



SUBMISSION TO THE DISTRICT OF SQUAMISH

TEMPORARY USE PERMIT 76: WOODFIBRE LNG “FLOATEL”

Submitted by: Justice for Girls (JFG)

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Justice for Girls

Justice for Girls is a Canadian non-government organization based in Vancouver, British Columbia that works to promote the health, well-being, and human rights of teenage girls who are homeless or living in poverty. Since 1999, the organization has worked locally, nationally, and internationally to promote and protect the rights of teenage girls who face poverty, violence, colonization, and environmental injustices. Justice for Girls has maintained consultative status with the UN Economic and Social Council (ECOSOC) since 2009.

SUBMISSION

Temporary Use Permit (TUP 76) - Woodfibre LNG Floatel

Justice for Girls (“JFG”) is deeply concerned about the potential human rights impacts associated with Woodfibre LNG’s application for a Temporary Use Permit (“TUP 76”) to moor a “floatel” work camp in Howe Sound to house workers for the Woodfibre LNG export facility.

LEGAL FRAMEWORK

Temporary Use Permits

The *Local Government Act* and the Squamish Official Community Plan (“OCP”) Bylaw 2500 (2017) form the primary legal framework guiding District Council’s decision making. The Temporary Use Permit (TUP) framework is outlined in the OCP at section 31.1:

Permit temporary uses to provide a short-term opportunity when considered appropriate by Council, without negatively affecting existing business or surrounding properties in terms of noise, lighting, parking, traffic, or other impacts.

In assessing whether to grant a TUP, council may consider the following:

- i. demonstration that the use is temporary or seasonal in nature;
- ii. the existing land use;
- iii. surrounding land uses;
- iv. potential conflict with residential land uses;
- v. potential impacts on environmentally sensitive areas;
- vi. provision of adequate servicing that meets health requirements;
- vii. duration of the proposed temporary use; and
- viii. relevant policies within other sections of this plan.

Although a public consultation is not required in TUP applications, council has elected to hold one for this particular application likely in response to significant community debate and concerns associated with the proposed floatel, and more broadly the combined impacts of the Woodfibre LNG export facility and the FortisBC pipeline projects.

Human Rights and the Charter of Rights and Freedoms

Work camps associated with fossil fuels and other resource extraction industries have far reaching, pervasive and long-term social and human rights impacts on the communities in which they are situated. Countries in the global south and women and girls in rural and remote communities have quietly known this for decades. It became part of the fabric of their communities after industry moved in. Indigenous communities have known this since contact, it is part of the fabric of colonialism.

Within the last decade, violence associated with resource extractive industries has gained greater public and political attention following the rise of the #MeToo movement, intensified public discourse around violence against women and girls, and the Missing and Murdered Indigenous Women and Girls movement. Collectively these movements, along with the work of Indigenous land defenders, galvanized attention on racist and gendered violence in places like the Alberta tar sands, the North Dakota Bakken Oil Fields, Manitoba Hydro-electric projects and Northern British Columbia.

In 2014 the United Nations special rapporteur on the Rights of Indigenous Peoples, James Anaya, identified the pattern after visiting multiple countries where extractives were present and impacting Indigenous communities. In 2019, the National Inquiry into Missing and Murdered Indigenous Women and Girls identified the link and issued five [Calls For Justice](#) directed towards Canadian governments, primarily calling for impact assessments prior to the approval of projects. In 2022 the House of Commons Standing Committee on the Status of Women issued a [report](#) confirming the link and calling for more impact assessments on proposed projects.

Violence against girls is a human rights violation

Article 19 of the *Convention on the Rights of Children* obligates states to protect children from violence and Article 3 provides for their right to life. The *Convention on the Elimination of Discrimination Against Women* codifies the right to be free from discrimination. Gender-based violence constitutes discrimination on the basis that it undermines women and girls' fundamental rights to life, security of the person, freedom from cruel, inhuman or degrading treatment, to just and favourable working conditions and the equal treatment under the law.

International human rights law is important in the interpretation of domestic laws. In *Baker v. Canada (Minister of Citizenship and Immigration)*, the Supreme Court of Canada said the following:

The values reflected in international human rights law may help inform the contextual approach to statutory interpretation and judicial review. As stated in R. Sullivan, Driedger on the Construction of Statutes (3rd ed. 1994), at p. 330:

[T]he legislature is presumed to respect the values and principles enshrined in international law, both customary and conventional. These constitute a part of the legal context in which legislation is enacted and read. In so far as possible, therefore, interpretations that reflect these values and principles are preferred. [Emphasis added.]

It is also a critical influence on the interpretation of the scope of the rights included in the *Charter*. Slight Communications, supra; R. v. Keegstra, [1990] 3 S.C.R. 697.¹

The right to life, liberty and security of the person is entrenched in the Canadian Constitution Act, 1867 and 1982 as section 7 of the *Charter of Rights and Freedoms*. The right to equality under the law is articulated in section 15.

