RICHER ANALYSIS, BETTER OUTCOMES:

IDENTIFYING AND SURMOUNTING THE CHALLENGES OF INTEGRATING GBA+ IN IMPACT ASSESSMENT

Oxfam Canada
Summary of Workshop Proceedings
March 23, 2021

INTERSECTIONAL GENDER-BASED ANALYSIS IN IMPACT ASSESSMENT SERIES

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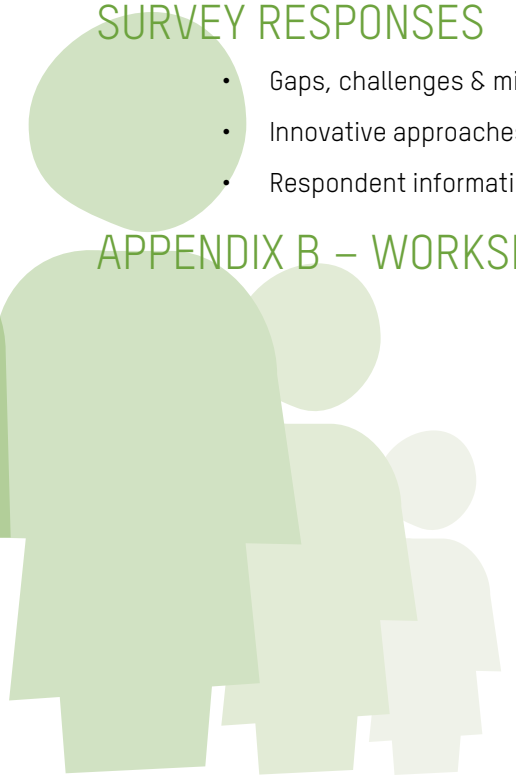

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INTRODUCTION

In March 2021, Oxfam Canada convened a virtual workshop with experts from across Canada to discuss challenges, gaps and opportunities in integrating intersectional gender-based analysis (GBA+) in impact assessments. The workshop was designed to take stock of current trends and perceptions and inform Oxfam's new project on GBA+ and impact assessment.

As an organization guided by feminist principles, Oxfam strongly values collaborating with diverse organizations and community representatives to consider how an intersectional gender lens can be used to strengthen gender equality and rights and to understand and develop strategies that honor the context and complexity of people's situations. For us, the workshop provided an opportunity to travel this path together as we build a deeper appreciation of the challenges we need to understand and strategies we need to undertake in order to advance GBA+ in impact assessment.

The rich discussions during the workshop and responses to a pre-workshop online survey, highlighted the wealth of insights and knowledge this group has to offer. The exchanges confirmed a shared commitment to tackling structural inequalities and injustices through the impact assessment process. Oxfam knows that this kind of change does not happen overnight but rather requires us to invest in longer term and collective efforts to bring about transformative changes at multiple levels: within ourselves, our communities, governments, companies and other institutions.

This rich exchange between people from different sectors and locations and with different experiences will inform subsequent activities in Oxfam Canada's work on impact assessment. In developing a tool kit of resources on GBA+ integration, we will take into account the advice and promising practices discussed in this workshop and identified as more easy to execute. In supporting local community organizations to conduct impact assessment pilot projects, we will share the challenges and strategies identified by this group and help find strategies to overcome or minimize the barriers. Finally, for those issues that were identified as essential but difficult to tackle in the short term, we will explore them further in policy dialogues that we will be convening with women's rights partners, Indigenous partners, industry representatives and government officials in 2022 and 2023.

This report provides a synthesis of what we heard from the workshop participants. As the workshop was organized under the Chatham House Rules, information is recorded without attribution. A summary of responses to the pre-workshop survey, which informed the design of the workshop, are shared in Appendix A. The full participant list is in Appendix B.

WHAT WE HEARD FROM WORKSHOP PARTICIPANTS

We have consolidated the participants' contributions thematically based on the key topics that arose in the break-out sessions and plenary discussions. Workshop participants identified barriers and opportunities related to the implementation of GBA+ in impact assessment (IA), ranging from the consideration of the capacity required to undertake GBA+ to addressing power relations in impact assessment processes. Notably, participants identified challenges related to intersectional data collection and analysis, ensuring accountability in IA processes, ensuring coherence with relevant policies and frameworks, and considerations of jurisdictional issues and how opportunities to undertake GBA+ are affected by different regulatory regimes.

STRENGTHENING CAPACITY FOR GBA+

Workshop participants flagged the need to build up and strengthen the capacity of various actors and institutions to undertake GBA+ as a priority, particularly given the new requirements under the federal Impact Assessment Act. This included addressing skill and knowledge gaps with regulators, project proponents and consultants. A longstanding culture of proponent-led IA processes in Canada also limits the extent to which community-led processes or inputs from independent experts are welcome as contributions to GBA+ in IA. The investor community could increasingly become a driver for the uptake of GBA+ by publicly listed companies.

GBA+ CAPACITY CHALLENGES WITHIN GOVERNMENT, PROPONENTS AND CONSULTANTS

- Key questions raised included:
  - How can we ensure that practitioners leading processes have the expertise to undertake GBA+, not just in terms of gathering intersectional data, but also of analyzing this data?
  - What capacity building is required to ensure practitioners have these necessary skills?
- There is a real dearth of methodological tools on how to integrate GBA+ in IA. Creating methodologies seems like a problem we can solve.
- As policy makers, practitioners and advocates, we need to recognize the complexity of an intersectional perspective and look beyond gender to consider more complex intersectional experiences (for example, the experiences of women and men with disabilities, Indigenous LGBTQ+ people).
- Analyzing data and responses also requires us to be aware of our own biases and blind spots; do we have the knowledge or understanding to assess the information we collect?
- As practitioners, we need to be aware of intersectionality and our own biases. Who are we unintentionally excluding? Do we have the knowledge to adequately engage and create opportunities for inclusion?
- It's important to have people leading IA processes who have experience engaging respectfully with First Nations and who are able to incorporate both the qualitative and quantitative data into the IA process.
- Understanding the impacts of projects on gender roles and gender power dynamics requires a level of expertise and knowledge that may be hard to find in many IA processes, especially on the proponent side. Working with skilled and diverse teams at the government level may help to address some of these gaps.

