

YESAB response to the nine recommendations generated from the Personal and Relational Safety Assessment Tool

Background

YESAB assessors have relied on academic research, reports from other jurisdictions and the MMIWG report to inform an understanding of project effect pathways, adverse effects, and significance of industrial activities to the personal safety of Indigenous and non-Indigenous women and girls and 2SLGBTQIA+ persons in the Yukon and in the industrial workplace. While the existing information has helped YESAB assessors to understand some of the potential adverse effects of industrial activities, there is currently a lack of Yukon-specific data and research pertaining to this issue.

In April 2021, YESAB issued a request for proposals to conduct research into how YESAB may better evaluate project effects on the personal safety of Indigenous and non-Indigenous women and girls and 2SLGBTQIA+ persons. This resulted in the contract for services for the Evaluation of the effects of industrial activities on the personal safety of Indigenous and non-Indigenous women and girls and 2SLGBTQIA+ persons in the Yukon by Vector Research, Hanson and Associates and Jen Jones Consulting (the “Research Team”).

The Research Team, in close collaboration with a working group from YESAB, developed a research plan for the Evaluation of the effects of industrial activities on the personal safety of Indigenous and non-Indigenous women and girls and 2SLGBTQIA+ persons in the Yukon in the summer of 2021. The research plan was reviewed and supported by a Research Advisory Committee that was formed of representatives from the following organizations: BYTE - Empowering Youth Society, Centre for Northern Innovation in Mining, Council of Yukon First Nations, Yukon Status of Women Council, Liard Aboriginal Women’s Society, Queer Yukon Society, Whitehorse Aboriginal Women’s Circle, Victoria Faulkner Women’s Centre, Yukon Transition Home Society and Yukon Women and Mining. The purpose of the research is to develop Yukon-specific knowledge that can be applied to advance YESAB’s assessment of effects to the personal safety of Indigenous and non-Indigenous women and girls and 2SLGBTQIA+ persons in Yukon communities and the industrial workplace from industrial activities.

The result of this research was the development of the YESAB Personal Safety Project Final Synthesis Research Report (the “Report”), Personal and Relational Safety Assessment Tool (the “Assessment Tool”), and the Personal Safety Literature Review (the “Literature Review”). This research will assist YESAB in evaluating project effects on personal and relational safety in Yukon communities and the industrial workplace. The Assessment Tool builds on the findings outlined in the Report to provide guidance to YESAB assessment staff in the consideration of effects to personal and relational safety to inform assessment recommendations. The Assessment Tool contains nine recommendations for YESAB to implement to improve

assessments of effects to personal and relational safety in Yukon communities and industrial workplace.¹

Consideration of the Assessment Tool Recommendations

The following is an overview of the proposed definitions of “personal safety” and “relational safety” and the nine recommendations along with YESAB’s response to the recommendations. Certain recommendations are similar in nature and content. Therefore, some responses have been grouped together.

Recommendation: The Assessment Tool defines personal and relational safety within the Yukon context and explain how the definitions can be applied to evaluating the effects of industrial activities on Indigenous and non-Indigenous women and girls and 2SLGBTQIA+ persons.²

YESAB agrees to adopt these definitions and will be incorporating these definitions into our work. The definitions are as follows:

Personal Safety

Focuses on the condition necessary to prevent harm and create spaces where individuals have freedom from worry about physical safety and being victimized by hostility, aggression, and harassment. Personal safety considers rules and programs necessary to protect the individual.

Definitions of personal safety often focus on the individual's behaviour and the rights and responsibilities of an individual. In the Yukon, personal safety has been described more broadly and to include a person’s relationship with the community, the land, and others. Relational safety considers Indigenous peoples' worldviews. Fundamental to many Indigenous worldviews is a focus on the collective, the importance of context, and the relationship with land in a full ecological sense which includes deep connection to all things, including non-human entities. Relational safety, therefore, focuses on the broader relationships between an individual and their community, land/ecology, and other people.

Focuses on the conditions necessary to prevent harm or create spaces where individuals are not victims. Considers rules or programs necessary to protect individuals. Such definitions focus on the behaviour of individuals as well as the rights and responsibilities of an individual.

Relational Safety

¹ Assessment Tool Appendix 1 p.12

² Assessment Tool p.2-3

Relational safety captures how Indigenous and non-Indigenous women and girls and 2SLGBTQIA+ persons experience safe or unsafe situations in relation to their identity, other people, the land, their community, their culture, and the societal systems in which we all live. Relational safety refers to the ways in which a person's identity can expose them to different forms of discrimination, violence, harassment, or other harms as well as impact their relationship with the land, their family, and their community.