States are responsible for human rights

While we note Woodfibre LNG's efforts to put plans in place to mitigate the potential for violence in the community of Squamish and in their workcamps, it must be clarified that the obligation to protect human rights rests with states (including all levels of government and judicial decision makers). The Guiding Principles on Business and Human Rights (Ruggie Principles) provide 31 directives for business and human rights that are framed around three pillars: the state duty to protect against human rights abuses, the corporate responsibility to respect human rights, and the need to help victims achieve remedy.²

Adequate and proper regulation of corporate activities at all levels of government is essential to give effect to human rights, and we set a dangerous precedent where regulators rely too heavily on corporations to define and set standards for human rights protections. All levels of government and decision makers are responsible for protecting human rights.

The Official Community Plan

The Squamish OCP provides that Council decision making must "Uphold the Squamish *Children's Charter of Rights* and apply a child and family lens in community planning, policies, programming, and service delivery".

¹ [1999] 2 SCR 817, at para. 70.

² https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf

The Squamish Children’s Charter of Rights (Developed by the Children of Squamish in 2016) reads as follows:

1. I have the right to survive. I have the right to a warm home, to food, to clothing and to sleep.
2. I have the right to a clean environment, including fresh air and fresh water.
3. I have the right to peace, to be free and to live in a safe world.
4. I have the right to choice, to my own beliefs and be happy and to love who I want and to be loved.
5. I have the right to play, to exercise and to recreation. I have the right to nature, to be outside, to explore, to imagine and to create.
6. I have the right to be who I want and to be respected for it.
7. I have the right to express myself, to have a voice, to speak out and to be included.
8. I have the right to safety and to feel safe, to trust someone and the right to privacy.
9. I have the right to an education.
10. I have the right to health care.
11. I have the right to have equal rights and to know that I have rights.

According to the District webpage, this was developed to ensure decisions made by Squamish District are in the best interests of children in the community.³

The “best interests of the child” framework is derived from the international Convention on the Rights of the Child. The language has been incorporated into Canadian legislation, such as the *Youth Criminal Justice Act* and the *Family Law Act* of British Columbia which reflects the elevated status of children’s rights in the broad matrix of human rights protected under domestic and international law.

Children are entitled to stronger protection under the law due to their relative vulnerability, combined with the knowledge that their development can be irreversibly impacted by events in their childhood — such as poverty, housing insecurity, adverse health events, witnessing or experiencing violence and other traumas.

Many of the rights contained in the Squamish Charter are also entrenched in our *Charter of Rights and Freedoms*, and in international human rights laws, standards and *jus cogens* norms.

This legal framework establishes a clear requirement for council to ensure that the decisions they make are aligned with the broad spectrum of rights protected under federal and international laws. To ensure meaningful human rights protections, States must act with due diligence to prevent, investigate and remedy human rights violations.

³<https://squamish.ca/business-and-development/home-land-and-property-development/healthycommunities/childrens-charter/>

The Regulatory Process has Failed to Protect Human Rights

The regulatory history of the floatel is replete with oversights and failures by federal and provincial regulators to adequately and thoroughly take measures to prevent human rights violations associated with Woodfibre LNG's proposed worker accommodation plan.

No Impact assessment

Despite Woodfibre LNG's stated commitment to promote and implement the Calls to Justice from the MMIWG Inquiry, they have ignored the most basic and fundamental recommendation and precondition for properly doing so: **a human rights impact assessment**.

A review of the literature on social and human rights impacts, including the MMIWG Inquiry and the report by the Parliamentary Committee on the Status of Women, will reveal that, while the correlation between the projects and gender-based violence are well documented, it is not well understood. There has been no systematic or empirical research, impact assessment or government funded study on this issue. The fact is that we do not know how to prevent these human rights violations because we do not understand them. What we do know, however, is that human rights are interdependent. States cannot prevent or remedy violations of rights without systematically addressing and remedying other rights violations that give rise to conditions that impair or undermine rights. The same is true for gender-based violence: it cannot be addressed in isolation from other rights violations which often form the root causes of this violence.

Internationally, human rights impact assessments have become the gold standard approach for assessing the potential impacts of large extractive and infrastructure projects.⁴ They are often completed at the proposal stage, but there is no reason these projects cannot, and should not, be assessed when changes or evolutions in project scope reveal the potential for new, emerging or unanticipated human rights impacts.

Woodfibre LNG applied to the Provincial Environmental Assessment Office ("EAO") and the Federal Impact Assessment Agency ("IAA") in 2019 for amendments to allow the Floatel as a solution to their worker accommodation issues. WLNG states they did this in response to community feedback about housing availability and affordability in the community, along with other concerns associated with the workers in town.

⁴ Oxfam International (2023) Human Rights Impact Assessment Framework, online: <https://policy-practice.oxfam.org/resources/human-rights-impact-assessment-framework-621501/>; Watson, G., Tamir, I., & Kemp, B. (2013). Human rights impact assessment in practice: Oxfam's application of a community-based approach. *Impact Assessment and Project Appraisal*, 31(2), 118–127. <https://doi.org/10.1080/14615517.2013.771007>

They also state that they held an extensive community consultation process. Presumably they are referencing the inadequately publicised 30-day public engagement held in November - December 2019 during the lead up to the holiday season in which 792 comments were received by the EAO.

