond the mines.
- Closure and reclamation planning will provide benefits to workers and the impacted area.
- Increased standard of living for those who have been employed will have lasting effects on their health

6.1.1.2 Proponents

Proponents agreed that benefits related to skills development and improved education will last beyond the life of the project. There was also mention that the scholarships provided to students will have long lasting effects as will the fact that hundreds of journeypersons have been trained, many leaders have been developed, and some mine employees have found non-mining jobs elsewhere. Supports provided to local community projects and programs by the mines will have benefits beyond the life of the mine - for example, supports to build cabins, purchase camping equipment, and leadership training and traditional skills. Also, through a community funding formula, some funding for non-profits and community activities have been designed to continue in perpetuity and some Indigenous organizations have created trusts. Other participants mentioned improved health and well-being, realized as a result of the mines, will be long lasting.

6.1.1.3 Indigenous Governments and Organizations

Indigenous Government and Organization participants identified business capacity development, enhanced individual education and skills levels, as well as infrastructure as benefits that will last beyond the life of the mines and will continue to have positive effects on the communities. One individual commented,

The capacity development that's taking place in the business sector will have lasting effects, especially around environmental remediation, construction and any kind of equity that emerges from mining partnerships. That all has the possibility to build a foundation for growth and jobs that can exist outside the temporal life span of a mine. That is a lasting effect. The employment skills development and scholarship programs are also creating skills that are going to last beyond the operation of the mine.

Some individuals noted that businesses that started as a result of the mine, have expanded and now have contracts outside of the mining industry. Additionally, in some communities where apprenticeship opportunities at the mine sites have been possible, these trained tradespeople will be able to find employment at other mines or other industries.

The tangible assets (legacy items) that are left behind are valuable for community members. For instance, one participant spoke about a cabin that was built in the barrenlands using funds provided by the mine,

It's a cabin that people from other communities use [as well]. It's a good way to work with communities because people access that cabin from different communities with Elders and youth. That will be something that is left behind. So anything we can do to have legacy things would be great.

A number of Indigenous Government and Organization participants (and others) spoke throughout the engagement about the need for the SEAs to include more post-closure commitments and plans. They feel that individuals, businesses and communities are not well-positioned to continue on successfully in the absence of the mines because: (1) they lack necessary transferrable skills; (2) they lack necessary certificates/licenses required to work outside of the mine site; (3) they have not developed the requisite entrepreneurial skills needed to successfully maintain and build their businesses; (4) they are not prepared to take part in the imminent reclamation economy; and, (5) the social conditions in the communities, which have either remained constant or increased as a result of the mine, have not be addressed.

A few Indigenous Government and Organization participants feel that Indigenous Governments should be given the remediation contracts since the mines sit on their land and they are the “original caretakers of the land”. As one person stated,

One of the biggest lasting experiences that we're going to face is a dead piece of land. We're left with a hole in the ground. We've lost all of our resources. We're never going to get that back. That negative will be left for us to deal with. We can't hunt, we can't pick berries, we can't have our traditions in that area ever again. That will last beyond the life of the mines knowing that we will never be able to live off that land ever again.

6.1.1.4 Other

The “Other” group included representatives from the Chamber of Mines, businesses, women’s organizations, regulator and education and training providers. Participants in the “Other” group commented that most skills gained by employees are transferable to other mines or other industry. It was noted that mine closure is a very gradual process and could provide years of employment in a number of fields (e.g., water quality monitoring, seismography) and that helping workers prepare for work in the remediation economy would set employees up for a new career. Also, learning a trade through an apprenticeship has said to have lasting benefits.

6.1.2 Desktop Review

While the Diavik SEMA does not specifically mention commitments for sustainability, Diavik published a report on its community legacy projects, which mentions that their community-based trades training program has resulted in a legacy of new and improved community infrastructure and that graduates who did not go on to work at Diavik nevertheless gained skills that could be applied to future development in the community or on other Northern projects.⁴⁰⁵

6.2 What supports and/or actions are necessary to ensure the sustainability of those project benefits?

Question 6.2 Summary Overview

The review findings indicate that maximizing the sustainability of benefits requires a range of actions that begin in the project design phase and carry on beyond the completion of the project. This ongoing process requires planning related to projection completion and transition be integrated into training and recruitment/retention strategies from the project outset. In addition, taking a holistic view of the project, and being aware of the connections between the built and natural environments as well as the economic objectives, the social environment and quality of life, help ensure a stronger network is in place to sustain project benefits. It was noted that operationalizing an integrated approach to sustainability requires the deliberate and explicit involvement of communities and the application of sustainable development principles.

The findings identified implementation practices for seven components that should be incorporated into projects, based on best practices and sustainable development principles, to maximize and sustain benefits. Each of these components include the expectation that the parties explicitly acknowledge the commitment to maximize the sustainability of benefits and design their practices and processes to implement that commitment. The components are:

- Mobilization of resources
- Intention of the proponent
- Increase in abilities of community
- Government intervention
- Community involvement
- Integration of innovative practices
- Implementation of a monitoring system

The review also identified that the sustainability of benefits is enhanced by including both an intra- and inter-generational equity lens to support the appropriate sharing of benefits across time, and by focusing on the development of capacity (for individual workers, businesses and communities), infrastructure, and legacy funding to extend project investment into the future. Actions that support these approaches include:

⁴⁰⁵ RioTinto, & Harry Winston Diamond Corporation. (2011). Diavik's community legacy projects. *Highlighting our first decade of investing in the North*

- Encouraging alliances between suppliers;
- Requiring suppliers to identify knowledge transfer and succession plans as part of bid submissions; and
- Expanding participation of local workers and businesses as it increases confidence and education/skills, which are lasting benefits.

6.2.1 Engagement

Please note: The findings contained within this section reflect the perceptions, experiences, and opinions of engagement participants.