Relational safety is a term that can facilitate YESAB assessors to analyze how different people (an individual or community of people) can experience the same space differently. For example, the concept of relational safety can be used to help explain how harassment is likely understood by a male worker on a worksite much differently than by an Indigenous and female worker on the same worksite within the context of Indigenous rights, societal biases, and systemic barriers.

Relational safety focuses on the systems and factors contributing to a shared but differently experience environment. This draws on how systems (e.g., policing by the RCMP, health care provision by the Yukon Government, etc.) respond to or are access by a person based on factors such as race, gender, income, education, and geography. Dynamics within peer groups and between workers and supervisors can also work to undermine or enhance security.

Focuses on the relationship of a person, a community, or a group of people who identify through specific traits with the systems that afford access to safe spaces. Considers the relationship with land/ecosystems and culture and factors like race, identity, geography, education, and income in a population's ability to access systems, structures and processes.

Recommendation: Consider expanding the current worldview informing YESAB assessments to incorporate Indigenous worldviews and the impacts of violence and harassment experienced at a collective level.

YESAB endeavors to integrate Indigenous worldviews into our assessments and we recognize the critical importance of input and participation of Yukon First Nation governments and peoples in assessment of projects in the Yukon. YESAB acknowledges that we conduct our work in various Yukon regions that holds multiple worldviews, and we strive to reflect these different views in our work. In order to achieve this, we offer training to staff, such as Yukon University First Nation 101, and we are building a more robust training program that will bolster the assessment staff's understanding of different worldviews so that they can incorporate them into their work. We are currently assessing various methodologies relating to systems and holistic approaches to assessments that would support and enhance how this work is done. This work will complement the tools already used by assessors to incorporate

Indigenous worldviews and understand the impacts of violence and harassment at a collective level more fully.

Recommendation: Clearly articulate and demonstrate YESAB's mandate and ability to assess socio-economic effects, specifically human-focused valued socio-economic effects, at both the DO and EC levels.

YESAB is required by the *Yukon Environmental and Socio-economic Assessment Act* (the "Act") to consider socio-economic matters as it carries out project assessments at all assessment levels: Designated Office ("DO"), Executive Committee ("EC"), and Panel of the Board. For all three levels of assessment, the Act requires assessors to make determinations on whether proposed projects will have or are likely to have significant adverse environmental or socio-economic effects. The Act defines socio-economic as including effects on economies, health, culture, traditions, lifestyles, and heritage resources.

As it relates to socio-economic effects, YESAB is required to consider the following matters as it conducts assessments:

- the need to protect the rights of Yukon First Nations under Final Agreements;
- the special relationship between Yukon First Nations and other residents of Yukon;
- the interests of First Nations;
- the interests of residents of the Yukon and of Canadian residences outside of Yukon; and
- any matter that a decision body has asked it to take into consideration.³

YESAB is also required by the Act to give full and fair consideration to Traditional Knowledge.

YESAB's evaluation of socio-economic effects are evolving and continually improving. The following examples represent YESAB's shift to assess socio-economic effects and contain, among other things, the consideration of Indigenous worldviews, Traditional Knowledge, and oral evidence:

- The Firelight Group⁴ spotlighted a 2012 YESAB assessment relating to sense of place.
- A 2017 project's recommendation was grounded in audio recordings of Tr'ondëk Hwëch'in Elders submitted to YESAB.⁵
- The 2019 Aishihik Generating Station Long Term Relicensing Project published a mind map of potential effects pathways that highlights the connection and interdependence between environmental and socio-economic effects.⁶

³ YESAA s.42(1)(g), (g.1), (h), and (i)

⁴ Culture and Rights Impact Assessment: A Survey of the Field https://firelight.ca/wp-content/uploads/2016/03/MCFN-303_MAPP-Report_Final.pdf p17

⁵ YESAB Project 2017-0060

⁶ YESAB Project 2020-0123

- 2019-2023 recommendations were grounded in comments and audio recordings from Tr'ondëk Hwëch'in citizens and Tr'ondëk Hwëch'in Government⁷.

YESAB's assessment of socio-economic effects continues to evolve in response to the dynamic socio-cultural landscape of the Yukon and Canada. As YESAB examines the growing number and increasing complexity of project-level comments it receives in respect of socio-economic effects, it seeks expertise in the areas where knowledge or information is lacking. YESAB has limited experience assessing impacts to 2SLGBTQIA+ persons and that we are committed to improving this shortcoming in our assessments by building relationships with community groups and developing internal capacity.⁸

Recommendation: Consider the overall loss of resilience in rural Yukon communities as a result of COVID when assessing the effects of industrial activities on the personal and relational safety of Indigenous and non-Indigenous women and girls and 2SLGBTQIA+ persons.

YESAB assessors regularly consider the resiliency of communities during assessments. YESAB assessors are seeing how COVID has changed many sectors' policies and protocols and these factors are taken into consideration by assessors. YESAB recognizes the loss of resiliency due to the pandemic affecting all the Yukon, and in particularly smaller communities where services are not as robust as Whitehorse.

