

# Preliminary Recommendations for Improving Impact Assessment Agency of Canada Guidance on Gender Based Analysis Plus in Impact Assessment

The GBA+ Working Group of the Environmental Planning and Assessment Caucus

January 20, 2021

## Introduction

The Impact Assessment Agency of Canada (Agency) is currently reviewing “Gender Based Analysis Plus in Impact Assessment” (GBA+ Guidance) with the goal of making targeted fixes based on expert review and experience gained since the *Impact Assessment Act* (IAA) was enacted in August 2019. These recommendations by members of the Environmental Planning and Assessment Caucus of the Canadian Environmental Network (the Caucus) are made pursuant to the Memorandum of Understanding between the Agency and the Caucus signed February 2020. They begin with what are intended to be targeted fixes to the existing guidance, then identify larger policy and guidance gaps and approaches for addressing those gaps, including making recommendations respecting other connected documents.

These targeted fixes are organized by section of the current GBA+ guidance document under review.

## Targeted Amendments

### Introduction

***Recommendation 1: Differentiate between proponent and community needs in approach to GBA+.***

The current introduction to the GBA+ guidance lists multiple parties as target audiences for this guidance document. Participants in IA processes (such as proponents, practitioners, governments, and communities) have different needs and baseline knowledge of communities.

Ultimately, we recommend that more than one guidance documents be tailored to specific stakeholders (addressed in the ‘Broader Needs’ section below). In the interim, we suggest differentiating between community and proponent needs in this introduction section, thus recognizing the community needs are different than those of proponents, for example.

## Why conduct GBA+ in IA?

***Recommendation 2: Introduce the significance of third party independent work and cultural sensitivity in section re: Better public participation.***

For GBA+ to be most effective, it needs to be community driven. As this material is a guide for proponents and practitioners, the section entitled “Why conduct GBA+ in IA?” would be a good place to introduce the idea of third party independent work and the significance of cultural sensitivity and sensitivity more generally required to do meaningful GBA + work.

## Methodologies

***Recommendation 3: Emphasise that GBA+ must be a part of every aspect of the IA process, including the alternatives assessment.***

An engagement with GBA+ throughout project assessment processes, right through to project decommissioning, distinguishes between "doing GBA+ on a project" as part of an assessment (typically looking at under-studied social impacts) and incorporating GBA+ into an assessment. While it is useful to have a section of an Impact Statement (IS) labelled GBA+, more profound and meaningful shifts will be accomplished by ensuring GBA+ is integrated in every aspect of the process.

Gender and other identifiers need to be emphasised in all facets of the assessment, as opposed to the current siloed approach. There is no aspect of science or social science that is free of gender bias, racism, and other forms of oppression and distortion, and all are therefore in need of being challenged and reconstructed. We therefore recommend including language in the Introduction recognizing the intersection of gender and other identifiers with all aspects of IA and reflecting the need to integrate GBA+ into every aspect of the assessment.

A flow chart would be a helpful visual to illustrate when GBA+ should be integrated into the IA process (in all phases).

***Recommendation 4: Address gap in lack of meaningful acknowledgment of cultural safety, sensitivity and confidentiality issues related to GBA+ data collection.***

Further to recommendation 3, the methodology section currently fails to address cultural sensitivity, the types of data, and qualifications required for a researcher that would be best suited to collect GBA+ data. This data needs to go beyond baseline data to incorporate community data that is collected in a meaningful, community-based method.

In the methods section it is necessary to point out the sensitivities and confidentiality and cultural safety elements of doing GBA + work. This is a major gap.

There are many differences between GBA+ analysis and other qualitative (and quantitative) data collection, since intersectionality of vulnerability factors matter in how a project impacts populations and individuals. A GBA+ lens necessitates that a culturally aware and sensitive researcher performs interviews and collects GBA+ data. As in the physical sciences, a social sciences and Indigenous approach to GBA+ and intersectional methodologies needs to be identified as a topic area that not just anyone will be able to adequately respond to, in light of the community-based nature of GBA+ work.

We encourage explicit direction as to *how* methodologies need to be changed in every field of assessment to make it more socially accountable.

The current methodology section is too general and does not address who should be doing this work and the significance of this work being well resourced.

GBA+ requires greater flexibility on the part of practitioners who may need to adapt methodology and team based on the context of the inquiry. This needs to be clearly spelled out, particularly for proponents and practitioners in this GBA+ guidance document.

***Recommendation 5: Capitalize the “e” in Elders***

In two places, Section 2: Methodologies and Section 4: Gender-based Analysis Plus in decision-making, the document refers to Indigenous 'e'l'ders. Elders should be capitalized in this context as it denotes a specific knowledge keeping/expert role in Indigenous communities.

***Recommendation 6: Encourage users of the Guidance document to consider systemic forms of exclusion.***

In several places, the Guidance acknowledges the importance of historical inequalities, social structures, and power relationships in shaping how people and their communities experience potential project impacts. However, specific examples of mitigations stemming from GBA+ implementation underplay these systemic forms of exclusion.

For example, the Methodology section states “the impact assessment may identify that there are few women working at similar projects in the area. Asking “why” in this case may identify structural barriers like lack of skills development or education opportunities for women ... .”

