

UNION-INDIGENOUS ENGAGEMENT IN THE MINING SECTOR

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Acronyms

CBA Collective Bargaining Agreement

CRI Canadian Royalties Inc.

FIFO Fly-in Fly-out

IBA Impact and Benefit Agreement

JBNQA James Bay and Northern Quebec Agreement

KRG Kativik Regional Government

KSB Kativik School Board (now called KI)

NNA Nunavik Nickel Agreement

RA Raglan Agreement

USW United Steelworkers

1. Introduction

Mining in Canada is an important and growing part of the Canadian economy. The mining and mining services industries represent 2.5% of Canada's GDP and accounts for 100,000 direct jobs¹ (Statistics Canada 2019a; Statistics Canada 2019b). Since 2000, employment has increased by 68% and in 2017 employment in the sector recovered from a four-year downturn. In addition to the 100,000 jobs directly in mining and mining services, the industry supports another 527,000 jobs in primary manufacturing, downstream processing and various other services (Natural Resources Canada 2019). With hourly wages for all workers in mining and quarrying averaging \$38.22/hr, this industry is a pillar of many rural and northern communities (Statistics Canada 2019c).

A 2017 report from the federal government's Standing Committee on Natural Resources identified the two main challenges for the future of the Canadian mining sector: securing social acceptance of mining, including meaningful engagement with Indigenous people, and maintaining competitiveness in a global market (Standing Committee on Natural Resources 2017). With regards to engaging with Indigenous peoples, industry advocates highlight the high wages in the industry and the fact that the mining sector is "proportionally the largest private sector employer of Indigenous people" (Canadian Mining Association 2018). That is, Indigenous people make up a larger portion of the workforce in the mining sector than any other industry. Furthermore, Indigenous organisations expect employment to be a key benefit from mining in their territory (Makivik Corporation 2014). However, few industry or academic publications problematize how technological shifts in the industry, done in the name of competitiveness, affect the quality of jobs available to northern or Indigenous workers. Contemporary fly-in mines are capital intensive, have shorter life-spans and employ a smaller workforce with more skilled workers (Mills and

¹ North American Industry Classification System (NAICS) codes 212 (mining and quarrying (except oil and gas) and 213 (support activities for mining and oil and gas extraction). 2018 figures.

Sweeny 2012; Dansereau 2006; Storey 2001). There is thus an apparent contradiction between increasing the employment benefit for Indigenous and northern communities and the structural changes in the mining industry which raise the educational requirements for entry into jobs, decrease the overall number of jobs in production and shorten the lifespan of a mine. This paper unpacks this contradiction and highlights the potential for labour unions to help increase the community benefit of mining development for northern communities.

The development of mining in the Canadian north is occurring along with simultaneous changes in Indigenous governance and mining technology. As much of the Canadian arctic and sub-arctic does not fall under historical treaties, Indigenous groups have negotiated comprehensive land claim settlements over the past 30 years. These settlements, which are often tied to securing the conditions for resource development, establish forms of Indigenous semi-autonomous governance. Many Indigenous governance institutions have negotiated Impact Benefit Agreements (IBAs).² Through the employment provisions in these agreements, Indigenous governance institutions have effectively “altered the industrial relations environment in Canada’s North” (Mills and Sweeney 2012). That is, Indigenous governance institutions are now stakeholders in industrial relations, alongside employers, unions and governments.

The second change is the ascendance of the fly-in fly-out model mining (FIFO). This capital-intensive method of mining is characterised by both technology and a specific industrial relations arrangement (Storey 2010; Dansereau 2006; Mills and Sweeney 2012). Academic literature about FIFO tends to focus on the social impacts of mining on the nearby communities or those which provide the workers. The specific conditions of work at the mine site are rarely problematized. While the academic literature on the social impacts of FIFO mining present this model as an alternative to community-based projects, the

² Impact Benefit Agreements are privately negotiated agreements between Indigenous governance institutions and mining companies which outline the responsibilities of each party and the expected community benefit from a mining development.

organisation of work in FIFO mines is not investigated. Indeed, the “mining company lurks monolithically” in many studies on the social impact of mining (Ballard and Banks 2003). What is needed is therefore a study of Indigenous employment in the mining sector that looks at the conditions of work and assumes that workers possess agency and the ability to act collectively to change them.

Historically, workers have been able to change the conditions of their work by means of collective action through a labour union. Furthermore, many Canadian unions which practice social unionism profess solidarity with Indigenous people, aim to be positive participants in a process of reconciliation and use their power to promote greater economic justice for Indigenous people (Mills and Clarke 2009; Mills and McCreary 2012; USW 2016; Unifor, n.d; PSAC 2017). As the development of mining in the North entails increasing corporate control over employment conditions, “unions have an important role to play in helping to ensure the sustainability of Aboriginal communities and the protection of Aboriginal workers” (Mills 2011, 117). However, there is little research on Indigenous workers as members of labour unions or about the collective bargaining strategies unions have employed to promote economic justice for Indigenous communities.

As part of an investigation into how contemporary labour practices affect the quality of jobs, this paper asks how the USW at the Nunavik Nickel mine is engaging with the Nunavik Nickel Agreement as a document that regulates the workplace. It further asks to what extent does union representation influence Inuit employment at the Nunavik Nickel mine?

To answer these questions this paper will examine the case study of a nickel mine in Nunavik, the homeland of the Inuit residing in the province of Quebec. The mining company in this case is a signatory to an Impact Benefit Agreement and half of the workers at the mine site are unionized with the United Steelworkers (USW). Interviews with key stakeholders and analysis of the Impact Benefit Agreement,

collective agreement and grievances filed by the union, will provide an account of industrial relations in the context of a workplace partially regulated by an Impact Benefit Agreement.

This paper will begin by reviewing academic literature about two significant changes occurring presently in the Canadian north: changes in Indigenous governance, and changes in the mining industry including new technologies and the FIFO model. It will also review the literature on union-Indigenous relations in Canada. It will then examine each of these elements in the context of the case study, beginning with a description of the Indigenous governance arrangements in Nunavik followed by a description of how labour is organised at the mine.

Next it will present original research which highlights how the employment benefits envisaged by Inuit partners, as expressed in the IBA, never quite materialized. Inuit employment numbers remain low and Inuit workers are overwhelmingly segregated into the lowest-skilled and lowest-paid positions. Finally, this paper will end with recommendations to labour unions on how to be more effective in representing their members in workplaces in which an IBA is in effect.

2. Literature Review

There are two changes happening simultaneously in the Canadian North which significantly affect the mining industry. The first is a change in Indigenous governance that has matured over the past several decades. The modern land claims process has resulted in regimes of Indigenous limited self-government administered by a network of governance institutions. A key tool of such institutions is the Impact Benefit Agreement, a private agreement between a mining company and Indigenous stakeholders that seeks to ensure community benefit from mining development and thereby secure the conditions for development (Sosa and Keenan 2001). The second change is the ascendance of the FIFO model of mining that is now the dominant form of mining in the Arctic and Sub-Arctic (Storey 2010; Dansereau 2006). This method of mining relies on particular forms of financing, technology and labour relations.

While there is significant research on both of these developments separately, there is little research looking at how these two changes intersect. That is, how the manner in which labour is organised in a contemporary mine may reduce the expected employment benefit anticipated by an IBA. Indeed, academic research on the subject of Indigenous employment in the northern mining sector has often overlooked the conditions or quality of mining jobs and has not portrayed Indigenous workers as actors with agency who may be labour union members. The reality is that the conditions of work are a major factor in the desirability of mining jobs and those conditions are not immutable. This paper explores union strategies for furthering the interests and rights of Indigenous workers and their communities.

a. Impact Benefit Agreements

Impact Benefit Agreements (IBAs) are privately negotiated agreements between a resource developer and Indigenous stakeholders. They are an increasingly common element of resource development on territory over which an Indigenous governance institution has jurisdiction (Fidler and Hitch 2007). Due to the employment provisions of these agreements, the rise of Impact Benefit Agreements represents the entrance of Indigenous governance institutions into the employment relationship (Mills and Sweeny 2012, 5). The content of IBAs varies significantly and they are often confidential agreements. Though they include provisions specifying a variety of benefits, most relevant to this study is the inclusion of specific employment provisions to improve access to quality jobs for Indigenous people. These provisions often entail specific hiring, training and retention strategies such as preferential hiring and employment targets for specific equity groups, strategies to inform Indigenous communities of job or training opportunities and designated training and apprenticeship programs (Sosa and Keenan 2001, 11). Additionally, there can be provisions about changing the workplace to better accommodate Indigenous workers. Such strategies can include more flexible work schedules, use of Indigenous languages in the workplace and cross-cultural training for both Indigenous and non-Indigenous workers (Sosa and Keenan 2001, 11). However, unlike Collective Bargaining Agreements, the employment provisions in IBAs exist alongside other means of

securing benefits for the wider community. Such strategies can include business opportunities for Indigenous businesses or financial provisions such as royalties, profit sharing or fixed cash payments paid by the developer to Indigenous governance institutions (Sosa and Keenan 2001, 12-13). Also common are environmental protection measures to either monitor or commit to protect the environment (Sosa and Keenan 2001, 16). Finally, IBAs can contain provisions to offset the negative social impacts that the mine may have on a community.

Within academic literature on IBAs, there is a debate about whether these agreements truly represent the exercise of Indigenous sovereignty or the retreat of the federal and provincial states from regulating the mining sector and providing social services in favor of privately-negotiated civil contracts. Advocates for IBAs argue that they are a key strategy for mining companies to put into practice the values of Corporate Social Responsibility (Noble and Fidler 2011; Prno 2007). These authors suggest that while consulting and accommodating stakeholders meaningfully remains difficult, if done well IBAs can secure substantial benefits for Indigenous communities (O'Faircheallaigh 1995). Indeed, some even commend industry for voluntarily going beyond basic regulatory requirements by entering into these "supra-regulatory" agreements (Galbraith et al. 2007). Furthermore, IBAs can potentially remedy deficiencies within the Environmental Assessment process providing another avenue for Indigenous stakeholders to assert themselves on decision making (Galbraith et al. 2007; Noble and Fidler 2011). Still, these authors recognise the challenges for mining companies to truly meet Indigenous people on an equal playing field and that follow-up to the promises of an IBA is often lacking (O'Faircheallaigh 1995; Noble and Fidler 2011).

Critics of IBAs recognise that they are a response to historical marginalization of Indigenous people in decision making about resource development (Peterson St Laurent and Le Billon 2015; Fidler and Hitch 2007; Caine and Krogman, 2010). However, they argue that these agreements reproduce power imbalances between mining companies and Indigenous communities and are ultimately not beneficial to

the long-term wellbeing of northern communities. Though Indigenous stakeholders participate in negotiations as autonomous agents, the process of striking these agreements only in the context of resource development parallels the signing of treaties in previous centuries which sought to secure the conditions for commercial use of land. In this light, IBAs are a novel form of a familiar process for Indigenous people (Caine and Krogman 2010; Peterson St Laurent and Le Billon 2015). Efforts to train and employ Indigenous workers can be seen as intensifying the process of colonization as able-bodied adults are encouraged to spend time away from their communities, which can undermine community development (Hall 2013). Furthermore, IBAs exhibit many neo-liberal characteristics. That is, as the state takes little to no role in the negotiation and implementation of these agreements, IBAs essentially privatise the regulatory function of government and uphold market-based solutions to social problems (Caine and Krogman 2010; Cameron and Levitan 2014; Peterson St Laurent and Le Billon 2015). Together this research suggests that without a government acting as an arbiter, IBAs can reproduce power imbalances between mining companies and Indigenous communities. This power imbalance is compounded by the confidentiality of many agreements, which prevents Indigenous communities from learning from each other's experiences and acting collectively to shape the scale and trajectory of mining development (Caine and Krogman 2010). Furthermore, the neoliberal logic of IBAs upholds employment and resource rents as quick fixes for social problems in northern communities (Peterson St-Laurent and Le Billon 2015).

A key factor in the success of IBAs is how well they are implemented. Indeed, the success of IBAs is dependent upon ensuring processes for implementing their provisions (Caine and Krogman 2010). Sosa and Keenan (2001) agree that it is "impossible to overestimate the importance of considering IBA implementation during negotiation". Several case studies from IBAs relating to mining projects in the North American Arctic and sub-Arctic demonstrate a pattern of employment projections never materializing.