The loss of resilience in rural Yukon communities as a result of COVID may be considered along with other current challenges including, but not limited to, the opioid crisis and the impacts of the legacy of residential schools and colonial systems. YESAB is continuing to work on assessing and considering resiliency in a systematic and transparent way beyond COVID. YESAB strives to improve our practice in this area at all project levels.

Recommendation: Determine how to receive comments and ensure anonymity involving harassment and sexualized violence outside of the Online Registry in order to hear from all voices on matters of personal safety.

AND

Recommendation: Consider how a mechanism adjacent to the Online Registry that collects comments involving harassment and sexualized violence could be a way to enhance YESAB's relationship with organizations and individuals at the community level.

These two recommendations are beyond the scope of YESAB's function. YESAB has considered how a mechanism adjacent to YESAB's online registry (YOR) could work and has found no viable alternatives. YESAB encourages all persons, organizations, and governments to participate in assessments where they can provide their community-based information on

⁷ YESAB Projects 2019-0100, 2020-0142, 2021-0074, 2022-0031, 2022-0133

⁸ YOR 2022-0072

these topics to inform specific project reviews without requiring protected personal information. Views, information, and comments can be submitted to YESAB by way of the YOR during the public comment periods for a project. All comments submitted must abide by the YOR's Terms of Use⁹. Comments can touch on any matter related to the project and may include information on human-focused values, and socio-economic effect or concerns.

YESAB is bound by the *Access to Information Act* RSC 1985, c A-1 and the *Privacy Act* RSC 1985, c P-1. YESAB must collect a name and contact information for our program purpose. The commentor may choose to not have their name publicly displayed by checking off the box "Do not display my name publicly" when submitting their comments. YESAB also accommodates individuals who come to a designated office in person and wish to comment on a project. YESAB can ensure the commentor's anonymity at the commentor's request.

If Access to Information and Privacy Requests ("ATIP") are made, it does not allow for the release of personal information to a third party. An ATIP request would redact the person's name if there was a request to know who made the comment. While we have permission to collect the defined personal information, YESAB cannot release personal information about someone without their express permission. We do not want to collect more personal information than is necessary to complete an assessment.

Recommendation: Support all YESAB staff to understand and apply messaging related to personal and relational safety.

AND

Recommendation: Require assessors and the Board to participate in personal and relational safety related training that is being required by proponents. This can include but not be limited to bias awareness training and cultural competency training. Check out resources at <https://www.criaw-icref.ca> and reach out to the community-based organizations in the Yukon that were part of the Research Advisory Committee (listed on page 3 of the Synthesis Research Report) for training options.

YESAB supports these recommendations and is in the process of developing training and awareness as it relates to personal and relational safety, bias awareness, and culture competency. Training options will be investigated and where applicable included in the training plans for YESAB staff. YESAB will be undertaking further research into appropriate training modules and avenues and will be contacting the organizations listed on page three of the Report and other organizations that may be able to support this type of training.

⁹ <https://www.yesabregistry.ca/terms>

Recommendation: Include an information requirement in the EC pre-submission engagement process that specifically refers to both personal safety and relational safety and cultural competency training.

Information requirements relating to personal and relational safety have been included in the EC Draft Project Proposal Guidelines to date; these requirements may change as new information or data becomes known. Information requests have been issued, and may continue to be issued, to proponents at both the DO and EC levels. The level of information required of proponents will depend on the scale and scope of the project that is being assessed. YESAB will be developing internal and external guidance regarding information requirements at the DO and EC levels to support implementation of the Assessment Tool.

Recommendation: Establish and maintain working relationships with organizations mandated to address inequities resulting from gender discrimination, racism, homophobia, and transphobia such as Liard Aboriginal Women's Society, Yukon Status of Women's Council, Whitehorse Aboriginal Women's Circle, Yukon Aboriginal Women's Council, Queer Yukon Society, Yukon Women and Mining, Yukon Women in Trades and Technology.

YESAB wishes to strengthen and maintain working relationships with the organisations listed in this recommendation. YESAB is actively taking steps in planning the implementation of the Assessment Tool. Until such steps are known, YESAB commits to initiating conversations the organizations listed to build relationships and capacity for these organizations to participate in the assessment process.

One way to take part in the assessment process is by setting up a YOR account. This will allow projects that may affect personal and relational safety to be monitored by these organisations. The YOR sends notifications for projects that the user is interested in reviewing. They may then submit comments regarding project effects to personal and relational safety.

YESAB wishes to improve communication with all interested organizations and governments. YESAB is available to provide information and education sessions with interested organizations and governments as an overall response to the recommendations. We anticipate this will build better and stronger relationships with all participants to the assessment process.