

# BUSINESS AND RECONCILIATION



An Update Exploring the Performance  
of Public Companies in Canada



**RRII**  
Reconciliation &  
Responsible Investment  
Initiative

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**RRII**

Reconciliation &  
Responsible Investment  
Initiative



**SHARE**  
SHAREHOLDER ASSOCIATION  
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This publication was produced as part of the Reconciliation and Responsible Investment Initiative – a partnership between the National Aboriginal Trust Officers Association (NATOA) and the Shareholder Association for Research and Education (SHARE). NATOA is a charitable organization committed to providing Indigenous peoples with the resources and information that will help them efficiently create, manage, and operate trusts as a means to ensure the seven generations yet unborn can benefit from the goals and dreams of the present generation. SHARE is a national non-profit organization dedicated to mobilizing investor leadership for a sustainable, inclusive, and productive economy. Together, we envision a financial system that empowers Indigenous perspectives, recognizes the role of community values in investment decision making, and contributes to protecting Indigenous rights and title.

For more information on RRII, please visit our website at [reconciliationandinvestment.ca](https://reconciliationandinvestment.ca).

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## EXECUTIVE SUMMARY

Fostering Indigenous economic development and control of resources are central components of economic reconciliation and enhancing community wellbeing. At the same time, a growing body of research demonstrates the critical importance of Indigenous rights recognition to business success.

This report on business and reconciliation provides an update on corporate Canada's progress in advancing reconciliation since the release of a benchmark report by SHARE in 2017. Informed by the Truth and Reconciliation Call to Action 92 directed at corporate Canada, the research reviews company disclosures using a broad set of indicators in the following five themes:

- i. Recognition of Indigenous peoples in diversity policies and corporate leadership;
- ii. Employment and advancement of Indigenous employees;
- iii. Employment-related training and education;
- iv. Commitment to upholding Indigenous rights; and
- v. Community investment and support.

The report engages in an exploratory analysis of disclosures from 78 TSX-listed Canadian companies across the following eight sector indices: capped financial, capped healthcare, capped consumer discretionary, capped consumer staples, capped energy, capped materials; capped renewable energy and clean technology, and capped telecommunications.

**Key findings from this exploratory analysis include the following:**

- There has been an increase in the number of companies that reference Indigenous people within board diversity policies and senior management diversity policies.
- There has been a two-fold increase in the number of companies that overtly prioritize the employment of Indigenous people.
- Disclosure of qualitative information related to contracting and procurement opportunities for Indigenous businesses, Indigenous employment, and education and training programming for Indigenous peoples, outpaces the provision of quantitative information for these indicators among Canadian companies.
- Companies have increasingly partnered with Indigenous agencies or organizations to increase hiring.
- Few companies have disclosed formal commitments to upholding Indigenous rights.

The study also highlights several approaches adopted by various companies to advance reconciliation, which may be instructive for others looking to deepen their work in Indigenous relations. Following thematic and sector-specific reviews of the research findings, a number of actor-specific recommendations are presented. Ultimately, this research suggests that in recent years, corporate disclosures have improved in some of the reconciliation-focused indicators under investigation. However, considerable work remains in fostering adequate disclosures and reporting on company efforts to implement Call to Action 92 and foster reconciliation within corporate Canada.

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## INTRODUCTION



**“There can be no reconciliation without transformation.”**

– National Chief Perry Bellegarde, Assembly of First Nations

The national Truth and Reconciliation Commission (TRC) issued its final report in 2015, featuring a set of 94 Calls to Action intended to inspire action by a wide range of institutions and people to redress the horrifying legacy of residential schools and advance the process of reconciliation between Indigenous and non-Indigenous peoples in Canada. Call to Action 92, titled “Business and Reconciliation” (see below), set out three clear ways the corporate sector could contribute to understanding and respecting Indigenous rights and promoting economic advancement for Indigenous people and communities.

In response, SHARE asked itself a simple question: How could investors contribute to the implementation of Call to Action 92? What information is available to investors to help them chart progress against these goals? In a ground-breaking report, we reviewed the public disclosures of 173 TSX-listed Canadian companies across eight sector indices, in order to benchmark reporting on Indigenous relations. We published the results in a 2017 discussion paper entitled *Business and Reconciliation: How can investors evaluate the efforts of Canadian public companies?*<sup>1</sup> The paper set out the business case for reconciliation and provided a framework for investors to assess the progress being made by Canadian companies in contributing to reconciliation.

### CALL TO ACTION 92: BUSINESS AND RECONCILIATION

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.

The 2017 research process also helped foster deep partnerships between SHARE, the National Aboriginal Trust Officers Association, and other Indigenous organizations, and the growth of the Reconciliation and Responsible Investment Initiative (RRII), which has spearheaded the inclusion of Indigenous values and interests in responsible investment activity for both Indigenous and non-Indigenous institutional investors. Through SHARE's shareholder engagement program (carried out on behalf of a wide range of institutional investors), and activity by RRII and others since that time, Indigenous peoples' views and approaches have been brought into the mainstream of investor activity in Canada and Call to Action 92 has been placed front and centre for Canadian corporations.

In 2020, we returned to SHARE's original benchmark report in order to engage in an exploratory analysis of the current approaches to reconciliation being undertaken by corporations in Canada. The data forming the basis of our original benchmark study was collected five years ago. Since then, the pace of change in recognizing Indigenous rights and building collective momentum towards reconciliation across Canadian society has been remarkable. We also know, however, that ample opportunities remain for companies and sectors to move the needle further and make tangible commitments to enhancing Indigenous participation, inclusion, and opportunities in the Canadian economy. This report provides a snapshot of reporting by public companies on policies, practices, and results related to Call to Action 92 of the TRC.

In this updated report, we employ a sample of the original 173 companies incorporated in the 2017 study to explore the rate and scale of change disclosed in recent years, and the manners in which eight sector indices compare and contrast in their constituent companies' approaches to implementing Call to Action 92 and advancing reconciliation. The study also highlights several approaches adopted by various companies across these focus areas that may merit consideration and replication by other firms.

Fostering economic development and the control of resources are critical components of economic reconciliation and enhancing community wellbeing. At the same time, a growing body of research demonstrates the critical importance of

Indigenous rights recognition to business success. For example, recent case studies have reinforced that failing to engage in respectful relations with Indigenous peoples (such as by committing to meaningful consultation and obtaining free, prior, and informed consent before proceeding with economic development projects) can result in significant financial losses and other material costs.<sup>2</sup> Corporate governance best practice standards note that diversity on corporate boards and in senior leadership positions – including Indigenous participation – ensures that companies are better equipped to meet the changing circumstances of the sectors and economies in which they operate by incorporating a broader range of perspectives and thus eliminating “collective blind spots,” as noted by Margaret Franklin, CEO of the CFA Institute.<sup>3</sup>

Since the release of SHARE’s 2017 report, several other organizations have developed studies and reports of their own, assessing the progress that corporations have made in contributing to reconciliation. In August 2017, Indigenous Works released *Researching Indigenous Partnerships: An Assessment of Corporate-Indigenous Relations*, a report that surveyed over 500 Canadian business across different sectors and regions, identifying gaps in engagement and partnerships that exist between corporations and Indigenous communities.<sup>4</sup> Similar to SHARE’s initial findings, only 2% of Canadian businesses surveyed by Indigenous Works had long-term partnerships with Indigenous peoples, whereas 85% of businesses were in the disengaged majority. A 2020 report by Action Canada<sup>5</sup> set forth that Indigenous inclusivity often necessitates leadership commitments – and more specifically, that senior leadership can create an inclusive work culture for Indigenous employees.

These resources form part of a nascent body of work in Canada that has broadened understanding of the corporation’s role in Indigenous relations and reconciliation, and how different actors measure up. This report is meant to contribute to the growth of that understanding and help guide continued action.



## **CANADIAN COUNCIL FOR ABORIGINAL BUSINESS (CCAB): BUSINESS RECONCILIATION IN CANADA GUIDEBOOK**

Released on September 6, 2019 the Canadian Council for Aboriginal *Business’ Business Reconciliation in Canada Guidebook* seeks to provide corporations with an overview of best practices to follow when working with Indigenous businesses and communities.<sup>6</sup> Through a process of learning, awareness, and action, the guidebook presents recommendations for economic partnerships between private businesses with Indigenous communities. The CCAB Guidebook emphasizes four key principles that underpin successful business relations: Inclusive leadership actions, Indigenous business development, transparent procurement initiatives, and community partnerships. The CCAB Guidebook can serve as a starting point for companies looking to establish respectful economic partnerships and further contribute to the development of a prosperous Canada.