Bowes-Lyon, Richards and McGee (2009) compared two lead-zinc mines in Nunavut. The Nanisivik mine which operated from 1976 to 2002 as a community-based mine and the Polaris mine which operated a fly-in operation from 1982 to 2002.³ These mines pre-dated the widespread emergence of Impact Benefit Agreements but both have memorandums of understanding with the Federal and territorial governments which outline expected benefits of mining for Inuit communities; an earlier form of seeking social license. The Nanisivik zinc and lead mine, which was the first mine in the Canadian High-Arctic had an initial goal of 60% Inuit employment (Bowes-Lyon, Richards and McGee 2009). However, only 30% Inuit employment was reached during the construction phase and during the operations phase, and the highest level attained was 28% (Bowes-Lyon, Richards and McGee 2009). The Polaris mine, though it only opened six years later, opted for a FIFO model. While no formal employment targets were set in the memorandum of agreement with the government of the Northwest Territories, a consultant's report claimed that 20-40% of the workforce could be Inuit (Bowes-Lyon, Richards and McGee 2009). The authors claim however, that no more than 10% of the workforce was ever Inuit (Bowes-Lyon, Richards and McGee 2009). The authors note that the low levels of education amongst the residents of the communities made it difficult for the mines to fill its human resource needs with local workers.

At both mines, the authors report that most of the Inuit employees worked in the lowest-skilled jobs (Bowes-Lyon, Richards and McGee 2009). Inuit employees expressed interest in working as heavy-equipment operators but few obtained a formal certification, in part because certification required travel to southern colleges (Bowes-Lyon, Richards and McGee 2009). The authors explain that in the short-term the mines helped improve living standards through higher incomes, the physical infrastructure of the community and the quality of education offered by the local school. However, the closure of both mines

³ By "community-based mine" I mean a mine adjacent to a permanent residential community where workers and their family reside and that contains the normal amenities of a municipality.

disrupted these short-term benefits. The businesses that were created to serve the needs of the mine and its workers struggled to replace that source of income. Funding for the school and scholarships also vanished when the mines closed.

Storey and Hamilton (2003) studied the Red Dog zinc mine in Alaska which began production in 1990. There was an agreement between the mining company (Cominco) and the North Alaska Native Association (NANA) that amongst other things, aimed for 100% “shareholder” employment by 2002.⁴ While 100% shareholder employment was never attained, the authors report that 50% to 60% of the employees were NANA shareholders at the time of their research (Storey and Hamilton 2003). Despite this high level of shareholder employment, shareholders occupied the lowest paid and least skilled jobs. Storey and Hamilton state that there was a mismatch between the types of high skill employees desired by the mine and the available labour in northern Alaska (Storey and Hamilton 2003). Additionally, they reported that high-turnover rates persisted at the Red Dog mine (Storey and Hamilton 2003). Storey and Hamilton (2003), do stress, however, that employment is only part of the benefit Indigenous communities derive from mining projects. The royalty payments flowing to the North Alaska Native Association have been essential in sustaining the organisation (Storey and Hamilton 2003).

Czyzewski and Tester (2014) studied the social impact of the Meadowbank gold mine in Qamani-tuaq, Nunavut with a specific focus on women in the community and as workers. This mine has an IBA in place since 2006 with the Kivalliq Inuit Association, though a second IBA was agreed to in 2011 after the mine opened in 2010. The authors report that in December 2012, Inuit employees comprised 24.7% of the workforce and nearly half of the Inuit working on site were women (Czyzewski and Tester 2014). The most common jobs held by women on site were housekeeping, laundry and kitchen work, though some women

⁴ “Shareholder” in the context of Alaska Inuit is similar to “Beneficiary” in Canada; a recognized member of a specific, geographically defined Inuit community.

did work in cargo hauling. They report that Inuit women are more likely to occupy temporary and unskilled positions (Czyzewski and Tester 2014). The women interviewed described how the FIFO rotations were difficult on themselves and their families back-home. They also described a work environment with a serious sexual harassment problem. Housekeeping specifically brings women, often working alone, into private spaces with the largely male workforce. The interviewees recount instances of women being fired for being pregnant, lewd comments frequently directed at them, men exposing themselves when they come to clean their rooms and even reports of rape (Czyzewski and Tester 2014). The interviewees suggest that more help and psychological support needs to be provided on site and that the punitive, immediate dismissal for drug and alcohol possession needs to be re-thought in favour of a policy that provides help for addicts (Czyzewski and Tester 2014). The authors lament that many provisions of Nunavut's *Labour Standards Act* are not met and that the Nunavut Labour Standards Compliance Office has done no outreach to workers at the Meadowbank mine (Czyzewski and Tester 2014). Disconcertingly, the workers interviewed never alluded to rules or legislation when discussing their working conditions. They appeared generally unaware of territorial labour standards (Czyzewski and Tester 2014). The authors do not mention whether the workers are represented by a union.

Another case study, of the Raglan mine in Nunavik Quebec, presents another example of the reality of Indigenous employment falling short of the promise. In this case, Benoit (2004) finds that inadequate training programs are largely responsible for the mine's inability to retain Indigenous workers.

The Raglan mine is another Nickel mine in the Nunavik region of Quebec, close to the Canadian Royalties mine that is the subject of this paper. The Raglan mine is older than Canadian Royalties, having begun production in 1997. An IBA was agreed to in 1995 between the mining company (at the time Falconbridge), Makivik Corporation and two Inuit villages and their respective landholding corporations. While this mine is older than the Canadian Royalties (CRI) site, it is not the first mine in the region. In fact, from 1972 until 1984, asbestos was mined at the Asbestos Hill mine, which is on the current property of the Raglan mine.

Benoit reported that many community members from Inuit villages remembered the Asbestos Hill project and knew people who had worked in it (Benoit 2004). The now abandoned Asbestos Hill mine site has not been properly remediated and Inuit interviewees see that as evidence of the old mine's recklessness in regards to the environment (Benoit 2004, 80). Other interviewees connected a higher incidence of cancer among former workers at the Asbestos hill mine with the work that they did (Benoit 2004).

With regards to training and employment, the initial Raglan IBA had no specific Inuit employment targets, though it does establish an order of preference based on Inuit Beneficiary status (Raglan Agreement 1995, Benoit 2004). In 1998, the mining company entered into a five-year training agreement with Emploi-Quebec and the Kativik Regional Government (Benoit 2004). In this context over 20 programs were offered and over 160 Beneficiaries participated (Benoit 2004). The bulk of the training occurred at the mine site and consisted of both in class theory and practical exercises. Programs included training for concentrator operators, dish washers and kitchen help, heavy machine operators, administrative secretaries and many more (Benoit 2004). Benoit (2004) notes that a major problem with these programs is that they were delivered in a haphazard way. From 1998 to 2000 the programs were developed and delivered by the human resource department at Raglan but in 2000 training activities were delegated to other departments. Additionally, training programs were interrupted twice during the five-year period, once due to construction and another time due to a fire in the building. Benoit gathers that these training programs were efforts to respect the IBA but they ended-up being unstable or irregular (Benoit 2004). The final report of the training agreement notes a high level of students abandoning the program. However, 55% of individuals that finished the program were offered work at the Raglan site (no total numbers provided) (Benoit 2004).

Employment numbers also demonstrate a downward trend in Beneficiary employment over time. In the period before the mine began producing the Inuit employment rate hovered around 19% but in subsequent years the numbers declined to around 15% (19% in 1997, 18% in 1998, 20.7% in 1996, 15.7%

in 2000 and 15.3% in 2001) (Benoit 2004). Additionally, Beneficiaries were segmented into the lowest paying and least skilled jobs on site (Benoit 2004). The decreasing number of Beneficiaries employed indicates that individuals are leaving their jobs. Interviewees noted several issues with the work at Raglan, including the difficulty in working in a mostly French environment, the repetitive nature of the work and the difficulty of being away from family for extended periods of time (Benoit 2004). Finally, Benoit mentions that unionization was not foreseen at the time of the signing of the Raglan agreement (Benoit 2004). The subsequent unionisation created some challenges for Inuit employees who were unfamiliar with unions. Benoit recommends involving the union in the administration of the Raglan agreement and providing introductory training courses to Inuit employees on what a union is and does (Benoit 2004).

Cox and Mills (2015) studied the involvement of Inuit women in the Environmental Impact Assessment and the Impact Benefit Agreement for the Voisey's Bay mine in Nunatsiavut in Labrador. They contend that gender is a neglected facet of both the academic literature on IBAs as well as the content of the IBAs themselves (Cox and Mills 2015). In the case of Voisey's Bay, the organizing undertaken by women's groups forced the issue of women's involvement in mining and led to the creation of a women's employment plan. However, the confidential nature of the IBA, as opposed to the more open Environmental Assessment process, made the actual details of such a plan obscure to the Inuit women's group. What is known is that gender figures in the order of preference for hiring, with the goal of encouraging female employment at the site, especially in non-traditional jobs. Despite the inclusion of gender in the order of preference, women were not supported in entering non-traditional jobs (Cox and Mills 2015). The employment plan, the details of which were not known by the community, did not have specific employment goals or quotas which made it hard to enforce (Cox and Mills 2015). During the fieldwork for this study in 2009, women (Indigenous and non-Indigenous) comprised 17.5% of the workforce at the Voisey's bay mine site, though most of these were working in food services, cleaning or administrative functions (Cox and Mills 2015). Inuit women interviewed expressed that they were not

supported in their pursuit of non-traditional occupations, were not provided training and that the work environment was hostile to them (Cox and Mills 2015).

Collectively, these studies show that there are serious challenges if these agreements are going to live up to their promises. If IBAs are truly to be instruments “redressing colonialism” there needs to be more research into the “subtleties and dimensions of power” (Caine and Krogman 2010, 89). One such subtlety of how power is exerted is the manner in which work is organised.

b. Fly-in Fly-out mining

Fly-in Fly-out (FIFO) mining is now the standard model for new mining projects in resource hinterlands such as the Canadian North. FIFO mining operations around the world share similar characteristics (Storey 2010; Dansereau 2006). FIFO is characterised by a self-contained mine site to which workers are flown-in for work rotations of several weeks in duration. There is often little or no contact between workers and local communities. Some researchers argue that FIFO mining benefits Indigenous workers by allowing them to maintain residence in their home communities and that it benefits northern communities by lessening the social impact of hosting workers (Storey 2010). Others, however, argue that the FIFO model diminishes the economic spread effects of mining in northern regions since workers do not spend their income in the north but rather in their home communities that are far away (Storey 2010). Dorrow (2015) argues that communities that provide workers for FIFO adopt gendered arrangements to enable such labour mobility. In her example of Fort McMurray, the reproduction of labour is increasingly shouldered by the members of the household not working in oil-and-gas, often women. Or, market-based solutions are sought including live-in caregivers, most of whom interviewed were Filipina migrants. This “gendered arrangement” had downstream labour market effects as there were fewer female and/or young workers than “normal” to work in the service sector; entailing further labour migration patterns through the Temporary Foreign Worker Program (Dorrow 2015). Saxinger (2016), on the other hand challenges the idea that FIFO arrangements are in themselves abnormal. In some communities, FIFO work is common

place and multi-generational. Is it not so much the FIFO arrangement itself but more specific conditions of work that affect job desirability and self-satisfaction.

Mines with FIFO labour sourcing also mirror developments in the broader resource and manufacturing sectors. Russel (1992) described how the lean production methods that make FIFO viable has ramifications for company's relations with workers, their unions and governance institutions. The high cost of transporting and housing workers on site is offset by more capital-intensive operations that utilize a smaller, more highly-skilled workforce (Mills and Sweeny 2012; Dansereau 2006). Both labour and mining processes are intensified which shortens the life-span of a mine (Mills and Sweeny 2012; Dansereau 2006; Storey 2001). Furthermore, consistent with managerial strategies in other sectors of the economy, sub-contracting is aggressively pursued, even for core functions (Mills and Sweeney 2012; Dansereau 2006; Peters 2010; Weil 2014). The result is an increasingly polarized workforce where higher skilled employees of a lead company are supported by lower-skilled and lower-paid employees of sub-contractors. It is easier for firms to contract-out at FIFO mines because of reduced union power. As a result, janitorial and food service operations at the mine site are often contracted out . The effect on Indigenous workers without trade certifications or experience in the mining industry is that there are fewer entry level jobs available. The entry level-jobs that are available are significantly lower paid relative to other functions at the site.

FIFO is also characterised by a specific form of capital organisation, industrial relations, and relationships with governance organisations. Indeed, the capital intensiveness of these operations has led to significant consolidation within the mining industry which has had negative impact on labour power (Peters 2011; Stanford 2008; Mills and Sweeney 2012). Firms with global operations are less disrupted by work stoppages at one of their facilities (Russell 1992; Peters 2010; Peters, 2011; Mills and Sweeney 2012). This has in turn lessened the power of unions to resist management desires to lower compensation and intensify work (Peters 2010; Russel 1992). In this context, union density has fallen in the industry (Statistics

Canada 2018). When unions are present, the bureaucratic “work first, grieve later” mentality that characterised Fordist industrial relations appears reactionary and ineffective (Russell 1992). Companies have been able to move forward with their initiatives and by the time arbitrators or judges have heard unions’ grievances or suits, the wheels have been set in motion.

c. Union-Indigenous relations

Though some of the literature about IBAs describes Indigenous employment, the role of labour unions is rarely discussed. Meanwhile, the literature on FIFO mining and declining union power often neglects to examine the influence of Indigenous governance institutions on labour relations (Dansereau 2006; Russell 1992; Peters 2010; Peters 2011; Storey 2010). Little research specifically examines the relationship between labour unions and Indigenous governance institutions. One exception is the work of Mills (2006; 2018) who examined Indigenous employment and IBAs in a number of contexts (Mills 2006; Mills 2018).⁵ The relationship between unions and IBAs is therefore an understudied topic in literature about northern mining and Indigenous employment. Nevertheless, Indigenous people in Canada have a long history of participating in the wage economy and in labour unions.