6.2.1.1 GNWT Departments

GNWT participants suggested that the operating mines should continue to support the MTS and other training providers to deliver training in more communities. It was also suggested that there should be a longer timeframe and a more strategic roll out for initiatives (not just mine-specific), that greater planning and forecasting to support preparation for mine closure was required, and that a human resources strategy for closure would support the transition of specific job groups to other employment or retraining. It was noted that while to date there have been no targeted investments in the area of vulnerable populations to help mitigate impacts, this is an action that if carried out could help sustain health and well-being benefits.

6.2.1.2 Proponents

Proponent participants spoke about the need for the GNWT to take a proactive approach to preparing communities for success after mine closure by developing a sustainability strategy. It was also suggested that communities needed to carry out similar activities to supported continuation of benefits.

6.2.1.3 Indigenous Governments and Organizations

Many Indigenous Government and Organization participants spoke about the importance of the SEAs focusing on post-closure from the day the mines come into being so that planning is long term and there is always attention paid to “what’s next”. As one person noted, “Mines are not forever and that is probably the most important thing any community can learn and should learn from the start”.

Some individuals feel that the mines and the GNWT should continue to invest in education and skills training and opportunities after closure. For instance,

For example, if a [Indigenous group] is generating revenue through its impact benefit agreements and socio-economic opportunities and when the mine closes and the revenue disappears, if there was other revenue from government to supplement those losses with no strings attached, you would see operations continuing and no reduction in socio-economic benefits. You would see those benefits continue and lead to future growth and development. We’re not to ask government to offset revenue loss but to provide benefits without requiring strict onerous reporting.

One individual expressed concern about the recent disincentives (i.e., *Mineral Resources Act*) that have been put in place that are turning mining companies away, stating that the mines and other industries need to know that the NWT is “open for business”.

6.2.1.4 Other

The “Other” group included representatives from the Chamber of Mines, businesses, women’s organizations, regulator and education and training providers. Participants in the “Other” group stated that the following supports are required to help ensure sustainability of benefits:

- Grassroots efforts to increase enrollments, as sustainable benefits arise from increased confidence gained through participation and completion of educational opportunities.
- A robust economy.
- The government needs to drive new investment into the Territory to sustain the economy. Less expensive energy and improved road access is required to help the mining industry thrive, and legacy infrastructure can build communities.

6.2.2 Jurisdictional Scan

Similar to the NWT SEAs, all of the jurisdictional agreements include commitments related to areas that could have benefits for individuals, families and communities beyond the project life. Specifically, this refers to commitments to enhance employment, training and education, opportunities for local businesses, and support for communities (e.g., community investment). Although not specifically stated, enhancements in these areas could lead to positive effects that could continue to provide benefits even when the project ends. For example, an individual who receives training or education through a project may be able to apply the skills/education to find employment beyond the project.

Although the jurisdictional agreements do not speak directly to sustainability as a concept (with the exception of Hibernia), some of the NL agreements include commitments not found in the NWT SEAs that may support the sustainability of project benefits (refer to **Table 47**).

Table 47: Sustainability-related Commitments

Jurisdiction	Additional Reporting Requirements
Hibernia	<ul style="list-style-type: none">• Contribute \$10 million to one or more education and research oriented legacy projects; compliance with all requirements and guidelines of the Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB) regarding education and training activities.
Voisey's Bay	<ul style="list-style-type: none">• Encouraging alliances between suppliers inside and outside the province to allow for the transfer of capabilities and skills in the province• Research and development directed to developing a feasible process technology for processing Nickel Concentrate from the mine in the province<ul style="list-style-type: none">• If the technology is successful, developing, operating and maintaining such a processing plant with a set output amount• Commitments in the agreement directly tied to the possibility of continued benefits from the project• Additional exploratory studies required; this work led to the development of additional mining capacity related to the project (i.e., the Underground Mine) and to additional (anticipated) benefits
Kami	<ul style="list-style-type: none">• Major contractors required to identify succession plans as part of bid submissions• Identifying and encouraging technology transfer of skills to provincial residents

While there is limited research and understanding of “*how best to manage the impacts of resource development and harness its benefits in ways that can promote long-term sustainable development*”,⁴⁰⁶ there are a few reports – for example, the 2007 Northern Development Ministers Forum⁴⁰⁷ – that address the issue of sustainable maximization of benefits. In the report, the Forum members expressed the opinion that the ultimate goal of efforts to maximize socio-economic benefits is to improve overall community well-being. To achieve well-being, and thus maximize benefits, it is necessary to address not only the economic environment, but also the built and natural environment as well as the social environment and quality of life, since all of these dimensions are interrelated. The report references early work done by Forum members (2003-2004), in which they draw a clear connection between maximization of socio-economic benefits and the principles of sustainable development advocated at the 1992 United Nations Conference on Environment and Development (the Rio Declaration). The Rio Declaration⁴⁰⁸ outlines 27 principles that support new and equitable (global) partnerships, working towards (international) agreements that respect the interests of all and protect the integrity of the global environment and developmental systems, and recognize the integral and interdependent nature of the earth, our home.

The Forum members suggest that maximization and sustainability of benefits cannot occur without the deliberate and explicit effort to involve the local community in the project and without taking into consideration the impacts of development on the natural and social environments.