PROPONENT-LED VS COMMUNITY-BASED PROCESSES

- The discussion on power dynamics in IA processes raised questions including:
  - How can we start to shift the IA culture away from proponent-led processes?
  - What is needed for community-based or independent processes to be considered legitimate?
- The Impact Assessment Agency relies on proponents and federal experts to lead processes. The Tailored Impact Statement Guidelines under the federal Impact Assessment Act outline what elements the proponents must provide information on; they do not offer an opportunity for community-led processes.

- Community-based approaches have not been recognized under the Impact Assessment Act, despite groups advocating for this change. There needs to be an opportunity for community-based GBA+ or independent expert-led GBA+ processes.
- The Impact Assessment Agency might be taking a passive role in implementing the Act and defaulting to a process that is very proponent-driven, flagging a need for government to take a more proactive role in empowering communities to engage in and lead GBA+.
- Proponent-led processes:
  - Affect trust and willingness of communities and stakeholders to participate.
  - Can result in a situation where proponents are summarizing what communities have said, leaving communities to say that the reporting is incorrect.
  - Raise questions as to whether there is an opportunity or process for communities to voice dissent with what has been stated.
  - A culture change is needed within government (and industry) to legitimize and enable community-driven GBA+ processes. This requires shifting the mindset that proponents and federal agents are the key sources of information, and from assuming proponent-driven or federal expert–driven assessments are the only option.
  - There are often strong overlaps between between the issues covered by impact assessments and by community benefit agreements (or impact benefit agreements). These processes can be seen as onerous, but there are opportunities to be more efficient and effective where communities can gather information that can feed into multiple processes.

INVESTOR EXPECTATIONS

- We need to widen our understanding of leverage points to create change. Institutional investors that hold large portfolios of extractive sector companies are increasingly recognizing the need to incorporate environmental, social, and governance factors into decision making.
- Responsible investors are a largely untapped source of leverage in pressuring proponents to meet or exceed regulatory compliance. GBA+ is now a federal requirement; institutional investors looking to have portfolio alignment with gender equity principles or equity principles more broadly could be an unexpected source of support.
- We need to consider alignment between civil society, communities and investors around these issues.

ENCOURAGING MEANINGFUL PARTICIPATION

Broad public participation in IA processes, particularly among populations who have been traditionally marginalized, excluded or oppressed, is a critical ingredient for strong GBA+. Overcoming barriers to participation can ground IA findings in the lived experience of diverse groups and populations and ensure project designs reflect the needs and interests of communities in all their diversity. However, workshop participants noted that while we often know what longstanding barriers exist; the bigger challenge is investing the time, resources and political will to dismantle them, both within an IA process and in the longer term.

BARRIERS TO PARTICIPATION

- To what extent is the underlying barrier to participation by communities the need for more education about the process versus a lack of capacity to participate or engage?
- Taking an intersectional approach requires awareness and consideration of what barriers must be overcome to make processes more inclusive and accessible, especially when we are seeking to advance transformative change.
- As practitioners, we need to give consideration to multiple overlapping barriers such as ability, geography, connectivity, or others, such as:
  - Making childcare available to women in remote communities to open up opportunities for their participation.
  - Recognizing that individuals from remote communities may need other ways to participate where transportation or travel is not feasible.

SUPPORT FOR DIVERSE STAKEHOLDERS TO EFFECTIVELY PARTICIPATE IN GBA+ PROCESSES

- There is a need to explore how we can better enable the engagement of diverse voices and how we create opportunities, tools and training opportunities that will enable deeper intersectionality to be built into impact assessment practices and policies in order to operationalize intersectionality at every step of the process.

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- In terms of community engagement, how best can we identify challenges and build the capacities required not only for communities and diverse groups therein to participate in IA processes, but also to strengthen communities' capacities in the long run?
- People may be aware that processes are happening and there may be requests for their participation, but they may be unable to do so due to capacity issues such as resource constraints, workloads, competing priorities and more.
- Access is critical to engagement; people need the capacity to access the process. Without accessibility, we can't have meaningful engagement.
- It's important to draw a distinction between different forms of capacity: functional, behavioural, technical, and logistical capacity. Some are more surmountable than others, but addressing challenging issues can be transformational. The most positive outcome is providing support and resources for communities in ways that not only feed the engagement process, but also build longer-term capacity and dovetail with community development work that is already underway.
- Women's advocacy groups and First Nations governments speak of a lack of capacity to engage; improving capacity would be highly transformative, but quite difficult to address due to lack of / inadequate funding and capacity, and time constraints.
- Having sustainable funding to engage is one part of it, but having the capacity is key; there are often so many demands on communities or organizations to engage. Giving a grant may not be enough to change their capacity: it is also human resources, the capacity to mobilize research assistance, communications, coaching regarding how to present — being there to provide the support necessary as the community identifies their needs.
    - For example, in the context of the Muskrat Falls project in Happy Valley/Goose Bay, Labrador, FemNorthNet worked with the women's centre in the community. The local group did not recognize the significance of the process at first, but they also did not have the capacity to contribute without the support of FemNorthNet to help them do so.
- Within the Impact Assessment Act, opportunities do exist to provide resources to local women's organizations or other organizations working to reduce violence or other issues; they can be resourced to inform the planning process and provide relevant data early in the process. Who provides this support?
- Similar to "health navigators" in the health care system, there could be an opportunity to employ "GBA+ navigators" to help communities traverse the IA process, including helping local Indigenous women's organizations and other communities within communities in these processes. We should consider the role for the public service (Impact Assessment Agency staff or other) in supporting local community engagement and supporting their efforts to navigate policy issues. We cannot leave the task of overcoming capacity barriers to individual communities; we need to consider how we can undertake transformative efforts.

TIMING AND TIME FRAMES

- During the breakout and plenary sessions, participants returned to the question: Are the time frames set out in the Impact Assessment Act expansive enough for people to engage?
- Meaningful consultations, which are community-based processes, require time. Often while consultations are occurring, processes are moving forward, and decisions are being made. It is hard for communities to ensure that participation occurs at the right moment to have an impact on decision making and results in changes.
- We need to strike a balance between ensuring the process is as meaningful as possible and ensuring the timing is relevant.
- In projects subject to a federal IA, the time frames for participation, data analysis and other steps in the process are legislated in the Impact Assessment Act. If we are looking to increase the amount of time for consultation, this would be a transformative change that would require changes to the Act.