This history of Indigenous people as waged workers is as long as the history of capitalism in Canada. Indeed, labour historians note that early stages of capitalist development in Canada were defined by acute labour shortages. As such, the labour of Indigenous workers was crucial to the early development of extractive industries from the mid-19th to early 20th centuries (Fernandez and Silver 2017). From the mid-19th to the early 20th century there was considerable participation of Indigenous workers in the fishing and canning industries of the east and west coasts as well as forestry and farming throughout the country (Knight 1996; Lutz 1992; Wein 1986). Indigenous women were often employed in domestic work, a type of employment

⁵ Skilled trades unions often manage a hiring hall, a system whereby an employer puts in a request for workers to the union and the union dispatches members to the job. In such a scenario, workers must first join the union in order to get work.

closely linked with residential schools (McCallum 2014), and Mohawk men from Kahnawake were employed in the structural “high steel” trade; Katzer 1988; Blanchard 1983). Labour historians note that Indigenous participation in extractive industries such as fishing and forestry were often on a seasonal basis, where waged employment was integrated into non-waged harvesting activities at other times of the year (Fernandez and Silver 2017, Parnaby 2006, Lutz 1992, Knight 1996). Knight (1996) argued that this ability to not rely solely on a wage meant that Indigenous workers were comparatively independent and would leave waged work if compensation was not adequate.

As ever larger numbers of Europeans settled in Canada around the turn of the last century, employers in some industries began to see Indigenous workers as less desirable than European migrants (Fernandez and Silver 2017). In British-Columbia’s fishing industry, employers brought in east-Asian workers who were more dependent on a wage since they did not have access to traditional harvesting activities (Muszynski 1988). This displacement of Indigenous people from the waged labour market in the early 20th century occurred simultaneously with the emergence of industrial unionism. Industrial unions advocated for family wages for workers which were generally thought to be white men. Parnaby (2006) describes how the longshoremen’s union in Vancouver was complicit in pushing Indigenous workers out of unionized jobs. The mostly Squamish longshoremen that are the subject of his study formed an Indigenous dominated local of the International Workers of the World in 1906 and later joined the International Longshoremen’s Association in 1913. However, following the union’s defeat in a strike in 1923, the employer association and a new employer-controlled union sought to “decasualize” the dockworkers. This meant reducing workers’ ability to form their own work crews and enforcing strict seniority and leave of absence rules which barred seasonal workers from union membership. In this period, many Indigenous longshoremen were blacklisted for their involvement in the 1923 strike or discouraged from working since they could no longer form their own work crews or work seasonally. Similarly, in 1953 the International Longshoremen’s and

Warehousemen's Union implemented strict seniority and leave of absence rules which erected further barriers to Indigenous employment on the waterfront (Parnaby 2006).

Labour historians, unions and their members have often relied upon concepts of a working class which does not include Indigenous people. O'Neil (2004) argues that historians reify a historic/modern dichotomy and therefore emphasize the traditional or historic aspects of Indigenous culture while ignoring Indigenous participation in such "modern" institutions as waged labour. Kamper (2006) similarly argues that Indigenous participation in labour unions is rarely studied in part because Indigenous waged labour has been "obscured by the constructions of American Indian primitivism" (Kamper 2006, 34). Camfield (2019) further argues that due to the Marxist traditions of Labour Studies, scholars have been reticent to integrate colonialism as relevant to the study of Capitalism (Camfield 2019).

At different points in history, some union members have constructed narratives of working class identity which contrast sharply with Indigeneity. Guard (2004) describes how working-class women deployed a discourse of working-class femininity to lend legitimacy to their 1964 strike action in Lanark, Ontario. While their construction of a female working class identity empowered women in a male dominated labour movement, it was done in juxtaposition to the Indigenous workers who were brought in as replacement workers. The striking women did not consider the Indigenous strike breakers to be authentic workers and considered them unable of understanding the significance of crossing a picket line (Guard 2004). Similarly, Mills (2018) describes how some building and construction trade unions and their members have employed narratives of skill, hard work and meritocracy to justify existing patterns of labour market segmentation which largely exclude Indigenous workers. Ideas about belonging to place and rights to jobs can cast the interest of Indigenous workers in opposition to those of non-Indigenous workers. Indeed, the preferential hiring clauses included in IBAs challenge longstanding union principles of seniority and skill as the unbiased guarantor of equality. There can also be significant ambiguity in the relationship between unions and their Indigenous membership when efforts to "Indigenize" a workplace are seen as negatively affecting working

conditions (Mills and McCreary 2012). Also, when Indigenous human resource personnel are present, Indigenous workers may prefer to seek out their council before that of a union (Mills and Sweeney 2012). Mills (2007) further argues that Indigenous workers may be suspicious of unions and their collective discourse not because they are more individualistic than white workers, but that the collective traditionally envisaged by unions often excludes marginalized workers.

In contrast, leaders of Indigenous governance institutions have at times cast unions as inherently un-Indigenous. Belanger (2011) describes how Indigenous leaders have argued that the application of provincial labour regulations to First Nation owned and operated Casinos infringes on First Nations' sovereignty. Some First Nations have even created their own labour codes which regulate union certification, though Canadian courts have not upheld the right to regulate labour as part of First Nations' inherent right to self-government (Belanger 2011). Some individual members of First Nations have also characterised unions as colonial institutions (Belanger 2011). While Belanger understands this skepticism given unions' historic disregard for Indigenous members, he notes that Indigenous leaders may also oppose unionization of Indigenous owned enterprises for the same reasons that all employers resist unionization (Belanger 2011). Writing on similar issues in the United States, Kamper (2006) describes how union organizers at an "Indian Health Services" facility were sensitive to Indigenous workers' deeply held commitment to tribal sovereignty (Kamper 2006). Organizers were careful to frame their campaign as mobilizing Indigenous workers and the community at large against a specific, unpopular decision by the tribal government and not as a challenge to the principle of tribal sovereignty (Kamper 2006). In sum, the literature of union-Indigenous relations presents a rather ambivalent picture where unions are simultaneously institutions of colonial expansion as well as tools to resist that very same force.

3. Methods

This research is part of, and partly funded by, the MinErAL knowledge Network on Mining Encounters and Indigenous Sustainable Livelihoods. This research network supports researchers around the world that are investigating the encounters of Indigenous peoples with mining development. The experience of Inuit communities in northern Canada that have been affected by mining development have been studied by other researches in the network. This paper seeks to contribute to this field of knowledge by explicitly examining the actions of labour unions.

To conduct the case study of industrial relations at the Canadian Royalties (CRI) mine, I relied on documentary evidence and semi-structured interviews with key informants. The text of the Nunavik Nickel Agreement (NNA), the IBA signed between CRI and four Inuit partners, was examined to determine the expectations and obligations of CRI towards Inuit employment (Nunavik Nickel Agreement 2008). The collective agreement which covers unionized employees at the mine was also reviewed to determine how the NNA is referenced within the collective agreement and how specific provisions of the NNA, such as Inuit apprentice positions, are integrated into the collective agreement (Canadian Royalties In. & USW 9519 2015).

Members of the research team conducted 14 interviews with 12 key informants in order to determine their understanding of labour relations on site as it relates to the NNA. Three key informants were from Indigenous governance institutions. Interviews with these individuals asked how the leadership of Nunavik's Inuit communities saw the employment and other economic benefit of the mines. Five interviews were with representatives of the United Steelworkers, including representatives from the local, district and national levels. These interviews asked questions related to: the union's understanding of IBA; the union's relationship with Indigenous members; and the main challenges that the union faced representing fly-in, fly-out workers. Four interviews were with company officials. These interviews asked how the company manages its obligations on one hand to the NNA and on the other

to the collective agreement. Interviews were given a number between one and 14 based on the order in which they were conducted.

Interviews with the company officials and one union representative were done at the mine site in Nunavik. Two interviews with union staff and two interviews with Indigenous governance institution staff were conducted at the respective organisations' offices in Toronto and Montreal. Two interviews with union staff and one with a staff person from an Indigenous governance institution were conducted over the phone.

I traveled to the fly-in mine site for one week in February 2018, to: conduct participant observation at the mine site (including one union meeting, daily mealtimes) to analyze grievance records and conduct interviews with staff onsite. At the site I compiled a small database of the grievances filed by the local union and other informal interventions it made with management. In total, 95 records were recorded including 56 formal grievances and 39 informal interventions. These were categorized by type of grievance and included a brief description of the issue and the resolution.

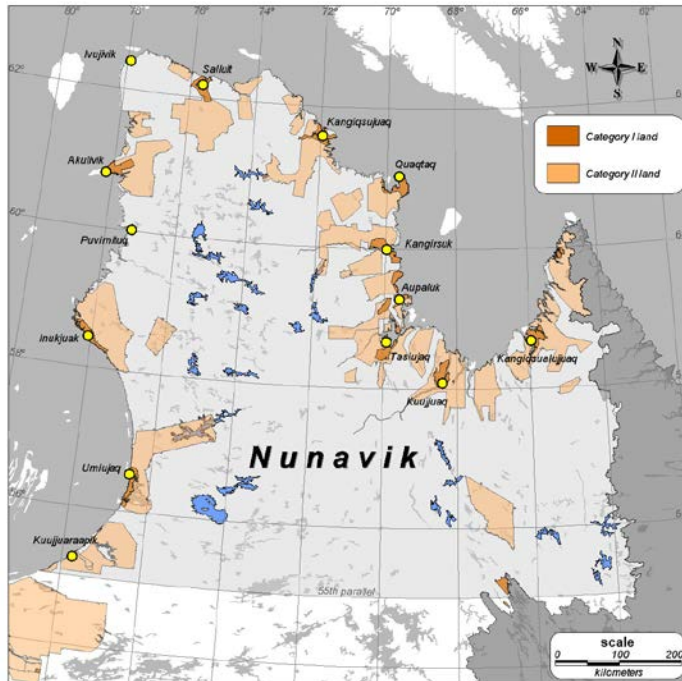
Finally, I also obtained employment statistics on the 419 employees of Canadian Royalties at the Nunavik mine site. Demographic information and unionization rates for employees at the CRI mine were compiled from employment information gathered during fieldwork in February 2018. An anonymized employee list, which noted beneficiary status and unionization, was provided by CRI. Seniority lists were provided for employees at Transport Padlayat and Outland Camps by union officials. Employee information for the other employers was reported by those employers during phone interviews. This anonymized data included the employees' gender, beneficiary status, department and job title. By cross referencing the job titles with the collective agreement I was able to determine which employees were members of the union and the rates of pay for their job title.

I coded the interviews to identify recurring themes. While many of the questions pertained to the interviewee's knowledge of the Impact Benefit Agreement and its effect on Industrial Relations, interview subjects repeatedly spoke about the difficulty of working in a FIFO mine and how this affected retention. The recurrence of this dominant theme framed my analysis of other data collected. I initially gathered the data on employment to understand who worked at the mine however, after the theme of retention/job-desirability emerged from the interviews, I looked more closely at length of employment and job classifications to see whether the high-turn over and little promotion for Inuit workers was apparent in employment statistics. The information gathered on the grievances was less clearly thematic. The records I reviewed were not classified under a s subject. I developed the categories after reviewing all records.

4. Context

a. Nunavik governance

Figure 1 Map of Nunavik



Makivik Corporation 2011

Nunavik is a semi-autonomous region and homeland to the Inuit residing in the province of Quebec. Comprising the northern portion of the province of Quebec, north of the 55th parallel, the region has a population of 13,000 as per the 2016 census, of which 90% are Inuit (Statistics Canada 2017). Most residents live in 14 villages along the coast of the Hudson straight, Hudson Bay and Ungava Bay. Nunavik was created as a distinct administrative region through the James Bay and Northern Quebec Agreement (JBNQA)

(1975). Often referred to as the first “modern treaty” this agreement between the Quebec government and the Cree of Quebec and Inuit of Quebec shaped the political geography of northern Quebec (Rodon 2014; Wilson 2017). Crucially, the JBNQA created a lands management regime in Nunavik in which there are three categories of land, each with their own relation to property rights.