For three years there was virtual silence on the applications and the plans for the floatel from the regulators and Woodfibre LNG. In August 2023, Woodfibre announced they had procured a floatel, prompting the regulators to begin churning out their decisions.

The provincial Environmental Assessment Office (“EAO”), in consultation with Squamish Nation, issued an amendment to Woodfibre LNG’s permit for the floatel in November 2023. That decision included a condition that all workers on the project are to reside on the floatel, and they are not permitted marine access to the District of Squamish community for non-work related activities. That condition reads:

29.1 The Holder must implement a restriction of access to the DOS applicable to Workers residing on the Floatel that will not permit marine-based transportation off the Floatel for recreation, entertainment or other non-work-related activities. The Holder must require Workers, who were not residents within the DOS prior to September 20, 2023, to reside at the Floatel. The Holder may grant exceptions for extenuating circumstances, which may include place of residence being in the Sea-to-Sky Corridor, or Indigenous and cultural considerations. The Holder must keep a record of the exceptions with rationale for each exception. The Holder must provide a copy of the record of exceptions to the EAO upon request

The provincial amendment also required the completion of a Gender and Cultural Safety Plan (GCSP) and a Workplace Culture Committee to oversee the implementation of the worker code of conduct, safety and anti-harassment and discrimination policies. The GCSP was to be completed by a “Qualified person” and submitted to the EAO for approval. Woodfibre LNG states they submitted this to the EAO in February 2024.

Later the same month, the federal Impact Assessment Agency (“IAA”) issued their decision on the floatel. The *Impact Assessment Act*, 2019 provided a robust set of provisions for assessing the impact of projects and amendments to existing projects. The IAA determined no amendment was necessary and therefore did not complete a public engagement or analysis of the impacts of the floatel.

To put it plainly, there has been no meaningful, accessible or adequate public engagement process on the proposed floatel since 2019. More importantly, in the four years since the floatel was proposed there has been no effort on the part of Woodfibre LNG or the provincial and

federal regulators to conduct any form of impact assessment to consider the human rights outcomes of the proposal.

Although Woodfibre LNG maintains they are committed to implementing the MMIWG Calls for Justice, their actions and timeline tell a different story. Call for Justice 13.2 states:

We call upon all governments and bodies mandated to evaluate, approve, and/or monitor development projects to complete gender-based socio-economic impact assessments on all proposed projects as part of their decision making and ongoing monitoring of projects. Project proposals must include provisions and plans to mitigate risks and impacts identified in the impact assessments prior to being approved.

Woodfibre LNG states that they did not complete an impact assessment because “Woodfibre LNG was approved prior to the release of the Calls for Justice”.⁵ However, the Calls for Justice were released in 2019, the same year they proposed the floatel. Woodfibre LNG has had four years to conduct an impact assessment to ensure the proposal would effectively protect the rights of their workers and the community of Squamish.

Instead, Woodfibre LNG acted first and asked for permission later proposing mitigation measures that look good on paper but may not actually be worth the paper they are written on.

Impact assessments are the foundation upon which adequate and thorough mitigation and prevention measures are built.

Absent a strong baseline, any measures imposed by the regulators or proposed by Woodfibre LNG are hopeful guesses about what might work. This is not the way we need our governments to make decisions about projects that have the capacity to fundamentally and irreparably change the fabric of our communities and negatively affect the lives of those who live in them. With no human rights impact assessment, we do not know that the floatel will be a safe or adequate solution to the problem.

No meaningful public engagement

The April 23, 2024 public hearing by the District of Squamish will mark the first opportunity for the community to provide input and feedback on the floatel, and yet we still do not have complete information. The draft GCSP has been provided to the District of Squamish, but was not provided upon request to the public in advance of the District’s public hearing on TUP76.

⁵ Woodfibre LNG (2024) Woodfibre LNG Project: Community Services and Infrastructure Management Plan, at p. 63.

The GCSP is material to the TUP76 decision as it directly addresses the human rights concerns raised by the community since the project was announced. The provincial regulator has failed to provide a community engagement on the GCSP. Therefore, the district public engagement process is the only opportunity for the public to comment on its sufficiency. The issues in the GCSP go to the heart of the public's concerns about the floatel — both for existing members of the community and the new community of workers who will be forced to stay on the floatel.

As a matter of procedural fairness, we submit the public ought to be provided an opportunity to review and consider the GCSP in advance of any decision by the district to approve the proposal.

In *Pitt Polder Preservation Society v. Pitt Meadows (District)*, 2000 BCCA 415, the BC Court of Appeal held that a municipality had failed in its duty of procedural fairness when the district decided not to provide public access to impact reports that contained material and relevant information about the proposed land use decision. Although the public hearing in that case was mandated by legislation, the same procedural fairness standards ought to apply where a municipality elects to conduct a public hearing process.