POLITICAL WILL TO OVERCOME BARRIERS

- We know a lot about how to overcome the barriers to participation experienced by marginalized groups in these processes; the bigger challenge is leveraging the political will to do so.
- Within the IA process, there are cultural shifts and structural issues that need to be addressed. From the outset, power dynamics between proponents and community members can affect trust and willingness to participate and engage.
- There is a lot of fatigue around engagement. Many requests are placed on communities with little follow-through or responsiveness. We need to be mindful of how we can create meaningful opportunities for community engagement and what is required in terms of capacity building, trust building, resources and political support to do so.

BUILDING AWARENESS AND DISPELLING MISCONCEPTIONS

As a relatively new requirement in Canada's impact assessment framework, GBA+ is sometimes misunderstood or misconstrued. False assumptions or personal biases against GBA+ can be overcome with engagement and awareness-raising strategies that unpack the analytical process in more detail and dispel some often-repeated misconceptions, including false narratives voiced by opponents of Bill C-69 during the process to reform Canada's impact assessment legislation.

MISCONCEPTIONS ABOUT GBA+ IN IA

- Some proponents, industry representatives and government officials perceive that requiring robust GBA+ is going too far, asking too much or adding unneeded complexity in terms of assessment and engagement.
- Sexism and misconceptions continue to be barriers in the implementation of GBA+.
- Taking gender and intersectional issues into consideration is perceived as an assault on "economic progress" or "national interest" and therefore GBA+ is equally an assault on "progress." That narrative is quite strong and addressing it warrants a lot of attention.
- A lack of understanding of GBA+ makes people fearful or resistant, even in the highest levels of government (for example, see arguments in the current court case around the federal Impact Assessment Act before the Alberta Court of Appeal).
- Some staff within IA regulators fail to see how GBA+ relates or can be applied to "technical" issues.
- Culture change within industry and government is the greatest barrier; there are advocates for diversity and inclusion within, but the pervasive culture is patriarchy and colonialism. Many people are not amenable to or do not understand the intention of GBA+.

AWARENESS RAISING AMONG RELUCTANT STAKEHOLDERS

- We need to raise awareness and education to overcome pre-conceived notions or fears about what a GBA+ process entails and dispel misconceptions. What needs to occur to help people build their understanding and awareness of GBA+ processes?
- Awareness raising isn't necessarily a difficult job, but it is critical.
- In terms of community engagement, how do we address the gap in awareness regarding people's rights and abilities to contribute? How do we build awareness of the system and why it is important and worth the effort to participate?
- Awareness-raising processes are ongoing; the Impact Assessment Agency is reaching out to many communities, yet many do not respond. Therefore, how do you use awareness raising and education to encourage communities to participate?
- We have yet to see a project go all the way through the system under the new Impact Assessment Act, so we don't have a project to demonstrate how the public's input is used and therefore why it is worthwhile.
- Strategies to build awareness need to consider different forms of outreach and how engagement occurs. We should recognize the colonial structures that are often employed. Working in collaboration with different organizations such as local women's rights groups, for example, could help to build the capacity of local organizations through efforts to advance awareness of how communities can effectively engage in the AI process.

UNDERSTANDING THE BROADER CONTEXT, ENTRENCHED POWER RELATIONSHIPS

In Canada, IA processes are unfolding within the broader socio-political context of colonization, patriarchy, homophobia, ableism and racism. Acknowledging these systems of oppression is a prerequisite for dismantling them and building up more inclusive and respectful institutions. IA practitioners should be aware of how mistrust has developed among many populations. Any IA framework that hopes to address disparities and reduce inequities should consider how findings and recommendations within an IA process can support and contribute to transformative change.

TRUST / MISTRUST, ENGAGEMENT AND ACCOUNTABILITY

- Trust is an accessibility issues; if we want to build trust within communities, we need to consider what issues and barriers exist related to structures, power relationships and transparency.

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- Building trust is related to intersectionality and relationship building; it comes back to understanding which communities are going to be affected, and then recognizing the diverse communities within those communities, and building relationships with these diverse groups.
- We need to identify:
  - Rights holders in all of their diversity and range of intersections
  - Whether or not they want to engage, and how
  - What diverse groups need in order to engage in the process, and recognize that this may require turning some power dynamics in structures on their heads; and
  - How to strengthen transparency, relationship building, and trust with communities.
- Legislation requires that all public comments submitted must be taken into account; anyone can submit information – there needs to be education about these opportunities, and also about what is done with the input in terms of how the process is accountable back to people.

CONTEXT OF COLONIZATION, PATRIARCHY, LAND DISPOSSESSION, ETC.

- It is critical to recognize that both IA and GBA+ occur within the broader contexts of colonization, patriarchy, land dispossession, etc. Broader assimilation policies against Indigenous peoples and histories must be taken into account in IA processes and the associated mitigation plans.
- Looking at the Impact Assessment Agency guidance, there is a focus on GBA+ around specific populations. But what distinguishes robust GBA+ from more standard environmental social impact assessments is setting those differentiated project impacts within wider contexts, histories and power relationships and recognizing those. The current Agency guidance stops short of going into that deeper level of analysis.
- Indigenous peoples winning stronger recognition of their rights around consultation is positive, yet there remains a need to ensure there is space for Indigenous women to participate actively in IA processes.
- Patriarchy is a colonial construct that has rewired how some Indigenous leaders operate.
- Women in First Nations communities are not invited into or made welcome in the male-dominated spaces where decisions are made.
- Women feel threatened when they bring up issues that are not welcome or valued by the men in leadership positions. It's an issue women are still having to work through in communities; having a say at the table and claiming space is still a work in progress.

SHIFT FROM GENDER-RESPONSIVE TO TRANSFORMATIVE PRACTICES

- Policies or approaches can span from gender-exploitative to gender-accommodating to gender-transformative. To shift to the transformative, we need to better engage on gender norms and power relations.
- As practitioners, we need to be more gender-transformative in our approaches, but it is a challenging step; we need to better understand what is required to move beyond gender accommodations or responsiveness to transformative approaches.
- Gender-responsive or -accommodating is more easily achieved, but to be transformative in our practices, we need to transcend practical policy strategies to address gender-transformative power relations; this invites us into really deep conversations about systemic oppression and colonial systems of law and regulation and self-governance.
- From a practical standpoint, it's easy to fall back on pragmatism and consider what is easily surmountable; yet there is a tension between transformative and surmountable that is challenging, but important, to address.
- As practitioners, we are often aware of the hesitancy around GBA+. There is pressure or a sense that we should try to make incremental changes, but in reality it may require a bigger shift if we are to make GBA+ meaningful.