The JBNQA also set up the governance institutions that would manage and provide certain services (e.g. education, health) for the region. Their powers can be described as limited administrative autonomy as opposed to true self-governance (Rodon 2014, 97). The three most significant institutions created by the JBNQA in Nunavik are the Kativik Regional government, the Kativik Ilisarniliriniq (School Board) and the Nunavik Regional Board of Health and Social Service (Wilson 2017). In Nunavik, this is a public model of limited self-governance. However, with the population of Nunavik being 90% Inuit, these institutions are

essentially *de facto* Inuit organisations (Wilson 2017). However, since they represent all residents of the region, not just Inuit Beneficiaries of the JBNQA, they do not act as the political representatives of the Inuit people in negotiations with private companies and different levels of government. That function is carried-out by Makivik Corporation. Makivik Corporation has and continues to be the main interlocutor in Impact Benefit Agreement negotiations and is also the administrator of funds received from such agreements (Indigenous organization representative, Interview 1).

Since the JBNQA, Nunavik has expanded its autonomy and the territory under its jurisdictions by entering into additional agreements. In 2002, the *Sanarrutik Agreement* was signed with the province of Quebec. The negotiation of the agreement occurred at the same time as the *Paix-des-braves* agreement with the Crees of Quebec. Both agreements modify the JBNQA by creating a nation-to-nation relationship between the Quebec government and the Inuit of Nunavik and the Cree of Eeyoo Istchee (Fabbi, Rodon and Finke 2017). The Sanarrutik Agreement secured additional funding from Quebec for Nunavik institutions and committed Quebec to share profits from natural resource development (Fabbi, Rodon and Finke 2017). Additionally, in 2008 the Nunavik Inuit Land Claims Agreement was implemented. This agreement between Makvik Corporation, Nunavut and the federal government determined jurisdiction over the marine area between Nunavik and Nunavut. It extends Nunavik's jurisdiction over a defined marine region, including several islands off its coast (NILCA 2006).

In 2011, the government of Quebec deviated from its Nation-to Nation commitment by unilaterally creating its Plan Nord (Fabbi, Rodon and Finke 2017). This plan is a provincial strategy for massive economic development in the north led by resource extraction (Fabbi, Rodon and Finke 2017). It was announced with little consultation with Indigenous governance institutions and the plan focused on resource development without social and community provisions. In response, Makivik Corporation released its own *Plan Nunavik* which sought to place the social needs of the region at the centre of the discussion about resource development (Fabbi, Rodon and Finke 2017). The Quebec government revised

the Plan Nord in 2014 partly in response to criticisms of it not respecting the province's obligations under agreements with the Cree and Inuit. Still, Makivik again was unsatisfied with their role in the plan's development and presented the *Parnusimautik Consultation Report* to the Quebec government in 2015. This document included a call for more control of planning and governance for the Inuit of Nunavik (Fabbi, Rodon and Finke 2017). Clearly, the question of Nunavik's autonomy and voice in resource development is a contested and on-going affair.

Rodon (2014) characterises Nunavik's public model of limited-self administration with an independent political arm as contributing to "dissension and fragmented governance" (97). The Kativik Regional government, the Kativik Ilisarniliriniq (School Board) and the Nunavik Regional Board of Health and Social Service all have their own board of directors and are under the authority of a different provincial ministry (Rodon 2014). The separation of the different administrative functions from each other and also from the political function of Makivik Corporation has made it difficult for these institutions to collaborate. Rodon argues that the Cree counterparts to these institutions have achieved smoother integration of their functions by organizing as an ethnic based regional government (Rodon 2014, 97). Nunavik explored the possibility of replicating that model by integrating the various governance institutions into a public regional government. An agreement was reached between Makivik and the government of Quebec and Canada, but when the proposal was put to the residents of Nunavik in a 2011 referendum, it was rejected (Bone 2017). Bone believes that the proposal was rejected because the agreement was insufficiently specific about what powers would be exercised by the regional government, and that the agreement did not sufficiently include measures to protect Inuktitut and Inuit culture (Bone 2017). However, this project is not over. In June of 2019, Makivik Corporation signed a Memorandum of Understanding on Self-determination with the federal government (Makivik 2019).

The lands regime and governance institutions created by the JBNQA appear highly fragmented and bureaucratic. However, there are important details in the models they follow. While the mandates of

these institutions and the distinctions between them can seem opaque to the outside observer, meaningfully engaging with them requires this basic knowledge.

b. Economy of Nunavik

The economy of Nunavik is similar to that of other circumpolar regions. With a total GDP of 800 million in 2012, Nunavik's cash economy is largely based on the service sector and resource extraction (Duhaime, Levesque and Caron 2015, 63). While Duhaime's data excludes the income of mining companies not based in Nunavik, it nonetheless demonstrates the significance of the service sector as the largest source of employment. As a share of Regional (Nunavik) GDP, the tertiary and primary sectors contribute similar amounts: 47% or 367 million for the tertiary sector and 41% or 332 million for the primary sector. However, in terms of employment the tertiary sector provides 75% of all jobs in the region (Duhaime, Levesque and Caron 2015, 61). The dominance of the tertiary sector, itself dominated by public administration and services such as healthcare and education, is comparable to the economies of other circumpolar regions (Duhaime and Caron 2006). The primary sector, nonetheless, is the second largest provider of employment, counting for 22% of all jobs in the region (Duhaime, Levesque and Caron 2015, 61).

Also, in line with other circumpolar economies, hunting, fishing and trapping continue to be significant parts of people's livelihoods. Far from supplanting traditional harvesting activities, wage employment should be understood as intertwined and supporting the subsistence economy. Wage employment can support a family's harvesting activities since employment income is used to purchase the necessities for hunting and fishing or can be used to purchase food to supplement poor harvests (Ford 2009; Harden and Wenzel 2012). In the mixed economy, however, wage employment is still the most important source of cash income in Nunavik, representing 82% of individuals' income. Only 14% of residents' income comes from public transfers (Duhaime, Levesque and Caron 2015, 91). The importance of employment income in the region is reinforced by a strong demand for employment. Indeed, the labour market participation

rate of 69% is higher than Quebec's over all participation rate of 65% (Duhaime, Levesque and Caron 2015, 42). Nunavik, however, has a much higher unemployment rate at 14% compared to Quebec's 7.2% (Duhaime, Levesque and Caron 2015, 57-58). Additionally, with 34% of the population under 15, the demand for employment is projected to increase substantially in the coming decades (Duhaime, Levesque and Caron 2015, 42). In this context of high demand for employment, the resource sector represents the second most significant source of wage employment for Nunavik residents.

Currently, there are two active mines in Nunavik. The two active mines are the Raglan mine and the Nunavik Nickel project operated by Canadian Royalties Inc. Both operations mine nickel and other minerals and both companies have signed Impact Benefit Agreements. The largest and oldest active mine in the Nunavik region is the Raglan mine. This mine, which is now owned by the large multinational Glencore, began production in 1997. The self-contained site consists of four underground mines from which nickel and copper ore is extracted (Raglan Mine, n.d.). The ore is processed on-site through a concentrator plant to produce a nickel-copper concentrate (Raglan Mine, n.d.). Every year, 39,000 tonnes of concentrate is trucked to a port-facility about 100kms to the north at Deception Bay. The operation is a FIFO site and therefore includes a camp and office complex as well as its own power plant, water treatment plant and fuel supply. The mine employs 950 full-time employees on a rotating FIFO schedule of which approximately 20% are currently Inuit (Indigenous organization representative, Interview 1).

The Raglan mine is also the first mine in the region that is a signatory to an Impact Benefit Agreement. The Raglan Agreement was signed in 1995 between the mine, then owned by Falconbridge, and 5 Inuit stakeholders: Makivik Corporation, the villages of Salluit and Kangiqsujuaq and the two villages' respective landholding corporations (Raglan Agreement 1995). Workers in mining operations, transportation and camp facilities (cafeteria, housekeeping, cleaning) are represented by USW local 9449.

c. Canadian Royalties Inc. (CRI)

There is a second mine in the Nunavik region. Located 59km west of the Inuit village of Kangiqsujuaq and 24km south of the Raglan mine. The Nunavik Nickel project is a nickel and copper mine and processing operation (NNA ESIA 2015). The lease holder is Canadian Royalties Inc, a Montreal based entirely owned subsidiary of Chinese based Jilin Jien Nickel Industry Co. Ltd (Canadian Royalties Inc., n.d.).

The mine site encompasses five deposits, of which only two were being actually exploited at the time of fieldwork in February 2018, one open pit mine and one underground mine. The mined ore is processed on site into a nickel-copper concentrate which is trucked to a Port facility 120km to the North-West at Deception bay (NNA ESIA 2015). Canadian Royalties uses the same airport to fly-in personnel as the Raglan mine as well as the same port facility.

Canadian Royalties charters bi-weekly flights from Montreal, Val D'Or and Miramichi, N.B (Union representative, Interview 3). Additionally, employees residing in one of Nunavik's coastal villages can travel to the mine site via Air Inuit's daily circuit of the villages, which includes a stop at the Kattiniq/Donaldson airport, the same airport which services the mine site.

Workers are housed in a camp facility which includes a kitchen, infirmary, offices, laundry and gym facilities in addition to dormitory wings. The mine site contains fully self-sufficient living quarters, with its own water supply and diesel-fired generating plant (NNA ESIA 2015).

Initial development of the site began in 2007 by, then independent, Quebec-based Canadian Royalties Inc. The project soon encountered difficulties in both logistics and financing brought on by the 2008 financial crisis. Development of the site halted in 2008. In 2010, Jilin Jien Nickel Industry co., Ltd. acquired Canadian Royalties Inc. The project was re-financed and development restarted. The production phase began in 2013 (Canadian Royalties Inc., n.d.). The initial projected lifespan of the mine was 10 to 15 years depending on the results of exploration projects (NNA ESIA 2015). In an April 2019 newsletter to

employees, after only six years of operation, the company's president stated that the open pit "Expo" mine will soon shutter but operations are beginning on a fourth, though lesser quality, deposit (Canadian Royalties Inc. 2019). The CRI mine is considerably smaller, both in terms of production and employment, than the Raglan project and the deposits are of inferior quality (Company Official, Interview 9).

d. Nunavik Nickel Agreement (NNA)

The Impact and Benefits Agreement in place at the Canadian Royalties mine is named the Nunavik Nickel Agreement (NNA). The Agreement was signed in 2008, between Canadian Royalties Inc. and four Inuit partners: Makivik Corporation and the three villages of Kangiqsujuaq, Salluit, and Puvirnituk (Nunavik Nickel Agreement 2008).

The agreement contains provisions for environmental monitoring and mitigation as well as transfer payments to the signatories (Nunavik Nickel Agreement 2008, Articles 4 & 7). It also establishes a regime of designated Inuit enterprises as well as an oversight committee (The Nunavik Nickel Committee). A key section of the NNA are the provisions for employment and training (Nunavik Nickel Agreement 2008, Article 5).

Clause 5.1.1 of the agreement states that Canadian Royalties will endeavour to employ as many Inuit Beneficiaries as possible. To that end, the agreement stipulates that affirmative action programs will be employed. Article 5.1.1 of the NNA reads:

"Canadian Royalties' employment goal at the Nunavik Nickel Project is to have as many positions at the mine ultimately filled by qualified Inuit Beneficiaries or those Inuit Beneficiaries in the process of being qualified and to such end Canadian Royalties shall, if necessary, establish the appropriate affirmative action programs." (Nunavik Nickel Agreement 2008, Article 5.1.1).

In this central article of the agreement, there is both caveat and discretion. CRI commits to filling positions with *qualified* Beneficiaries, and the judgement of what affirmative action programs are necessary and appropriate is CRI's purview. Despite that ambiguity, Annex 8 of the agreement forecasts that a typical

year will normally employ 256 full-time employees, with 60 positions (23%) to be filled by Inuit Beneficiaries.

In order to meet these goals, CRI envisages affirmative action initiatives. These include hiring priority, training programs, and provisions for cultural accommodation. Article 5.3.2 sets out the hiring priority, stating that vacancies will be filled “from available qualified candidates” in the following order: First priority will be given to Inuit Beneficiaries from one of the three community signatories to the NNA (Kangiqsujaq, Salluit, Puvirnituk). Second priority is to other Inuit Beneficiaries from elsewhere in Nunavik. Finally, “southerners residing in Nunavik and elsewhere” will be considered for new positions (Nunavik Nickel Agreement 2008, Article 5.3.2). In addition, Beneficiaries who have completed training programs are to be hired on a preferential basis (Nunavik Nickel Agreement 2008, Article 5.3.3). Contractors are also required to abide by the same hiring protocols (Nunavik Nickel Agreement 2008, Article 5.3.4). Last, the agreement states that Beneficiaries are to be integrated into mining operations as much as possible (Nunavik Nickel Agreement 2008, Article 5.3.7).

