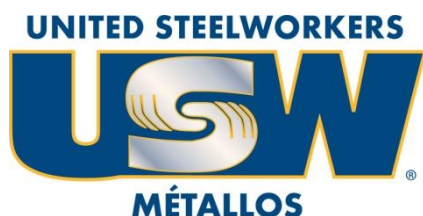


**Submission of the
United Steel, Paper and Forestry, Rubber,
Manufacturing , Energy, Allied Industrial and
Service Workers International Union**



Regarding Bill C-262

**(An Act to ensure that the laws of Canada are in harmony
with the United Nations Declaration on the Rights of
Indigenous Peoples)**

April, 2018

The United Steelworkers is fully in support of Bill C-262, urges all Parliamentarians to ensure its swift passage, and advocates prompt implementation by the Government of Canada.

The United Steelworkers (USW) is a trade union representing over 180,000 women and men employed in all sectors of the Canadian economy right across the country. The USW represents thousands of members of Aboriginal ancestry, employed by Cameco at the uranium mines in Saskatchewan, Vale at the nickel mines at Voisey's Bay in Labrador including First Nations, Inuit, and Métis who are, Glencore at Raglan Mines in Northern Quebec, logging companies and saw mills in Northern Ontario and across Western Canada, as well as by Frontier School Division in Northern Manitoba, among many others.

The United Steelworkers has a long history of struggle for social justice and human rights for working people, their families, and their communities. However, like many Canadian organizations and institutions, in past decades the USW did not consistently raise its voice in support of the rights of indigenous peoples and, worse, was complicit in the racist structures and cultural norms of colonialism. More recently, and spurred on in part by the hearings, report, and Calls to Action of the Truth and Reconciliation Commission, the USW has committed itself to reconciliation and justice.

At the USW's 2016 Canadian National Policy Conference, delegates from across the union unanimously adopted a Statement of Principles on Aboriginal Issues, which states that: *"The United Steelworkers support reconciliation and socio-economic justice based on Aboriginal rights, honouring treaties, and meeting the principles and standards of the United Nations' Declaration on the Rights of Indigenous Peoples"*, and further that, *"As a Union we must and will be part of processes of reconciliation and healing"*.

The USW's support for Bill C-262 is based on this official policy position adopted in 2016, and reflects the deep concern of Steelworker members, as citizens and community members from all walks of life in all parts of the country, over the unjust and racist history of Canada's treatment toward Indigenous peoples.

The adoption of Bill C-262 will provide a powerful symbolic affirmation of Canadians' collective desire to do better and engage in genuine reconciliation with First Peoples. And more than that, Bill C-262 will provide a practical, rights-based path, which Canada must follow in order to ensure that reconciliation is comprehensive, far-reaching, and uncovers and redresses the colonial legacy embedded in Canada's legal system. The rights-based approach of Bill C-262 and United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is a key part of efforts to address the intertwined crisis in many Indigenous communities and among many Indigenous people in Canada's urban areas in education, health, child welfare, gender-based violence, housing, poverty, and language and cultural identity and expression.

The USW is rooted in Canada's resource industries. The USW is Canada's mining union. The Steelworkers represent over 20,000 women and men working in the mining sector in Canada. We negotiate collective agreements with almost all of the leading mining companies in Canada. The United Steelworkers is also the leading union in the forestry industry, particularly in Northern Ontario and Western Canada.

We know mining well.

We know that mining, if properly managed, can be the source of significant economic opportunities and can lead to regional and national social and economic development. Based on decades of struggle for fairness and respect for miners and their families, our collective agreements provide some of the highest paid, most secure jobs in the country. We are proud of those accomplishments and of our ability to drag the mining industry, again kicking and screaming over many years, to accept tough health and safety regimes in mining.

We believe mining can be undertaken in a way that respects people, including Indigenous people, and minimizes the impact on the environment.

But our experience tells us that that doesn't happen by giving mining companies the green light to exploit resources at break-neck speed and at any cost.

It doesn't happen in a framework of weak labour laws and gutted environmental regulation.

It doesn't happen when governments and companies bring in temporary foreign workers to work in mines and support services, instead of committing to train Canadians, including those who have long been shut out of mining jobs: women and Aboriginal peoples.

It doesn't happen without a comprehensive industrial policy framework that promotes linkages back to other sectors of the economy, and ensures that components and inputs for resource development are built in Canada by Canadian workers.

And it doesn't happen without the full recognition of the United Nation's Declaration of the Rights of Indigenous Peoples, including Indigenous peoples' right to Free Prior and Informed Consent (FPIC).

The positive potential impacts of mining will not be realized without a supportive legal basis. That is why the Canada must adopt Bill C-262.

If properly implemented, Bill C-262 will help ensure that there is a comprehensive, consistent legal framework based in international law within which Indigenous communities

can work with private, non-state actors to arrive at equitable arrangements for resource and holistic community development.

Let us be clear. The USW, while supportive of responsible mining, does not believe that every mine dreamed up by geologists and engineers will meet the tests for economic, social, and environmental acceptability. Not every mine promoted by mining financiers should be built. Processes for thorough environmental review, human-rights impact review, and genuine consultation with Indigenous peoples (based on UNDRIP) will determine which resource developments can proceed.

Sometimes mines simply should not be built. An outcome that determines 'not this mine, not in this place', may be the right decision.

The USW would never accept a mine design that was unsafe. The USW would never accept a mining operation that was based on the harassment or exploitation of workers and their families, or a mine constructed without environmental safeguards preventing the poisoning of local communities. The USW has long fought for laws protecting workers and communities in all of those areas, and continues to fight for the tough enforcement of those laws.

Likewise, the USW can no longer accept mines built without consultation and participation of Indigenous rights holders in decision making, in violation of UNDRIP. That is why the USW is supporting Bill C-262 which requires a review of Canada's laws, and in consultation with Canada's Indigenous peoples, making them consistent with UNDRIP, including the principle of FPIC.

We fully recognize that competing views may arise in the evaluation and assessment processes for new resource developments. Sometimes the USW may be of the view that a proposed resource development adequately addresses environmental protections, fairly shares economic benefits and opportunities, and will generate well-paid employment locally and in downstream and upstream suppliers and industries. If that is the case, we won't be shy about our views, and we will advocate our position and advance our evidence and analysis. But we will respect the views, evidence, and analysis of others, especially impacted Indigenous peoples, who come to different conclusions.

We note the testimony of NDP MP Romeo Saganash before the Standing Committee on Indigenous and Northern Affairs and share his view:

“The right to free, prior, and informed consent, like all human rights, not just the human rights of Indigenous peoples, is a relative right. You need to balance that right with the rights and interests of others, which veto does not do. Veto is an absolute thing, and I don't think our court system, constitutional or otherwise, would ever take that kind of view. That's not how our Canadian legal system works and that's not how the international law system works either.” [February 13, 2018]

In short, the USW is not concerned that the adoption of Bill C-262 will somehow paralyze resource development in Canada. On the contrary; the implementation of Bill C-262 will help ensure that the Canadian legal system offers a clearer framework for balancing rights and a more certain basis on which resource development decisions can be made. In our experience, when Indigenous communities feel secure in their rights, they are quite prepared to entertain appropriate proposals for resource development and to reach agreements supporting that development.

The United Steelworkers thanks Mr. Saganash for introducing this bill, and for his tireless advocacy for the rights of Indigenous peoples.