COLLECTING AND ANALYSING DATA

Intersectional analysis is rooted in understanding the lived experience of different people and their intersecting identities. Collecting, analyzing and validating data — both quantitative and qualitative — regarding people's characteristics and experiences should be guided by considerations around ethical principles, accessibility, privacy, and data ownership. We may even need to expand our understanding of what constitutes "data," who gathers it, who owns it and for what purposes it can be applied.

IMPORTANCE OF DISAGGREGATED DATA AND CURRENT LIMITATIONS

- Data sets are becoming more disaggregated as awareness of the importance of disaggregated data increases, but it will take time to develop robust datasets that go deeper than the general population.
- In operationalizing intersectionality, we are not just looking at communities, but communities within communities and data must reflect this; we need to move beyond gender-binary frame in our GBA+ and IA work.
- Often data sets may be disaggregated along one or two identity factors (e.g. gender, race, disability) but not in more ways. Availability of data doesn't adequately reflect people's nuanced experiences in relation to the proposed projects.
- Statistics Canada does not have data on the experience of visible minorities in the workplace. When you are trying to provide analysis, data limitations are problematic as anecdotal evidence is not always sufficient.
- Impact assessments may lack data for some communities. Without relevant data, it is challenging to back up findings of the assessments and consider the impacts on communities.
- For example, in Yukon Territory, impact assessments considering distinct impacts on women and communities have considered Indigenous women and LBGTQ+ people in the workplace. Yet, when looking to expand to women from visible minorities or those with disabilities, available data is lacking or inadequate.
- The RCMP doesn't disclose data specific to different ethnicities. Therefore, it is hard to understand whether it is Indigenous women or other minorities that are being affected by sexual violence or other criminal activity that accompanies resource development.
- For example, in British Columbia in the early 2000s, data collected was very connected to industry, not to communities. When community members began seeing trends in increased violence against women and girls, alcohol use and sexual violence, the data considered "relevant" to the projects/developments didn't capture these trends.
- There are also important privacy considerations:
    - Data collected for a specific purpose may not be readily available for a separate intersectional analysis due to privacy protections.
    - Collecting data in small communities can be problematic from a privacy perspective.

SOURCES, MANAGEMENT AND OWNERSHIP OF DATA AND KNOWLEDGE IN IA

- What is considered legitimate data and knowledge in IA processes? Who generates, manages and holds the ownership of data? How do we put data collection and generation back in the hands of communities? How do we move away from a data collection process that feels extractive and robs the local population of ownership and agency?
- Data to support conclusions and recommendations stemming from the GBA+ is key. The Agency and the Minister will not factor in GBA+ analysis if inconsistencies exist between the data collection, the analysis and the recommendations.
- It's important to push for a transition to recognizing other forms of knowledge in impact assessment processes; the legitimacy of Indigenous knowledge in the IA process is important. We should also address challenges in managing qualitative data.
- Community-driven data collection is important for building public trust in the data, especially with First Nations communities.
- We need to become less extractive in how data is collected.
- Data that is collected from community members reflects their perspectives and priorities, but we need to recognize "communities within communities" and not assume a single perspective or that specific groups represent all views or experiences. This raises the importance of generating data from different sources.
- Ownership of data is important. First Nations have developed the ownership, control, access, and possession[1] to govern data ownership for First Nations communities. Yet there are also risks of ownership, control, access, and possession principles being misused.

RESPONSIBILITY TO ADDRESS DATA GAPS

- Regulators are limited to whatever data is presented during the IA process. If certain data is not presented, then the regulator is not able to use it in decision-making processes and mitigation strategies and conditions. Participants could provide this information at any stage of the IA process, but the earlier, the better.
- Building allied relationships between people with expertise in different identity factors helps with

1 For more information on First Nations principles of ownership, control, access, and possession, see the First Nations Information Governance Centre: https://fnigc.ca

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data collection. For instance, lots of data exists on disability issues in the workforce, but some proponents have claimed they are unable to find any.

- Expertise from a wide variety of disciplines is important; gender experts alone are not enough to do good GBA+. For example, an assessment team that lacked any urban planners when examining fly-in-fly-out communities would have difficulty studying land use issues.
- Scoping is done around issues that federal government can control, and yet gathering of socio-cultural information is key.
- Whose interests are prioritized and who is heard ultimately shape the outcomes of the IA process:
    - Are issues prioritized how they should be? The IA system is better developed to deal with some issues than others; for example, environmental impacts have generally received more attention than social impacts.
- Data collection related to projects often focuses on environmental impacts and monitoring. One workshop participant shared a troubling story about an Indigenous elder who commented that a major project's impact on ducks appeared to be given more importance than its impacts on the people in their community. "The ducks are more important than we are. The government is more concerned about what happens to the ducks than to our people."

ADDRESSING IMPACTS

Remote communities and marginalized populations are unlikely to participate in IAs unless the process yields tangible results and real improvements to their daily lives. Openly acknowledging the adverse impacts of major projects and developing mitigation strategies that are specific, measurable and accountable back to local people is necessary to regain public trust in IA processes, particularly among groups who feel their concerns and interests have not been reflected or protected in the past.

WILLINGNESS TO TACKLE ADVERSE SOCIAL IMPACTS

- There needs to be a willingness to tackle adverse social impacts. If you collect data about gender-based violence, you need to be ready to address it and provide services, not just monitor occurrences.
- How is the process — and, by extension, the practitioners — accountable back to communities? Not just in how we conduct an assessment or monitor the impacts but in actual mitigation and change.

MONITORING AND ENFORCEMENT OF RECOMMENDATIONS AND DECISIONS

- Assessments require documenting potential impacts, highlighting issues that could happen and then monitoring and documenting impacts on an ongoing basis.
- There is a disconnect between corporate social responsibility messaging versus what's actually happening in communities.
- Despite IA processes, communities are not seeing corporate practices change and adverse impacts get addressed.
- Post impact assessment, community engagement still needs to continue in order to monitor and better understand the risks and impacts. Projects need to ensure that monitoring plans adequately address the issues identified.
- Some models to consider for developing sound monitoring processes include:
- Independent Environmental Monitoring Agency for the Ekati Mine in the Northwest Territories;[2]
- Nunavut Socio-Economic Monitoring Committees[3] (Not currently available under the federal Impact Assessment Act, but worth considering)
- Indigenous Guardians Program[4] (Could a similar program be scaled up to deal with socio-cultural needs?)
- Further questions: Whose role is it to monitor Impact Benefit Agreements? As they are negotiated outside of the IA process; what are the mechanisms for accountability?