The agreement acknowledges that in order to maximise Inuit employment, training programs are required (Nunavik Nickel Agreement 2008, Article 5.2.1). To this end, CRI commits to cooperate with the Kativik regional government and school board to develop training programs to create programs that will qualify Beneficiaries for several different jobs at the mine (Nunavik Nickel Agreement 2008, Article 5.2.1). In addition to off-site training, the agreement commits CRI to providing on-site training for Beneficiaries to fill skilled, supervisory and technical positions (Nunavik Nickel Agreement 2008, Article 5.2.3). For the on-site training programs, CRI promised that at all times at least five Inuit Beneficiaries will be on full employee salaries, rather than trainee salaries (Nunavik Nickel Agreement 2008, Article 5.2.4).

Several provisions in the NNA relate to life at the mine and cultural accommodation. A central issue is that of the language spoken on the job. The NNA recognises that few Inuit Beneficiaries are trilingual (Inuktitut,

English, French) and few southerners speak Inuktitut. In anticipation of potential language barrier issues, the company is to ensure that supervisors and management be English-French bilingual (Nunavik Nickel Agreement 2008, Article 5.3.6). The NNA further stipulates that language training programs will be offered to Beneficiaries employed at the mine (Nunavik Nickel Agreement 2008, Article 5.3.6) and that the lack of a second language shall not be a barrier to employment for Beneficiaries (Nunavik Nickel Agreement 2008, Article 5.3.6). Finally, all signs and bulletins will be translated into Inuktitut (Nunavik Nickel Agreement 2008, Article 5.3.6).

The cultural accommodation provisions in the NNA include plans for cross-cultural training and for an Inuit kitchen for the storing and preparation of country food (Nunavik Nickel Agreement 2008, Articles 5.2.5 & 5.5.6). Flights from Nunavik villages to the mine site will be organized for Beneficiaries, and race-based discrimination will not be tolerated (Nunavik Nickel Agreement 2008, Article 5.5.4). To facilitate the hiring of Beneficiaries and the respect of the above provisions, two Inuit Employment and Training officers are to be hired at the mine (Nunavik Nickel Agreement 2008, Article 5.4.5).

e. United Steelworkers

At the Nunavik Nickel mine site 244 of the 419 direct employees of CRI are unionized with USW local 9519. The non-unionized employees include management, engineers, technical staff in the geology department and medical staff at the on-site clinic. The local negotiated its first collective agreement in 2015, which was still in effect at the time of field work in February 2018.

The local union insists of three bargaining units: Canadian Royalties (the mine lease holder), Outland Camps (food and cleaning services contractors, and Transport Padlayat (transportation contractor). A notable feature of the local is a particular form of local union structure referred to as a “grandfather structure”. This structure resembles an amalgamated local in that several bargaining units with different employers are part of the same local union. However, the largest bargaining unit is exclusively in control

of the executive. That is, the smaller units do not vote for local union executive positions. There are smaller executives for the individual bargaining units who manage grievances and elect a bargaining committee, but in a standard amalgamated local structure there would also be an overarching or umbrella executive. In the case of “grandfather” locals, there is no umbrella executive. Instead, the executive for the main bargaining unit, in this case employees of the lead employer Canadian Royalties, is the *de-facto* executive for the entire local union (all bargaining units). This structure developed when the smaller bargaining units voted to unionize after the lead bargaining unit and servicing staff chose to “add them” to the local without introducing a standard amalgamated local structure. This decision was in part because of the smaller numbers in the additional bargaining units and in the difficulty in recruiting activists in FIFO mines.

The Steelworkers union is structured with three layers of administration; the local union, the district and the International. The local is a part of the union’s District 5 (Quebec). Therefore, the union staff responsible for negotiating the collective agreement and arguing arbitrations are based in a District 5 servicing office in the Montreal area. Members pay their dues to the International, the headquarters of the union, in Pittsburgh, PA. The USW also has a Canadian National Office in Toronto which handles issues of national Canadian interest. However, in the hierarchy of the union the Canadian National Office is considered part of the International.

Since the 1990’s, the USW has pursued many initiatives to promote Indigenous access to employment and participation within the union. Between 1991 and 1993, the USW received funding from the Royal Commission on Aboriginal Affairs to study the prospects of collective bargaining as a tool to promote the workplace rights of First Nations people. The resulting report was largely based on two case studies of workplaces with significant Indigenous workers, the Key Lake uranium mine in northern Saskatchewan and the Dona Lake gold mine in northern Ontario (USWA 1993). The report emphasized that both the employers and the union are institutions that are dominated by non-Indigenous culture. In this light,

trade-unions participate in reproducing a workplace culture that can be hostile to Indigenous workers (USWA 1993). For example, a local union's existing non-Indigenous membership, which may have been involved in unionizing the workplace in the first place, may be resistant to equity provisions that lessen the value of their seniority (USWA 1993). Additionally, the adversarial nature of grievances, contract negotiations and strikes may be disagreeable to Indigenous culture which emphasizes more consensus-based conflict resolutions strategies (USWA 1993). Amongst the report's many recommendations is a statement of support for state mandated affirmative action programs to counter the segregation of Indigenous workers into the least skilled job categories due to low levels of educational attainment. The report further encouraged the union to develop education programs to counter the racist attitudes amongst its own members as well as collective agreement language to specifically support Indigenous workers' interests in relation to hiring targets, training and education programs, transportation to and from Indigenous communities, Indigenous employment monitoring mechanisms, and "union selected" Indigenous employment equity officers in the workplace (USWA 1993).

The USW has been able to include provisions supporting Indigenous members in many of their collective agreements throughout the years. The first USW collective agreement to include employment equity provisions for Indigenous employees was the 1991 agreement for USW local 8533 at the Dona Lake gold mine in Northern Ontario (Placer Dome Inc. & USWA 8533 1991). The agreement contained language for the preferential hiring of First Nation members, leaves of absence to engage in traditional harvesting activities and transportation to and from local communities. Similar language was again included in the collective agreement at the Key Lake uranium mine in northern Saskatchewan in 1993 (Cameco Corp. & USWA 8914. 1993). In 1995, an agreement between USW 925 at the Keno Hills mine in the Yukon included the same language as Dona Lake and Key Lake, with the addition of provisions to involve the Band chief in the grievance procedure. Several collective agreements also explicitly recognise Impact Benefit Agreements between a mining company and Indigenous stakeholders, including at the Anvil Range mine

in 1997, the Raglan mine in Nunavik, Quebec in 2000, the Voisey's Bay mine in Labrador in 2011 and the Canadian Royalties mine in Nunavik, Quebec, in 2015.

Notwithstanding these advances, some segments of the union have resisted preferential hiring provisions. In 2001, when lay-offs were announced at the Raglan mine and the employer decided to retain Inuit employees who had less seniority than other employees who had been laid off, the union grieved the issue. The employer pointed to article 1.02 of the collective agreement which stated that at no time can the collective agreement be interpreted to counter provisions in the Raglan Agreement (the IBA). Since article 5.4.3 of the Raglan Agreement stipulates that status as a Beneficiary will precede seniority in the event of lay-offs, the employer argued that they were correct in retaining less senior Beneficiaries. An independent legal opinion sought by the USW concluded that this was legal and likely would not be considered a form of discrimination on the basis of ethnicity as per the Canadian Charter of Rights and Freedoms (Union representative, Interview 14). Following receipt of this opinion, the union dropped its grievance.

In addition to collective bargaining language, the union has also sought to develop educational courses, such as the Wings of Change workplace health and safety course, developed in 2010 in collaboration with the Manitoba federation of labour, for Indigenous workers (USW 2014). The USW also adapted the Unionism on Turtle Island course, first developed by the Canadian Union of Public Employees which seeks to educate non-Indigenous workers on the history and relevance on Indigenous rights in the workplace today (Union representative, Interview 10).

The union has also sought-out strategic partnerships in two instances by entering into framework agreements with the Constance Lake First Nation (2009) and the Pic Morbert First Nation (2010) (USW 2014). These framework agreements entreat the union to promote Indigenous access to employment, include collective agreement language clauses about Indigenous rights, as well as mutually educating each

other; Indigenous people on union operations and workers' rights, and the union on the history of the signatory First Nation (USW 2014).

Finally, the USW in recent years has taken steps to establish a national Indigenous issues committee. At the 2013 National policy conference the union adopted a resolution to "make Aboriginal issues a high priority" and to "stand in solidarity with aboriginal leaders and grassroots groups" (USW 2013). To carry out these goals, the union initiated a national Indigenous committee composed of Indigenous rank and file members as well as Indigenous and non-Indigenous staff of the three Canadian districts and the Canadian national office. This committee prepared larger meetings of Indigenous steelworkers held in Winnipeg in 2015 and in Edmonton in 2017 and Thunder Bay in 2018. The committee also drafted a "Statement of Principle on Aboriginal Issues" which was presented and adopted at the 2016 National policy conference (USW 2016). Following the 2016 National Policy Conference, the committee worked to create a Bargaining Guide for Advancing Indigenous Rights; a compilation of collective bargaining language to be used by locals to promote Indigenous rights through collective agreements (USW 2017). The union also made funds available and hired a coordinator to coordinate participation of USW members in the National Inquiry into Missing and Murdered Indigenous Women and Girls (USW 2017).

5. Results

The presentation of my findings is divided into five sections. The first section presents a profile of the workforce with information on the number of employees per employer, which workers are unionized and how many are Beneficiaries. The findings demonstrate that Inuit Beneficiaries comprise a low percentage of the total workforce and that Inuit Beneficiaries also had higher turnover rates than non-Beneficiaries.

The second section explores possible reasons for high turnover amongst Inuit employees by drawing on interviews with HR personnel and union officials. Together, interview data suggests that several aspects of employment at the mine reduce the desirability of mining jobs for Beneficiaries, thus leading to high turnover. These factors include: particularities of the FIFO system, the language spoken at the mine site, competition with other regional employers and disciplinary action, the difficulty of the FIFO rotation on the worker and their families, the amenities at the work site, the restrictions on personal freedom and the language spoken on site.

The third section reviews how the IBA and Beneficiary rights are presented within the union collective agreement drawing on the analysis of grievance information. Following this is an examination of the formal and informal grievances submitted by the union. Finally, the fifth section presents other relevant insights from the participatory observation element of the fieldwork.

a. Profile of workforce

Permanent employees at the mine work for one of six employers (Table 1). The company that holds the mining lease, Canadian Royalties (CRI), is by far the largest employer. CRI directly employs 419 employees at the Nunavik site and manages the open-pit mine, the processing plant and general maintenance in addition to administration and a geology department. Non-management staff in the open pit mine, the processor and maintenance services are represented by USW local 9519. The next largest employer on site

is Outland Camps which runs the food and cleaning services. Its 56 employees are part of a second bargaining unit within USW local 9519. Workers at Transport Padlayat form the third bargaining unit. Their 29 employees haul nickel-copper concentrate from the mine site to a port facility at Deception Bay. Three other contractors are present on a continuous basis; however, their workers are not members of a USW local. Redpath mining is contracted to conduct the mining at the underground mine.⁶ Logistec is a logistics company working at the port site at Deception Bay and Nunavik Constructions is a construction firm that is active on-site.

Table 1 Employers at CRI mine¹

Employer	Employees	% USW members	% Beneficiaries	# Beneficiaries
Canadian Royalties (Human Resources, Geology dept., Mine, Concentrator, Mechanics) ¹	419	58%	11.93%	50
Outland Camps (Cafeteria, laundry services, cleaning)	56	100%	12.50%	7
Transport Padlayat (Transportation services)	29	100%	10.30%	3
Redpath Mining (Operation of underground mine)	36	0	2.80%	1
Nunavik Constructions (Construction services)	15	0	0.00%	0
Logistec (Port facility operations)	25	0	8.00%	2
Total	580		10.86%	63

¹ Employment numbers for CRI provided by employer, February 2018; numbers for other employers verified by phone call to companies

Inuit workers are more likely to be union members than the average worker. Among the Beneficiaries employed by CRI, a full 72% are members of the USW, which represents 11% of that bargaining unit's membership.

⁶ At the time of research there was a dispute between the union and the company about the exclusion of these workers from the union.

The detailed employment list provided by CRI shows that 43 of its 50 Beneficiary employees work in the three largest departments: the open pit mine, the processing plant and general services, which covers fuel trucks, general maintenance and a warehouse (Table 2). An HR manager stated that there is a deliberate effort to distribute Inuit hires amongst the different departments (Company Official, Interview 8).

However, within each department Beneficiaries tend to occupy the lowest paid and least skilled job categories. Indeed, of the 34 Beneficiaries who are union members, 74% are on the very bottom wage rate, in either Inuit Trainee positions or day labourer positions, which are both paid at the same rate of \$26.72 / hr. Clearly there is a segregation of Inuit employees into the least skilled and least paid positions.