## METHODOLOGY

To provide readers with a concise overview of changes that have occurred since 2017, this updated review adopts a sampling strategy extracted from the original data set to engage in exploratory analysis. In large part due to various mergers and acquisitions that have occurred, only 152 of the original companies benchmarked were available for sampling. Identified through a randomized selection process, one-half of the companies from each sector index were selected for assessment within this updated study.

This report presents the results of an updated review of 76 TSX-listed Canadian companies across eight sector indices:<sup>7</sup>

1. Capped Financial;
2. Capped Healthcare;
3. Capped Consumer Discretionary;
4. Capped Consumer Staples;
5. Capped Energy;
6. Capped Materials;
7. Capped Renewable Energy and Clean Technology; and
8. Capped Telecommunications.

Company disclosures were reviewed using a broad set of indicators under the following six themes:

- i. Recognition of Indigenous peoples in diversity policies and corporate leadership;
- ii. Employment and advancement of Indigenous employees;
- iii. Contracting and procurement opportunities for Indigenous businesses;
- iv. Employment-related training and education;
- v. Commitment to upholding Indigenous rights; and
- vi. Community investment and support.



Following data collection from public disclosures, exploratory analyses were run using McNemar Tests with an  $\alpha=.05$ . Matched values from 2016 and 2019 were compared to assess whether differences in company disclosures between these two reporting periods were significant. Non-significant findings were not reported ( $p>.05$ ).<sup>8</sup>

## LIMITATIONS

The data presented may not be fully representative of each sector included in this report due to the use of a randomized sample. This study also only analyzes publicly-available disclosures obtained from corporate annual information forms, proxy circulars, corporate social responsibility reports, sustainability reports, diversity and inclusion reports, and company websites. The volume and quality of disclosure provided by a company may be influenced by the following factors:

- a. the degree to which Indigenous interests are considered material to the business and its operations;
- b. the degree to which its leadership believes that the company's investors and other stakeholders are concerned about these issues;
- c. the degree to which investors have indicated interest in these disclosures; and,
- d. the degree to which disclosures are expected and/or encouraged by regulators.

Data informing this study was collected in May and June 2020. Due to varying corporate reporting periods, in cases where 2019 data had not yet been released or was otherwise unavailable at the time of data collection, there may be instances where 2018 data is employed.

In light of the aforementioned considerations, the information contained herein cannot necessarily be seen as representative of the full suite of policies, practices, and processes employed by public companies in Canada in relation to reconciliation. Moreover, the study at large cannot be generalized to abstract across all industries.

## INDICATORS

### DIVERSITY POLICIES

- Does the issuer's board diversity policy, or discussion in lieu of an official policy, address Indigenous heritage and identity on the board of directors?
- Does the issuer identify any board members of Indigenous heritage and identity?
- Does the issuer's senior management and executive officer diversity policy, or discussion in lieu of an official policy, address Indigenous heritage and identity of senior management or executive officers?
- Does the issuer discuss Indigenous heritage and identity in regard to general employee diversity policies and programs?

### EMPLOYMENT AND ADVANCEMENT

- Does the issuer state that they prioritize the employment of Indigenous people?
- Has the issuer established targets for Indigenous employment?
- Has the issuer worked with Indigenous agencies, organizations or communities for the recruitment of Indigenous employees?
- Does the issuer provide qualitative information about Indigenous employment?
- Does the issuer provide quantitative information about Indigenous employment?
- Does the issuer provide quantitative information by role or level?

### CONTRACTING AND PROCUREMENT

- Does the issuer provide quantitative information about contracting and/or supplier procurement opportunities for Indigenous people?
- Does the issuer provide quantitative information about contracting and/or supplier procurement opportunities for Indigenous people?

### TRAINING AND EDUCATION

- Does the issuer provide qualitative information about provision or support for training and education for Indigenous people relevant to its area of work?
- Does the issuer provide quantitative information about provision or support for training and education for Indigenous people relevant to its area of work?

### INDIGENOUS RIGHTS

- Does the issuer explicitly acknowledge the need to seek the free, prior, and informed consent (FPIC) of Indigenous peoples?
- Does the issuer explicitly acknowledge the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP)?

### COMMUNITY INVESTMENT

- Does the issuer provide any information about other relevant Indigenous community funding or initiatives?

## FINDINGS AT A GLANCE

**78** companies were studied in **8** sectors on **6** themes



**28% increase in companies** referencing Indigenous heritage and/or identity on board of directors since 2016



**2x more companies** state that they prioritize the employment of Indigenous people since 2016



**Contracting and procurement opportunities** for Indigenous businesses continue to lag, with only 12% disclosing quantitative information of relevance



**Over one-third of companies** provide qualitative data on employment-related training and education



**21% of companies** report partnering with Indigenous agencies or organizations to hire more Indigenous staff



**Almost one in four companies** surveyed from the materials sector provide explicit statements supporting UNDRIP and FPIC

## RESULTS AND DISCUSSION

In this section, the results of our research will be presented by thematic area and subsequently by sector index to offer an overview of companies' varying treatments of the above indicators.

### DIVERSITY POLICIES AND CORPORATE LEADERSHIP

Of all indicators, those related to diversity policies and corporate leadership have seen the largest increase in adoption across all sectors studied. Since 2016, there has been a sizeable increase in sampled companies that discuss or reference Indigenous heritage and/or identity in board of director policies (28% in 2019, up from 0% in 2016;  $p < .001$ ).<sup>9</sup> Growth is also exhibited in the incorporation of Indigenous heritage and/or identity in senior management diversity policies (22% in 2019, up from 0% in 2016;  $p < .001$ ).

#### CANADA BUSINESS CORPORATIONS ACT (CBCA) AMENDMENT

Under Bill C-25, *An Act to amend the Canada Business Corporations Act, the Canada Cooperatives Act, the Canada Not-for-profit Corporations Act and the Competitions Act*, all federal distributing corporations created under the CBCA are required to disclose information on the diversity of their boards of directors and senior management teams.<sup>10</sup> As of January 1, 2020, all distributing corporations have been required to provide shareholders with information on the corporation's diversity policies related to the board of directors and senior management. Through a "comply or explain" model, disclosures must at the minimum report on the representation of the four designated groups as defined in the *Employee Equity Act*: women, Indigenous peoples (First Nations, Inuit, and Métis), persons with disabilities, and members of visible minorities.<sup>11</sup>

The above findings suggest that progress has been made in recent years within board and senior executive management diversity policies. Mention of Indigenous heritage and/or identity in reference to board composition may be in part related to the CBCA amendment (as described above), although the amendment came into effect at the start of 2020, and thus may not have been applied to 2019 disclosures. Osler Hoskins & Harcourt LLP’s (Osler) 2020 *Diversity Disclosure Practices* report asserts that “the conversation has changed dramatically in light of the new diversity disclosure rules set out in the [CBCA],” and especially in light of the upswell of recognition of racial injustice in 2020.<sup>12</sup> However, Osler’s report suggests that in 2020 “significant non-compliance with the requirement” has occurred.<sup>13</sup> As such, further assessment of the uptake and reverberations of the CBCA amendments may be merited in the future.

Despite the slow increase in the provision of data in relation to Indigenous representation on boards and in senior leadership, the *Globe and Mail* recently reported in a comprehensive review of public companies in Canada that where numerical disclosures were provided, Indigenous directors made up just 0.5 percent of companies’ boards.<sup>14</sup> Osler’s 2020 report reaffirms that underrepresented groups, including Indigenous people, remain markedly underrepresented on corporate boards and senior leadership.

Despite progress in board and senior management policies, no significant change has been made to include Indigenous heritage and/or identity within general employee diversity policies. In addition, in this sample, there has been no change in the number of companies setting specific targets to increase the number of Indigenous people within their workforce.

