CANADIAN RESEARCH INSTITUTE FOR THE ADVANCEMENT OF WOMEN /

L'INSTITUT CANADIEN DE RECHERCHES SUR LES FEMMES

Written submission to the

Senate Committee on Energy, the Environment and Natural Resources
regarding

Bill C-69, An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts

April 1, 2019

Submission written on behalf of CRIAW-ICREF by Jacqueline Neapole, Executive Director.

About CRIAW-ICREF

Since 1976, CRIAW-ICREF has been researching and documenting the economic and social situation of women in Canada. Using intersectional frameworks, we develop and undertake a variety of important, ground breaking research to advance social justice and equality for all women. CRIAW-ICREF is a not for profit member-based organization.

Summary

The Canadian Research Institute for the Advancement of Women (CRIAW-ICREF) is submitting this brief to the Senate of Canada' Standing Committee on Energy, the Environment and Natural Resources in support of Bill C-69, An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts to the Senate Committee on Energy, the Environment and Natural Resources.

In particular, we strongly support Bill C-69's inclusion of the "intersection of sex and gender with other identity factors;" 22(1) (s) as a factor to be considered in Impact Assessments. We also align with the Native Women's Association of Canada (NWAC) in calling for a requirement for the Minister to consult specifically with Indigenous women when consulting an Indigenous jurisdiction under the proposed Impact Assessment Act; and in encouraging Indigenous governing bodies to achieve gender balance when recommending members to the Minister's Advisory Council under the proposed Impact Assessment Act.

Analysis

Since 2008, CRIAW has been researching and documenting the impact of resource extraction on diverse women in Northern communities, through our Feminist Northern Network (FemNorthNet) project and our community vitality index project. Through these projects, we have conducted a significant amount of research to increase the understanding of, and support action on, the gendered, intersectional impacts of resource development in Northern Canada. Using an intersectional gendered analysis and a participatory action research approach, we have been focused on advancing sustainable economic development by exploring similarities and differences among and between different groups of women, including Indigenous women, women with disabilities, immigrant women, women with children, women of various ages, women living with low incomes, and women from different language groups.

The impacts of resource extraction are not gender-neutral. There is a significant body of research documenting the largely negative, social, economic, health and cultural impacts of resource development projects for women in general, and in particular for Indigenous women and women with disabilities.[1] Negative impacts are wide-ranging, and relate to health, violence, poverty and housing, to name a few. Even though there can be positive impacts from economic

[1] See our report, *Gendered & Intersectional Implications of Energy & Resource Extraction in Resource-Based Communities* (especially Appendix C), for a comprehensive summary of impacts http://fnn.criaw-icref.ca/images/userfiles/files/SSHRC%20KS%20Report.pdf .

development related to resource projects (including new possibilities for education and employment), there is significant evidence that these benefits are often short-lived, and also that Indigenous women and other historically marginalized groups of women face barriers to accessing these opportunities. Further, these barriers are rarely addressed in the planning of new resource development projects. The differential impacts of resource extraction on both men and women, in particular those with other marginalized identities and/or social locations, cannot be adequately addressed or assessed without a thorough and deliberate intersectional and gender-based analysis plus (GBA+).

The current regulatory mechanisms of the *Canadian Environmental Assessment Act 2012* provide neither a systematic, comprehensive analysis of the gendered and intersectional impacts of resource development and extraction, nor any guidance on how to mitigate these impacts. For that reason, CRIAW-ICREF strongly supports the inclusion of the "intersection of sex and gender with other identity factors;" 22(1) (s) as a factor to be considered in impact assessments; this is a welcome addition in Bill C-69. The proposed Act will expand the scope of impact assessment from primarily biophysical concerns to include impacts on health and socio-economic conditions for all people, with special attention to be paid to gender, intersectionality, and Indigenous Peoples. This expanded scope of analysis is vital to ensuring that women and other historically marginalized groups within resource-based communities can share in the benefits of resource development, while also mitigating the worst negative impacts.