Given the serious human rights concerns raised by community members about the influx of workers and Woodfibre LNG's proposal for housing them on the floatel, the District ought to take extra care to ensure that the process meaningfully engages the public and that they have considered the broad range of human rights impacts associated with the proposed floatel. This is particularly pressing given the lack of any meaningful human rights impact assessment and the overall gaps in knowledge about the human rights issues related to extractives and their workforces.

HUMAN RIGHTS CONCERNS RELATED TO TUP76 & THE PROPOSED FLOATEL

Despite Woodfibre LNG's assurances that the floatel will have minimal impacts upon the rights of members in the community and their stated commitment to the safety and wellbeing of their workers, we have identified a number of concerning gaps and questions in the proposed plans that merit consideration by the District of Squamish. Our concerns are as follows:

Woodfibre LNG's Project and the Floatel threaten the human rights of teenage girls

Justice for Girls submits that Woodfibre LNG's proposed floatel, and the LNG Export facility threaten the rights and equality of teenage girls as a distinct and protected population in Squamish and more broadly.

I have the right to a clean environment, including fresh air and fresh water.

Climate change is fundamentally a human rights issue; its causes and consequences are rooted in a system of global capital that pursues the natural riches of the planet, leaving a trail of poverty, social inequality, and environmental destruction in its wake.

It is also an urgent children’s rights matter as children are disproportionately harmed, principally because they will live long enough to endure the worst impacts, but also due to their physical, developmental, and social vulnerability. The impact and threat to children is compounded by gender inequality, histories of colonization, poverty, racial discrimination, geographic vulnerability, and other inequalities.

During Canada’s most recent review in 2022 by the Committee on the Rights of the Child, the committee raised concerns about inadequate regulation of fossil fuel industries that threaten the rights of children in this country. The Committee issued the following recommendations:

... the Committee recommends that the State party establish and implement regulations to ensure that the business sector complies with international and national human rights, labour, environment and other standards, in particular with regard to children’s rights. In particular, it recommends that the State party:

(a) Establish a clear regulatory framework for the industries operating in the State party and abroad to identify, prevent, mitigate and account for activities that negatively affect human rights or endanger children’s rights, in particular risks posed by fossil fuel production;

...

(c) Require companies to undertake assessments, consultations and full public disclosure of the environmental, health-related and other children’s rights impacts of their business activities and their plans to address such impacts.⁶

The rights of children in Canada are directly threatened due to the impending climate catastrophe that is being irresponsibly exacerbated by LNG corporations and all levels of government who fail to take action to prevent it.

I have the right to safety and to feel safe

Teenage girls are disproportionately victimized by sexual violence and exploitation in Canada. When rates of violence are controlled for age and gender, teenage girls (15-19) experience the highest rate of violence than any other gender/age category due specifically to rates sexual

⁶ UN CRC 2022 Concluding Observations on Canada CRC/C/CAN/CO/5-6

violence against them.⁷ The rates of sexual violence against Indigenous women and girls is three times higher than for non-Indigenous girls.⁸

Teenage girls and young women from 12 - 25 years old account for 67% of sex-trafficking and exploitation survivors. 96% of trafficking victims are women and girls. 50% are Indigenous women and girls.⁹ Indigenous women and girls are 12 times more likely to go missing or be murdered.¹⁰

The data clearly demonstrates that Canada is failing to prevent and mitigate sexual violence against girls. Poverty, housing insecurity, homelessness and a failing child welfare system are systemic root causes of violence against girls and exploitation.

The violence associated with extractives and work camps, therefore, is an issue that disproportionately and specifically impacts teenage girls, meriting a regulatory and state response that aligns with the heightened human rights protections enjoyed by children.

There is undeniable evidence that there is a correlation between extractive projects and violence against women and girls in communities where the projects are situated. There is also evidence that increased rates of intimate partner and family violence in workers' families is correlated with the working conditions, particularly the gruelling two-week-on-two-week off rotations.

According to the MMIWG Inquiry findings:

"Resource extraction projects can drive violence against Indigenous women in several ways, including issues related to transient workers, harassment and assault in the workplace, rotational shift work, substance abuse and addictions, and economic insecurity."¹¹

Multiple reports have found that violence against women and girls,¹² including sex trafficking:

⁷ Statistics Canada (2021) <https://www150.statcan.gc.ca/n1/pub/85-002-x/2023001/article/00001-eng.htm>, at Chart 1.

⁸ Ontario Native Women's Association (2023) <https://www.onwa.ca/post/white-ribbon-day-2023>

⁹ Statistics Canada (2022) Trafficking in persons <https://www150.statcan.gc.ca/n1/pub/85-005-x/2023001/article/00002-eng.htm>

¹⁰ MMIWG Inquiry (2019) Reclaiming Power and Place

¹¹ Privy Council Office, National Inquiry into Missing and Murdered Indigenous Women and Girls, Reclaiming power and place: The final report of the national inquiry into missing and murdered indigenous women and girls. Privy Council Office, (June 3 2019) p.584 online:

https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_1a-1.pdf.