### Company Performance in Diversity Policies and Corporate Leadership (n=78)

	2016	2019
Board of Directors Diversity Reference	0	22
Indigenous Board Member Metric	0	22
Senior Management Diversity Reference	0	17
Employee Diversity Reference	9	11
Employee Diversity Target	1	1

## EMPLOYMENT AND ADVANCEMENT

In 2019, over a quarter (20 of 78) of sampled companies indicated that they prioritize the employment of Indigenous people; this practice has thus doubled since 2016 (26% in 2019, up from 13% in 2016;  $p < .005$ ). The majority of companies that prioritize the employment of Indigenous people are from energy and materials sectors, which may be related to the reality that much of their work relies upon access to Indigenous peoples’ traditional territories, and thus their social license to operate. Energy and materials companies’ operations and projects are often accompanied by consultative processes

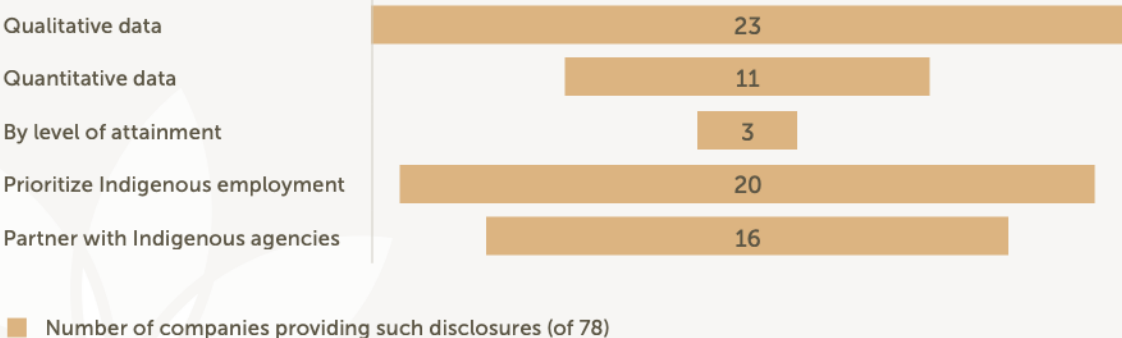
and agreements with Indigenous communities potentially impacted by company operations,<sup>15</sup> and often result in impact benefit agreements (IBAs) that can include commitments to train and employ community members, as well as to procure goods and services from member-owned or -partnered businesses. Today, a significant number of Indigenous businesses operate in energy and materials sectors. Social license considerations, as well as the availability of local Indigenous contractors and well-trained workers within these sectors, may have contributed to the salience of energy and materials companies' commitments to prioritize the employment of Indigenous people.

In order to increase Indigenous recruitment, 21% of companies reported partnering with Indigenous agencies or organizations to assist with Indigenous hiring efforts (up from 12% in 2016;  $p < .05$ ). To facilitate the development of partnerships between companies and Indigenous agencies and organizations, companies often reported having a designated Indigenous Relationships Manager or Community Relations Manager to meet with Indigenous employment and training representatives.

In 2019, 23 companies disclosed *qualitative* information on the employment and advancement of Indigenous people. Eleven companies disclosed *quantitative* information on employment and advancement, up from five of the 78 doing so several years ago (14% in 2019, up from 6% in 2016;  $p < .05$ ). For the purposes of this study, qualitative information includes any initiative or action taken by a company to employ and recruit employees, such as holding career fairs, internship programs, and creating employment opportunities with Indigenous contractors. Alternatively, quantitative information includes any numerical value disclosed by a company that describes how many Indigenous employees work at the company. These values vary from the number of Indigenous employees hired for a seasonal position to the total number of Indigenous employees in the workforce.

Although an increasing number of companies provide both qualitative and quantitative information on Indigenous employment and advancement, no progress has been made in recent years in disclosing Indigenous employment by level of attainment. Providing segmented workforce data enables the identification of biases related to function, role, or department, and can thus serve as an added tool to ensure Indigenous representation within company leadership and in decision-making roles. Collecting and reporting on attainment-based data may also help ensure diversity of thought and background can be leveraged across organizational activities.

**Rate of Reporting on Employment Indicators (2019)**



## CONTRACTING AND PROCUREMENT

There appears to be minimal progress in relation to Indigenous contracting and procurement. Only nine of 78 companies disclosed quantitative information (or less than 12%, compared to 5% in 2017;  $p < .05$ ), and 18 of 78 companies disclosed qualitative information (or just under one-quarter of companies surveyed). Companies that provide data on Indigenous contracting and procurement arrangements continue to be in the minority. It is lamentable that the majority of companies sampled have not yet disclosed any data on Indigenous contracting and procurement, as this constitutes a critical mechanism for supporting the Indigenous economy. Moreover, a multitude of studies have demonstrated in recent years that the Indigenous business capacity is undervalued yet sizeable. In 2016, one study estimated that the Canadian economy could grow by \$27.7 billion if the economic gaps between Indigenous and non-Indigenous peoples were closed.<sup>16</sup> In 2019, the Canadian Council for Aboriginal Business set forth that Indigenous suppliers have sufficient capacity to supply 24.2% of the goods and services purchased by the federal government, which constitutes the single largest purchaser of goods and services in Canada.<sup>17</sup> As highlighted by the CCAB's research, taking steps to track and further procurement from Indigenous-owned businesses is a key strategy through which companies can foster Indigenous economic opportunities.

### CLOSING THE GAP: ECONOMIC DEVELOPMENT AND RECONCILIATION

In 2019, the National Indigenous Economic Development Board (NIEDB) published a comprehensive analysis of employment, income, and community well-being amongst Indigenous peoples living in Canada.<sup>18</sup> The NIEDB's assessment suggests that although some socio-economic gaps between Indigenous and non-Indigenous peoples appear to be closing, there is still significant progress to be made. According to the NIEDB, to achieve socio-economic parity for Indigenous peoples in Canada, action must be taken in the following four key areas: procurement, access to capital, capacity development, and wealth-sharing.<sup>19</sup> To improve economic outcomes, corporate Canada must work towards increasing Indigenous procurement across all sectors of the economy. This can be done through the adoption of an Indigenous procurement

policy, as well as actively raising awareness of procurement opportunities that will increase the readiness of Indigenous businesses looking to participate in procurement.

The NIEDB's 2019 report elaborates that Indigenous businesses will also be more competitive and successful when Indigenous entrepreneurs are able to access education and training specific to the field in which they wish to work. Canadian companies may assist in capacity development through offering internships, scholarships, and encouraging Indigenous students to attend post-secondary education in a related field. Additionally, companies can partner with Indigenous-led and -serving organizations to develop and implement relevant bridging and recruitment programs.



## EDUCATION AND TRAINING

Progress has been made towards establishing educational and training programs and supports for Indigenous people to spur additional involvement in the sectors in question. Within the sample, there has been an increase in the disclosure of qualitative information relating to education and training of Indigenous people (35% in 2019, up from 19% in 2016;  $p < .001$ ). The growth of qualitative information provided regarding education and training outpaces that of quantitative data (14% of the sample in 2019, up from 4% in 2016;  $p < .005$ ). Examples of quantitative reporting include the total value of scholarships provided, the number of people participating in training programs, and the number of partnering communities, among others.

### INTERNAL EDUCATION: CULTURAL AWARENESS AND SENSITIVITY TRAINING

This report has relied upon public companies' disclosures. As it has not been common practice for companies to provide details on the scope and content of internal corporate education, such as cultural awareness and sensitivity training, this important facet of TRC Call to Action 92 has not been included as an indicator under study. However, it is worth underscoring that the advancement of reconciliation in corporate contexts necessitates that a company's people understand the history of Indigenous peoples, including the legacy of residential schools, UNDRIP, Aboriginal and treaty rights, Indigenous law, and Aboriginal-Crown relations – as Call to Action 92 outlines. Such training should be implemented among employees, contractors, and leadership at every level, and regularly updated. Such training may in fact constitute a necessary precondition for a company to make progress and succeed on any of the indicators measured in this study.

## COMMUNITY INVESTMENT

In 2019, 32 of 78 companies disclosed information on community investments, up from 24 of the sample doing so in 2016. The reasons companies provided for making such community investments included mitigating the potential negative impacts of a company's operations on or near the traditional territories of Indigenous peoples, to ensure communities benefit from their operations, or as a sign of goodwill. Financial support is often made through philanthropic donations (such as by contributing to community infrastructure initiatives or cultural programming) or impact benefit agreements (IBAs).