Often the bigger structural barriers include, for example, sexism and racism in the workplace. Training/education programs targeted to underrepresented groups are important (and perhaps one of the more recognizable types of GBA+-relevant mitigations to implement) but ultimately, such programs aim to fit underrepresented groups into the status quo rather than changing the status quo to ensure everyone is included (e.g. by developing mechanisms that tackle systemic racism/sexism in the workplace).

We recommend the Guidance document expand on barriers to include systemic forms of exclusion and oppression, such as racism, homophobia, and sexism to draw attention to deeper causes of exclusion.

**Section 5 Table: General Expectations for Incorporation of GBA+**

***Recommendation 7: Add a criterion under “Diverse subgroups considered” to address intersectionality. Such a section could be entitled: “Intersectional social context and structural considerations” with additional indicators outlining what meets expectations and/or will be considered.***

Intersectional and GBA+ approaches add value to tools developed in standard social impact assessment by not just describing how various demographic groups might experience impacts and benefits, but also

drawing attention to how proposed projects reinforce or challenge broader social structures, inequalities and power relations that contribute to differential outcomes for a variety of social groups.

The GBA+ Guidance generally does a good job of drawing attention to this relationship between proposed projects and broader social structures and power relationships. However, the 'General Expectations' table, which is currently the only indication of how an impact assessment's GBA+ framework will be determined adequate or insufficient, makes no reference to this deeper level of analysis. This gap needs to be addressed.

## **Gaps and Broader Needs**

### ***Recommendation 8: Develop additional GBA+ guidance for the public and Indigenous participants.***

A significant broader need is to tailor the existing GBA+ Guidance to practitioners/proponents and develop a second GBA+ guidance document for participants. As stated in Recommendation 1, participants in IA processes will have different needs and objectives related to GBA+ analyses than proponents. The Agency requires additional guidance to support communities and participants unfamiliar with IA processes to better understand and take part in GBA+ assessments.

### ***Recommendation 9: Develop a policy describing how the Agency and review panels will address gender violence, sexual assault and exploitation.***

Attention to the impacts of colonialism, including violence against women in association with resource development, is absent in the current GBA+ Guidance, which fails to address the intersection of impact assessments and gender-based violence. The *Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls* (MMIWG) on extractive industries makes a direct call to justice in assessment and regulatory processes: this call is not being met in the current GBA+ Guidance. Recommendation 10: Develop a policy describing how the Agency and review panels are to comparatively assess projects' and alternatives' GBA+ implications.

The current GBA+ Guidance is focused on the proponent's impact statement. The role of the Agency or review panels in assessing GBA+ is understated. For example, the guidance skips from the planning phase and proponent's work to decision-making, bypassing the assessment phase, and the brief mention of the assessment report outlines a passive role for the Agency and review panels.

For example, Section 4 states: "The impact assessment report will outline the positive and negative effects of the project as required under subsection 22(1) of the Impact Assessment Act... It is anticipated that the application of GBA+ to the impact assessment process will allow for a more detailed and specific description of positive and adverse effects and enhancement and mitigation options."

This statement implies that the Agency will describe who is affected and how. There is no mention of what methods the Agency or review panels will use to make this description, or how they will compare the project against the alternatives to the project and alternative means of carrying it out when conducting the assessment. Further, the current guidance lacks any mention of substantive objectives; rather, emphasis remains on information-gathering and process steps. GBA+ should not be simply a box to tick; it should be a tool for reducing and addressing existing inequities.

Section 3 states that “GBA+ provides a framework and a set of analytical questions to guide an impact assessment and to determine if there are different impacts for subsets of the population.” Presumably, those questions are not intended to be redundant, but should be asked in pursuit of certain objectives, such as ensuring that certain communities or people holding certain identities do not bear a disproportionate burden of projects’ impacts and that they share equitably in the benefits. Moreover, given that IA is intended to assess alternatives to designated projects and alternative means of carrying them out, the analytical questions that the Guidance refers to should be asked of each alternative, and the answers for each alternative comparatively assessed to see which alternative best achieves the GBA+ objectives. We cannot envision a scenario in which the Agency or review panel would *not* use principles, objectives and criteria to assess projects. The question is whether these principles, objectives and criteria are explicit and transparent, or opaque and implicit. In our view, the principles, objectives and criteria used for assessing GBA+ must be transparent and explicit in order for the GBA+ analysis to be more than a mere paper exercise. As a result, we recommend that Agency policy set out these principles, objectives and criteria and state how the Agency and review panels are to apply them to a comparative assessment of alternatives in order to identify the alternative most likely to achieve those stated GBA+ objectives.

Similar to the collection of baseline data being an inadequate check box approach to GBA+, third party qualified independent researchers and community members must be engaged to meaningfully collect qualitative GBA+ data relevant to project appraisal processes. Then in turn, there needs to be a process identified to assess this community-based data.

Further, GBA+ must work in tandem with sustainability to seek to achieve substantive objectives. The sustainability guidance states that a guiding principle of sustainability is the well-being of present and future generations. The GBA+ principles, objectives and criteria must be developed in tandem with broader sustainability principles, objectives and criteria to guide the assessment of the extent to which a project and its alternatives will foster sustainability.

For example, one guiding principle would be to seek to ensure that adverse effects do not exacerbate existing inequalities. A second guiding principle would be to seek to ensure that those who will bear the impacts will also enjoy the benefits.