

ATTACHMENT: Federal Authority Advice Record: Designation Request under IAA
Response due by March 30, 2020
 NGTL and Foothills West Path Delivery 2022/2023 Projects

Department/Agency	Women and gender Equality Canada (WAGE)
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1. Has your department or agency considered whether it has an interest in the Project; exercised a power or performed a duty or function under any Act of Parliament in relation to the Project; or taken any course of action (including provision of financial assistance) that would allow the Project to proceed in whole or in part?

Specify as appropriate.

WAGE does not hold any regulatory power, function or duties

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2. Is it probable that your department or agency may be required to exercise a power or perform a duty or function related to the Project to enable it to proceed?

If yes, specify that power, duty or function and its legislative source.

N/A

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3. If your department or agency will exercise a power or perform a duty or function under any Act of Parliament in relation to the Project, will it involve public and Indigenous consultation?

Specify as appropriate.

N/A

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4. Is your department or agency in possession of specialist or expert information or knowledge that may be relevant to any potential adverse effects within federal jurisdiction caused by the Project or adverse direct or incidental effects stemming from the Project?

Specify as appropriate.

WAGE holds expertise in the application of GBA+ and intersectional analysis as well as information related to gender-based violence.

5. Has your department or agency had previous contact or involvement with the proponent or other parties in relation to the Project?

Provide an overview of the information or advice exchanged.

No

6. From the perspective of the mandate and area(s) of expertise of your department or agency, does the Project have the potential to cause adverse effects within federal jurisdiction or adverse direct or incidental effects as described in section 2 of IAA? Could any of those effects be managed through legislative or regulatory mechanisms administered by your department or agency? If a licence, permit, authorization or approval may be issued, could it include conditions in relation to those effects?

Specify as appropriate.

See attachment

7. Does your department or agency have a program or additional authority that may be relevant and could be considered as a potential solution to concerns expressed about the Project? In particular, the following issues have been raised by the requestor: project splitting, impacts to Aboriginal rights, capacity funding

If yes, please specify the program or authority.

No

8. Does your department or agency have information about the interests of Indigenous groups in the vicinity of the Project; the exercise of their rights protected by section 35 of the *Constitution Act, 1982*; and/or any consultation and accommodation undertaken, underway, or anticipated to address adverse impacts to the section 35 rights of the Indigenous groups?

If yes, please specify.

No

9. Taking into account your mandate, does your department or agency have a view as to whether the Project should be designated under the *Impact Assessment Act*?

If yes, please specify.

See attachment

10. If your department has guidance material that would be helpful to the proponent or the Agency, please include these as attachments or hyperlinks in your response.

Denise Gareau

Name of departmental / agency responder

Director, Policy and External Relations

Title of responder

Signature

Date

Federal Authority Advice Record: Designation Request under IAA - NGTL and Foothills West Path Delivery

Introduction

Foothills Pipe Lines (South B.C) Ltd. (Foothills) and NOVA Gas Transmission Ltd. (NGTL) are proposing the construction and operation of several pipeline segments and associated facilities between southwest Alberta and southeast British Columbia, as part of a broader West Path Delivery Program, which is made up of four distinct projects (the West Path Delivery 2022 and 2023 Projects). The projects would include a total of approximately 120 kilometers of natural gas pipeline, and associated infrastructure, such as meter stations. The Program would allow for the transportation of natural gas from sources in Alberta and British Columbia to southwest Alberta and downstream markets.

In the extractive industries, including with natural gas projects, women, men, diverse persons and people from a range of groups and communities can often have vastly different experiences of the risks, benefits and impacts of projects – from access to benefits in terms of jobs, compensation or benefits and community investment; to decision making roles for new innovation and technologies; to access to services and programs that account for the perspective, knowledges and experiences of diverse individuals and communities.

The Initial Project Description should serve to better understand the purpose of the proposed project and show how it connects with gender equality and broader inclusion goals. Ideally, gender equality and inclusion issues should be found in all sections of the Initial Project Description document rather than mentioned only in a specific section related to gender. Having said that, the proponent may wish to include a specific section to highlight the relevance between the extractive industry, gender equality and inclusion in addition to embedding these considerations through all sections of the document.