## RESPECT FOR INDIGENOUS RIGHTS

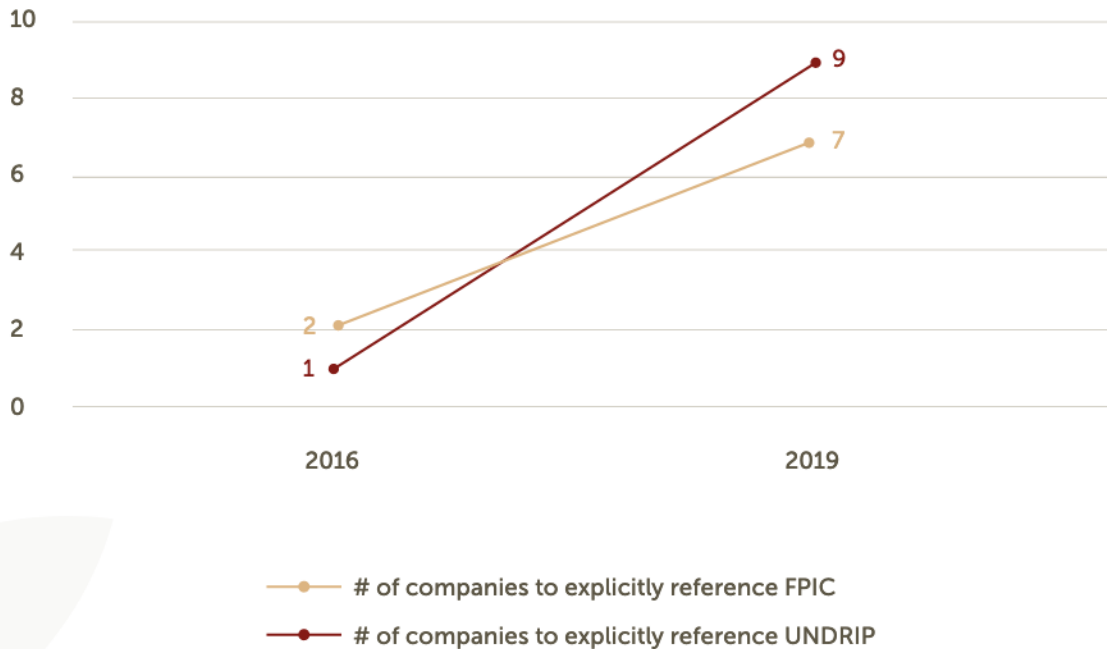


“...[I]ncorporating respect for rights in policies and practices can work for First Nations and industry to create an environment that promotes positive relations even further.”

– Chad Norman Day, President, Tahltan Central Government <sup>20</sup>

Since the 2017 study, there has been a significant increase in companies that have made a commitment to the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP): one of the 78 sampled (or 1%) did so in 2016, and nine in 2019 (or 12%;  $p < .005$ ). Overt commitments to free, prior, and informed consent (FPIC), a cornerstone of the Declaration, have also increased, with two of the 78 sampled (or 3%) doing so in 2016, and seven in 2019 (9%;  $p < .05$ ).

**Company commitments to UNDRIP and FPIC (n=78)**



Oftentimes companies will use terms such as “meaningful consent,” “meaningful consultation,” and/or “meaningful engagement” instead of explicitly referring to UNDRIP and FPIC. Reliance upon the former variety of phrasing (as opposed to explicit references to UNDRIP and FPIC) may signal that companies are less committed to adhering to Indigenous decision-making in relation to their operations and other business practices where they may pose impacts to Indigenous rights, title, and interests.<sup>21</sup> Many companies and investors have expressed a reluctance to commit to seeking and obtaining FPIC due to the conflation of the right to consent with a veto power. Yet human rights bodies have been clear that the standard of FPIC is not absolute.<sup>22</sup> As explained by Former UN Special Rapporteur on the Rights of Indigenous Peoples James Anaya, FPIC may encourage good faith consultations and negotiations by establishing reciprocally acceptable arrangements as the objective of negotiations, thus paving the way for fostering mutual consent and reconciling the interests of various decision-making bodies.<sup>23</sup>



## BRITISH COLUMBIA DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES ACT

Passed in November 2019, the *B.C. Declaration on the Rights of Indigenous Peoples Act* (DRIPA) sets forth a process to align the province’s laws with the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP).<sup>24</sup> British Columbia is the first province to pass such legislation and put UNDRIP into law, setting a framework for reconciliation in alignment with TRC Call to Action 43.<sup>25</sup>

The implementation of this legislation provides increased transparency and accountability through regular reports to the Legislature in order to monitor progress towards reconciling provincial legislation with UNDRIP. Dr. Judith Sayers, a member of the Hupacasath First Nation who has been involved in the UNDRIP process at international, federal, and provincial levels, explains that in order to implement UNDRIP, “B.C. will need to remove from legislation any systemic barriers that stop First Nations from determining their economic, social, and cultural development in their own way, in their own time.”<sup>26</sup>

Many have applauded the Act as a positive step forward for business and Indigenous communities, noting that its enshrinement of UNDRIP in provincial law would relieve companies from the uncertainty of litigation, and potentially prompt increased collaboration and economic prosperity of greater fairness to all.<sup>27</sup> As Chad Norman Day, President of the Tahltan Central Government, writes, DRIPA may provide further clarity and certainty for investment in the province, thus enhancing the business environment, providing further collaborative opportunities, and enabling successful partnerships between Indigenous governments and industry representatives.<sup>28</sup>

## RESULTS BY SECTOR INDEX

To complement the above presentation of findings through a thematic lens, the section below explores results by sector index, adding granularity to this review and presenting sector-specific recommendations and case studies, as relevant.

### 1. Financial

There is considerable space for improvement among financial sector companies' reconciliation-related disclosures. Across the report's major themes, no more than three of the 13 sampled financial institutions have reported on any single indicator. Three of 13 sampled companies referenced Indigenous heritage and/or identity in board of directors and senior executive management diversity policies. This is an improvement from our 2017 assessment, where no companies in the financial sector mentioned Indigenous heritage and/or identity within their diversity policies. The other area where progress in the financial sector is notable is that of community investments. At the time this study was conducted, six of 13 companies in this sector disclosed information on Indigenous community investments, which marks a two-fold increase in this practice among those 13 companies since 2016.

Reporting on the employment and advancement for Indigenous people in the financial sector remains low among sampled companies. No additional companies disclosed qualitative information on the employment and advancement of Indigenous people (three of the 13 companies sampled did so in both 2016 and 2019). Slight progress was made in the rest of the indicators within employment and advancement, with one additional company disclosing information in each of these areas. In the three companies where quantitative information was available on Indigenous employment, Indigenous people are underrepresented at the organizations relative to the makeup of the Canadian populace at large: Indigenous people made up between 0.7% and 1.3% of these companies' workforces,<sup>29</sup> compared to 4.9% as per Statistics Canada's 2016 census. Uptake of disclosure practices on Indigenous employment and advancement is still low among the sample overall. Moreover, the bulk of those whom have provided such data are larger, federally-regulated financial firms, such as the Royal Bank of Canada and the National Bank of Canada.

## DIVERSITY & INCLUSION AT ROYAL BANK OF CANADA (RBC)

Royal Bank of Canada (RBC) has made a demonstrated commitment to increasing Indigenous representation within its Canadian workforce. Of the 78 companies analyzed for this study, RBC is the only company that has set forth quantitative targets for Indigenous representation within its workforce. This information is disclosed in RBC's *Enterprise Diversity & Inclusion Report*, within which the company lists percentage-based targets tied to various performance metrics, including women executives, minority executives, LGBT+, and Indigenous people.<sup>30</sup> RBC also offers various programs for outreach to and recruitment of Indigenous peoples, including Pursue Your Potential (PyP), RBC Indigenous Summer Internship Program (ISIP), and Indigenous Peoples Development Program. These programs help foster pathways through which RBC may increase Indigenous representation within its ranks.