2 The Independent Environmental Monitoring Agency for the Ekati Mine was established under a legally binding agreement negotiated between the Government of NWT, the Government of Canada and the project proponent. For details, see: https://monitoringagency.net/about/#the-agency

3 For more information on the Socio-Economic Monitoring Committees, see the Nunavut Department of Economic Development and Transportation: https://www.gov.nu.ca/economic-development-and-transportation/faq/where-can-i-get-information-socio-economic-monitoring

4 For more information on the Indigenous Guardians Program, see Nature United: https://www.indigenousguardianstoolkit.ca/

ENSURING COHERENCE WITH POLICIES AND FRAMEWORKS

Drawing on existing policies and legal protections for the rights of marginalized groups will support efforts to take an intersectional approach to IAs. Laws and regulations that protect and uphold the rights of women, children, 2SLGBTQI+ people, people with disabilities, racialized people and Indigenous peoples should be brought into IA processes, both to enhance intersectional analysis and promote greater accessibility and inclusion. Integrating a human rights-based approach can also enhance IAs and ground intersectional analysis in the international obligations and policy commitments of governments and proponents.

- Impact assessments should acknowledge and incorporate existing regulations and frameworks that address elements of intersectionality; we should not be operating in ignorance of these frameworks, as doing so weakens the value and credibility of impact assessments. This is a serious challenge, but it is not insurmountable and is very important to address.
- IAs are not just about avoiding adverse social impacts but rather about considering how projects can positively uphold and fulfill human rights.
- There are many laws, treaties and human rights instruments that protect the rights of specific populations (e.g. women, people with disabilities, children, racialized people) but they are often in silos and aren't being brought into IA processes.
    - For example, the Accessibility Canada Act: The Impact Assessment Agency could show leadership by developing and incorporating accessibility standards in IAs. It would be a concrete piece of work that could help move the issue of accessibility at multiple levels; it builds accessibility standards for all Canadians, not just for people with disabilities.
    - The Canadian Human Rights Act, the UN Declaration on the Rights of Indigenous Peoples and other human rights legislation that are already in existence and should be part of our accountability around impact assessment.
- There is a lack of coherence occurring within federal, provincial and territorial processes (and also in proponent-led and community-based processes) due to a lack of understanding or awareness of existing regimes that regulate certain aspects of intersectionality.
- The Impact Assessment Act made efforts to uphold and respect the rights of Indigenous Peoples, but the Act does not take a rights-based approach to other groups or populations.
- It is important to identify rights-holders and duty-bearers in IA processes; people are not just "participants." Reframing public participation around rights-holders could help to overcome the concerns about power imbalances and inequalities that were raised by several people in the pre-workshop survey.
- As Oxfam moves forward with developing a toolkit on GBA+ in IA, it was suggested to hold a crowdsourcing discussion to develop an ecosystem map that could be helpful in identifying "policy plug-ins" that would enhance intersectional analysis.
- In developing tools for intersectional analysis in IA, we may focus more on operational-level changes to IA processes, rather than systemic issues that should be addressed. Despite this fact, it would be good to create an ecosystem map of policy touchpoints for integration into future tools and methods.
- Recognizing that GBA+ is a tool that can be used outside of federal IA processes, we need to go beyond the strictures of the federal Impact Assessment Act in considering the tool. How can we learn from the amazing work Nak'azdli Whut'en First Nation and others are doing around community-based assessment?

RECOGNIZING JURISDICTIONAL ISSUES AND REGULATORY REGIMES

GBA+ in IA in the Canadian context should take into account the different regulatory regimes at the federal, provincial and territorial levels. Since only two jurisdictions in Canada (that is, federal and British Columbia) currently have requirements around gender-based analysis in IA legislation, there are opportunities to expand the practice to other jurisdictions and establish robust GBA+ as an emerging norm in Canada.

- GBA+ in IA in Canada is not monolithic, given the different regulatory regimes. Currently, GBA+ provisions only appear in IA legislation at the federal level and the provincial level in British Columbia. There is a need to tailor the approach to address the different regimes and requirements for consultations, particularly in provinces and territories that do not yet have GBA+ provisions within their IA legislation.

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- Amnesty International's assessment of oil and gas development in northeastern British Columbia looked at the impacts on women and Indigenous peoples. However, many of these smaller projects were never subject to a federal IA.
- Proponents may choose to break up their projects into smaller components to avoid undergoing a federal impact assessment.
- Addressing the adverse impacts identified through GBA+ may be superseded by other approvals. A federal minister may impose blanket conditions of approval on all impacts, whether provincial or federal, within an IA, so long as some impacts are related to the minister's federal authority to issue authorizations.
- For example, the federal fisheries minister may issue an authorization under the Fisheries Act for a tailings pond project to proceed despite the potential impacts on fisheries; this allows those fisheries impacts to occur, but by doing so, it also resolves to allow the associated gendered or intersectional impacts to occur.
- The federal IA process is only effective in addressing issues that fall within federal jurisdiction.
- For instance, the Accessibility Canada Act applies to federal spaces, otherwise addressing issues of accessibility falls to provincial regulations. Again, it's important to raise the issue of jurisdiction and the tools we have to work with within a given project.
- It is reasonable, and within the federal government's constitutional authority, to impose conditions on projects with respect to the differentiated impacts identified through GBA+, yet to date this does not seem to be occurring.
- The current legal challenge of the federal Impact Assessment Act in the Alberta Court of Appeal raises questions as to how this will be dealt with. The case will likely go to the Supreme Court of Canada, which would take another 2½ years to resolve. Canada's legal counsel suggested that the government didn't have authority to base decisions on gendered impacts, which is arguably a misunderstanding in its interpretation of that Act. This is concerning, as it could signal that the federal government is trying to walk back from asserting its authority to ensure actions don't result in disproportional impacts on women and others within marginalized communities.