The report states that for sustainable maximization to occur, the components identified in **Figure 17** must be incorporated. The components, which link maximization and the application of sustainable development principles were developed during the 2004 and 2005 Forums and are based on:

- 25 exemplary practices by national governments, intergovernmental organizations or private enterprise that were inventoried by Economic Cooperation and Development countries, in partnership with Ecole national d ’administration publique (ENAP); and
- 20 exemplary practices from the provinces and territories that were inventoried.⁴⁰⁹

⁴⁰⁶ Southcote, C., Abele, F., Natcher, D., and Parlee, B. (2018). *Beyond the Berger Inquiry: Can Extractive Resource Development Help the Sustainability of Canada’s Arctic Communities?* Arctic (December). <https://journalhosting.ucalgary.ca/index.php/arctic/article/view/67786/51682>

⁴⁰⁷ Northern Development Ministers Forum. (2007). *Initiatives to Maximize Economic and Social Impacts from Major Projects in the North: Activities Report 2005-2006 and Recommendations*. Retrieved from: <https://acpt-numerique.banq.qc.ca/patrimoine/details/52327/1763094?doctref=Wa2P6OXlgDDwbEdjE7BBZw>

⁴⁰⁸ General Assembly, United Nations. (2019). *Report of the United Nations Conference on Environment and Development (Rio de Janeiro, 3-14 June 1992). Annex I. Rio Declaration on Environment and Development.* (www.un.org/documents/ga/conf151/acn15126-1annex1.htm) (2006-09-06).

⁴⁰⁹ Northern Development Ministers Forum. (2007). *Initiatives to Maximize Economic and Social Impacts from Major Projects in the North: Activities Report 2005-2006 and Recommendations*. Retrieved from: <https://acpt-numerique.banq.qc.ca/patrimoine/details/52327/1763094?doctref=Wa2P6OXlgDDwbEdjE7BBZw>

Figure 17: Components of the Maximization Process



Sources: Northern Development Ministers Forum. (2007). *Initiatives to Maximize Economic and Social Impacts from Major Projects in the North: Activities Report 2005-2006 and Recommendations*. Retrieved from: <https://acpt-numerique.banq.qc.ca/patrimoine/details/52327/1763094?docref=Wa2P6OXlgDDwbEdJE7BBZw>

Table 48 identifies implementation practices for each of the components that may be used to assist governments and proponents with maximizing and sustaining the socio-economic benefits of major projects.

Table 48: Maximization Component and Methods of Implementation

Components	Implementation Methods
Mobilization of resources	<ul style="list-style-type: none"> Explicit statement in writing of the intention to endorse the maximization objective Formal creation of a joint, multilateral maximization committee Planning of operations Planning of management practices General planning Planning to maximize impacts that are useful to the local community Planning for the effective use of resources Signing of cooperation and partnership agreements for committing the resources Definition of human, natural, financial, and other resources required by the project Definition of such resources required by, or available from, the promoter(s), government(s), and civil society
Intention of the proponent	<ul style="list-style-type: none"> Explicit statement in writing of the proponent's intention to endorse the maximization objective from a sustainable development perspective Validation of the intention expressed by the proponent through consistent attitudes and behaviour Signing of cooperation and partnership agreements for committing the resources Planning of measures to mitigate negative impacts on the environment and on the local community Implementation of policies and programs to maximize advantages for the region
Government intervention	<ul style="list-style-type: none"> Validation of the expressed intention through appropriate interventions Explicit statement in writing of the public authorities' intention to endorse the maximization objective from a sustainable development perspective Set goals, expectations, policy, and legislative frameworks for development and the management of development in the North Ensure information and financial resources to access and use such information are available Regulatory readiness in terms of planning, arbitration, monitoring, regulation, and enforcement
Community involvement	<ul style="list-style-type: none"> Explicit statement in writing of the local community's intention to endorse the maximization objective from a sustainable development perspective Commitment by the local community to roles and responsibilities at all stages of the project's development, including the statement of opinions, concerns, questions, requests, claims, and requirements Set-up of communication networks between the community representatives Set-up or existence of public meeting venues Support for representation and participation Development of career and ad hoc education Support for starting up businesses Support for business conversion and growth Access to information about business opportunities Encouragement for joint management Access to information, knowledge resources, financial resources, and decision-making
Increase in the abilities of the community	<ul style="list-style-type: none"> Signing of cooperation and partnership agreements for committing the resources Access to information on best practices in relevant fields of activity Willingness to question conventional practices Design, experimentation, fine-tuning, and application on an ongoing basis of a monitoring system, including a maximization index Identify issues, monitor development, express ideas and concerns Education Contracts and employment for local residents The capacity to undertake contracts and jobs, as well as to develop additional or spin-off opportunities Ad hoc and customized education

Components	Implementation Methods
Integration of innovative practices	<ul style="list-style-type: none"> Access to information on best practices in relevant fields of activity Willingness to question conventional practices Signing of cooperation and partnership agreements for committing the resources Include human, natural, and economic perspectives Alternative models or relationships Partnership with academic circles and the education sector
Monitoring system	<ul style="list-style-type: none"> Design, experimentation, fine-tuning, and application on an ongoing basis of a monitoring system, including a maximization index Signing of cooperation and partnership agreements for committing the resources Social, economic, environmental, and cultural indicators Allow adjustments to projects Identify and mitigate negative impacts Identify and enhance positive impacts Monitor medium- and long-term impacts

Sources: Northern Development Ministers Forum. (2007). *Initiatives to Maximize Economic and Social Impacts from Major Projects in the North: Activities Report 2005-2006 and Recommendations*. Retrieved from: <https://acpt-numerique.banq.qc.ca/patrimoine/details/52327/1763094?docref=Wa2P6OXlgDDwbEdjE7BBZw>

The report also notes that government intervention is necessary for sustainable maximization of economic and social benefits. Government involvement, however, must go beyond dissemination of information and the distribution of human, material or financial resources; governments must also play a regulatory role, in particular by means of laws and regulations.⁴¹⁰

Although the project did not ultimately proceed, a 2007 policy review of the Mackenzie Gas Project Socio-Economic Agreement addresses the concepts of social and economic sustainability through both an intra-generational and inter-generational equity lens:⁴¹¹

- Intra-generational equity - the notion that wealth and opportunities should be shared more fairly between current members of society.
- Inter-generational equity - is central to sustainability and maintains that in meeting the needs of the current generation we should not compromise the ability of subsequent generation to meet their needs.