### 2. Healthcare

In our 2017 assessment, the performance of the healthcare sector lagged far behind the average. In our updated research, the most marked progress in the healthcare sector is in relation to diversity and corporate leadership. For instance, the healthcare sector moved from having zero companies with employee diversity references incorporated in 2016 reporting, to two of three sampled exhibiting this in 2019. In our current sample, one of three companies referred to Indigenous representation within their senior management diversity policies, and one reported on an Indigenous board member metric (a CBCA-incorporated company, which is now required by law). Progress is still needed within the sector. For instance, none of the three healthcare companies has a board diversity policy that refers to Indigenous representation. The healthcare companies in our sample also reported no employee diversity targets and made no progress on any of the remaining indicators we studied.

## BRINGING RECONCILIATION TO HEALTHCARE IN CANADA: WISE PRACTICES FOR HEALTHCARE LEADERS

In April 2018, HealthCareCAN released a report discussing the role that Canadian health leaders play in addressing health-related Calls to Action of the Truth and Reconciliation Commission of Canada (TRC).<sup>31</sup> To address the Indigenous health gap, the report identifies the following three inter-related areas of action: re-aligning authorities, accountabilities, and resources; eliminating racism and increasing cultural safety; and ensuring equitable access to health care. In order to better serve Indigenous patients and communities, the report emphasizes the important role of education in ensuring that health care providers understand the history, culture, language, and traditions of the Indigenous communities they serve. Along with increasing knowledge about Indigenous communities, healthcare organizations can also further reconciliation through the implementation of cultural safety training programs and recruitment of Indigenous staff and providers. HealthCareCAN's report may be of value to healthcare sector companies hoping to adopt greater roles in tangibly contributing to reconciliation.

### 3. Consumer Discretionary

Within the consumer discretionary sector, progress has not been significant. Some consumer discretionary companies provide relevant disclosures of board policies, the identification of Indigenous board members, qualitative data on contracting and procurement from Indigenous businesses, and community funding. None of our sample companies disclosed relevant information related to any of the other indicators assessed.

The consumer discretionary sector's contracting and procurement activities may be a large but overlooked opportunity for the sector to further their reconciliation efforts. Such companies can help grow and strengthen the Indigenous economy by committing to increasing their spend among Indigenous contractors and suppliers. This can be accomplished by developing and tracking commitments to procure goods and services from Indigenous-owned businesses. Additional commitments to employ Indigenous people and related, complementary measures – such as the establishment of targeted training programs, and partnerships with Indigenous recruitment agencies – should also be explored by consumer

discretionary-listed companies. None of our sample companies provided qualitative or quantitative data in relation to education and training. Further opportunities for community initiatives and investments also merit consideration; only one of seven companies surveyed reported making investments in Indigenous communities.

#### 4. Consumer Staples

The consumer staples sector appears to lag behind other sectors, and the sampled companies exhibit minimal progress in reconciliation-related indicators over the past four years. Of the five companies in the 2020 sample, only one company made reference to Indigenous heritage and identity within their board of directors and senior management diversity policies. Despite the lack of policies referencing Indigenous heritage and identity, within the sample, three of five companies actively tracked and disclosed information on the number of Indigenous members on their board of directors – these three are all also incorporated under the CBCA, and are thus compliant with new disclosure requirements on Indigenous heritage and identity at the board level.

As with the consumer discretionary sector, the consumer staples sector can meaningfully advance reconciliation by increasing its Indigenous spend. Developing and tracking commitments to procure goods and services from Indigenous-owned businesses would foster greater demand and spur activity within the Indigenous economy. No consumer staples companies surveyed provided quantitative or qualitative data on contracting and procurement from Indigenous businesses. Additional commitments to employ Indigenous people and adopt complementary measures, such as establishing targeted training and working with Indigenous recruitment agencies, also merit consideration by consumer staples-listed companies, none of which provided qualitative or quantitative data in relation to education and training. Further opportunities for community initiatives and investments should also be considered; at present, one of five companies surveyed reported investments in Indigenous communities.

#### 5. Energy

Energy companies' performance across the study's indicators is varied. The most progression within the sector appears in the provision of qualitative data on education and training opportunities offered to Indigenous people

(53% in 2019, up from 29% in 2016;  $p < .05$ ) and the stated prioritization of Indigenous hiring. Over one-third of companies sampled in 2019 prioritize the employment of Indigenous peoples (37%, up from 16% in 2016;  $p < .05$ ). These findings may speak to increasing recognition in the sector that companies' operational success may be bolstered by fostering Indigenous inclusion in the workplace and building respectful relations with nearby communities. Like materials companies, energy company operations on or near Indigenous peoples' traditional territories often carry significant risks associated with water contamination and the disruption of cultural practices, including traditional subsistence (i.e., hunting, fishing, trapping, and gathering) and spiritual activities.

Relatedly, explicit commitments to respect Indigenous rights can precipitate a sea change in business operations and relationships with Indigenous peoples when company practices are harmonized with UNDRIP and FPIC. In the energy sector, one firm committed to FPIC in 2019, with none of the same sample having done so in 2016. The number of firms that acknowledge UNDRIP explicitly in public documentation exhibited further growth (three of the 19 sampled did so in 2019; none of those companies had in 2016). The three that acknowledged UNDRIP are on the larger size of sampled companies (Their market capitalizations range from \$1.9 to \$15.3 billion). Overall, the companies that acknowledge FPIC and UNDRIP are still far outnumbered by the firms that have thus far failed to do so.

## CENOVUS ENERGY'S INTEGRATIVE APPROACH TO INDIGENOUS RECONCILIATION

At Cenovus, Indigenous reconciliation efforts can be found embedded throughout all levels of the company, ranging from corporate policies to local initiatives. Starting at the level of corporate policy, Cenovus acknowledges the rights of Indigenous peoples and outlines opportunities for Indigenous engagement within its *Code of Business Conduct & Ethics*<sup>32</sup> and *Sustainability Policy*.<sup>33</sup> To support these policies, Cenovus has developed an Indigenous relations engagement approach that focuses on the following six areas: consultation, relationships, employment, investment, business, and long-term agreements.<sup>34</sup> Cenovus also has an



Indigenous Inclusion Advisory Committee composed of senior leaders across the company who provide company-wide direction on Indigenous inclusion initiatives.

Aside from corporate policies and committees, employees also play a part in reconciliation through Cenovus' online Indigenous awareness training course. This training will be done every two years with more extensive training for staff whose roles require a more advanced understanding of Indigenous cultures. At the local level, in 2020 Cenovus committed to spend \$50 million over the next five years to build houses in six Indigenous communities located across northern Alberta as part of the company's Indigenous housing program. The company also offers scholarships to Indigenous students pursuing post-secondary education.

Through its integrative approach, Cenovus is an example of a company that has taken significant steps to embed reconciliation across its operations and governance.

## 6. Materials

In the materials sector, significant progress has been made in recent years along a number of indicators. The one exception is in relation to setting targets for Indigenous employment: Of the 21 companies sampled in this sector, not one has disclosed targets for increasing the number of Indigenous employees within their workforce. Beyond this metric, progress within materials sector companies has been notable.

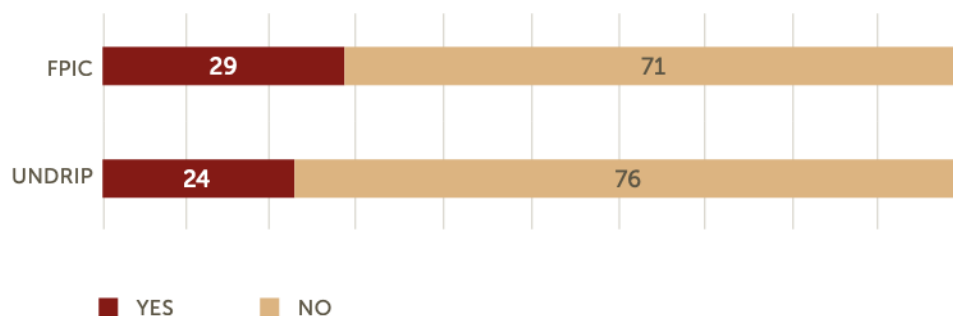
In diversity and corporate leadership, nearly half of sampled companies have begun referring to Indigenous heritage and identity in board policies (43%, up from 0% in 2016;  $p < .01$ ). Significantly more materials companies had established Indigenous board member metrics in 2019 (33%, up from 0% of the sample in 2016;  $p < .005$ ).