¹² MMIWG Inquiry, 2019; Janis Shandro, Laura Jokinen, Kandace Kerr, Ann Marie Sam, Malcolm Scoble & Aleck Ostry, *Ten Steps Ahead: Community Health and Safety in the Nak'at'la/Stuart Lake Region During the Construction Phase of the Mount Milligan Mine*. 2014. p.30 online:

<https://projects.eao.gov.bc.ca/api/document/5887e0f6f64627133ae5b2a3/fetch>.; Amnesty International,

"The culture and values associated with industrial camps may serve to perpetuate cycles of violence, already present due to the process of colonization, and allow industrial camp workers to seek out sex workers and contribute to increased sex trafficking."¹³

It is also well documented that sexual assault has one of the lowest reporting rates. This is particularly true in rural communities.

Outside of industrial camps, there are also sexual assaults. During the construction period of the Endako mine, six rapes in the nearby community and camp went unreported (P13). One workshop participant told a story of how she was the driver for a group of industrial camp workers, who boasted amongst themselves about how they had collectively raped a young Indigenous woman. The Indigenous driver was so invisible to these young men, that they did not even consider the impact on her as they re-told their stories. The young men raped this young Indigenous woman, who was later found by her family on the side of the road, naked and alone. No reporting was made of the incident, and no charges were pressed. There tends to be very low reporting of sexual assaults in industrial camps, and very low reporting of sexual assault in the areas surrounding industrial camps, for a variety of reasons."

Trafficking and exploitation

Justice for Girls has raised numerous concerns about the potential for increases in sexual exploitation and trafficking of girls in connection with the camps. These concerns are based upon our work with teenage girls throughout the province in communities where work camps are present. This is not a hypothetical — this is happening every single day to girls as young as 12 in northern British Columbia. Most of these girls are Indigenous.

As we have not seen the GCSP, we are unable to offer any meaningful comment on whether, in our professional opinion, it is adequate to prevent trafficking and exploitation. However, generally, we do not believe that mandatory training and containing workers on a floatel will be sufficient measures to mitigate trafficking. The problem is much more complex and insidious. We do believe there is risk of girls being trafficked to the boat, or to the site if the demand is present. The demand in Squamish will be increased due to the presence of both camps. As there will likely be drug trafficking, we know that sexual trafficking networks are directly

Out of Sight, Out of Mind: Gender, Indigenous Rights, and Energy Development in Northeast British Columbia. 2016. p.44 online:

<https://www.amnesty.ca/sites/amnesty/files/Out%20of%20Sight%20Out%20of%20Mind%20EN%20FINAL%20web.pdf>:

¹³ The Firelight Group with Lake Babine Nation and Nak'azdli Whut'en, Indigenous Communities and Industrial Camps: Promoting Healthy Communities in Settings of Industrial Change. 2017. p.24 online: <https://www.amnesty.ca/sites/amnesty/files/Out%20of%20Sight%20Out%20of%20Mind%20EN%20FINAL%20web.pdf>. https://quakerservice.ca/wp-content/uploads/2017/02/Firelight-work-camps-Feb-8-2017_FINAL.pdf.

connected and operating in tandem. It is naive not to prepare for this eventuality. Yet, Woodfibre LNG's CSIMP is silent on any anti-trafficking programs or plans.

We remain equally concerned that the project is vulnerable to labour trafficking due to the reliance on multiple subcontractors, and the volume of workers that will be boated into the floatel. The lack of overall oversight on marine vessels makes this a reasonably pressing concern that requires expert advice and attention. Again, this is a matter that would best be left to a human rights impact assessment.

Summary: The floatel threatens the rights of teenage girls

The Children's Rights Charter in the OCP commits the District of Squamish to make decisions that align with children's rights to a clean and healthy environment and their right to safety.

In the absence of a clear and effective regulatory process, the Squamish District Council has a legal and moral imperative to deny the permit where inadequate measures have been taken to identify, prevent and mitigate activities that will negatively affect human rights or endanger children's rights, in particular risks posed by fossil fuel production.

It is within Council's purview to require Woodfibre LNG to undertake a thorough and proper human rights impact assessment on the floatel proposal *prior* to approving it.

The Safety and Wellbeing of Workers

Drug toxicity crisis and health protections for workers

Despite the ongoing public health emergency due to the drug toxicity crisis, Woodfibre LNG does not appear to have turned their minds to a thorough and adequate strategy to accommodate workers with addictions on the floatel. Woodfibre LNG is proposing a dry camp, with random bag searches, drug-sniffing dogs, private security and drug tests prior to coming onto the boat.