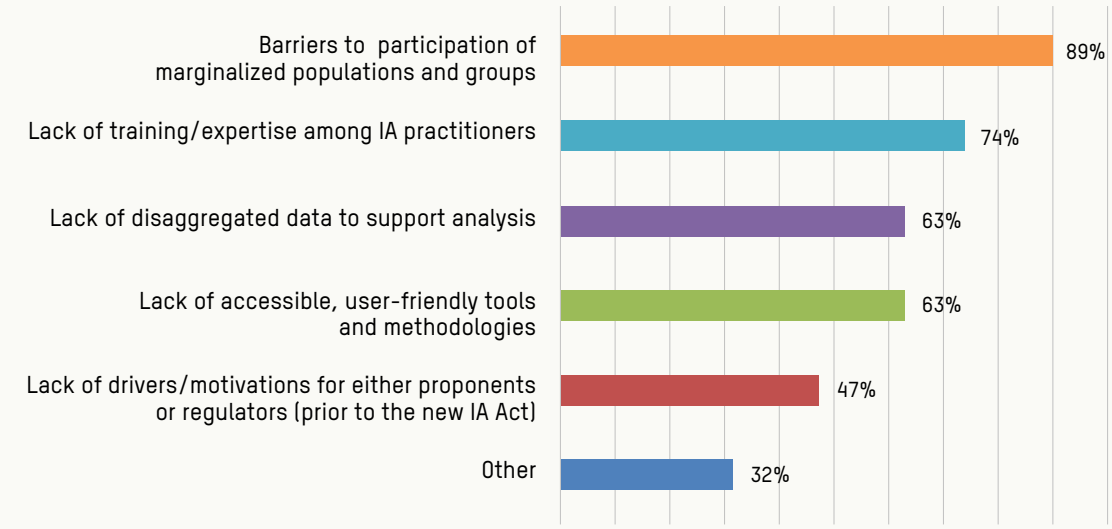
APPENDIX A – SUMMARY REPORT OF PRE-WORKSHOP SURVEY RESPONSES

In preparation for Oxfam's workshop, we asked respondents to share their thoughts on applying gender-based assessment plus (GBA+) in impact assessment (IA) to inform the priorities for this conversation. This summary reports contains a compilation of the respondent feedback we received.

GAPS, CHALLENGES & MISCONCEPTIONS

Respondents were asked to share what they felt were the biggest gaps or challenges in applying intersectional GBA+ in impact assessment. Results included:

- The highest rated gap or challenge identified by respondents (89%) was "barriers to participation of marginalized



populations and groups". When respondents who selected this challenge were asked to expand upon their understanding of what these barriers were, answers included:

Barrier:	Examples:
ACCESSIBILITY	"Physical inaccessibility — engagements happen at times or in places that are not accessible; information about engagements not shared in a way that reached marginalized populations." "Technology — may not have access to means of consultation and engagement." "It can be physical barriers — in terms of not having access to the internet, a laptop, not being able to participate in in-person and or online meetings, different time zones, inadequate or no compensation, a lack of clear guidelines, language and other accessibility barriers (suitability of a research method for all participants)." "Technical language being discriminatory and discouraging — particularly for those with lower academic credentials." "[Lack of] access to information about projects at the early planning stages." "The process can seem complex at the outset so lack of user-friendly tools and accessible ways to provide input (and understanding why providing input is important) seem to be barriers." "Engagement methods may not allow for meaningful participation (language/literacy barriers; time; etc.)."
LOGISTICAL, FINANCIAL & CAPACITY ISSUES	"Lack of transportation to hearings or other participation events. Lack of childcare, evening shift work and other barriers to lower income (and often female) populations. The list goes on." "Transportation (to attend open houses; engagement sessions). Open houses not always convenient given childcare responsibilities." "Location (e.g., need to travel to participate in hearings)." "Time, funds and resources to contribute; accessible and inclusive practices; lack of information in Indigenous and other languages including plain language." "Lack of time and resources to participate." "IA is technical and policy expertise is required to understand it. 'GBA+' is not different." "Lack of knowledge surrounding how to put forward comments [into the] process. Lack of funding and capacity to meaningfully engage." "Communities are inundated with IA processes. Lack of technical capacity and/time to participate in discussions due to disproportionate care burdens." "Barriers have been magnified with the COVID-19 pandemic. Often barriers relate to multiple, competing priorities and a lack of time to engage." "The chief barrier that I have experienced is that there isn't much of a history of doing assessment from that lens, so the process does not bring this to the fore and many (most?) practitioners don't have intersectional analysis front-of-mind so opportunities to incorporate this lens are being missed."

PSYCHOSOCIAL	"On a psychological level, it can be distrust towards researchers and the institution (lack of training and skills), disengagement from the community, a lack of awareness or a bad previous experience of how data have been handled and/or participants treated." "Unfamiliar with process, intimidated by formal process. History of being ignored and not listened to." "Trust and confidence on the side of the communities."
SOCIO-CULTURAL	"Engagement opportunities may only be when Indigenous communities are out on the land hunting, harvesting and fishing for the season." "Discursive inaccessibility — engagements prioritize/value certain types of knowledge (e.g., scientific over cultural/experiential/story)." "Colonial design [of processes]."
POLITICAL / SYSTEMIC	"Then there are barriers of a more socio-political character such as family and caring obligations, political and societal climate as well as unequal power relations embedded in colonialism, classism, racism, sexism, ageism, ableism and any intersection of those." "Women/marginalized communities tend more than straight white men to feel like they don't have value to add to discussions and their participation is illegitimate; highly formalized processes can feel threatening/scary/stressful for women and marginalized communities." "Power imbalances in decision making bodies." "Most impact assessments focus on the jobs and the economy, and most assessments are for jobs that tend to focus on male-dominant work sites at large-scale industrial developments. A new development is that industry recognizes that there are 'issues' at work camps and so these areas are offered to Indigenous community leadership as an economic development opportunity. The companies did not have the experience or capacity to prevent [the work camps from] impacting Indigenous communities, but they give the responsibility to an Indigenous community with less capacity and [fewer] financial resources to help [...] prevent the negative impacts from work camps." "The process is still proponent-driven, so communities can participate, but with short timelines in a process they don't drive, with limited funding and opportunities for meaningful engagement. In addition, there's a lack of regional and cumulative impact assessments, which limits opportunities to engage in ways that can really have impact. For example, in [region X], a regional assessment would demonstrate massive, gendered impacts. But each tiny project is so small it isn't subject to federal assessment." "Lack of gender balance in governing bodies and a corresponding failure in assessment processes to consider and address Indigenous gender-related issues." "Sexual gender-based violence and sex work is a major social impact in extractives yet when was the last time shelter workers and sex workers were identified as a necessary stakeholder group in impact assessments and pre-project consultations?"