The following are the Department for Women and Gender Equality's (WAGE) key suggested areas/issues for the proponent to consider as it prepares its Initial Project Description using a Gender-based Analysis Plus (GBA+) lens to understand the differential impacts of extractive industries on diverse populations.

Gender-based Analysis Plus (GBA+)

GBA+ is a process for examining how different groups of women, men and gender diverse people may experience government initiatives. The "plus" in GBA+ acknowledge that a complete assessment of impacts must go beyond binaries of biological (sex) and socio-cultural (gender) differences and also consider many other intersecting identity factors that influence the whole person. These include race, ethnicity, religion, age, mental or physical disability, sexual orientation, geography, language, income and education.

GBA+ should be undertaken throughout the entire process of an initiative's lifecycle, from the early identification of the problem/opportunity through to the evaluation of the project's impacts. GBA+ is

integral to any strategy for the creation of inclusive initiatives because it helps improve the predictability of outcomes and minimize unintended consequences.

Conducting a GBA+ of an initiative can reveal differential impacts or unintended barriers, prompting the development of mitigation strategies to strengthen the initiative, thus helping promote equity. Similarly, equity considerations should be used throughout the design and implementation of the engagement process to ensure inclusiveness. For example, attention should be given to groups that have been underrepresented in impact assessment and resource development research and practice, such as women and people with disabilities, recent immigrants, among other groups or communities.

GBA+ informed analysis will:

- Consider, for example, who does what, who owns what, who has access to and controls what, who benefits, and who should be included;
- Examine the wider social, legal and economic environment where rules, norms and routines in organizations or in other societal structures (e.g. laws, policies, decision-making structures, family organizations, etc.) and systems of power (e.g. colonization, sexism, racism, ableism, etc.) becomes obstacles for certain individuals or groups;
- Assess intersectional factors, with the objective to identify and understand people that are most marginalized due to compounded identity factors e.g. project impacts on not only women but women with disabilities or older men;
- Allow not only for the identification of potential impacts or unintended negative impacts on diverse individuals or groups, but also how a project may reinforce and/or challenge existing inequalities; and
- Examine how expected positive impacts may be distributed differently across diverse groups.

These dynamics are not always easily identified; therefore a comprehensive GBA+ should include several strategies, such as reviewing disaggregated data and relevant studies/documents to create a diagnostic of the current environment. The analysis should look not only at demographics but also information on socio-economic conditions and cultural trends in order to obtain a context-specific analysis. The underlying causes and conditions are most often found in institutions in society – including the family, community and state. An institutional analysis would seek to identify the broader factors that contribute to gender inequality, including an overview of the legal framework, both informal and formal, such as relevant labour laws and policies, searching for provisions that guarantee equality before the law. Analysis should also be complemented with qualitative information that can be generated through consultation with an emphasis on groups that may not actively engage on their own, drawing on participatory and ethnographic approaches.

The Initial Project Description could also include information on the explicit effort that will be made to identify activities and investments to narrow the gender gaps and other disparities. The project proponent could also include how they plan to monitor impacts of the project on specific populations. The goal is to reveal inequalities and design mitigation strategies. Finally, by monitoring the actual effects on populations, the project exposure to specific groups.

Additional information on GBA+ and diversity analysis is available at the following: <https://research-groups.usask.ca/reed/documents/CEAA%20Report.FINAL.%20Walker%20Reed%20Thiessen.%20Gender%20Diversity%20in%20IA.Feb%208%202019.pdf>

Documenting the context – creating a baseline

As the proponent prepares the Initial Project Description, there would be a need to document baseline information about the community potentially impacted by the project. This would include basic data and gender analysis as it relates to the social, economic and health impacts, such as gender and poverty, composition of households, division of labour, the differential situation of women and men vis-à-vis key indicators (such as literacy, land access, participation in agriculture, political participation). The demographic and socio-economic information should be disaggregated at minimum by sex, age and ethnicity. Where possible data should be further disaggregated to include information such as Indigeneity, education levels or disability. Extracting this data normally involves consulting a range of sources, such as government statistics, administrative reports or previous studies. If data gaps exist, this should be mentioned up front in the Impact Statement and additional steps should be taken to fill gaps in information. For instance, while there is a rise in census participation from Indigenous communities, the information may not always be available or shared.