In areas of employment and advancement, based on our sample, the materials sector appears to outperform almost all other sectors in prioritizing the employment of Indigenous people (with 38% of companies disclosing that they do so in 2019, up from 19% in 2016;  $p < .025$ ), the provision of quantitative data on the employment of Indigenous people

(24%, up from 5% in 2016;  $p < .001$ ) and over a quarter of companies reporting their efforts to develop partnerships with firms that facilitate Indigenous recruitment (29%, up from 10% in 2016;  $p < .005$ ).

In 2019, of 21 materials sector companies, three provided qualitative data and six provided quantitative data on efforts to work with Indigenous-owned businesses for contracting and procurement of goods and services. Procurement is a major means by which Indigenous economic opportunities are fostered, and quantitative disclosures are helpful indicators of company performance in this realm, yet regrettably uncommon across the TSX thus far.

### Acknowledgement of UNDRIP and FPIC in the Materials Sector (2019; n=21)



In light of the nature of materials sector companies' operations and their presence across Indigenous peoples' traditional territories, perhaps the most important change in the materials sector in recent years is the degree to which companies have made overt references and/or commitments to UNDRIP and FPIC in recent years. Today, just under one-quarter of surveyed firms provide explicit statements supporting UNDRIP (from 5% in 2016 to 22% in 2019;  $p < .05$ ) and FPIC (from 10% in 2016 to 24% in 2019;  $p < .05$ ). As with the energy sector, these trends are encouraging for the state of respect for Indigenous rights among materials companies. The growth in number of firms that have acknowledged FPIC bodes well for companies, Indigenous peoples, and investors alike: The practice of seeking and obtaining FPIC can result in greater certainty for development projects,<sup>35</sup> and enhances recognition and the actualization of Indigenous peoples' sovereignty over their traditional territories and resources, which is critical.

## 7. Renewable Energy and Clean Technology

In the renewable energy and clean technology sector, the greatest progress was made in the category of diversity and corporate leadership. In 2016, none of the companies listed in this sector had board policies and only one had a senior management policy. Yet in 2019, three of six sampled companies disclosed information on board and senior executive management diversity in regard to Indigenous heritage and/or identity.

Although there were improvements in prioritizing Indigenous employment (from no companies sampled doing so in 2016 to one in 2019), the sector slid in providing qualitative employment and advancement data, dropping from one company in 2016 to none in 2019. Between 2016 and 2019, A steady number of sample companies reported involvement in community initiatives or investment community funding and/or initiatives (two of six companies). As in 2016, no companies surveyed in 2019 had made reference to UNDRIP or FPIC. The reality that companies in the renewable energy and clean technology sector have not yet attended to many of the reconciliation-related indicators is somewhat surprising, given many Indigenous communities' high levels of interest in renewable energy and the impact of large-scale energy projects on Indigenous peoples.<sup>36</sup>

## 8. Telecommunications

In the telecommunications sector, progress appears to have been in relation to the areas of diversity, contracting and procurement, as well as education and training. For instance, two of the companies studied made reference to Indigenous heritage and identity in their board and senior management diversity policies. This is an improvement from 2016, when none of the companies provided policies or targets at this level. In the areas of employment and advancement as a whole, the telecommunications sector outperformed other sectors in providing qualitative and quantitative employment data, prioritizing Indigenous employment, and disclosing related Indigenous partnerships.<sup>37</sup> This may be related to the presence of many federally-regulated companies in the sector, such as Telus (see below) and Shaw Communications Inc., as they are required to disclose these data by law. The sector also stood out in the areas of contracting and procurement, as well as community funding and/or initiatives, which tended to focus upon improving internet connectivity in Indigenous communities. In 2019, one telecommunications company made statements in support of UNDRIP.

## REPORTING ON COMMUNITY INVESTMENT IN CONNECTIVITY AND INDIGENOUS INCLUSION EFFORTS AT TELUS

According to the Government of Canada, there is a significant gap between Indigenous and non-Indigenous communities when it comes to internet connection speeds that allow people to take full advantage of modern applications such as cloud-based software, online learning resources, and high-definition streaming videos. While 37% of rural Canadian households and 97% of urban homes have access to high-speed internet, this is true for about 24% of households in Indigenous communities.<sup>38</sup>

Telus addresses this issue in its 2019 Sustainability Report, stating that by “bridging divides in connectivity or addressing healthcare and education gaps,” it is supporting the TRC Calls to Action.<sup>39</sup> Although Telus’ 2019 Sustainability Report document does not provide quantitative information about the company’s Canada-wide contributions to Indigenous communities, the company published a report specific to British Columbia in 2019. In the province-specific report, Telus reported providing 46 communities with high-speed internet, which includes more than 10,000 homes, business, and “community hubs,” as well as 17 schools.<sup>40</sup>

Telus’ Sustainability Report also provides important information on the company’s reconciliation efforts beyond community investment. The 2019 Report offers quantitative data on its employment of Indigenous workers since 2015, which in 2018 was 3.6%, thus surpassing workforce availability rates cited by the company. The 2019 Report also references a supplier diversity program and includes a target of increasing “diverse suppliers” (which includes Indigenous-run businesses) by 3-5% in 2020 and an additional 3-5% in 2021. Moreover, Telus’ 2019 Sustainability Report explicitly notes that Telus respects the right to Indigenous self-determination and other rights as outlined in UNDRIP. Finally, Telus provides disclosure on Global Reporting Initiative<sup>41</sup> (GRI) data, including GRI 411-1, which relates to incidents of violations involving rights of Indigenous peoples. These disclosures provide valuable data points and policy information on the company’s work in reconciliation.



## RECOMMENDATIONS

The following section briefly presents several recommendations for various groups of relevance to this report, which may help as starting points to enhance corporate reporting on reconciliation and Indigenous relations.

### COMPANIES

- Adopt and report annually against reconciliation-oriented indicators such as those employed in this study;
- Set targets to improve the representation of Indigenous people across your organizations including as board members, employees, business partners and suppliers;
- Solicit independent, external support to prepare and improve upon reconciliation-related disclosures and targets, such as the CCAB and the Social Awareness Group;
- Consider committing to the CCAB's PAR program, which provides a powerful framework to enhance corporate performance in Indigenous relations and offers direct supports to build company-specific commitments that are informed by regional and sectoral considerations;<sup>42</sup>
- Communicate to regulators and industry bodies the need for additional guidance and standards on reconciliation-related disclosures and best practices.

### REGULATORS

- Consider incorporating the recent CBCA amendments regarding Indigenous heritage and/or identity in provincial corporate statutes to extend diversity and disclosure rules to provincially-registered corporations.

### INVESTORS

- Encourage investee companies to improve their policies, practices, and disclosure on reconciliation and Indigenous relations;
- Encourage investee companies to set meaningful targets on their performance related to reconciliation and Indigenous relations;
- Communicate to asset managers the need to incorporate reconciliation and Indigenous relations performance into investment decision-making processes;
- Communicate to data providers the need to improve data related to reconciliation and Indigenous relations.

## CONCLUSION

This research is underpinned by the TRC Call to Action 92 on business and reconciliation, which provides a roadmap for the corporate sector to advance reconciliation in Canada based upon recognition of the *United Nations Declaration on the Rights of Indigenous Peoples*, and the application of its principles, norms, and standards to corporate policy and operational activities. This exploratory analysis provides an updated state of play on corporate disclosures related to reconciliation among public companies in Canada. Relying on the survey of disclosures made by companies across eight TSX sector indices in the 2019 reporting year, our research provides an update on an initial benchmark published by SHARE based on 2016 data, engaging in the exploratory analysis of this data across indicators and sectors studied, as well as between these years, when possible.

In Canada, recognition of the materiality and relevance of respectful relations with Indigenous peoples to company outcomes is growing. Disclosure practices generally appear to be trending in the right direction as companies increasingly recognize the value in tracking and providing information related to their adoption of reconciliation and Indigenous relations to investors. However, regular and standardized reporting on company performance related to reconciliation is still regrettably far from commonplace.