Given that exploitation of non-renewable natural resources depletes the resources available to subsequent generations, for sustainability of benefits to occur, it was noted that projects should enhance/develop human capital and capacity, provide forward funding opportunities (e.g., the creation of a heritage fund), and/ or create and maintain physical infrastructure (roads, pipelines, social facilities, etc.).⁴¹²

⁴¹⁰ Northern Development Ministers Forum. (2007). *Initiatives to Maximize Economic and Social Impacts from Major Projects in the North: Activities Report 2005-2006 and Recommendations*. Retrieved from: <https://acpt-numerique.banq.qc.ca/patrimoine/details/52327/1763094?docref=Wa2P6OXlgDDwbEdjE7BBZw>

⁴¹¹ Bankes, N. (August 2007). *A Policy Review of the Mackenzie Gas Project Socio-Economic Agreement*. Retrieved from: <https://anotheralt.files.wordpress.com/2016/02/2007-08-01-mgp-socio-economic-agreement-policy-review.pdf>

⁴¹² Bankes, N. (August 2007). *A Policy Review of the Mackenzie Gas Project Socio-Economic Agreement*. Retrieved from: <https://anotheralt.files.wordpress.com/2016/02/2007-08-01-mgp-socio-economic-agreement-policy-review.pdf>

7. Conclusions

7.1 Effectiveness: Have the SEAs achieved their intended outcomes?

Overall, the findings show that most employment and business development targets for the construction phase were achieved or exceeded by the proponents, while operations phase targets were only sometimes met. While training and education targets were consistently achieved or exceeded by the proponents, that was not always the case in the two areas of cultural well-being and traditional economy opportunities and individual, family, and community well-being.⁴¹³ For the GNWT, most commitment non-target measures have been addressed – particularly in the areas of employment and business development; while in the areas of training and education, and individual, family, and community well-being, most, but not all measures, have been addressed.

The review findings revealed that the SEAs have had both positive and negative effects on NWT communities, NWT businesses, and the NWT as a whole. Areas reported by engagement respondents in which positive effects have occurred include employment, training, and contracting opportunities. It was also noted by respondents that the SEAs have contributed to increased skill levels among some members of impacted communities, have resulted in enhancements to infrastructure in those communities, and have had some positive effects on Indigenous businesses (e.g., growth of economic development corporations).

Although the GNWT is required, through the SEAs, to report annually on the economic, education, social, and health and well-being indicators,⁴¹⁴ it is not possible to exclusively attribute any of the associated outcomes/effects or changes in outcomes, to the SEAs or mines, given the complexity of these indicators and the numerous determinants/drivers at play that may contribute positively and/or negatively to the outcomes. Comments made in the 2016 Mackenzie Valley Review Board Report of Environmental Assessment and Reasons for Decision Dominion Diamond Ekati Corp. Jay Project, speak to: challenges encountered in demonstrating causal links between diamond mining and impacts on communities; the fact that GNWT has no threshold upon which to determine when acceptable rates of change become unacceptable; challenges experienced by the GNWT in developing intervention strategies in light of the difficulty identifying causality; and that at the time, studies had not been undertaken to look specifically at the mines' effects on communities.

The findings suggest that some Indigenous communities feel there have been limited benefits from the SEAs, due to challenges such as: lack of access to training for the employment opportunities; employment opportunities being limited to entry-level positions; lack of capacity for smaller communities and businesses to participate in mining opportunities; limited opportunities for women; tendency for the mines to work with larger, more well-established and closely situated Indigenous businesses thus eliminating opportunities for smaller Indigenous businesses; lack of business development training and supports; and a lack of housing and parental supports for potential workers.

⁴¹³ It is important to note that Gahcho Kué did not respond to the request to identify measures which have been addressed / not addressed by the time of producing this report.

⁴¹⁴ Refer to Table 15 for a complete listing of the indicators GNWT is required to report on.

The review revealed a wide variety of factors that both facilitate and challenge the successful implementation of SEA commitments. Examples of key facilitators include: engaged employers, training providers, prospective students, trainees, and employees; properly resourced programs; positive relationships between the mines and GNWT departments; established local and Indigenous businesses with the capacity to provide services and supports to the mines; targeted training and community-based programming; regular communication among the parties named in the SEAs (e.g., mines, the GNWT, communities, training partners); established recruitment policies that focus hiring efforts on individuals from target groups (e.g., Indigenous people, women, summer students, NWT residents); and mine training supervisors knowledgeable about the SEAs, the commitments related to hiring priorities, and supporting related education and training related to those needs.

Examples of key challenges to implementation include: a small pool of potential human resources, in particular for semi-skilled and skilled positions; inconsistent communication, data sharing and reporting between GNWT departments and between the GNWT and the mines; competition between the mines for employees from targeted groups; lack of availability of technology (internet and/or equipment) in some of the smaller communities to support submission of applications; lack of targeted mine education and training programs for community members; misunderstandings regarding criminal records and mine hiring policies; lack of meaningful engagement between the mines and the Indigenous groups; lack of accessible community data and reports; encouragement of competition between Indigenous Governments and Organizations; difficulties supporting access to cultural activities and traditional foods; and supporting individuals or families in communities when their family member works at the mine. One of the notable challenges of the SEAs that affect successful implementation is the fact that they are written as if each Indigenous group and community are the same, rather than acknowledging their different strengths, needs, and capacities when determining targets and measures.