We would like to strongly state that there are also persistent gendered barriers for the participation of Indigenous women in decision-making about resource projects. As we noted in our report, *Strengthening Impact Assessments for Indigenous Women,*[2] not only are Indigenous Nations, communities and groups problematically approached as stakeholders – rather than Nation partners[3] – in resource development, they are often also treated as having homogenous interests. Without employing explicit and intentional gender analyses, this framing contributes to the invisibility of Indigenous women and the marginalization of their unique concerns in impact assessment processes. When Indigenous Nations and Peoples are represented in impact assessment processes, it is often by elected leaders or business leaders, who are often not women and who often do not share the same concerns about the project that researchers hear at the grassroots level from women within communities.[4] Sexism and patriarchal attitudes are

[2] *Strengthening Impact Assessments for Indigenous Women*, https://www.criaw-icref.ca/images/userfiles/files/FINAL_CEAAReport_Dec7.pdf pp. 27-28.
[3] We echo this point from Papillon & Rodon (2017)
[4] Ibid

another barrier faced by northern and Indigenous women. Simply, the assessment process should not assume that the impacts of resource development on Indigenous Peoples are gender-neutral. We do want to caution that there does seem to be conflicting views on meaningful consultation and who is considered community. Common practice is for the proponent and government to consult with provincial or regional Indigenous organizations, and often disregard Indigenous women and the local communities most affected by a project.

We support the Native Women's Association of Canada's (NWAC) recommendations in their submission to this committee.[5] Specifically, we support the recommendations that require the Minister to consult specifically with Indigenous women when consulting an Indigenous jurisdiction under the proposed Impact Assessment Act, and encourage Indigenous governing bodies to achieve gender balance when recommending members to the Minister's Advisory Council under the proposed Impact Assessment Act. Consulting with Indigenous organizations should not be considered gender-neutral, and we encourage specific reference in legislation and policy guidance to requiring consultation with Indigenous women's organizations, groups and individuals.

When gender and diversity are not considered in environmental assessment processes and related research, women and other marginalized populations in Canada's Northern communities continue to bear the burden of resource development while others reap the rewards. By ensuring an integrated regulatory environment using GBA+ and Impact Assessment frameworks, together with greater collaborative research on the social, gender and cultural impacts of resource development, there is an important opening for Bill C-69 to spark change that can benefit a greater number of Canadians.

When impact assessments ignore gender and diversity, the voices of women – who constitute more than half of the population – and other marginalized groups are silenced. It is our opinion that it is highly unlikely that developers and governments will take the initiative to plan for, monitor, and mitigate harms for diverse populations of women and men unless it is a specific and deliberate requirement as a part of the Impact Assessment process.[6]

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[5] Native Women's Association of Canada brief to the Standing Committee on Energy, the Environment and Natural Resources (January 2019) https://sencanada.ca/content/sen/committee/421/ENEV/Briefs/2019-01-24_C-69_Native_e.pdf , p. 5.

[6] See our report, *Gender-based analysis meets environmental assessment: Aligning policy mechanisms to address resource development in Canada's North* http://fnn.criaw-icref.ca/images/userfiles/files/GBAMeetsEnviroAssessPP.pdf , p. 2.

We recognize that compromises need to be made on all sides to modernize and improve the Impact Assessment Process. Given the challenges of creating a Bill that commands support from a diversity of interested parties, we think Bill C-69 is an improvement on the existing *Environmental Assessment Act 2012* and support its full implementation.

Without stalling this Bill's passage through the Senate of Canada, we wish to recommend that the following minor amendments be made:

- Require the Minister to consult specifically with Indigenous women when consulting an Indigenous jurisdiction under the proposed Impact Assessment Act
- Encourage Indigenous governing bodies to achieve gender balance when recommending members to the Minister's Advisory Council under the proposed Impact Assessment Act.

Finally, please note that CRIAW-ICREF's FemNorthNet and community vitality index projects have produced a wealth of research on this topic. In particular, we would like to draw your attention to the following materials, which are available on our website:

Strengthening Impact Assessments for Indigenous Women

Feminist Intersectional Policy Analysis: Resource Development and Extraction Framework

Experiences of Women with Disabilities in Canada's North

Domestic Violence and Violence Against Women in the North

Economic Restructuring 3: Resource Development and Diverse Women's Access to Services in the North

Resource Development in Northern Communities: Local Women Matter Fact Sheet Series

What do Gender and Diversity Have to Do With It? Responding to the Community Impacts of Canada's Northern Resource Development Agenda

Gender-Based Analysis Meets Environmental Assessment: Aligning Policy Mechanisms to Address Resource Development in Canada's North

Gendered and Intersectional Implications of Energy & Resource Extraction in Resource-Based Communities

The Community Vitality Index: A Tool for Understanding and Monitoring the Wellbeing of Diverse Women in Happy Valley-Goose Bay, Labrador