The evidence about addictions among those who work on industrial projects is well documented. The work conditions promoted by the industry and corporations put profits above their people. The working conditions are harsh and physically demanding, contributing to mental health issues, physical injury and chronic pain. The shift rotation schedules and long hours of work create stresses, including mental health, familial breakdown and the known harms associated with isolation. The culture in camps and on industrial worksites can be socially isolating.¹⁴

¹⁴ Melissa Aalhus, Barb Oke and Dr. Raina Fumerton. *The social determinants of health impacts of resource extraction and development in rural and northern communities: A summary of impacts and*

There is little research that supports the imposition of prohibition or “dry” camps as means of addressing addictions within the workforce.¹⁵ In fact, the potential for greater harm and negative outcomes for workers, their families and their communities is higher where addiction is pushed underground in the camps. There is ample evidence that people in active addiction will continue to use, but will do so in unsafe and potentially life-threatening situations to protect their employment. The risk of overdose or accidental toxic drug incidents is higher where they may have to rely upon an increasingly unsafe and illicit supply and where they may use excessively upon return home from the camps.¹⁶ The higher rates of use in the community are correlated with increases in violent crime and violence against women and girls.¹⁷

Upon review of Woodfibre LNG’s Community Services and Infrastructure Management Plan (“CSIMP”), we are deeply concerned about their drug prohibition strategy and overall silence on the reality that the province is more than five years into a deadly toxic drug supply and overdose crisis. The relative isolation on the floatel, combined with repressive and irresponsible illicit drug use policies has the potential to cause serious harm or death if left unmitigated with solutions that are proven to be life-saving and effective. The risks of this are being downloaded onto the workers themselves in the absence of strong regulatory measures and evidence-based mitigation strategies.

The CSIMP only offers one line about addiction and overdose measures, which include “training” for the identification and support of workers with addictions and optional training and support groups. There is nothing about overdose prevention or management of potential overdoses on the boat. As workers cannot leave, there is a heightened risk to their safety and lives in the event of toxic overdose or life-threatening withdrawal. Section 25.11 of the OCP requires Council to consider the

Health Linkages and Impacts “to support healthy community goals and decisions” which includes Identify health linkages to consider and evaluate how land use, neighbourhood

promising practices for assessment and monitoring. Northern Health and the Provincial Health Services Authority. 2018. p.17 online: https://www.northernhealth.ca/sites/northern_health/files/services/office-health-resource-development/documents/impacts-promising-practices-assessment-monitoring.pdf.

¹⁵ The Firelight Group with Lake Babine Nation and Nak'azdli Whut'en, Indigenous Communities and Industrial Camps: Promoting Healthy Communities in Settings of Industrial Change. 2017. p.21 online: <https://www.amnesty.ca/sites/amnesty/files/Out%20of%20Sight%20Out%20of%20Mind%20EN%20FINAL%20web.pdf> https://quakerservice.ca/wp-content/uploads/2017/02/Firelight-work-camps-Feb-8-2017_FIN AL.pdf.

¹⁶ Elana Nightingale, Karina Czyzewski, Frank Tester & Nadia Aaruaq, The effects of resource extraction on Inuit women and their families: evidence from Canada. (2017) Gender & Development, 25:3, p.376 online: <https://doi.org/10.1080/13552074.2017.1379778> <https://www.tandfonline.com/doi/epdf/10.1080/13552074.2017.1379778?needAccess=true>.

¹⁷ Ibid.

design, transportation networks, natural areas, local food systems, and housing influence community connectedness, mental and physical health, and chronic disease outcomes.

Impact on community of Squamish

The approach to prohibit illicit drug use on the boat will have implications for the community of Squamish. Just as prisons and every other camp are incapable of preventing drugs from getting in, the floatel will be no exception. The combined workforces from the Woodfibre LNG and FortisBC projects will attract organized crime and spur a healthy illicit drug market in Squamish. The resultant impacts will affect existing drug users in the community, will disrupt the existing drug economy, creating supply and demand problems that will increase drug toxicity and increase risks to community members. We need only look to the ongoing organized crime issues in resource extraction communities like Dawson Creek¹⁸, Kitimat / Terrace¹⁹ and Fort St. John²⁰ to see what Squamish can look forward to.

Where human rights protections are weak, there will be downstream impacts for the most vulnerable members of our communities. There are direct links between increases in substance use, organized crime and violence against women and girls. The human rights of workers are inherently tied to the rights of girls and women. The impacts of resource extraction projects leave legacies in our communities, and this should not be one of them.

We submit that the District of Squamish ought to deny Woodfibre LNG's TUP application as it does not meet the TUP assessment criterion in the OCP which requires the applicant demonstrate "provision of adequate servicing that meets health requirements". The failures in the plan are significant enough that they risk the health and lives of workers, and will contribute to the risk of increased and ongoing violence against women and girls in the District of Squamish and beyond.

Additionally, the potential health linkages and impacts for workers and members of the community of Squamish are significant enough that we submit a decision to approve the plan would not accord with section 25.11 of the Squamish OCP.