Table 2 Inuit and non-Inuit employees by department²

Department	Non-Inuit No (%)	Inuit No (%)	Total No (%)
Mine	131 (36)	15 (30)	146 (35)
Concentrator	96 (26)	11 (22)	107 (26)
Services Généraux	66 (18)	17 (35)	83 (20)
Ressources Humaines	26 (7)	2 (4)	28 (7)
Géologie & Exploration	17 (5)	4 (8)	21 (5)
Services Techniques & Mine Allamaq	18 (5)		18 (4)
Gestion des Coûts	6 (2)		6 (1)
Environnement	5 (1)		5 (1)
Approvisionnement	3 (1)		3 (1)
Site Administration	1 (0.3)	1 (2)	2 (0.5)
Total	369	50	419

² Employment data provided by employer, February 16, 2018

There is high turnover amongst all employees at the site. The year-over-year turnover rate for all employees of CRI was 30% but for Beneficiaries the turnover rate is 40% (Company Official, Interview 8).

The average service time for all employees of CRI is 2.5 years.⁷ Unionized employees have a slightly longer average service time at 2.8 years.⁸ However, unionized Beneficiary employees have a significantly shorter average service time at 1.6 years. These figures indicate that unionization is leading to longer tenure for non-Beneficiaries but not for Beneficiaries.

The representation of Inuit Beneficiaries among non-unionized contractors is even lower. Only 3 of the 76 employees working for the three non-unionized contractors are Inuit (Table 1). Furthermore, there are no reserved Inuit Trainee positions with the contractors (Company Official, Interview 5).

b. Factors contributing to high turn-over and low Inuit employment

Interviews and employment data suggest that poor retention is potentially more important than recruitment to overall employment numbers at CRI. Interviews with key stakeholders pointed to several aspects of work that make it undesirable and thus drive high-turnover, particularly for beneficiaries. Crucially, framing issues of high-turn over as a question of job quality/desirability helps to frame workplace issues as industrial relations issues that can be addressed through collective bargaining.

The main issues that came up during the interviews include factors specific to FIFO mining (work rotations, the facilities and the restrictions on personal liberty imposed at the camp). In addition to FIFO specific issues, the language spoken on site, competition with the Raglan mine and disciplinary actions were also discussed as factors contributing to high-turn over and low Beneficiary employment.

One HR representative stated that he believed that low Beneficiary employment was not so much a result of recruitment challenges or barriers at the application stage. They emphasized that there is no interview process or skill testing. That is, Beneficiaries will be offered employment verbally over the phone without any screening (Company Official, Interview 8).

⁷ Figure calculated based on employee information provided by employer.

⁸ Figure calculated based on employee information provided by employer and union.

i) FIFO Specific

There were several features of FIFO that were mentioned during interviews as making work at the mine undesirable. These included work rotations, the facilities at the camp and the restrictions on personal freedom place upon workers at the camp.

Working three weeks-on, three weeks-off at the remote site is certainly difficult on individuals and their families, whether Inuit or not. Representatives from Inuit organizations and HR representatives reported that FIFO work schedules are indeed very difficult on Beneficiaries (Interviews 2, 7, 12). The standard work rotation for non-Inuit employees at CRI is a three weeks-on, three weeks-off schedule (Canadian Royalties Inc. & USW 9519 2015). Most Beneficiaries, however, choose to exercise their right under the IBA to a two weeks-on, two weeks-off schedule (Nunavik Nickel Agreement 2008; Company Official, Interview 8). During their rotation, employees work 12 hours shifts, seven days a week. Rotations alternate between day shifts (6am to 6pm) and night shifts (6pm to 6am).

The facilities at the mine site are simple and bleak (Participant Observation, February 2018). The structure of the camp complex is something like portable classrooms stuck together to make one long hallway, off of which several wings extend out perpendicularly. These wings hold individual rooms, which only have space for a single bed, a desk a closet and a T.V. Most workers share a common washroom between two rooms, though a minority of the rooms have their own private washroom. Internet access is limited. There is Wi-Fi in the complex but it is "dial-up" speed. To speak with family or friends back home, employees have access to phone booths, however the phones are in the central hallway and offer little privacy.

HR employees report that Beneficiaries have specific concerns in addition to the general ones stated above. HR personnel reported that Beneficiaries would like the ability to go out on the land during their down-time, particularly when geese or caribou are spotted near the site (Company Official, Interview 5). However, this is currently prohibited. The food served in the cafeteria is also cause for complaint. The heavy French-Canadian fare

like Sheppard's pie, beef stew and pasta, as well as fresh salad and vegetables is not the preferred type of food for many Beneficiaries.

There is an Inuit Kitchen, which is a requirement set out in article 5.6 of the IBA, where country food can be stored and prepared. However, there is not enough game meat provided for everyday meals and the meat that is there is usually brought by the Inuit employees themselves. (Company Official, Interview 5; Company Official, Interview 7). The fitness facilities are also not very well liked by Beneficiaries. There is an exercise room with exercise equipment such as weights and treadmills. However, an HR employee reported that many Inuit employees would like a gym in which to play team sports (Company Official, Interview 5). Finally, an HR employee reported that Beneficiaries complain that there are few English language television channels (Company Official, Interview 8).

Figure 4 Inuit Kitchen



Figure 4 Personal Room

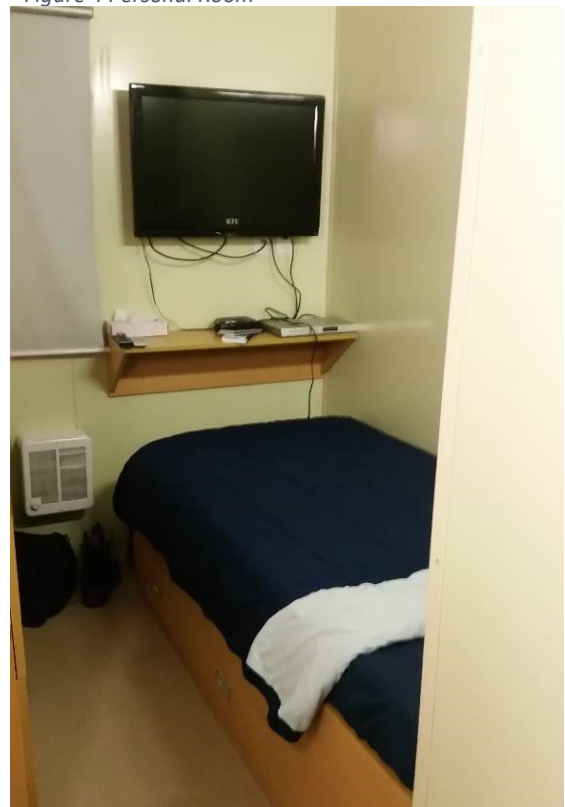


Figure 4 View from window



ii) Language

The language spoken on site is also a factor leading to job undesirability. Indeed, the dominant language spoken on site is French while most Inuit employees are native Inuktitut speakers who speak English as their second language (Interviews 3,5,9). While the mine is located within the province of Quebec, the distance from southern Quebecois settlement is considerable. The mine is about 1,300 kms north of Chibougamau, the largest town in the "Nord-du-Quebec" administrative region. Additionally, due to the historical responsibility of the federal government for Indigenous affairs, education and health services to Nunavik communities have historically been delivered in English. The 2016 census reports that Inuktitut is the mother tongue for 88% of the 13,000 residents of Nunavik (Statistics Canada 2017). Furthermore, the census reporting on knowledge of official languages states that 55% of the population has knowledge of only English, 27% have knowledge of French and English, 3% have knowledge of only French and 15% have knowledge of neither English nor French (Statistics Canada 2017). The IBA negotiators anticipated this linguistic dynamic and as a result the IBA stipulates that the mining company will hire English-French bilingual supervisors and management and that the lack of French should not be a barrier to a Beneficiary's promotion (Nunavik Nickel Agreement 2008). Furthermore, language training would be provided for Beneficiaries at the Canadian Royalties site (Nunavik Nickel Agreement 2008). Nevertheless, both union officials and HR personnel acknowledge that the dominant language spoken on site is French and that as a result, Beneficiaries can have difficulty communicating with their colleagues (Interviews 5, 7, 9). Furthermore, a HR employee confirmed that on-site language training is not offered (Company Official, Interview 5). During fieldwork, I observed that the dominant language spoken on site was French. This was true in the cafeteria as much as it was during a union meeting observed (Participant Observation, February 2018).

iii) Regional competition

Another element contributing to the desirability of jobs at CRI is regional competition with the nearby Raglan mine. According to a representative from an Inuit organisation, CRI loses many of its employees to the nearby Raglan mine (Indigenous organization representative, Interview 12). This is true for both Inuit and non-Inuit workers. Raglan is a similar operation also located in Nunavik but with generally better pay and working conditions (Table 3). Additionally, the collective bargaining agreement at the Raglan mine contains a performance bonus tied to production and the price of nickel (Mine Raglan & USW 9449 2011). Table 3 below lists wage rates for certain unionized positions at the two mines. Note the higher hourly rates in the concentrator and for mid-level miners. Inuit trainees and heavy equipment operators are actually better paid at CRI, though that is before the performance bonus is taken into consideration. The most remarkable difference in pay is between the kitchen and cleaning services staff, both highly female job categories. Compare, for example, the position of dishwasher. At Raglan this position pays \$22/hr, while at Canadian Royalties it pays \$6.68/hr less at \$15.32/hr. Furthermore, the top rate for a cook at Raglan is \$31.72/hr, while at Canadian Royalties the same position makes \$10 less and hour at \$21.72/hr (Table 3). Important to note here is that the kitchen staff at Raglan are employees of the Raglan mine while at CRI, the kitchen staff are employed by a sub-contractor, Outland Camps Inc.

Table 3 2017 Hourly wage rates for select positions at Raglan and CRI mine. (\$)³

Department	Job Classification	Raglan	CRI	Difference
Kitchen				
	Cook 1 (top level)	31.72	21.72	10.00
	Cook 3 (mid level)	29.90	16.12	13.78
	Dishwasher / General Kitchen Help	22.00	14.52	7.48
	Janitor	22.00	14.52	7.48
Concentrator				
	Operator 1 (top level)	38.45	35.48	2.97
	Operator 3 (mid level)	34.46	31.80	2.66
Heavy Equipment Operator				
	HE operator 1 (top Level)	35.20	35.44	-0.24
	HE Operator 3 (mid level)	29.90	30.09	-0.19
	Labour	26.91	26.72	0.19
Mine				
	Open-Pit Miner 1 (top level)	35.20	35.44	-0.24
	Open-Pit Miner 3 (mid level)	33.00	30.09	2.91
	Open-Pit Miner 5 (bottom level)	26.97	26.32	0.65
Inuit Apprenticeships				
	Miner Apprentice	26.97	28.58	-1.61
	HE Operator Apprentice	26.91	28.58	-1.67
	Concentrator Apprentice	26.07	26.72	-0.65
	Kitchen apprentice	21.10	no position	

³: Employment numbers for CRI provided by employer, February 2018; numbers for other employers verified by phone call to companies

iv) Disciplinary action

The final factor affecting job desirability is disciplinary actions taken against Beneficiaries. HR personnel report that the high-turnover rate for Beneficiaries is in part sustained by several terminations (Interviews 6, 8). While they did not provide overall numbers, they indicated that the main reasons for termination were absenteeism and violation of the drug and alcohol policy (Company Official, Interview 5; Company Official, Interview 8). Absenteeism involves either not being present for a shift during a work rotation or

not being present at the airport for pick-up at the beginning of a work rotation. While Beneficiaries are entitled to extra time off for hunting activities, a HR employee indicated that they are not receiving adequate notice when employees choose to exercise this right (Company Official, Interview 5). Interviews with HR and an Inuit governance organisation suggest that since hunting plays a critical role in both food security and social relations in Nunavik communities, Beneficiaries may prioritize hunting over their scheduled work rotations (Indigenous organization representative, Interview 2; Company Official, Interview 8). This view is consistent with academic studies that find that waged employment is tied into a family's traditional harvesting activities since money earned is used to purchase the necessities for hunting and fishing or can be used to purchase food to supplement poor harvests (Ford 2009; Harden and Wenzel 2012).

Considering work rotations are either two or three weeks long, a worker could potentially miss the season for a specific type of game (Company Official, Interview 5). Another potential reason for missing rotations is that Nunavik communities have considerably less internet and phone connectivity than southern communities (Company Official, Interview 5). Therefore, providing the requested notice to the employer can be a more difficult task than Southerners would expect. For that reason, the Inuit employment and training coordinators are making efforts to move communication with Beneficiaries away from e-mail and telephones and onto social media, which is more regularly used by Beneficiaries (Company Official, Interview 5). With regards to the drug and alcohol policy the IBA forbids all personnel and visitors to the mine site to consume or have in their possession any alcohol or non-prescription drugs (Nunavik Nickel Agreement 2008). This policy is strictly enforced by CRI with luggage searches at the airport before flying-in to the site. Being found in possession of prohibited substances results in immediate termination. HR personnel reported that 95% of individuals found in violation of the drug and alcohol policy are Beneficiaries (Company Official, Interview 8). A representative from an Inuit organisation, Company

Officials and a union official all voiced support for this zero-tolerance policy despite the fact that it is strictly punitive and without a harm reduction aspect (Interview 2,3,6,7,8).