To help support more successful implementation of the SEAs, and to address the many challenges, a number of actions were proposed:

- Improving communication, collaboration, and relationship-building among the parties, in particular between the GNWT, the mines and Indigenous Governments and Organizations, through more regular reporting of data and greater willingness to share information relevant to the SEA objectives.
- Creation of an adequately funded and supported advisory board as a component of each SEA to ensure meaningful input from all impacted parties, as well as ongoing support and guidance for monitoring and mitigation efforts.
- Reliance on the *Mineral Resources Act* and related regulations to enhance compliance with commitments and improve enforcement.
- Mining companies providing project employment and training needs far enough in advance to allow the GNWT time to work with training partners to develop and deliver programs required to meet specific employer and community member needs.
- Continued implementation of existing mine supports/programs that were created to address identified challenges (e.g., progression plans, STEM programming, internal/external recruiters).
- Continued creation of plans, strategies, and policies that focus on: improving health and well-being in communities; improving education, training, skill development; maintaining cultural identity; addressing local procurement opportunities; and targeting recruitment policies.
- Requirement that SEAs focus on post-closure (i.e., remediation) and the development of transferrable skills.

The findings show that while there are a number of areas in which the SEAs are being implemented as intended by the proponents and the GNWT, there are others where it is either unclear or where it appears commitments are not being addressed as expected. Activities that demonstrate proponents are meeting their commitments as intended include: developing recruitment strategies; undertaking a range of training activities; developing policies to support the participation of Northern businesses; and supporting social and cultural community events. GNWT programs offered by ITI (e.g., Mining North Works, Mining Matters and REDI) and ECE (e.g., regional ECE Career Centres, Employee Training Program, Trades and Occupations Wage Subsidy Program, Skills Development Program, and Community Training Partnerships) as well as supports provided to the Mine Training Society, Aurora College and community learning centres are said to demonstrate that the SEAs are being implemented as intended.

The review found that in one area in particular - Northern employment targets - SEAs are not being implemented as intended. This is attributed to factors such as strong competition between the mines for the same potential skilled workforce, workers under IBA partnerships that are not counted towards the employment targets, and challenges hiring for many positions within a short timespan. Other factors that impact implementation generally include the GNWT having no leverage to ensure compliance by the mines and the lack of understanding of the reality on the ground in each community.

To help ensure the SEAs are implemented as intended, with the parties to the SEAs addressing their commitments under the agreement, it was suggested through the engagement, that meetings among all parties (proponents, the GNWT, Indigenous Governments and Organizations) be held at certain stages to allow for SEA review and revisions to account for changes in policies and the broad contextual environment, that more effective partnerships between training providers and the mines be developed, and that the GNWT provide targeted programming or supports specific to implementation of the SEAs, instead of relying on general programming, which limits their success.

The findings also reveal that certain SEA commitments contribute more to the achievement of SEA intended objectives than others. For instance, in the areas of employment (e.g., employment of Northern residents, Indigenous peoples); business development (e.g., the purchase of goods and services from NWT and Indigenous businesses); training and education (e.g., training provided by the Mine Training Society, trades training, proponent scholarships, GNWT training to increase NWT education levels); and community, family, and individual well-being (e.g., total employment income, average individual income). Commitments focused on the career advancement of Northern residents and Indigenous peoples and the number of registered NWT businesses, appear to have contributed least to achieving the SEA objectives.

The review found that there are both positive and negative unintended outcomes associated with the SEAs. It is important to note that it is not possible to say with certainty whether these unintended outcomes are directly attributable to the SEAs or the mines more generally. While a greater number of unintended negative outcomes were identified, it is not clear whether their perceived costs outweigh the perceived benefits achieved. Perceived positive unintended outcomes identified during the engagement consist of the transferability of skills learned through mine employment to other work opportunities and the growth of some businesses working

with the mines that has enabled their expansion into other markets. Examples of perceived negative unintended outcomes include: increased division in the communities between the “haves” and “have nots”; workers who obtain additional training, experience and skills being more likely to leave their community for better employment opportunities, reduced community resilience; and increases in rates of mental illness and substance abuse.

The findings indicate that while the SEAs are somewhat effective in monitoring potential impacts, they show limited effectiveness in mitigating or adaptively managing those impacts. It was suggested that although the SEAs can help monitor some project benefits, they are much less effective in monitoring the effects of the mines on social issues (such as substance abuse or poverty). Moreover, it is not possible to determine causality between indicator trends and the mining projects, which may contribute to a lack of meaningful discussion about the impacts or potential adaptive management strategies. Additionally, while the SEAs are important and needed mechanisms, it was suggested they should not be the only mechanism in place to mitigate adverse social issues that may arise from projects particularly given their limited enforcement capacity.

7.2 Relevance: Are the current SEA indicators the most relevant ways to document performance against desired outcomes and areas for improvement?

The findings indicate that while the indicators are well-suited to contribute to measurements of progress in some instances, in other instances they are not appropriate for ensuring there is adequate context to understand the results or for capturing the full impact of a project or its SEA commitments. It was suggested that more qualitative information is required to illustrate what is actually happening on the ground and that more regular monitoring needs to take place to ensure the data is being collected, reported, and used in any meaningful way. Aligned with these suggested changes to the indicators, there were recommendations for the adoption of an adaptive management approach to ensure that effects from resource development activities are fully understood at the beginning, middle, and end of a project.

Through the engagement, participants identified a variety of new mine and GNWT indicators that focus on employment, income, training, education, business forecasting, and scholarships that should be included in the SEAs. Additionally, a need was expressed for more indicators that address individual, family, and community health and well-being as well as environmental indicators such as number of caribou (given the link between Indigenous health and wellness and reliance on country food). It was also suggested that the indicators chosen for each SEA should be tailored for each project and its potential impacts and community characteristics and that they be revisited and refreshed during the life of the project, updated based on actual possible achievements and the actual available workforce.

While some participants indicated that no new commitments should be added to the SEAs until there is improved performance on existing commitments, others identified a variety of additional commitments for consideration. Many of the new commitments focused on improving the effectiveness of employment, training, and business development targets, and included suggestions such as improving data, coordination of information, and collaboration among parties and projects. Suggestions also included improving the

identification of needed skills and their timing in the project, as well as how they are linked to the available labour pool and training programs. Cooperative recruitment initiatives and training coordination that includes local, territorial, federal, and Indigenous governments was also identified. In addition, specific targets for hours worked by locally hired workers, and the development of specific skills and capacities (in particular technical skills) were identified as more effective commitments.

