

May 6, 2021

**ATTACHMENT: Federal Authority Advice Record**

**Response due by May 26, 2021**

**Coalspur Mines Ltd. – Phase I Vista Test Underground Mine and Vista Mine Phase II Expansion Projects**

Registry number: 80731

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

If yes, specify the Act of Parliament and that power, duty or function.

WAGE does not hold any regular power, function or duties.

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2. Is your department or agency in possession of specialist or expert information or knowledge that may be relevant to the conduct of an impact assessment of the Projects?

Specify as appropriate.

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

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3. Has your department or agency considered the Projects; exercised a power or performed a duty or function under any Act of Parliament in relation to the Projects; or taken any course of action that would allow the Projects to proceed in whole or in part?

Specify as appropriate.

N/A

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4. Has your department or agency had previous contact or involvement with the proponent or other party in relation to the Projects? (for example, enquiry about methodology, guidance, or data; introduction to the project)

Provide an overview of the information or advice exchanged.

No

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5. Does your department or agency have additional information or knowledge not specified, above?

Specify as appropriate.

No

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6. From the perspective of the mandate and area(s) of expertise of your department or agency, what are the issues that should be addressed in the impact assessment of the Projects, should the Agency determine that an impact assessment is required?

For each issue discussed, provide a concise, plain-language summary that is appropriate for inclusion in the Summary of Issues.

See below.

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Denise Gareau

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Name of Departmental / Agency Responder

Director, Research Results and Delivery

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Title of Responder

**Gareau, Denise** <Original signed by>

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Signature

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Date

## Part A – Summary of Issues – Phase I Vista Test Underground Mine and Vista Mine Phase II Expansion

### Introduction

Coalspur Mines Ltd. is proposing to expand the existing Vista Coal Mine Phase I (Phase I), a surface coal mine located approximately 10 kilometres east of Hinton, Alberta. The proposal includes two expansions: an underground coal mine (Vista Test Underground Mine) and a westward expansion of the Phase I mine pits (Vista Mine Phase II Expansion). The expansions would use existing Phase I mine infrastructure, such as coal processing facilities, raw and clean conveyors, primary access corridor, and a coal load-out facility.

In the extractive industries, including with mining projects, women, men and gender diverse persons and people from a range of groups and communities can often have vastly different experiences of the risks, benefits and impacts of the project – 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 following are the Department for Women and Gender Equality's (WAGE) key suggested areas/issues for the proponent to consider should the project progress to the Impact Statement phase. Guidance is provided on applying Gender-based Analysis Plus (GBA Plus) to understand the differential impacts of extractive industries on diverse populations and adapt the project design so that project benefits are widely shared, and negative disproportional impacts are minimized.

### Overview of Gender-based Analysis Plus (GBA Plus)

GBA Plus is a process for examining how different groups of women, men and gender diverse people may experience government initiatives. The "Plus" in GBA Plus acknowledges that a complete assessment of impacts must go beyond sex and gender differences and take into account other critical factors such as race, ethnicity, religion, age, mental or physical disability, sexual orientation, geography, language, income and education. When only impacts on men and women are considered, there is a risk of not adequately accounting for diverse experiences. GBA Plus 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 Plus 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 Plus 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 others.

GBA Plus informed analysis will:

- Consider, for example, who does what, who has what, who decides and how are values defined;
- 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

structure, 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 overlapping identity factors (e.g. project impacts on not only able-bodied women, men but women and men with disabilities or older women and 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 Plus should include several strategies, such as reviewing disaggregated data and relevant studies/ document 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 facts 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.

Should it be required, the Impact Statement could 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 include how they plan to monitor impacts of the project on specific populations. The goal is to reveal inequalities and begin mitigation strategies.

Additional information on GBA Plus 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**

If an Impact Statement is required, 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 related to the social, economic and health impacts, such as gender and poverty, division of labour, the differential situation of women and men vis-à-vis indicators (such as literacy, land access, participation in fishing/ agriculture, political participation, etc.). This information should bring to the surface gender differences and disparities of a core problem or issue demonstrating that some groups face different or distinct or higher barriers and risk than others. The analysis should move beyond the descriptive (e.g. percentage of low-income people) to ask critical questions about gender norms, roles and relations and how that influence gendered power relations (e.g. who has what, who does what, etc.) in a particular context. It should also demonstrate linkages for between the economic and legal environment where norms and rules in organizations or in other societal structures become obstacles for certain groups (e.g. historical and contextual issues that have limited access to opportunities).