All of the above are factors that contribute to jobs at the mine being difficult and undesirable. Framing challenges with retention as job desirability positions them as industrial relations issues that can be addressed through collective bargaining.

c. Collective Agreement Language

Since this paper asks how the USW is engaging with Impact Benefit Agreements as documents that regulate the workplace, it is relevant to review how the IBA is treated in the text of a collective agreement.

There are several articles of the collective agreement between CRI and USW local 9519 that pertain to the Impact Benefit Agreement. First among them is clause 1.02 of the CBA that recognizes the importance and relevance of the IBA for upholding Inuit interests and rights (Canadian Royalties Inc. & USW 9519 2015). This clause states that the conditions of the collective agreement cannot be interpreted as counter to the IBA. The CBA states that in case of conflict, the conditions in the IBA will supersede. Additionally, if a new IBA is agreed to, it cannot include work conditions that are inferior to the current collective agreement.

The IBA contains a more specific clause (article 5.4.3) that ensures the primacy of the Beneficiary status with regard to seniority. This clause stipulates that beneficiary status will take precedence over seniority in the event of lay-offs (Nunavik Nickel Agreement 2008). While the collective agreement does not explicitly mention beneficiary status as superseding the application of seniority rights, management and the local union agree that beneficiary status would indeed supersede seniority in the event of lay-offs (Union representative, Interview 3; Company Official, Interview 8).

Other clauses in the collective agreement that reference the IBA include article 24.03, which calls for an Inuit committee that will meet no more than three times a year to discuss issues directly related to work

conditions (Canadian Royalties Inc. & USW 9519 2015). Subsidiary to the work relations committee, it will be made of two or three representatives of the employer and three representatives of Inuit employees which would include the union president or their representative. However, the union president and HR personnel confirm that no such committee is active (Interview 3, 6, 7, 8).

Additionally, wage rates for Inuit trainees are set in the collective agreement. Separate Inuit Trainee positions are a requirement stipulated by the IBA but the wage rates are set in the collective agreement. These positions are compensated at the same rate as the lowest labourer rates, \$26.72/hr (Canadian Royalties Inc. & USW 9519 2015). No further description of the Inuit Trainee positions or proposed duration of the training is set-out in the CBA.

This recognition of the IBA within the collective agreement potentially opens the door for a union to grieve issues that are stipulated in the IBA but not the CBA. Indeed, the local union president pointed to article 1.02 of the CBA which recognizes the primacy of the IBA as the basis on which he could grieve issues relating to inadequate provision of training programs (Union representative, Interview 3). However, no grievance had been filed at the time of the interview. In fact, only a few efforts have been made to specifically protect Inuit workers and their IBA rights through the grievance procedure.

d. Grievances

To understand how well the USW is representing its Indigenous membership I reviewed the grievances filed by the union. This revealed the type of issues that occupied the local union's work and who the grievance process benefitted most.

Since certifying in 2015, the local union has filed a total of 56 grievances. However, there is notable growth year over year which indicates a maturing expertise on behalf of the local union. Indeed, only five grievances were filed during the first year of the collective agreement in 2015. The number of grievances increased significantly to 16 in 2016 and 34 in 2017.

Table 4 Grievances 2015-2017⁴

Issue	# of grievances	% of total
Seniority	20	36%
Discipline	16	29%
Unit-Wide	10	18%
Pay	6	11%
Harassment	3	5%
Health & Safety	1	2%
TOTAL	56	100%

⁴. Employment numbers for CRI provided by employer, February 2018; numbers for other employers verified by phone call to companies

Of the 56 formal grievances filed since 2015, the most frequent issue was the application of seniority. 36% of grievances were for problems with the allocation of overtime, promotion to higher job categories and transfers within the bargaining unit. The second most frequent issue was discipline (29%), which includes the union's interventions in cases of disciplinary letters, suspensions and terminations. The third most frequent issue is labelled unit-wide (18%). This category includes issues affecting the whole unit or the implementation of the collective agreement. For example, the duration of the lunch hour, how vacancies are posted and inappropriate contracting-out of work. The next most frequent issue concerned individuals' rates of pay (11%). This includes the union arguing that overtime was not paid correctly or that an employee should have received a different rate for certain hours of work. Five percent of the grievances were instances where a union member claimed they were being harassed by a supervisor. A single grievance concerned a Health and Safety issue. Of the 56 formal grievances filed only two were on behalf of Inuit employees. Though Inuit make up 11% of the unit's membership, only 3% of grievances were filed on their behalf.

The first of the two grievances filed on behalf of an Inuit employee concerned a disciplinary measure imposed on the employee following a workplace accident. The union grieved that the discipline was unwarranted and the supervisor acted inappropriately with the member after a health and safety incident. The union managed to reduce an unpaid suspension to a paid suspension with the employee's probation

being extended by thirty days. This grievance was filed in 2016. The member was no longer working at CRI in February 2018.

The other grievance filed on behalf of an Inuit employee was a common seniority related grievance. The union withdrew their grievance after receipt of a satisfactory response from the employer. This grievance was filed in 2016. The member in question was still active and in his fifth year of work at the mine at the time of fieldwork.

In addition to the grievances filed, the union recorded many informal interactions with the employer. In a review of the local union's files, 39 such records were found. These include interventions the union made that the employer agreed to, such as awarding an employee the correct wage rate after the union indicated that the member was being paid incorrectly. These interactions also include disciplinary measures that the union did not contest, such as an employee receiving a disciplinary letter for repeated tardiness, or termination due to being found in possession of narcotics. Of these 39 informal union-management interactions, the three most significant categories are discipline (49%), seniority (23%) and Health and Safety (10%). Of note is that there are five instances of an Inuit employee being disciplined for punctuality where the union did not file a grievance.

*Table 5 Informal interactions*⁵

Issue	# of interactions	% of total
Discipline	19	49%
Seniority	9	23%
Unit-Wide	2	5%
Health & Safety	4	10%
Harassment	1	3%
Pay	2	5%
other	2	5%
TOTAL	39	100%

⁵ Employment numbers for CRI provided by employer, February 2018; numbers for other employers verified by phone call to companies

There were eight informal interactions concerning Inuit members. One notable interaction concerned an Inuit member that was classified as a labourer. However, the member was under the impression that he was part of the training program for Inuit Trainees stipulated in the IBA. The wage rate for a labourer and an Inuit Trainee are the same at \$26.72/hr. According to the local union president, the member worked an estimated 800hrs but none of it counted towards a formal training program because no formal training program was in effect (Union representative, Interview 3). The employee was told that the training program was not currently offered and if it did start-up again he would still be two years away from completion. The employee maintained that he should be paid an intermediary rate for this department. When denied the higher rate, the employee returned to only doing labourer work which elicited push-back from his supervisor who told him he lacked motivation. While there was no formal grievance filed, the employee did receive a promotion to an intermediate rate after the union intervened. However, the absence of formal training programs, which are mandatory as per the IBA, has not been resolved.

Unfortunately, the employee in question was later injured on the job and has since left CRI. However, the union knows there are other Beneficiaries in similar situations. In fact, the outgoing employee agreed to speak to other Inuit employees and consented to the union filing a grievance in his name. The local union president is aware of the IBA and its provisions concerning training programs. He referenced the inclusion of the IBA in article 1.02 of the collective agreement as grounds for filing a grievance (Union representative, Interview 3). At the time of fieldwork that grievance was forthcoming.

The second informal interaction recorded by the union concerned an Inuit employee whose probationary period was extended, ostensibly for unsatisfactory performance. The union argued that this was unfair and that the employee's supervisor did not like him in part because he was Inuit. Management reversed its decision and awarded the employee permanent status.

With only 3% of grievances being filed on behalf of Inuit employees, who represent 11% of the membership, it is clear that Inuit employees do not figure prominently in the work of the local union. However, the grievances also show that the issues Inuit employees face are ones the union has experience in countering. The mercurial tempers of management and the unfair application of rules can be tempered by the formal, institutionalized union-management relationship. Furthermore, the opportunity to use the grievance process to enforce provisions of the IBA that are not being respected is an exciting future possibility.

e. Other observations

Besides the grievances and informal interventions, there are a few other notable observations that clarify the local's relationship with its Inuit members. These include Beneficiaries' previous knowledge of unions, the language of union business and the overlap with Inuit employment and training coordinators.

According to the union president and union servicing staff, new Inuit hires have little knowledge of labour unions (Union representative, Interview 13; Union representative, Interview 14). HR personnel report that they often explain what a union is and does during the on-boarding process (Company Official, Interview 5). HR personnel also believe that the IBA is more important to Beneficiaries than the union collective agreement (Company Official, Interview 8). Beneficiaries are more familiar with its provisions and they look to it, rather than a collective agreement, to protect their interests. The local union president similarly conceded that it is hard to convince any new employees of the value of a union if they do not have previous experience in traditionally unionized industries or if they don't have a family history of union membership (Union representative, Interview 3).

My observation of a local union meeting revealed little participation from Inuit union members. At the meeting I observed, there were approximately 30 attendees, of which only one was visibly Inuit. Furthermore, the meeting was conducted mostly in French. While the workforce is formally bilingual

(English-French), the majority of the workers are native French speakers. The meeting is run mostly in French with the chair pausing to briefly summarize the proceedings in English. It is an honest attempt with the resources at hand but difficult to follow if one were unfamiliar with union business or Acadian *Frenghish*. There are no Inuit members on the local's executive, or any committees. Furthermore, the CBA is translated into English but not translated into Inuktitut.

Lastly, the Inuit Employment and training officers are evidently the preferred resource people for Inuit employees (Participant Observation, February 2018). Both the officer interviewed and the local union president stated that the Employment and training officers were the more likely choice for an Inuit employee seeking help (Union representative, Interview 3; Company Official, Interview 5). These are human resource personnel who are Beneficiaries themselves. Their positions were created as a requirement of the Nunavik Nickel Agreement. They participate in recruiting and are available as resource people for any Beneficiaries. They are even present in disciplinary hearings to help with the language barrier. As designated support people for the Beneficiaries, their availability and friendship is widely valued.

In sum, the grievances filed by the union indicate that the special rights of Beneficiaries deriving from the IBA are not things that the union has sought to defend. Furthermore, the make-up of the local's executive and the manner in which it conducts its meetings suggests that little effort has been put into accommodating Inuit members. Despite these realities, there are still natural affinities between the mandate of the union and the intentions of the IBA. Therefore, there are areas where Beneficiaries in particular would benefit from a union increasing its power and influence in the workplace. Additionally, there may be opportunities for the local union to defend articles of the Impact Benefit Agreement that are not being respected by the mining company or contractors.

6. Discussion

The results from this research indicate that there is persistent low Inuit employment, likely maintained by high turn-over rather than recruitment problems. Additionally, Beneficiaries who are employed tend to occupy the lowest skilled and least paid positions. There are many factors that may influence high turn-over rates, including the desirability of the work. Many of these factors can be understood as industrial relations issues and thus potential areas for union initiatives.

The results also show that the union engages with the Impact Benefit Agreement in several ways. Most importantly, it formally recognises Beneficiary status and acknowledges its precedence in the event of layoffs. Furthermore, Inuit trainees are full-members of the union and their specific positions are included in the collective agreement. However, the local union has brought forward few grievances on behalf of Inuit members and efforts at outreach and inclusion are complicated by a linguistic divide. Nevertheless, records show that disciplinary actions taken against Inuit workers are issues unions in other environments have often contested. In other words, the formal disciplinary regime a union can enforce can be a way to temper the arbitrariness of discipline.

In this section I propose discussion points for unions to think through the relevance of Impact Benefit Agreements and how to better represent their Inuit membership.

I first review ways in which the Impact benefit Agreement is currently not being enforced. Then I move into strategies for unions to not only comply with the IBA but advocate for its principles and intent.

a) Enforcement of IBA

The previous sections presented factors that made jobs at CRI undesirable and described ways that Beneficiaries face exclusion at work and are not a priority for the local union. Since one of the IBAs main goals is to improve the employment benefit of mining development, it is appropriate to note the many ways in which provisions of the IBA are not enforced.