Insufficient disaggregated data

Detailed overview of the target group(s) and local context will be necessary in the Initial Project Description. This will allow to clearly identify the segments of the population that will either benefit or be negatively impacted by the project. For example, the Proponent's Project Notices provided a list of the Indigenous communities in the area, and some information on the communities the proponent has consulted with thus far, however no detail on the sex and age of those populations was provided. This may provide an inaccurate assumption of the population's homogeneity and that all individuals in these communities are impacted equally. Disaggregated baseline information will be essential in the Initial Project Description to demonstrate changes over the life of the project and to provide a reference point for assessing gender equality results. The quantitative information, including gender sensitive data, should also be complemented by qualitative insights from studies or consultations, and from various sources. For example, the Initial Project Description should provide a detailed profile of the socioeconomic conditions of the households and communities that may be affected by the project.

Public Engagement and decision making

Even if the project is located in a relatively populated area of northeast Alberta, consultations with various groups and individuals are an important element of the GBA+ process. Although the Proponent's Project Notices outlined the consultation and engagement activities undertaken, further detail on the nature of these consultations (e.g. interviews, focus groups, meetings, etc.) and participants may be required in the Initial Project Description to ensure transparent and inclusive processes. Companies often fail to adequately consult with women or diverse groups when negotiating access to land, compensation or benefit-sharing agreements. In addition, language and information materials should be accessible all. This can disempower and disadvantage individuals and groups, and may also undermine traditional decision-making structures. Communities also have different social, economic and political conditions and cultural specificities that combine in different ways to enable or constrain women's

agency and leadership. It is important to understand decision making processes and abilities of individuals or groups in the local area – not only who, but also the different kinds of decisions people, make, particularly related to the use of resources.

Social needs and well-being

The Initial Project Description should include information on what was heard through the engagement or consultation process on social needs and well-being. Including diverse perspectives in engagement and consultation processes supports the identification of different needs, particularly as it relates to social needs such as health or social services. For example, when barriers are identified to women’s participation, such as lack of child care services, measures can be considered to provide childcare services or creating child-friendly spaces during meetings. Similarly, men gain employment in mine projects and withdraw their labour from traditional subsistence activities, such as hunting fishing gathering and/or trapping, which can create – and exacerbate existing – gender inequalities in the communities.

Topics raised in the Proponent’s Project Notices include the potential impacts to health. While data and research is important in this regard, the Initial Project Description will also need to demonstrate how engaging community members helps ensure that the specific needs of men, women and diverse groups of people are understood (e.g. women’s differential needs may relate to biological conditions such as menstrual hygiene or sex and pregnancy related needs). Another example is the influx of population during the construction of the facility could reduce access to services that address people’s specific needs and ultimately restrict their options and potentially compromise their health. Certain groups may be more affected than others by the increased demands on community services.

Similarly, the Initial Project Description should identify if it will help yield positive social impacts through sustainable infrastructure and improvements to the quality of services. Whether the project may have an impact on the affordability of homes and any other potential impacts to the quality of life for communities. For example, when health centres see improvements to their infrastructure and service delivery. These potential positive or negative impacts for women, men, and diverse populations should be included in the Initial Project Description.

Access and control over resources

Access and control over resources is concerned with both the availability of resources, and the benefits that come from the use of these resources. The extractive industry has fewer opportunities for women than men for education and training, economic participation, and less diverse representation on company boards. The project proponent may therefore wish to include information in the Initial Project Description on how access to and use of resources will be impacted by the implementation of the proposed project.

In order for the project to be sustainable and inclusive, the Initial Project Description may want to identify resources in the community, and then understand who accesses these resources. For example, if traditional livelihoods are affected and women are unable to access employment due to skill shortages, the project can consider ways to support women's employment in the extractive industry or hire businesses owned by local and/or Indigenous women in the supply chain.