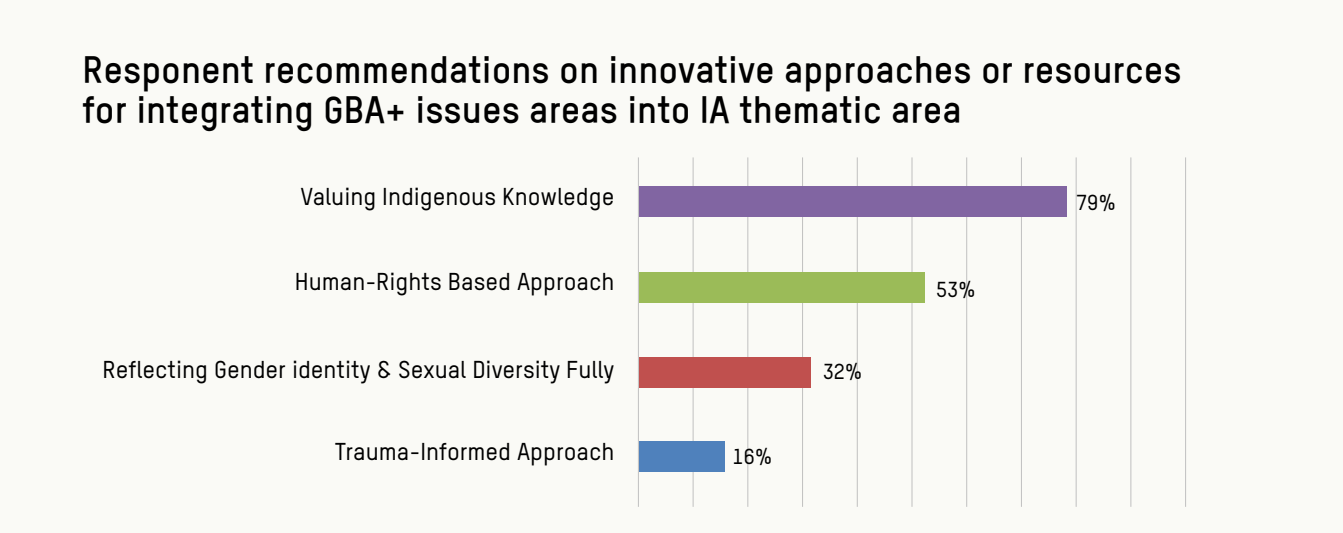
- Respondents who selected the "other" category, indicated: a lack of intersectional data; that these are primarily proponent-led processes and there is a lack of funding for community-led processes; a lack of third-party quality assurance of findings in the process; sexism (overt and subconscious); a lack of cross-provincial coherence in decision points for IAs; and broken links between IAs and compliance.

Respondents were also asked what the most dominant or persistent misconceptions about GBA+ in impact assessments were. Feedback included:

Misconception:	Example:
It is "just" about women and gender.	"That it focuses on gender exclusively." "That it is only about gender and race-ethnicity without considering other aspects of identity and relations co-constitutive to one's identity." "In the current Canadian context, the use of the term sex in Section 22 (s) of the IAA." "That it is only about gender. When you actually explain what it entails and the type of data we are looking for, it is more understandable." "It's mainly about employment equity." "That it's achieved through job creation for women." "That it's about hiring more women to work in industry."
It is not needed.	"We have been doing it this way for years and it works to get the job done."
It is complicated, technical, and costly.	"That it's 'too much'." "That it is 'extra' work and data/metrics are too subjective." "That it requires extensive amount of budget." "That it is new and complex. Differential risks have always been part of impact assessment — risks to pregnant women for example, risks to children. Adding a layer of understanding and context to these disaggregated data is GBA+. Rich and detailed analysis may be complex but there are many incremental steps we can make towards this that are easy."
It is against the interests of job creation and the economy.	"That it's an affront to hardworking men, and that it's just about jobs." "Viewed as a hurdle for proponents rather something that can enhance their social licence and ultimately their bottom line." "That this type of analysis does not address matters of relevance to Industrial projects."

INNOVATIVE APPROACHES

Respondents were asked if they were aware of any innovative approaches or resources regarding how key issues relevant to GBA+ were being integrated into impact assessments. Results included:



Suggestions included:

Issue area:	Recommendation:
General	Canadian Environmental Assessment Agency. (2019). *Gender-based Analysis Plus in Impact Assessment (Interim Guidance).* Retrieved 9 June 2021, from https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/gender-based-analysis-plus.html Clements, M and Caroline Sweetman. (2020*). Introduction: Reimagining International Development*. *Taylor and Francis Online,* 28(1) Retrieved 9 June 2021, from https://www.tandfonline.com/doi/full/10.1080/13552074.2020.1735800 Fletcher, G. (2019). *Engendering Transformative Change in International Development*. London: Routledge Kagal, N. and L. Latchford. (2020). *Towards an intersectional praxis in international development: what can the sector learn from Black feminists located in the global North? Taylor & Francis Online,* 28(1) Retrieved 9 June 2021, from https://www.tandfonline.com/doi/full/10.1080/13552074.2020.1717179 Sax, M., J. Stinson, D. Stienstra, L. Levac, and R. Tatham. (2020). *Environmental Scan to Identify Domestic and International Good Practices to Integrate SGBA+ in Health Impact Assessment.* Retrieved on 9 June 2021, from https://www.criaw-icref.ca/wp-content/uploads/2021/05/SGBA_in_HIA_Final_Report.pdf Social Sciences and Humanities Research Council. (2020). *IAAC Knowledge Synthesis Grants Evidence Briefs.* Retrieved 9 June 2021, from https://www.sshrc-crsh.gc.ca/society-societe/community-communite/ifca-iac/evidence_briefs-donnees_probantes/index-eng.aspx Stienstra, D., S.M. Manning, and L. Levac. (2020). *More Promise than Practice: GBA+, Intersectionality and Impact Assessment*. Retrieved 9 June, 2021, from https://liveworkwell.ca/sites/default/files/pageuploads/Report_Mar31_AODA.pdf

