

## ATTACHMENT

### Federal Authority Advice Record: Designation Request under the IAA

Response due by **October 1, 2024**

Vista Coal Mine Phase II Expansion Project (the Project)

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.

**No. WAGE does not hold any regulatory power, functions, 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.

**WAGE does not hold any regulatory power, functions, or duties.**

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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?

**No.**

Specify as appropriate.

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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 direct or incidental adverse effects stemming from the Project?

Specify as appropriate.

WAGE holds expertise in the application of Gender Based Analysis Plus (as intersectional analysis) as well as information related to gender equality, including gender-based violence (GBV).

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

No.

Provide an overview of the information or advice exchanged.

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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 direct or incidental adverse effects as described in section 2 of the 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.

The Project has the potential to cause adverse effects within federal jurisdiction or direct or incidental adverse effects as described in section 2 of the IAA, in particular, item f "a non-negligible adverse change to a health, social or economic matter that is within the legislative authority of Parliament that is set out in Schedule 3."

WAGE does not hold any regulatory power, functions, or duties. However, WAGE holds expertise in the application of GBA Plus as well as information related to gender equality, including gender-based violence (GBV).

Below are the links to further information on GBA Plus. Information on GBA Plus and gender-based violence (GBV) is also available after Table 2.

**IAAC:**

- [Guidance: Gender-based Analysis Plus in Impact Assessment - Canada.ca](#)
- <https://research-groups.usask.ca/reed/documents/CEAA%20Report.FINAL.%20Walker%20Reed%20Thiessen.%20Gender%20Diversity%20in%20IA.Feb%208%202019.pdf>
- Other research related to GBA Plus – See sections "Knowledge Synthesis Grants – Informing Best Practices in Environmental and Impact Assessments" and "Targeted Research": [Impact Assessment Agency of Canada Research Program - Canada.ca](#)

**WAGE:**

- [Take the Gender-based Analysis Plus course - Women and Gender Equality Canada](#)
  - [What is gender-based violence? - Women and Gender Equality Canada.](#)
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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:

- a. potential impacts on species at risk and their habitats;
- b. potential impacts on migratory birds;
- c. potential impacts on fish and fish habitat;
- d. potential impacts on the health, social and economic conditions of Indigenous Peoples;
- e. potential impacts on Aboriginal and Treaty Rights;
- f. potential impacts on Indigenous lands and resources used for traditional purposes;
- g. potential impacts on surface water quality and quantity;
- h. potential impacts to groundwater quality and quantity; and
- i. potential impacts on air quality.

If yes, please specify the program or authority.

No.

8. Does your department or agency have a program or mechanism that would address or mitigate impacts resulting from ammonia, nitrates, nitrites, sulphates, mercury and selenium contamination of water systems? If yes, please provide a brief explanation on the program, mechanism, including whether Indigenous consultation takes place.

No.

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9. 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.

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

We have provided an overview of GBA Plus with relevant links below.

Women and Gender Equality Canada

Name of departmental / agency responder

Director

Title of responder

September 24, 2024.

Date

## 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 activities. GBA Plus is a process for understanding who is impacted by the issue being addressed or the initiative being developed; identifying how the actions that will be taken can be tailored to meet diverse needs of the people most impacted; and anticipating and mitigating any barriers to accessing or benefitting from initiatives that are put in place. GBA Plus is also an ongoing process that does not stop once an initiative has been developed. It is an effective tool that can be applied to all stages of initiative development, implementation, monitoring, and evaluation to respond to the needs and circumstances of diverse populations. Applying GBA Plus early in the 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 is an intersectional tool that helps us understand how different identity factors can combine to limit access to opportunities and contribute to inequalities. Robust GBA Plus also requires considering the context within which people live, including systems and structures of power. By recognizing how these factors interact, we see that there are as many differences within groups as there are between them. This recognition is crucial for conducting thorough and effective GBA Plus.

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 analysing 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>
- <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/tool-assessing-quality-gba-plus-impact-statement.html>

### 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 and equality analysis as it related to the social, economic and health impacts, such as gender and poverty, division of labour, the differential situation of different groups vis-à-vis indicators (such as literacy, land access, participation in fishing/ agriculture, political participation, etc.). This information would help clarify the current situation as it relates to differences and disparities between individuals and groups and to help identify whether certain populations face barriers to benefiting from the project or are at greater risk of being negatively impacted by the effects of the initiative.

The analysis should extend beyond the descriptive (e.g., percentage of low-income people) to address critical questions about norms, roles and relations and how these may influence power relations (e.g., who has what, who does what, etc.) in a particular context/community. A robust baseline should also demonstrate linkages between the economic, social 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). For example, could social norms related to the behaviour of younger women create restrictions in attending public events, or being disproportionately burdened by household chores or

childcare responsibilities? Should these younger women also be from lower socio-economic groups and have limited educational attainment levels, would they have the confidence to raise their views and would their perspectives have weight in a townhall meeting for example.

### **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 a diversity of 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. 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 – inequalities in the communities. The Impact Statement should demonstrate how engagement of community members has increased understanding of adverse impacts and informed mitigation measures to enhance positive impacts.

### **Access and control over resources**

Access and control over resources relates to both the availability of resources, and the benefits that come from their use. The 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 describe who accesses these resources. For example, if traditional livelihoods are affected and certain groups lack the required skills for employment, the proponent might consider ways to remove barriers through targeted activities and supports. In addition to direct employment, the Proponent could consider inclusion of underrepresented groups through supply chain arrangements, like for example, procuring goods and services from businesses owned by local, Indigenous persons and/or women.

In addition, to understanding the constraints and barriers faced by certain individuals or groups, the Impact Statement should include a description of the social norms and broader social power structures. Social norms refer to the rules and accompanying behaviours that govern social behaviour and expectations. Both formal and informal rules govern market behaviours. The ‘informal rules’ include norms (or what we call “social norms”) and relations (meaning the power dynamics between people). For example, women often occupy different economic spheres, due to social norms that define acceptable roles and behaviours for women. Across most contexts, women are more likely to work as unpaid family workers, in the informal sector or part-time so that they can combine work with care responsibilities. Even in formal employment, in many contexts women tend to work in “female” occupations for lower returns.

### **Economic opportunities**

Economic opportunities and access to financial benefits of projects is often limited for some populations. Moreover, the Impact Statement should describe whether the project will generate significant benefits and opportunities for local communities (e.g., who from the communities will benefit) and the potential for differential benefits, including opportunities for women, persons with disabilities or Indigenous peoples in the Project workforce. It should also outline the current rates of employment and describe differences between and among subgroups 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 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 extraction development and infrastructure sector. The Impact Statement should identify and assess the potential issues of GBV (e.g., sexual harassment, violence against women, human trafficking). The Impact Statement will need to explore these potential issues and increased risks such as GBV, 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.