To improve the effectiveness of business development commitments, suggestions included encouraging joint ventures and the direct-award of contracts to local firms, requiring bids to detail expected local benefits and enforcing those actions through suppliers, requiring contractors to have a base of operations in the territory, providing annually updated five-year business opportunities forecasts to government, regularly assessing the success in obtaining local content, and developing action plans for improvement. New commitments that help to improve or extend the legacy of investments made during the project, were also identified, including establishing a long-term education and training fund and/or contributing to an education and research legacy or innovation centre, training supports to improve worker and business capacity to participate in initiatives post closure or remediation (i.e., transferrable skills), and infrastructure investments.

Additionally, new commitments were suggested to address protecting archeological resources, providing more robust cultural and mental well-being and family assistance resources, increasing oversight and management of the SEAs through specific processes for dispute resolution, oversight and enforcement of agreements, and requiring plans for compliance with commitments for holding contractors to commitments.

In general, the review found that for the most part the SEA commitments have remained relevant over the life of the projects, but that they may benefit from ongoing review and continued refinement as required. The ability to revise commitments would help incorporate lessons learned through experience and new initiatives that unfold during the life of the project as well as changes that occur in community priorities and capacity. It was suggested that commitment relevance could be enhanced if the SEA Program adopted clear program outcomes, measures, monitoring and reporting processes, review schedules and required the development of an evaluation and performance measurement framework.

7.3 Administration: Are SEAs the most appropriate mechanism through which to garner socio-economic benefits from large projects?

While the findings of this review indicate that SEAs are an appropriate mechanism through which to garner socio-economic benefits from large resource development projects and do have certain inherent strengths (e.g., they contain monitoring commitments and create benefits for all NWT residents), they also reveal that in their state, they suffer from a number of shortcomings with respect to their content (e.g., specific commitments and indicators are missing and/or not valuable) and the processes which support the implementation of the commitments (e.g., collaboration and coordination). Specific content gaps include: the voluntary nature of the agreements without penalties for non-compliance; the aspirational/'soft' targets in the agreements; the lack of attention to closure and post-closure; lack of targeted and tailored mine-specific education and training program provided in communities impacted by the mines; and inclusion of indicators/targets that are irrelevant and not valuable. Specific process gaps/limitations that negatively impact successful implementation include:

lack of enforcement mechanisms; lack of collaboration between proponents, GNWT departments, and the communities; encouragement of competition between Indigenous businesses rather than cooperation and collaboration; lack of communication and data sharing between the mines and GNWT departments; lack of a ‘whole government’ approach to program delivery; and lack of joint ownership and accountability to manage impacts.

The findings reveal that there are a number of tools, embedded within the SEAs or associated with them, that support the maximization of local benefits and minimize project impacts. While some of these tools are currently used to support the NWT SEAs (e.g., human resources plans), in other jurisdictions these tools often include additional content/focus, reporting requirements, and oversight mechanisms (e.g., details on bidders, quarterly reports and forecasts required, and committees needed for annual planning and tracking). There are, however, other tools that are not currently part of or associated with, the NWT SEAs, including: internal/external assurance audits; women’s employment plan/gender equity and diversity plans; succession plans; compliance with the benefits agreements plans; and implementation plans. The *NWT Mineral Resources Act*, in particular, Part 5 - New Benefits for People and Communities was identified as a new tool that could support the maximization of local benefits from resource development projects going forward. The Act empowers the Commissioner on the recommendation of the Minister to prescribe requirements for measures that provide benefits to the people of the NWT and to make regulations regarding measures that provide benefits to the people of the NWT.

The findings highlight the importance of monitoring, noting that it is key to the successful maximization of benefits and by extension, the minimization of impacts. While monitoring tools found in other jurisdictions have a comparable focus to the NWT SEAs with respect to commitments regarding monitoring of employment and business opportunities, as well as community and individual well-being; they also include additional areas that are to be tracked, including: payments and investments; business opportunities/employment for additional under-represented groups; employee retention and competition; changes to the population; public and private services; engagement; food security; health including health and safety compliance; social cohesion; resilience; and land and resource use.

To support enhanced monitoring in the NWT SEA context, a number of new mechanisms/tools were identified, including: a SEA Program logic model that clearly identifies the SEA program intended outcomes (short, intermediate and long-term) that aligns with the individual SEAs and performance measurement plan that reflects a whole-of-government approach to the implementation of the SEAs; a database customized by the GNWT that can process data for monthly reports; an online reporting platform that would display the most up-to-date information from GNWT departments; regular indicator reviews and updates; and more community-based monitoring activities that focus on capturing qualitative/contextual information.

The literature suggests that the creation of a project monitoring committee, involving as many stakeholders as possible, is key to succeeding in efforts to maximize benefits. It also recommends that elements such as the following, be considered when developing a monitoring system: collaborating with relevant stakeholders and local communities and Indigenous Governments and Organizations; establishing the monitoring system at the beginning of the project, but allowing flexibility to adjust and fine-tune indicators as the need arises;

incorporating regular monitoring and reporting requirements throughout the life of the project; creating a comprehensive framework with core indicators that enable cumulative impact monitoring (while at the same time being flexible enough to meet project/industry/regional needs); and securing adequate resources (staff, time, technology) through the signing of partnership agreements to commit to monitoring, for example.

7.4 Sustainability: Are benefits lasting beyond the life of the project? What are the net benefits over time?

Benefits from SEA projects are lasting beyond the life of projects. A number of commitments were identified as having lasting benefits, with the most prominent examples noted in the areas of skills training, business capacity, and experience gained by workers and contractors that are transferrable outside of the mining project. Infrastructure improvements or legacy investments in communities were also identified as having a lasting impact (e.g., donations to hospitals or of equipment to communities).