In addition, to understand the constraints and barriers faced by certain individuals or groups in access to and use of resources, including access to information and knowledge or services, the Initial Project Description may want to understand people's decision making abilities about development in the community, particularly on the use of resources. Similarly, while paved and well-lit roads and walkways can improve women's safety and mobility, these groups often do not have the opportunities to voice their needs and priorities. An Initial Project Description can provide information on how the project intends to support culturally sensitive participation of women and diverse groups in decision making.

Economic opportunities

Economic opportunities and access to the financial benefits of natural gas pipeline projects is often limited for women and for a range of diverse groups. Moreover, social norms, broader social power structures, and a country's legal framework can impact women, men and diverse groups of people's ability to equally benefit from the employment opportunities in the extractive industry sector. The Impact Statement should describe whether the project will generate significant benefits and opportunities for local communities, such as who from the communities will benefit and the potential for diverse labour force considerations, including women's employment or entrepreneurship opportunities in the sector. It should also outline employment rates in the area and describe the level or nature of unemployment in the local area (e.g. people with low levels of educational attainment, specific sectors).

As the project proponent develops the Initial Project Description, information should be included on how women and men and diverse groups of people are employed either as wage earners in the labour market or in customary livelihood occupations. This is particularly relevant for Indigenous communities where "pluri-activity" often characterizes household incomes. The proponent may wish to include information on what potential it has for increasing employment for women and other under-represented groups in the sector and for local workers more generally. The proponent may wish to identify measures that will be undertaken to support the recruitment, development and retention of these workers. Information on the training opportunities that will be made available for prospective workers may also be of relevance. This could include collaboration with local learning institutions to deliver training targeted to these populations. Measures related to the supply-chain may also be considered like, for example, the creation of incentives or criteria that favour local suppliers.

Consideration could also be given as to how the project can have positive implications on the local economy more broadly. This can include for example, as it relates to supplying food, accommodations or potentially as it relates to purchasing construction materials. The proponent may also wish to describe in the Initial Project Description its own workforce development plans as they relate to diversity and inclusion.

Gender-Based Violence

Extractive industry sector projects can generate and result in increasing migration and influx of transient workers. Men remain over-represented in the extractive industries. The Proponent's Project Notices has identified the possible need to use temporary worker accommodation (camp) or local accommodations within nearby communities (e.g. Sparwood and Fernie, British Columbia) when working in the region. The Initial Project Description will need to explore how these changes can also bring increased risks, such as greater spread of sexually transmitted infections and HIV, and gender based violence (e.g. sexual harassment, violence against women, human trafficking) which can make women feel less safe in their homes and communities. The Initial Project Description will need to identify vulnerable groups among women (e.g. Indigenous, younger women) that are often disproportionately affected by these health and safety risks, including intimidation and discrimination. Risks and negative impacts can also be experienced by groups that are not specifically targeted by the project.

Gender based violence (GBV) is a persistent problem in all societies and should be explored in the assessment, for example, to ensure that the proponent and worksite contractors take measures to prevent sexual harassment and violence. The Initial Project Description should include an overview of the legal framework, such as relevant labour laws and policies related to GBV. For example, Canada's laws governing domestic violence and the jurisdictions to address the problems may differ province to province. In British Columbia, for instance, emotional abuse and financial abuse are included in the Family Law Act. The Family Law Act allows survivors to get protection orders. The Initial Project Description should also consider mitigation measures such as programs to support the safety and security of people, including codes of conduct, and programs to engage men as change agents - arguably one of the most challenging aspects of promoting gender equality. For example, temporary infrastructure and accommodations required during construction such as worker camps should include dormitories and washroom facilities that are safe spaces for all workers. The proponent should include in the Initial Project Description background information on GBV in the impacted communities and how project interventions may have unintended impact or increase risk in the development of the project.

Conclusion

While GBA+ should be embedded throughout the Initial Project Description, a specific section that summarizes key issues and identifies mitigating measures to address these issues can be useful as it

helps form the basis for a GBA+ implementation framework. It is recommended that key issues and practical measures be prioritized, rather than devising an exhaustive list that might not be realistic to implement. Underpinning these key actions with indicators of success and monitoring progress regularly also helps institutionalize gender equality and inclusion in the project management.