Across a number of our indicators, qualitative disclosures appear to outpace quantitative disclosures. Overall, companies' widespread failure to provide quantitative disclosures on matters related to reconciliation is lamentable, as this kind of information enables interested parties to engage in robust year-over-year analysis of company performance, as well as cross-company comparison, along these important indicators. It is challenging to assess company performance and progress without the broader adoption of these relevant disclosures.

Ample voluntary opportunities remain for companies and sectors to develop and expand tangible commitments to enhancing Indigenous participation and inclusion in the Canadian economy. However, given the inconsistency in reporting on a voluntary basis, regulatory proposals to standardize and enhance corporate reporting on reconciliation-related indicators (such as a proposal by SHARE and CCAB to embed the CBCA requirements in provincial corporate law, or recent proposals from the Ontario Capital Markets Modernization Task Force to require corporate targets for board and executive diversity including Black, Indigenous, and People of Colour leadership) could help drive change.<sup>43</sup>

In our view, Indigenous and non-Indigenous investors alike can help to advance disclosure practices – and thus the implementation of Call to Action 92 by corporate Canada – through productive engagement with issuers both captured within these sectors and beyond to spur further action in relation to these important indicators, and through policy advocacy to support enhanced disclosures related to reconciliation.

At SHARE, this research will help to inform our shareholder engagement priorities in relation to reconciliation and Indigenous rights, which has constituted a cornerstone of the organization's engagement plan in recent years.<sup>44</sup> The pace of progress will be quickened when all investors communicate their desire for improved disclosures on reconciliation to their asset managers and to investee companies, in order to expand the adoption of emergent standards and sound disclosure practices both within the sectors studied and beyond.

For further information on our efforts in advancing reconciliation or to get involved, please contact us.



## APPENDIX: SUMMARY OF FINDINGS

	Financial (13 companies)	Health Care (3 companies)	Consumer Discretionary (7 companies)	Consumer Staples (5 companies)	Energy (19 companies)	Materials (21 companies)	Renewable Energy and Clean Technology (6 companies)	Telecommunications (4 companies)	Total (74 companies)
<b>Diversity and Corporate Leadership</b>									
Board of Directors Diversity Reference	23%	0%	14%	20%	16%	43%	50%	50%	28%
Indigenous Board Member Metric	23%	33%	29%	60%	11%	33%	50%	25%	28%
Senior Management Diversity Reference	23%	33%	0%	20%	16%	29%	50%	0%	22%
Employee Diversity Reference	15%	67%	0%	20%	0%	19%	0%	50%	14%
Employee Diversity Target	8%	0%	0%	0%	0%	0%	0%	0%	1%
<b>Employment and Advancement</b>									
Employment - Qualitative	23%	0%	0%	0%	37%	48%	0%	50%	29%
Employment - Quantitative	23%	0%	0%	0%	5%	24%	0%	50%	14%
Quantitative by Attainment	15%	0%	0%	0%	0%	5%	0%	0%	4%
Prioritize Employment	15%	0%	0%	0%	37%	38%	17%	50%	26%
Indigenous Partnerships	23%	0%	0%	0%	26%	29%	0%	50%	21%
<b>Contracting and Procurement</b>									
Qualitative Data	8%	0%	14%	0%	32%	29%	33%	50%	23%
Quantitative Data	8%	0%	0%	0%	16%	14%	17%	25%	12%
<b>Education and Training</b>									
Qualitative Data	23%	0%	0%	0%	53%	48%	17%	50%	35%
Quantitative Data	15%	0%	0%	0%	26%	19%	0%	0%	14%
<b>Indigenous Rights</b>									
FPIC	0%	0%	0%	0%	5%	29%	0%	0%	9%
UNDRIP	0%	0%	0%	0%	16%	24%	0%	25%	12%
<b>Quantitative Data</b>									
Community Funding and/or initiatives	46%	0%	14%	20%	53%	48%	33%	50%	41%



## ENDNOTES

<sup>1</sup>SHARE. *Business and Reconciliation: How can investors evaluate the efforts of Canadian public companies?* 2017. [https://share.ca/wp-content/uploads/2021/01/Business\\_and\\_Reconciliation\\_How\\_can\\_investors\\_evaluate\\_the\\_efforts\\_of\\_Canadian\\_public\\_companies.pdf](https://share.ca/wp-content/uploads/2021/01/Business_and_Reconciliation_How_can_investors_evaluate_the_efforts_of_Canadian_public_companies.pdf)

<sup>2</sup> For further information and examples, see SHARE. *Energy and Mining Investment: Assessing Accountability for Indigenous Rights in Complex Investment Chains*. 2020. [https://share.ca/wp-content/uploads/2020/10/SHARE\\_Mining-Report\\_FINAL\\_Web-High-Res1.pdf](https://share.ca/wp-content/uploads/2020/10/SHARE_Mining-Report_FINAL_Web-High-Res1.pdf)

<sup>3</sup>Milstead, David. "Board Games 2020: Canadian companies fall short on board diversity." 2020, November 30. The Globe and Mail. <https://www.theglobeandmail.com/business/careers/management/board-games/article-board-games-2020-companies-fall-short-on-board-diversity/>

<sup>4</sup>Indigenous Works. *Researching Indigenous Partnerships: An Assessment of Corporate-Indigenous Relations*. 2017. <https://indigenousworks.ca/sites/ahrc/files/Researching%20Indigenous%20Partnerships%20Assessment.pdf>

<sup>5</sup>Action Canada. *Inclusive Futures: Indigenous Engagement in Canada's Workforce*. 2020. <https://ppforum.ca/wp-content/uploads/2020/03/AC-Inclusive-Futures-Indigenous-ENG-WEB.pdf>

<sup>6</sup>Canadian Council for Aboriginal Business (CCAB). *Business Reconciliation in Canada Guidebook*. 2019. [https://www.ccab.com/research/ccab-collaboration-series/business\\_reconciliation/](https://www.ccab.com/research/ccab-collaboration-series/business_reconciliation/)

<sup>7</sup>For more information on these indices, including constituent firms, see <https://www.tmxinfoservices.com/tmx-datalinx/products-and-services/sp-tsx-indices#capped>

<sup>8</sup>Many thanks to Debra Bercovici, PhD Candidate in Cognitive Neuroscience at the University of British Columbia, for her assistance in preparing this statistical analysis.

<sup>9</sup>Percentage values have been rounded to nearest whole number.

<sup>10</sup>Government of Canada. *Diversity disclosure for boards of directors and senior management comes into force*. 2019. <https://www.ic.gc.ca/eic/site/cd-dgc.nsf/eng/cs08317.html>

<sup>11</sup>While the CBCA amendments will eventually increase disclosure from federally-incorporated companies, no provincially-incorporated companies are subject to the same standards. SHARE and the Canadian Council for Aboriginal Business have been asking provincial governments to amend corporate laws to inject similar requirements.

<sup>12</sup>MacDougall, Andrew, Valley, John, and Jeffrey, Jennifer. *Diversity Disclosure Practices: Diversity and Leadership at Canadian public companies*. 2020. <https://www.osler.com/osler/media/Osler/reports/corporate-governance/Diversity-and-Leadership-in-Corporate-Canada-2020.pdf>

<sup>13</sup>Milstead, David. "Board Games 2020: Canadian companies fall short on board diversity." 2020, November 30. The Globe and Mail. <https://www.theglobeandmail.com/business/careers/management/board-games/article-board-games-2020-companies-fall-short-on-board-diversity/>

<sup>14</sup>Ibid. Page 44.

