

ATTACHMENT: November 8, 2021

Federal Authority Advice Record

Response due by November 28, 2021

Horsefly Regional Emergency Spillway Project – Municipality of Taber

Agency File: 005811

Department/Agency	Department for Women and Gender Equality Canada
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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 Project to enable it to proceed?

WAGE does not hold any regulatory 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 Project?

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

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3. (a) Has your department or agency considered 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 that would allow the Project to proceed in whole or in part?

(b) Please include a description of consultation activities that would occur with Indigenous groups if your department or agency has to exercise a power or perform a duty or function related to the Project, and how potential impacts to Indigenous groups are addressed by your department or agency.

(c) Please include a description of opportunities for public participation if your department or agency has to exercise a power, or perform a duty or function related to the Project.

No.

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

WAGE was invited to, and attended, a preliminary FRT meeting for this project on September 8, 2021.

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

No.

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6. From the perspective of the mandate and area(s) of expertise of your department or agency:

- I. Indicate whether the description of potential effects presented in the Initial Project Description sufficiently characterizes potential project effects— including direct and incidental effects, and effects within federal jurisdiction. Provide advice on whether these effects may be adverse and whether your regulatory instruments could be used to address these effects.

In the current IPD, information and context on Health, social and economics of MD of Taber (section 15) is included. Based on the location of the project, we would have expected similar information on non-Indigenous population. For example, what is the context of those 15 residents within 300m (mentioned under section 13 – Geographic Information)? Will the project impact other residence / population farther to the project? How many employees will be called for all 3 phases? This information and context would be important to better assess potential impacts.

Based on the section 22, regarding Impacts to Indigenous, it seems that the assessment was only based on letters and it was specifically for Phase 1. Did these letters specifically ask for feedback on expected health, social and economic impacts on their community? Were there other methods of engagement taken such as phone, in-person or virtual meetings, social media?

Also, as of above, we would like to have information on expected impact assessment on non-Indigenous population and employees of the project.

- II. Identify any additional potential adverse effects of the Project that are not described in the Initial Project Description and their linkage to effects, effects within federal jurisdiction, and direct and incidental effects

Based on fulsome GBA Plus requirements, potential adverse effects related to Gender-based Violence, discrimination, culturally heritage need to be included in the section 21 on Impacts to Indigenous. In addition to Phase 1, we would advise to add potential adverse effect for Phases 2 and 3.

- III. Indicate any issues that should be addressed in the detailed project description that would inform a full understanding of how the Project's potential effects to areas of federal jurisdiction are effectively being mitigated and managed. Please be as specific as possible and include a description of any anticipated residual and/or potential significant adverse effects.

Same comment as II.

- IV. Indicate the issues that should be addressed in the impact assessment of the Project, should the Agency determine that an impact assessment is required.

The mandate of Women and Gender Equality Canada (WAGE) is to advance equality with respect to sex, sexual orientation, and gender identity or expression through the inclusion of people of all genders, including women, in Canada's economic, social, and political life. In addition to gender equality, WAGE is the Government of Canada lead on GBA Plus, which is an analytical tool to support the development of responsive and inclusive initiatives, including policies, programs, and other initiatives. GBA Plus is a process for understanding who is impacted by the issue being addressed by the initiative; identifying how the initiative could be tailored to meet diverse needs of the people most impacted; and anticipating and mitigating any barriers to accessing or benefitting from the initiative.

Application of GBA Plus within the Impact Assessment process helps unpack, contextualize and address inequalities that are based on identity and other factors and their intersections. Factors include but are not limited to race, national and ethnic origin, Indigenous origin or identity, age, sexual orientation, socio-economic condition, place of residence and disability.

From the perspective of WAGE's mandate and responsible areas, the following issues should be addressed in the impact assessment of the Project:

Assessing current realities: Identify the position of various groups with respect to decision-making, participation, access and control over resources as well as norms, values, and rights. What are the barriers to equality?

Inclusion of disaggregated data: Will data on benefits and negative impacts on diverse people be counted? If data is limited what steps will be taken to ensure that the needs of diverse people are understood and reflected in the Project design?

Analysis of differential impacts: Do diverse populations get a fair share of the benefits associated with the Project? Are some disproportionately affected by the negative consequences (e.g., Gender-based violence)? Will historical gaps and perceptions prevent certain people from benefiting from the Project equally?

Engagement of diverse people in a culturally-sensitive manner: Have people and particularly those who are marginalized been consulted? How will the views and perspectives of these people help shape the Project?

Are investments distributed across different groups: What will be done to ensure that the Project serves to strengthen capacities and quality of life for diverse groups and individuals?