### **Disaggregated data**

Detailed overview of the target population group(s) and local context will be necessary in the Impact Statement. This will allow to clearly identify the segments of the population that will either benefit or be negatively impacts by the project. For example, the proponent demonstrates that baseline data was collected in 2012 as part of the Regional Assessment. Information should be updated and disaggregated at minimum by sex, gender, age and ethnicity. Where possible, data should be further disaggregated to include information such as on the impact to subgroups within the project's area of influence, such as Indigenous peoples, women, low income, under or unemployed, disabled, seniors and vulnerable groups. Disaggregated baseline information will be essential in the Impact Statement to demonstrate changes over the life of the project and to provide a reference point for assessing gender equality results. 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.

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 Impact Statement should provide a detailed profile of the socio-economic conditions of the households and communities that may be affected by the project.

### **Public Engagement and decision making**

Consultation with various groups and individuals, including residents and Indigenous groups, are an important element of the GBA Plus process. The initial project description discussed engagement activities to date, however further detail is required on the participants may be required in the engagement plan 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 to all. If not adequately consulted, this can disempower and disadvantage individuals as groups, and many 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 different kinds of decisions people make, particularly related to the use of resources.

Ultimately, the Impact Statement should allow for a better understanding of people's decision-making abilities about development in the community, particularly on the use of resources. An Impact Statement can provide information on how the project intends to support culturally sensitive participation of women and diverse groups in decision making.

### **Social needs and well-being**

The Impact Statement should also 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 childcare services, measures can be considered to provide childcare services or creating child-friendly spaces during meetings. Similarly, there are cases where men gain employment in industrial 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.

The initial project description provided high-level information on potential human health and community well-being effects (e.g. changes to physical health, changes to mental health and changes to public health and safety), however potential effects will need to be identified and confirmed through the proponent's engagement and consultation with potentially impacted communities and Indigenous groups. The Impact Statement will also need to demonstrate how engaging community members helps ensure the specific needs of men, women and diverse groups of people are understood and adverse impacts are mitigated, or positive impacts enhanced.

### **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 project proponent may wish to include information in the Impact Statement on how access and use of resources, such as education, information and services will be impacted by the implementation of the proposed project. The Impact Statement should elaborate on how the proponent plans to implement local employment and policies and planning, while using local skills and supporting local initiatives.

For the project to be sustainable and inclusive, the Impact Statement should identify resources in the community, and then describe 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 industry or hire business 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, the Impact Statement should describe the social norms and broader social power structures, such as legal frameworks that can impact women, men and diverse groups of people's ability to equally benefit from the opportunities in the infrastructure sector.

### **Economic opportunities**

Economic opportunities and access to the financial benefits of projects is often limited for women and for a range of diverse groups. Moreover, 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 and considerations, including women's employment or entrepreneurship opportunities in the sector. It should also outline employment rates in the area and describe the level of nature of unemployment in the local area (e.g., people with low levels of educational attainment, specific sectors).

The Initial Project Description provides high-level information related to socio-economic effects (e.g., changes in the levels of employment over the past few years), however potential socio-economic effects should be identified and confirmed through the proponent's engagement and consultation with potentially impacted communities and Indigenous groups. As the project proponent develops the Impact Statement, 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 those workers. Information on the training opportunities that will be made available for the 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 for example, the creation of incentives or criteria that favour local suppliers. Additional detail on how the project can have positive implications on the local economy more broadly should be included (e.g., supplying food, accommodations or potentially as it related to purchasing construction materials). The proponent may also wish to describe in the Impact Statement its own workforce development plans as they related to diversity and inclusion.

### **Gender-Based Violence (GBV)**

In certain cases, projects can generate and result in increasing migration and influx of transient workers. In most cases, men remain over-represented in the extractive sector. The Impact Statement should identify and assess the potential issues of gender-based violence (e.g. sexual harassment, violence against women, human trafficking). The Impact Statement will need to explore these potential issues and increased risks such as gender-based violence, which can make women feel less safe in their homes and communities. The Impact Statement will need to identify the specific vulnerable groups among women (e.g. Indigenous, younger women, youth), 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.

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 Impact Statement 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 differ from province to province. The Impact Statement should also consider mitigation measures, where relevant, 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. If temporary infrastructure is required, such infrastructure should include washroom facilities that are safe spaces for all workers. Should it be relevant, the proponent should include in the Impact Statement background information on GBV in the impacted communities and how project interventions may have unintended impact or increased risk in the development of the project.

### **Conclusion**

While GBA Plus should be embedded throughout the Impact Statement and Impact Assessment, 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 Plus 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.