Violence in the camps

"A significant number of respondents had quit their jobs (36%), citing reasons such as sexual harassment, sexual discrimination, fear of rape, return to teaching, needs of family and children, pregnancy, feeling isolated in remote camp with poor accommodations,

¹⁸ <https://www.cbc.ca/news/canada/british-columbia/dawson-creek-missing-killed-1.7087911>

¹⁹

<https://www.terracestandard.com/news/8-charged-after-rcmp-target-bc-organized-crime-group-seize-drugs-weapons-7321663>

²⁰ <https://www.princegeorgecitizen.com/bc-news/fort-st-john-drive-by-shooting-victim-named-8113587>

poor pay and bad treatment. At one camp, racial discrimination and harassment led to 4 women quitting at the same time; “So you're being discriminated against, again and again, racially. It's the way that we were being treated also led to that, so we all just quit and they ended up giving us a ride back.”²¹

As we have not seen the GCSP, we are not in a position to comment on the adequacy of the measures in place to protect women working in the camps. We reiterate that there is a significant body of evidence suggesting that sexual and racist harassment, discrimination and sexual assault are common place in the camps and that they are very often not reported.

"Indigenous women are vulnerable at the industrial camp. There are many stories of men using their influence or position to leverage sexual favours from women, promising better shifts of and avoidance of particular jobs (P06). Further, workers use symbols to indicate they are looking for paid sex at the site, such as leaving their boots outside of the door.

We note at the bottom of page 47 of Woodfibre LNG's CSIMP they states the following in reference to mitigations relating to code of conduct violations:

It should be noted that some complaints may fall under other contractor/company/union HR policies formal processes in which Woodfibre LNG cannot interfere.

This merits further clarification to determine what complaints would be addressed under these processes, and whether any of these would impact upon the safety and equality of women or other minorities on the floatel in practice.

Private security

Due to the isolation and remoteness of the floatel, we are deeply concerned about the potential for human rights violations due to the reliance on private security. The private security industry lacks adequate accountability mechanisms and oversight. As a largely unregulated field, hiring and licensing requirements lack consistency and are not transparent. There is no national legislative framework or public oversight mechanism to protect against abuses of power, corruption or incompetence by private security firms in Canada.²² Consequently, private security forces are not safe or reliable for the purposes of preventing sexual, gender-based or racist violence.

²¹ Liard Aboriginal Women's Society Yukon Status of Women Council. Never Until Now: Indigenous and Racialized Women's Experiences Working in Yukon & Northern British Columbia Mine Camps. 2021. p.i 26 online: <https://www.liardaboriginalwomen.ca/index.php/never-until-now-laws-mining-report/file>.

²² Montgomery, R. and Griffiths, C.T. (2016) *The use of private security for policing*. Public Safety Canada, Research Division. Available here: <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/archive-2015-r041/2015-r041-en.pdf>

We also know that private security guards have been largely ineffective at keeping drugs, alcohol and trafficked girls out of camps in many cases. There is also some evidence to suggest that the lacuna in accountability and oversight opens up opportunities for criminality among those employed by private security firms. A study in Australia found criminality among private security guards related to fraud, exploitation, corruption, bribery, violence, false arrest, discrimination and harassment.²³ Another UK study underscored the risks for private security companies to be co-opted or influenced by organized crime.²⁴

There have been multiple reports of rape and assaults committed on girls and women by private security guards.²⁵ This is a particularly serious concern given the coercive power that security guards have, combined with a lack of regulation, oversight and accountability. Private security companies are unsafe for girls and women.

Given the culture and specific risks posed by the camps, including increases in organized crime, trafficking for sexual exploitation and violence, private security firms are not a reasonable nor safe measure for managing safety or security on the floatel or in the community.

A key question regarding the use of private security to enforce the code of conduct has to do with the oversight and protections in place to prevent their abuse of power. As workers are captive on the boat, private security remains the primary enforcement force on the boat. In the event of an incident, response times for the RCMP will not be immediate, given the need for marine transportation. We are concerned this scenario creates a perfect storm for civil rights violations including excessive use of force, abuse of power or inappropriate enforcement

²³ Prenzler, T. and R. Sarre (2012) *The Evolution of Security Industry Regulations in Australia: A Critique*. International Journal for Crime and Justice, 1(1), 38-51.

²⁴ Transparency International (2011) *Organized Crime, Corruption, and the Vulnerability of Defence and Security Forces*. London, UK. Available here:

https://ti-defence.org/wp-content/uploads/2016/03/1112_OrganizedCrime_Report.pdf

²⁵ See: Hobson, B. (24 March 2022) Civilian guard accused of sexually assaulting woman in Manitoba RCMP cell. CTV Winnipeg, available here:

<https://winnipeg.ctvnews.ca/civilian-guard-accused-of-sexually-assaulting-woman-in-manitoba-rcmp-cell-1.583331>; Canadian Press (24 February 2021) Quarantine officer charged with extortion, sexual assault after demanding cash fine from Ont. Resident. CBC, available here:

<https://www.cbc.ca/news/canada/toronto/quarantine-officer-sex-assault-extortion-1.5926118>; Bolton, M. (20 Mar 2022) Security guard charged with rape, torture aces more charges as 15 more women come forward. ABC News Australia. Available here:

<https://www.abc.net.au/news/2022-03-21/new-rape-charges-maroochydore-security-guard/100926980>; Ting Koh, W. (11 Mar 2022) Security officer raped unconscious female colleague thrice, sent photo to friend. Yahoo news, available here:

<https://ca.news.yahoo.com/security-officer-raped-unconscious-female-colleague-thrice-sent-photo-friend-081653376.html>; Bailey, E.Jr. (11 January 2019). Former security guard accused in Hillsboro rape now suspected of abusing more people. Oregon Live, available here:

<https://www.oregonlive.com/pacific-northwest-news/2019/01/former-security-guard-accused-in-hillsboro-rape-now-suspected-of-abusing-more-people.html>

measures (forced isolation). Private security officers are not trained to the standards that police and other state law enforcement are.