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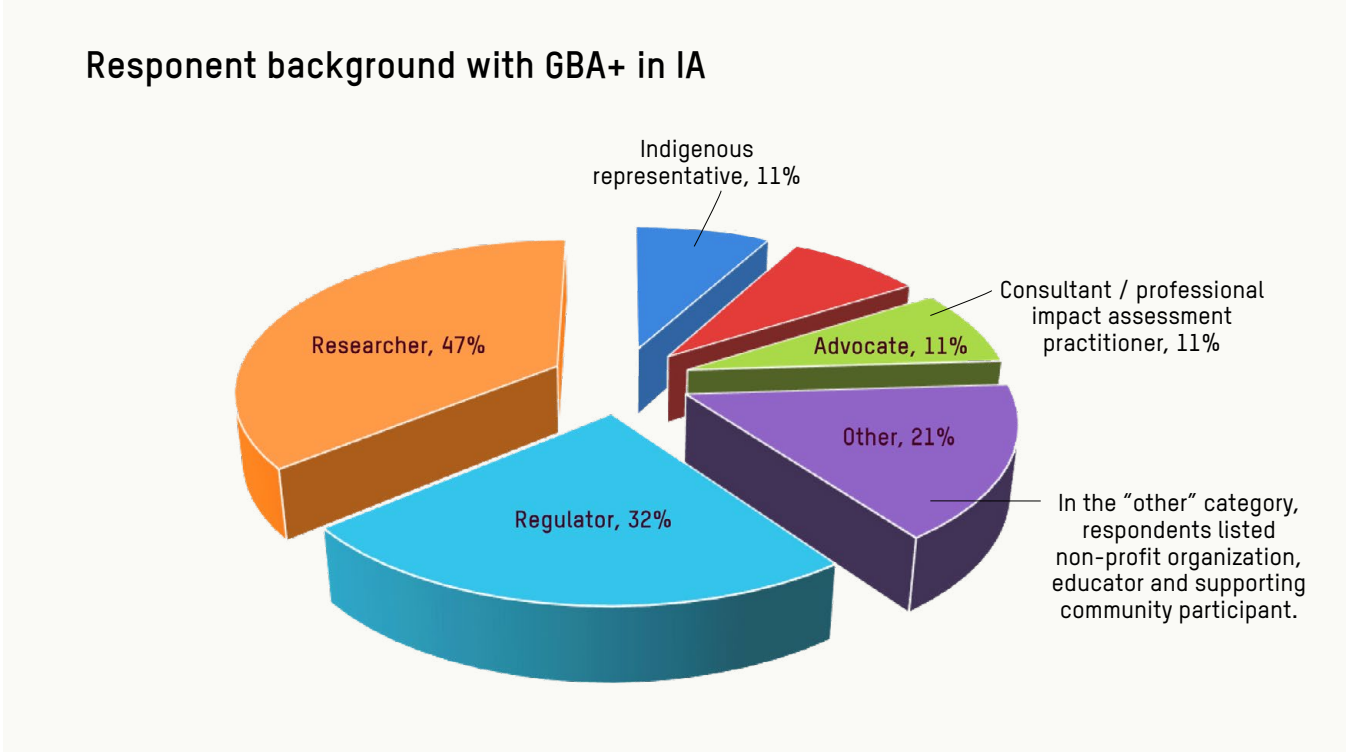
RESPONDENT INFORMATION

Respondents were asked to identify the contexts in which they have experience and/or interest in GBA+ in impact assessment. Results included:



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APPENDIX B – WORKSHOP PARTICIPANT LIST

Jolene Prince, Member of Nak'azdli Whut'en First Nation *(Workshop Opening and Closing)*

Nancy Ingram, Foot in the Door Consulting *(Workshop Facilitator)*

Jackie Hansen, Major Campaigns and Women's Rights Campaigner, Amnesty International Canada

Leith Anderson, Project Assessment Officer, BC Environmental Assessment Office

Debbie Owusu-Akyeeah, Executive Director, Canadian Centre for Gender and Sexual Diversity

Andrea Prajerova, Evaluations & Grant Coordinator, Canadian Centre for Gender and Sexual Diversity

Jane Stinson, Research Associate, Canadian Research Institute for the Advancement of Women

Bonnie Brayton, National Executive Director, DisAbled Women's Network

Marion Doull, Senior Policy Analyst, Impact Assessment Agency of Canada

Melissa Fairey, Senior Consultation Analyst, Impact Assessment Agency of Canada

Lachlan MacLean, Project Manager, Impact Assessment Agency of Canada

Jason Patchell, Panel Management Analyst, Impact Assessment Agency of Canada

Ege Tekinbas, Gender Equality Advisor, International Institute for Sustainable Development

Leslie Woolcott, Director of Inclusion and Career Development, Mining Industry Human Resources Council

Anne Marie Sam, Member of Nak'azdli Whut'en First Nation and Advisor to the BC Government

Adam Bond, Manager of Legal, Native Women's Association of Canada

Caroline Brodeur, Business and Human Rights Advisor, Oxfam America

Priya Bala-Miller, Founder and CEO, Palmyra Partners

Eseohe Ojo, Associate, Palmyra Partners

Felicia Tugak, Project Coordinator, Pauktuutit Inuit Women of Canada

Dawn Hoogeveen, Senior Research Fellow, First Nations Health Authority and University Research Associate, Simon Fraser University

Leah Levac, Associate Professor, University of Guelph

Deborah Stienstra, Professor and Director of the Live Work Well Research Centre, University of Guelph

Heidi Walker, PhD candidate, University of Saskatchewan

Anna Johnston, Staff Lawyer, West Coast Environmental Law

Kathy Adams, Senior Policy Analyst, Women and Gender Equality Canada

Jeanette Carney, Senior Assessment Officer, Yukon Environmental and Socio-Economic Assessment Board

Amar Nijhawan, Women's Rights Specialist, Policy and Advocacy, Oxfam Canada

Siham Rayale, Women's Rights Specialist, Policy and Advocacy, Oxfam Canada

Anya Knechtel, Policy Specialist, Climate and Natural Resources, Oxfam *Canada (Workshop Co-host)*

Ian Thomson, Manager, Policy, Oxfam Canada *(Workshop Co-host)*

For more information on Oxfam Canada's Feminist Approach to GBA+ in Impact Assessment initiative, contact:

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or Anya Knechtel, Climate & Natural Resources Policy Specialist at anya.knechtel@oxfam.org

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