The findings suggest that maximizing the sustainability of benefits requires a range of actions that begin in the project design phase and continue post-closure. This ongoing sustainability process requires planning for project completion and post-closure transition to be integrated into training and recruitment/retention strategies from the project outset. In addition, taking a holistic view of the project and being aware of the connections between the built and natural environments as well as the economic objectives, the social environment, and quality of life, help ensure a stronger network is in place to sustain project benefits. Operationalizing this integrated approach to sustainability requires the deliberate and explicit involvement of NWT community members and the application of sustainable development principles.

The findings identify implementation practices for seven components that should be incorporated into projects, based on best practices and sustainable development principles, to maximize and sustain benefits. Each of these components include the expectation that the parties explicitly acknowledge the commitment to maximize the sustainability of benefits and design their practices and processes to implement that commitment. The components include: mobilization of resources; intention of the proponent; increase in abilities of the community; government intervention; community involvement; integration of innovative practices; and implementation of a monitoring system.

The review also found that the sustainability of benefits is enhanced by including both an intra- and inter-generational equity lens (ensuring consideration is given to present and future generations) to support the appropriate sharing of benefits across time, and by focusing on the development of capacity (for individual workers, businesses, and communities), infrastructure, and legacy funding to extend project investment into the future. Actions that support these approaches include: encouraging alliances between suppliers; requiring suppliers to identify knowledge transfer and succession plans as part of bid submissions; and expanding the participation of local workers and businesses as it increases confidence and education/skills, which are lasting benefits.

8. Recommendations

The SEA Program Review clearly shows that efforts have been made by the parties to the SEAs to advance the objectives of these agreements and the spirit of their intent. However, the findings also suggest there are opportunities to further strengthen the SEA Program and the individual SEAs to maximize benefits for NWT communities, businesses, and the NWT as a whole. The following evidence-based recommendations are put forth for consideration by the GNWT.

Redesign the SEA Program

1. The review findings overwhelmingly demonstrate the need for a clearly defined program that will provide the regulatory requirements for the development of SEAs between the GNWT and resource development proponents. Findings from the evaluation suggest that the NWT SEAs were best designed to address benefit retention, rather than adaptively manage impacts from resource development. It is recommended that the existing SEA Program be redesigned to incorporate explicit goals, objectives, outcomes, a program logic model, and a performance measurement and evaluation framework. Further, it is recommended that the role and purpose of SEAs are clearly defined in the redesign of the SEA program. *[Recommendation specific to GNWT]*

Develop Regulations under the *Mineral Resources Act* to Comply with SEA Commitments

2. SEAs are not a necessary condition/measure of the environmental assessment (EA) or environmental impact review (EIR) processes but are ultimately negotiated as a follow-up to the EA or EIR. It is up to the Mackenzie Valley Environmental Impact Review Board to recommend a SEA as a formal measure of the EA or EIR. It is recommended that the new regulations under the *Mineral Resources Act* include provisions that require SEAs become a mandatory component of a relevant regulatory process. *[Recommendation specific to GNWT]*
3. Although SEAs are enforceable as contracts, stakeholders raised concerns around the degree to which they are enforceable or binding in practice. To ensure that SEAs are implemented as intended, and that implementation can be enforced, it is recommended that when drafting regulations under the *Mineral Resources Act* (MRA), the GNWT consider including provisions requiring the parties to the agreements (GNWT and proponent) to comply with SEA commitments. Since the benefits provisions of the MRA is limited to regulating benefits and not impacts, SEAs would need to be tailored towards benefits to align with the MRA. *[Recommendation specific to GNWT]*

Focus SEAs as benefit retention agreements, leaving impacts to be monitored and mitigated under other mechanisms

4. SEAs have been identified as an insufficient tool for monitoring and mitigating impacts from mining projects. There is difficulty with SEAs in monitoring structural issues and establishing causality between negative socio-economic trends and active mining projects, as it was suggested that SEAs were not intended to be impact mitigation or adaptive management tools. However, SEAs do provide helpful monitoring of benefits from projects. It is recommended that SEAs be tuned to focus on the effective monitoring and improvement of benefits specifically, leaving impacts to be monitored and mitigated by other regulatory processes. This would not remove SEAs from the complete impact mitigation framework, as other processes could still refer to SEAs for benefit monitoring purposes. It would, however, focus the scope within SEAs to only address benefits.

Use Stronger Language

5. There are specific clauses within the SEAs that represent “aspirational, or soft, targets without penalties for noncompliance and with few actions required of the company” and language that makes reference to “best efforts”, “all reasonable steps”, and “acting in good faith”. To improve accountability of the SEA signatories and to help ensure achievement of commitments, it is recommended that the language used in the SEAs be strengthened through hard targets and penalties for noncompliance. A review of commitments from agreements found in other jurisdictions could inform changes to SEA language. For example, scan found an agreement that includes commitments for additional project oversight such as pre-determined financial remedies if the proponent fails to meet specific agreed upon project milestones. *[Recommendation specific to GNWT and proponents]*

Include Implementation Plan

6. The SEAs are developed without any direction on how they are to be implemented to ensure that the stated objectives and intent of the SEAs are achieved as intended. It is recommended that the SEAs include a commitment requiring the development of an implementation plan by each of parties, that details the steps that need to be taken to effectively operationalize the commitments. These plans should be developed in collaboration with the impacted communities and efforts should be made to coordinate efforts across plans to help streamline activities. *[Recommendation specific to GNWT, proponents, and any other named party in the SEA]*