Lack of Adequate Accountability Mechanisms

Human rights protections cannot be left to corporations and industry. Corporations are accountable to their shareholders, not electors, not regulators, not communities and not the rule of law. Human rights protections will always lose in a choice between rights and profits.

Unfortunately, the regulatory frameworks and processes routinely support the interests of corporations and industry at the expense of the environment and communities. Complaint and enforcement mechanisms are slow, inadequate and for some, inaccessible. Too much trust is placed into the hands of corporations to self-monitor compliance with conditions and laws.

Where regulations and conditions are placed on projects, they are often too vague or lack adequate monitoring and enforcement measures. For the Woodfibre LNG project, the EAO amendment conditions do not go far enough to ensure meaningful accountability and compliance on key issues in the permit.

The EAO amendment permit provides for floatel accommodation of approximately 650 workers. There is no clarity regarding whether that number includes the floatel crew and the support workers (hospitality, kitchen, medical staff, security, etcetera). In Woodfibre LNG's most recent CSIMP amendment, they state there will be an estimated 800 workers at peak construction.²⁶ The permit does not appear to contemplate housing for more than 650 workers. This leaves open the question of where the surplus workers will be housed (including the support staff).

It also begs the question about whether Woodfibre LNG is accurately estimating the number of workers needed for the project, and whether the project may balloon to require housing for more workers. If the floatel is approved, and the project moves forward under the current plan, there will be no ability to say no to an increase in workers. A human rights impact assessment would provide an essential basis upon which the community and Woodfibre LNG could determine the number of workers who could be supported safely and properly in the community.

Relatedly, another important gap in the EAO condition requiring the floatel (29.1) is the clarity surrounding the circumstances for Woodfibre's use of the exception clause. The condition provides that Woodfibre may make exceptions to housing workers on the floatel, but they must log the exceptions, along with information and the rationale for the exception. The EAO did not establish any limits on their use of the exception, and therefore it seems the exception is open to use at Woodfibre's discretion, including the number of exceptions and the acceptable rationales for making exceptions.

²⁶ Woodfibre LNG CSIMP, at page 17.

Overall, due to the remote location and complete isolation from the public, we are concerned that the potential for human rights violations on the floatel is very high, and the accountability measures currently in place by regulators is inadequate. The greater the human rights violations on the floatel, the greater the likelihood that the District of Squamish will be impacted. These impacts have not been properly assessed, and therefore we submit that the floatel proposal ought not to be approved until there are adequate regulatory and human rights protections in place.

The legal framework provides that the District of Squamish must make decisions that promote the health of the community, and this ought to include the 650+ workers who will join the community on the floatel. Squamish therefore ought to deny the TUP76 application until a human rights impact assessment has been completed. This assessment must consider the rights, health and wellbeing of the worker to a far greater extent than Woodfibre currently has.

SUMMARY AND RECOMMENDATION

In summary, Justice for Girls submits that the current floatel proposal is deficient in respect of the many human rights concerns that it presents. A human rights impact assessment is necessary in order to prevent human rights violations and identify appropriate and effective mitigation measures.

The current proposal lacks adequate detailed information about plans to mitigate and accommodate people with addictions in a manner that will safely prevent overdose or toxic drug supply accidents that could result in serious harm or death.

Furthermore, JFG is not satisfied that the safety of girls, adult women – particularly Indigenous and minority women — will be adequately protected under the current plan. We remain very concerned that Woodfibre LNG does not appear to have any anti-trafficking plans or protocols in place, despite the real risk of sex and labour trafficking. Moreover, the plans fail to properly account for the compounding impacts of two camps (1200-1600 workers) in Squamish.

The current regulatory conditions in place are not adequate in light of the foregoing, and Squamish District Council has a legal imperative to protect the interests of the community — particularly children. Moreover, we do not see how Council could find that a proposal carrying this much risk constitutes an appropriate land use.

We therefore submit that Council ought to deny Woodfibre LNG's TUP 76 application and recommend they seek an independent and peer reviewed human rights impact assessment prior to reapplication. Woodfibre's current plan to pay for a study of the impacts of their own project, while they carry on with "business as usual" is not sufficient in light of the grave human rights threats the project and the floatel present.

In the alternative, should Council consider approving the TUP, we recommend that they return the proposal to staff for further information. We recommend that they request information that includes specific plans to mitigate the human rights concerns that are based on evidence and best practices established by subject matter experts in human rights. We further recommend that in the meantime, they make the GCSP available for the public to review and comment prior to reconsideration of the new information.