Mainstreaming equality: Does the Project seek to address the identified needs of various people? Do project outcomes include a broader commitment to improving equality and not perpetuating norms and structures that contributed to these inequalities?

Information on those implementing the Project. Does the business have equality, anti-harassment or other relevant policies in place? Is the current workforce diverse? Is there a history of abuses or infractions as it relates to social justice issues? Is training provided on issues related to equality, diversity and inclusion to ensure that the implementation team has **the skill, knowledge, and commitment to positive change** to bridge gaps in a lasting manner?

Name of Departmental / Agency Responder

Title of Responder

Date

Introduction

The Horsefly Regional Spillway Project will upgrade the existing canal system to collect flood waters, which would normally flow overland towards the Oldman River, in Southern Alberta. This project is proposed by the Southern Regional Stormwater Drainage Committee to address runoff water associated with extreme weather events in Southern Alberta that drain into existing irrigation infrastructure. The irrigation system, which was not designed for such drainage, does not adequately handle the volume of runoff water experience during flooding events that occurred in 2010, 2011, 2013, 2014, and 2018. The upgraded canal system would prevent flooding of agricultural lands by diverting the water flow directly to Oldman River. The Horsefly Regional Spillway provides a solution to increase the flood attenuation capacity of the system.

The Project is divided into three phrases: from Taber Lake to the Oldman River; Horsefly Reservoir to Taber Lake; SMRID Main Canal to the Horsefly Reservoir. Canal enlargement from the SMRID Main Canal to the Oldman River will include stripping, salvage, and stockpiling of topsoil, widening the canal to increase capacity. During non-flood conditions, the Project will operate as it currently does as a component of the TID canal system. The closest Indigenous group or organization in proximity to the Project are: Blood Tribe/Kainai First Nation, Siksika Nation, and Pikani Nation; 57km, 99km, and 190km from the Project centre respectively. At an on-site meeting with the Proponent on July 15, 2021 the Blood Tribe/Kainai First Nation expressed no concerns with the project, the Siksika Nation expressed interest in viewing the site, and the proponent has not yet received a response from the Pikani Nation. Assessment of the potential effects of the Project as it relates to WAGE's mandate, includes impact to health, economic, and social conditions, in addition to impacts to Indigenous groups including traditional land use, physical and cultural heritage, which includes the pre-contact scatter archaeological site identified in the Phrase 1 Project footprint.

In agricultural industries, including canal development and irrigation improvement 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 agricultural infrastructure 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 an analytical tool to support the development of responsive and inclusive initiatives, including policies, programs, and other initiatives. GBA Plus is a process for understanding who is impacted by the issue being addressed by the initiative; identifying how the initiative could be

tailored to meet diverse needs of the people most impacted; and anticipating and mitigating any barriers to accessing or benefitting from the initiative. GBA Plus is also an ongoing process that does not stop once an initiative has been developed. GBA Plus is an analytical tool that can be applied to all stages of initiative development, implementation, monitoring, and evaluation. Applying GBA Plus early in the policy development process ensures that diversity considerations are embedded in the decision-making process, allowing for responsive and inclusive initiatives that meet the needs of diverse groups of people.

GBA Plus also involves consideration of the context within which people live, including systems and structures of power. When we consider how these factors work together, we recognize that there are as many differences within groups of people as there are between groups. This recognition is important for doing GBA Plus well and thoroughly.

Some key questions to consider as data and information are gathered at all stages of GBA Plus include, but are not limited to:

- What disaggregated data is available to understand the various intersecting dimensions of the issue?
- Am I prioritizing certain factors and/or data over others? If so why?
- Who should be involved in gathering and analyzing data?
- How does age, culture, disability, education, ethnicity, geography, gender, economic status, language, race, religion, sex, and sexual orientation shape who is impacted by this issue? How do these factors change the nature and extent of the impacts?
- How might I engage those who are affected by this issue in my analysis and in the development, implementation and monitoring of the initiative including those who are not traditionally represented?
- Are there any gaps in data in identifying differences and inequalities?

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>;
- <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/gender-based-analysis.html#toc9>

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 and other differences and disparities related to a core problem or issue demonstrating that some groups face different, distinct or greater barriers and risks than others. The analysis should move beyond the descriptive (e.g., percentage of low-income people) to ask critical questions about norms, roles and relations and how that influences power relations (e.g. who has what, who does what, etc.) in a particular context. It should also demonstrate linkages 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 impacted by the project. 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 diverse groups within the project's area of influence, such as Indigenous peoples, women, low income, under or unemployed, disabled, seniors and systematically marginalized 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 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 Impact Statement will also need to demonstrate how engaging community members helps ensure the specific needs of men, women and gender 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 agricultural industry.

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).

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 agricultural development and infrastructure 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 systemically marginalized 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.