Address Mine Closure

7. In the past, issues concerning mine closure and remediation were not considered a priority when preparing the SEAs. As a number of projects have or are near the end of operations the economic opportunities associated with closure and remediation efforts are significant for NWT communities, NWT businesses and the NWT as a whole. It is recommended that the SEAs include project closure commitments that promote sustainable social and economic development. *[Recommendation specific to GNWT and proponents]*

Identify Commitment Outcomes

8. There is currently no link between the SEA commitments and specific outcomes for impacted communities and by extension, their residents and businesses. As such, there is no clear understanding of the effects (positive and negative) that the SEAs have on impacted communities. It is recommended that the commitments be linked to specific outcomes, that align with each SEA's objectives and intentions, and that can be monitored for achievement. *[Recommendation specific to GNWT and proponents]*
9. While monitoring requirements under the SEAs encompass the collection of qualitative/narrative type data that provides contextual information that speaks to the success/failure of commitments, the requirements are inconsistent between the SEAs and this information is generally not reported. Without the reporting of more qualitative information, it is not possible to capture a full picture of the benefits or impacts of the projects on the impacted communities. It is recommended that more qualitative data collection and reporting be required by the GNWT and proponents and that this information be used to address impacts and strengthen benefits. *[Recommendation specific to GNWT, proponents, and any other named party in the SEA responsible for data collection and reporting]*

Include Realistic and Achievable Targets

10. If commitments are to be revised to reflect hard targets and penalties for non-compliance (refer to Recommendation #5) it is necessary for the signatories of the SEAs to determine the actual capacity required to successfully achieve the commitments (during the lifetime of the mine) and to be aware of the current and potential capacity (with confirmed and committed education and training opportunities) available across the territory (and in particular within communities located close to mine sites who are more likely to be employed). It is recommended that during the development of each SEA, targets be identified that are specific, measurable, attainable, relevant, and time-based (e.g., specific mine phase) to help set the stage for successful implementation. These targets should be reviewed and updated by the GNWT, the proponent and other signatories as relevant, every three to five years, or more frequently, as required. *[Recommendation specific to GNWT, proponents, and possibly other signatories]*

Ensure Greater Collaboration between GNWT Departments and Address the Need for Sufficient Human Resources Capacity within GNWT Departments

11. There is currently limited cooperation and collaboration between the participating GNWT department signatories (i.e., ITI, ECE and HSS) with respect to implementation of the SEAs. To foster a more integrated approach between the departments, it is recommended that the GNWT establish a formal mechanism that supports improved communication and collaboration with explicit roles and responsibilities to allow for improved data sharing, reporting, and fulfilment of commitments within and between these departments. *[Recommendation specific to GNWT]*
 - a. The SEAs represent significant economic activity and wealth for the NWT, its residents and communities. The review found that the GNWT does not have sufficient capacity to effectively implement the current SEAs. If, after improved communication and collaboration mechanisms have been put in place, the GNWT finds it is still lacking in the requisite capacity, it is recommended that the GNWT conduct an internal review of the human and financial resources currently allocated to the implementation of the SEAs in each of the departments – ITI, ECE and HSS - to determine the capacity necessary to support successful maximization of benefits and minimization of impacts.

Increase Involvement of Impacted Communities

12. The SEAs contain numerous commitments, that must be met over the lifetime of the project (e.g., employment, training, procurement), and that directly affect communities in close proximity to the mine site (i.e., impacted communities). These communities have a strong and vested interest in the agreement(s). It is recommended that:

- a. Prior to the development of each SEA, that an Advisory Committee be established. The Advisory Committee should include participation by the GNWT, proponent, impacted communities, and other SEA partners (dependent on the specific SEA) and meet at least once annually. The Advisory Committee will help ensure monitoring, mitigation and adaptive management processes are occurring as required and by doing so will improve socio-economic outcomes for impacted communities. *[Recommendation specific to GNWT, proponents, and others who may sit on the Advisory Committee]*
- b. SEAs include a commitment requiring the development of an Engagement Plan, prepared in collaboration with impacted communities, that details the manner in which these communities will be engaged and the frequency of these engagements, to ensure that all impacted communities are kept up-to-date on SEA implementation, and that they have an opportunity to share experiences and perspectives, and advise on future decision-making. *[Recommendation specific to GNWT and proponents]*

Target Education and Training

13. There is a need to offer more targeted education and training programs to meet the needs of impacted community members so that they can take advantage of mine employment opportunities. Although not mandated to provide education and training programs itself, GNWT is required to support access to training and skills development. It is recommended that the GNWT continue to work with its training providers and the impacted communities to identify the types of programs and supports required to develop the specific skills and abilities needed for employment and that the GNWT provide the funding needed by training providers and/or community organizations to effectively delivery those programs. It is also recommended that these targeted programs be delivered in the small communities to encourage increased uptake by community members who are not willing/able to leave their home community. *[Recommendation specific to GNWT]*

Regular Review of SEAs

14. The SEAs generally span a project lifetime that can range from 10 to over 20 years, and as such it is important to confirm the continued relevance of the commitments. To help ensure that commitments remain suitable over time, it is recommended that:

- a. SEA commitments be aligned with specific phases of the mine (e.g., construction, operations, closure); and
- b. SEA commitments be regularly reviewed (e.g., at project milestones) by the named parties to ensure they continue to reflect the contextual environment that the parties are operating within.

- c. In situations in which commitments are found to no longer be relevant or are outdated, that amendments to the SEA be permitted.
- d. A review of commitments from agreements found in other jurisdictions could also be used to inform revisions to SEA commitments to help increase local benefits, particularly related to areas found to be challenging to achieve through the SEA program review (e.g., local employment). Commitments found in other jurisdictions that relate to local employment and building capacity address activities such as: collaboration between local and non-local firms if work cannot be carried out locally; proponent funding for local research and development projects approved by the government proportionate to any shortfall in local employment against targets; carrying out studies to explore additional activities; and provision of a set amount of funding for a local academic research centre. [Recommendation specific to GNWT and proponents]

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