<sup>15</sup>Joly, Tara, & Westman, Clinton. *Taking Research Off the Shelf: Impacts, Benefits, and Participatory Processes around the Oil Sands Industry in Northern Alberta*. 2017. <https://artsandscience.usask.ca/cdprofile/download.php?fileid=192>

<sup>16</sup>National Aboriginal Economic Development Board (NAEDB – renamed the NIEDB). *Reconciliation: Growing Canada's Economy by \$27.7 billion*. 2016. [http://www.naedb-cndea.com/reports/naedb\\_report\\_reconciliation\\_27\\_7\\_billion.pdf](http://www.naedb-cndea.com/reports/naedb_report_reconciliation_27_7_billion.pdf)

- <sup>17</sup>Canadian Council for Aboriginal Business (CCAB). *Industry and Inclusion: An Analysis of Indigenous Potential in Federal Supply Chain*. 2019. [https://www.ccab.com/wp-content/uploads/2019/05/Industry-and-Inclusion\\_-An-Analysis-of-Indigenous-Potential-in-Federal-Supply-Chains-Brief\\_FINAL.pdf](https://www.ccab.com/wp-content/uploads/2019/05/Industry-and-Inclusion_-An-Analysis-of-Indigenous-Potential-in-Federal-Supply-Chains-Brief_FINAL.pdf)
- <sup>18</sup>National Indigenous Economic Development Board (NIEDB). *The Indigenous Economic Progress Report 2019*. 2019. <http://www.naedb-cndea.com/wp-content/uploads/2019/06/NIEDB-2019-Indigenous-Economic-Progress-Report.pdf>
- <sup>19</sup>National Indigenous Economic Development Board (NIEDB). *Indigenous Economic Reconciliation: Recommendations on Reconciliation and Inclusive Economic Growth for Indigenous Peoples and Canada*. 2019. <http://www.naedb-cndea.com/raports/NIEDB%20-%20Economic%20Reconciliation%20-%20Final%20Report.pdf>
- <sup>20</sup>Day, Chad Norman. "Opinion: UNDRIP in British Columbia: A much-needed path for First Nations and industry." 2019, October 25. <https://www.bcdripa.org/supporters/opinion-undrip-in-british-columbia-a-much-needed-path-for-first-nations-and-industry>
- <sup>21</sup>As noted in SHARE's report, *Energy and Mining Investment: Assessing Accountability for Indigenous Rights in Complex Investment Chains* (2020), "Companies and investors do not need to re-invent or re-interpret human rights law when undertaking due diligence on possible business relationships. A caution light should go on when adherence to leading standards is not explicit." Available at: [https://share.ca/wp-content/uploads/2020/10/SHARE\\_Mining-Report\\_FINAL\\_Web-High-Res1.pdf](https://share.ca/wp-content/uploads/2020/10/SHARE_Mining-Report_FINAL_Web-High-Res1.pdf)
- <sup>22</sup>Amnesty International. *Free, Prior and Informed Consent Factsheet*. 2013. [https://www.amnesty.ca/sites/amnesty/files/fpic\\_factsheet\\_nov\\_2013.pdf](https://www.amnesty.ca/sites/amnesty/files/fpic_factsheet_nov_2013.pdf)
- <sup>23</sup>Anaya, James. *Report to the Human Rights Council, A/HRC/12/34*. 2009. <https://www.refworld.org/docid/4ab0d5e52.html>
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- <sup>26</sup>Yellowhead Institute. *The UN Declaration on the Rights of Indigenous Peoples in Canada: Lessons from B.C.* Special report. 2020. <https://yellowheadinstitute.org/wp-content/uploads/2020/12/yellowhead-institute-bc-undrip-report-12.20-compressed.pdf>
- <sup>27</sup>CBC News. "UN Indigenous rights bill approved unanimously by B.C." 2019, November 26. <https://www.bcdripa.org/news-coverage/cbc-un-indigenous-rights-bill-approved-unanimously-in-bc>
- <sup>28</sup>Day, Chad Norman. "Opinion: UNDRIP in British Columbia: A much-needed path for First Nations and industry." 2019, October 25. <https://www.bcdripa.org/supporters/opinion-undrip-in-british-columbia-a-much-needed-path-for-first-nations-and-industry>
- <sup>29</sup>The reported quantitative data on Indigenous employment and advancement among sampled financial institutions in 2019 is as follows: Indigenous peoples make up 1.3% of the workforce at the Royal Bank of Canada, 0.7% of the workforce at the National Bank of Canada, and 1% of senior leadership at IGM Financial. The related sources are as follows:
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- <sup>30</sup>Royal Bank of Canada (RBC). *Enterprise Diversity & Inclusion Report*. 2019. [https://www.rbc.com/diversity-inclusion/\\_assets-custom/includes/pdf/2019\\_Enterprise\\_DI\\_Report\\_English.pdf](https://www.rbc.com/diversity-inclusion/_assets-custom/includes/pdf/2019_Enterprise_DI_Report_English.pdf)
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- <sup>32</sup>Cenovus Energy. *Code of Business Conduct & Ethics*. 2019. <https://www.cenovus.com/about/docs/BCE.pdf>
- <sup>33</sup>Cenovus Energy. *Sustainability Policy*. 2020. <https://www.cenovus.com/about/docs/sustainability.pdf>
- <sup>34</sup>Cenovus Energy. *2019 Environmental Social & Governance Report*. 2019. [https://www.cenovus.com/reports/2019/2019-esg-report.pdf?fbclid=IwAR2aQSQ50p371wU0YgsKoStUa5ZoXdbBVC11SQ46fOfcA2zZJ5qkDA\\_YRkM](https://www.cenovus.com/reports/2019/2019-esg-report.pdf?fbclid=IwAR2aQSQ50p371wU0YgsKoStUa5ZoXdbBVC11SQ46fOfcA2zZJ5qkDA_YRkM)
- <sup>35</sup>For further information and examples, see SHARE. *Energy and Mining Investment: Assessing Accountability for Indigenous Rights in Complex Investment Chains*. 2020. [https://share.ca/wp-content/uploads/2020/10/SHARE\\_Mining-Report\\_FINAL\\_Web-High-Res1.pdf](https://share.ca/wp-content/uploads/2020/10/SHARE_Mining-Report_FINAL_Web-High-Res1.pdf)
- <sup>36</sup>SHARE. *Business and Reconciliation: How can investors evaluate the efforts of Canadian public companies?* 2017. Page 17. [https://share.ca/wp-content/uploads/2021/01/Business\\_and\\_Reconciliation\\_How\\_can\\_investors\\_evaluate\\_the\\_efforts\\_of\\_Canadian\\_public\\_companies.pdf](https://share.ca/wp-content/uploads/2021/01/Business_and_Reconciliation_How_can_investors_evaluate_the_efforts_of_Canadian_public_companies.pdf)
- <sup>37</sup>Although the numbers are not as high as the previous study, this may be attributed in part to the fact that not all the same companies were sampled in 2020 as 2016.
- <sup>38</sup>Government of Canada. *High-Speed Access for All: Canada's Connectivity Strategy*. 2019 [https://www.ic.gc.ca/eic/site/139.nsf/eng/h\\_00002.html](https://www.ic.gc.ca/eic/site/139.nsf/eng/h_00002.html)
- <sup>39</sup>Telus. *Making the World a Better Place: 2019 Sustainability Report*. 2019. [https://downloads.ctfassets.net/rz9m1rynx8pv/6PsGKFFShtlPIqjbNR5krR/c6049bd16a42b2b9e4a0fe60d4f35117/2019\\_TELUS\\_Sustainability\\_Report--04\\_20.pdf](https://downloads.ctfassets.net/rz9m1rynx8pv/6PsGKFFShtlPIqjbNR5krR/c6049bd16a42b2b9e4a0fe60d4f35117/2019_TELUS_Sustainability_Report--04_20.pdf)
- <sup>40</sup>Telus. *Connectivity in British Columbia: Indigenous Communities*. 2019. [https://assets.ctfassets.net/rz9m1rynx8pv/G9xP2BqJ7HmnlYwSK0Qvf/5a9e34e00a31d9719413b6d9865038f7/TELUS\\_IndigenousConnectivity\\_Final\\_Digital\\_August2019.pdf](https://assets.ctfassets.net/rz9m1rynx8pv/G9xP2BqJ7HmnlYwSK0Qvf/5a9e34e00a31d9719413b6d9865038f7/TELUS_IndigenousConnectivity_Final_Digital_August2019.pdf)
- <sup>41</sup>Global Reporting Initiative. <https://www.globalreporting.org/>
- <sup>42</sup>Social Awareness Group. *Indigenous and Social Impact: Global Enterprise SaaS Applications for Organizations where Impact Matters*. n.d. <https://www.socialawareness.io/>
- <sup>43</sup>Capital Markets Modernization Taskforce. *Final Report*. 2021. Page 64. <https://www.ontario.ca/document/capital-markets-modernization-taskforce-final-report-january-2021>
- <sup>44</sup>SHARE engages with corporations on behalf of institutional investor clients with more than \$64 billion in assets under management on a range of environmental, social, and governance concerns.



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