Literature on IBAs has identified the difficulty of enforcement and have attributed this to the power imbalance between mining companies and Indigenous signatories to IBAs (Caine and Krogman 2010; Sosa and Keenan 2001; Bowes-Lyon, Richards and McGee 2009; Mills and Sweeney 2012). The research for this project revealed that several articles of the IBA are not being upheld by the mining company and contractors. The IBA provides for a Nunavik Nickel committee which monitors employment at the mine and addresses disputes between the signatories (Nunavik Nickel Agreement 2008). However, only CRI and Indigenous governance institutions sit on the committee. There are no representatives from unions or contractors on the committee. Therefore, concerns an Indigenous organisation might have with a contractor, or a union, must be communicated through CRI. If a problem cannot be resolved by this committee or by the heads of CRI and Indigenous governance institutions, parties can resort to litigation (Nunavik Nickel Agreement 2008).

Some of the elements of the Nunavik Nickel IBA that fall short of original commitments include overall Beneficiary employment numbers, training programs and cultural accommodation measures. For overall employment numbers the IBA states its employment goal is to “have as many positions at the mine ultimately filled by qualified Inuit beneficiaries or those Inuit beneficiaries in the process of being qualified” (Nunavik Nickel Agreement 2008, 5.1.1). More concretely, Annex 8 of the IBA projected that 23% of positions could be filled by Beneficiaries (Nunavik Nickel Agreement 2008). However, in February 2018 only 10-12% of positions with CRI or unionized contractors were filled by Beneficiaries (Table 1). Non-unionized contractors ranged from zero to eight percent (Table 1). HR personnel report that Beneficiaries do not need any specific educational credentials and can be hired “on-the spot” over the phone without a formal application or interview (Company Official, Interview 5; Company Official, Interview 8). Yet, an analysis of employee lists and seniority lists reveal significant segregation of Beneficiaries into the lowest job classes, and HR reports a 40% turnover rate for Beneficiaries (Employee lists; Company Official, Interview 8). It is clear that the caveat that candidates must be qualified for a position is a major restriction

on upwards mobility for Inuit workers. The IBA's reference to "qualified Inuit Beneficiaries" puts the onus on the workers to be qualified and not on the employer to train employees to fill the jobs.

Indeed, the training provisions of the IBA are almost entirely not implemented. The IBA engages the CRI to both cooperate with Kativik regional government and the Kativik School board to develop training programs, as well as provide training programs on site (Nunavik Nickel Agreement 2008). Offsite training available to Nunavik residents is very limited. An interview with a staff person from an Inuit organisation indicated that there are no permanent training programs administered in cooperation with CRI (Indigenous organization representative, Interview 12). They indicated that at one point there was a heavy equipment operator program offered through the Kativik school board but it is no longer offered (Indigenous organization representative, Interview 12). Additionally, a HR employee at CRI reported that they remembered a drilling course was offered in Salluit at some point (Company Official, Interview 5). However, there is no dedicated training centre for mining employment in Nunavik and no on-going programs specifically with mining skills (Indigenous organization representative, Interview 1; Indigenous organization representative, Interview 12). Interestingly, representatives from Indigenous organisations believe most of the training available to Nunavik residents is on-the-job training at the mine site (Indigenous organization representative, Interview 2; Indigenous organization representative, Interview 12).

At CRI, however, there are no formal on the job training programs. That is, new employees will receive training as any other would, but there are not clear training programs with end points and certifications. There are employees dedicated to training workers in the concentrator and with the mobile mechanic team, but that training is for all new employees and does not lead towards a trade designation or other certification (Company Official, Interview 8). A CRI HR employee reported that previously there was a heavy equipment operator program that was tied into the building of a road (Company Official,

Interview 5; Company Official, Interview 8). However, that program wrapped up with the completion of the road and at the time of the fieldwork there were no on-going training programs in place.

This absence of formal training programs has serious ramifications for workers occupying “Inuit trainee” positions. Article 5.2.4 of the IBA stipulates that “Canadian Royalties shall at all times during the Operations Phase have at least five (5) Inuit Beneficiaries on full employee salaries (rather than on trainee salaries) receiving on-site training” (Nunavik Nickel Agreement 2008, 5.2.4). An HR employee reported that there are indeed more than five Beneficiaries in trainee positions receiving a non-trainee salary, though the salary point is irrelevant since the wage rate for Inuit trainees is set as the same rate as labourers in the same department (Company Official, Interview 8; Canadian Royalties Inc. & USW 9519 2015). Inuit trainees are therefore not enrolled in a defined training program and their “Inuit Trainee” position is largely indistinguishable from labourer positions in the same department.

There are also several shortcomings in terms of cultural accommodation for Inuit employees. The IBA language entails CRI to provide language training to Inuit Beneficiaries and hire English-French bilingual supervisors (Nunavik Nickel Agreement 2008). But a CRI HR employee reported there is no language training offered to Beneficiaries on-site (Company Official, Interview 8). Additionally, the IBA says that “all signs, bulletins and notices posted at the Nunavik Nickel project site shall include an Inuktitut version” (Nunavik Nickel Agreement 2008, 5.3.6). During fieldwork it was observed that in practice only major notices and company policies are translated into Inuktitut.

Furthermore, there is an Inuit kitchen, which complies with article 5.5.6 of the IBA which calls for a freezer to be made available so that meat can be stored. This kitchen only provides a few meals a week and an Inuit HR employee reported that Inuit employees complain about lack of familiar food (Company Official, Interview 7).

Finally, the IBA states that employees will have access to “free professional counselling for career, personal and family related programs on an as needed basis” (Nunavik Nickel Agreement 2008). A HR manager noted that it is the Employment and Training Officers that provide this service (Company Official, Interview 8). While the officers are important resource people, they are not trained or certified as therapists or social workers.

Therefore, many articles of the IBA are not completely implemented. Clearly, there is a problem with enforcement of the IBA, especially with contractors who do not report directly to the Inuit governance institutions at regular meetings. However, if these elements are approached as labour relations issues there are several opportunities for unions to be used as a tool of enforcement in order to better represent the rights and interests of the Inuit membership.

b) Union strategies

There are many ways in which a union could approach supporting the intent of an IBA and therefore its Indigenous membership. Such strategies include both pushing management on some issues as well as changing its own practices.

First of all, unions and Indigenous governance institutions have a shared interest in limiting the contracting-out of work. Sub-contracting is a significant part of the FIFO business model, but the research for this paper suggests that there are benefits in both Beneficiary employment and wage rates from keeping work in-house. Table 1 shows that the employers with the lowest percentage of Inuit employees are non-unionized contractors. Furthermore, pay seems to be better in-house than with contractors. Outland camps is a unionized contractor which provides food and cleaning services at the CRI mine and is the highest percentage employer of Beneficiaries at the mine site (Table 1). At the Raglan mine, similar functions are not contracted out. A comparison of mid-level cooks at the two mines reveals a 13.78/hr

difference in pay (Table 3). This is substantially more than the \$2.91/hr difference between mid-level miners at the two mines (Table 3). The important variable here is that Outland camps is a contractor while the food services are provided by the mining company itself at Raglan.

Additional reasons why Indigenous governance institutions have an interest in limiting contracting-out is that it would be easier for an employee to be promoted within a company than across companies. Finally, an Indigenous government has a more direct relationship with CRI and therefore has more accurate information and a direct avenue for addressing problems.

A second strategy unions could explore would be to improve the conditions and parameters of the Inuit trainee position. Since the wage rates for such positions are set in the CBA they can be negotiated by the union. Furthermore, we saw that there are problems with Inuit trainees not being in a formal training program. The union could negotiate parameters for such trainee positions that establish length of training and milestones that are to be met. Furthermore, it may be possible with existing IBA language to grieve the lack of training programs since the IBA is recognised within the CBA. However, if that was unsuccessful the union should consider including the exact language of the IBA in the CBA.

Another strategy would be to take seriously the factors contributing to job desirability. Issues like the quality of the internet available to workers, the quality of food or the availability of English language television channels. Unions can often be focused on pocket book issues and not take these things seriously. But with the turn-over rate at 30% for all employees and 40% for Beneficiaries, clearly the jobs leave much to be desired. The union could negotiate on these issues.

Crucially, the union must grieve disciplinary measures relating to the drug and alcohol policy. The union official interviewed voiced full support for the zero-tolerance policy and did not grieve disciplinary actions relating to it. While inebriated persons in an industrial setting can be a health and safety risk, the USW in other workplaces has pushed for a harm reduction approach, advocating instead for progressive discipline

as opposed to immediate termination (USW 2018). The fact that these terminations are mostly for Inuit workers and that the union has not grieved them is a shortcoming on the unions part to defend Inuit workers.

Additionally, if Beneficiaries are to receive training while they are at the mine site, they will need to work less than 12 hrs a day. So, if Beneficiaries want language training or skills training as they are supposed to receive under the IBA, their hours will need to be reduced. Bargaining either reduced hours or time set aside to participate in training or education programs could be pursued by the union.

There are also things a union can do in its operations that are not strictly bargaining or grievances. They could reform their union structure to reserve a position on their executive for a Beneficiary. They could also ensure that the collective agreement is translated into Inuktitut. The USW has also developed educational courses on the relevance of Indigenous rights to union members, the course could be put on at the mine site, or at least materials could be shared with members.

Addressing the grandfather local union structure would also be beneficial. The grandfather local union structure is problematic partly because it is undemocratic. Members of the local who work for sub-contractors have a portion of their dues going to an executive committee to which they cannot elect members. Additionally, without a shared executive, the bargaining units operate in their own silos. That is reinforced by the fact that the unit chair/ local union only has leave to pursue union duties two days out of seven (Union representative, Interview 3). There is little time to deal with their own bargaining unit's issues, let alone another's. At the time of fieldwork, the president for the Outland camps unit (kitchen and janitorial staff) had been laid-off, and no plans were in the work to replace him (Union representative, Interview 3). This is clearly a bad situation as these workers are without the representation they pay their dues to receive.

The grandfather structure, therefore reinforces the fissuring of the workplace that is a feature of contemporary mines. The manner in which the local is organized reinforces the division between workers, especially along occupational lines. The result in this environment is that the lowest-paid workers (those working for Outland catering), which are also the jobs with the highest number of Inuit and female workers were not the local union's priority. Union staff who service the local recognise this problem but have been unsuccessful in reforming the union structure (Union representative, Interview 13; Union representative, Interview 14).

Finally, it would be worthwhile to open a direct line of communication between the union and Indigenous governance institutions. Neither representatives from Indigenous governance institutions nor the USW had any relations with employees of each other's organisations (Union representative, Interview 3; Indigenous organization representative, Interview 2). Ideally this could take the form of a union representative sitting on the Nunavik Nickel committee. However, this relationship building should also be part of a broader goal of solidarity between the labour movement and Indigenous governance institutions. The union will have to demonstrate commitment to supporting Indigenous governance institutions broadly before they can expect support from them. This may include refusing to work on a project until satisfactory consent has been received from Indigenous governance institutions, or accepting that Indigenous groups do not want a proposed project to proceed at all.

Implementing these things will be difficult and will require both buy-in from union membership and increasing union power to strengthen their position at the bargaining table or on the picket line if need be. Crucially, support from Indigenous governance institutions would go a long way in helping the union gain leverage and implement these initiatives.

7. Conclusion

The results of the research demonstrate that the union is engaging with the Nunavik Nickel Agreement in limited ways. The core principle of Beneficiary status is recognised by the collective agreement. However, at the time of research recognition of Beneficiary status had not entailed significant union efforts of behalf of Inuit workers. The influence of union representation of Inuit employment is therefore negligible. Persistently low Beneficiary employment rates, high turn over and segmentation into the least skilled and least paid positions characterise Inuit employment at the mine site. While literature on the topic rightfully points to the importance of training programs in increasing employment benefit from resource development, it is also important to consider how the organisation of work itself affects the desirability of jobs. That is, many of the factors that contribute to low job desirability and high turn over can be understood as labour relations issues. In this light, the segmentation of work between higher paid employees of the lease holder and lower paid employees of contractors, the intensity of work shifts and the unwillingness for employers to provide training can be understood as structural elements of the workforce that are intentional. This paper argues that labour unions can be leveraged to counter some of these problems. Indeed, despite the complicated and sometimes antagonistic history of relations between mostly white union members and Indigenous workers, there is a natural affinity between the goals of labour unions and Indigenous governance institutions that have signed an IBA. Both institutions seek to increase the employment benefit of mining for their membership. And secondly, they wish to improve the conditions and safety, including job desirability, of the work. A union which took issues of Indigenous economic justice seriously could use collective bargaining and the grievance procedure to increase the employment benefit for Indigenous communities. This should extend to modifying how work is organized to make it more attractive to Indigenous workers. Indeed, there has been considerable discussion in academia and governance institutions about preparing Indigenous workers to meet the needs of the mining industry. Changing what work is like in the industry to meet the needs of Indigenous workers is an overlooked

possibility. By rendering political what is usually considered a technical problem, Indigenous institutions and unions could together improve the balance of power between mining companies, Indigenous peoples and all workers in the mining industry.

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