

December 15, 2022

Gord Schoberg
Senior Manager, Municipal and Community Relations
FortisBC Energy Inc.
Eagle Mountain - Woodfibre LNG Pipeline Project
16705 Fraser Highway
Surrey BC, V4N 0E8

Dear Mr. Schoberg,

**Re: Public comment related to FortisBC's Community Services Infrastructure
Management Plan & Worker Code of Conduct**

Justice for Girls writes in response to FortisBC's public comment period to outline our concerns regarding the deficiencies we observe in the Community Services Infrastructure Management Plan ("CSIMP") and the proposed Code of Conduct for workers staying at the transient worker camp or in other accommodation while working on FortisBC's pipeline project.

Many of our concerns regarding the human rights and public safety impacts of FortisBC's proposed work camp/ transient workforce are outlined in the appended letter which we submitted to British Columbia's Environmental Assessment Office. I encourage you to review that document alongside this submission, as it outlines our concerns for the safety of women and girls in the community of Squamish.

Upon reviewing FortisBC's CSIMP and draft Code of Conduct, we remain concerned that the safety issues we have raised with FortisBC have not been taken seriously, nor are they adequately addressed in the CSIMP or Code of Conduct. We reiterate that a Code of Conduct, anonymous/complaints based tip-line and private security are inadequate measures to protect

women and girls from the physical and sexual violence, sexual exploitation, disappearances and murders that accompany work camps and large influxes of transient (mostly male) workers into small rural communities.

In particular, the Code of Conduct does not sufficiently address or underscore the seriousness of violence against women and girls, offers no specific protective measures or reporting protocols for female workers or community, lacks meaningful transparency and accountability mechanisms, and, the most serious failing, lacks an obligation upon the company to report violence against women and girls to local police.

In framing our submission, we draw your attention to the international norms summarized in the *Guiding Principles on Business and Human Rights*,¹ which are widely accepted international norms outlining human rights obligations on corporations. These standards require corporate actors to avoid causing human rights violations, and to prevent, mitigate and provide effective remedies where adverse human rights impacts are directly or indirectly caused by their business activities. To meet these standards corporations must exercise due diligence in preventing and responding to human human rights violations. Human rights due diligence is a process for identifying, preventing, mitigating, and accounting for human rights impacts:

17. In order to identify, prevent, mitigate and account for how they address their adverse human rights impacts, business enterprises should carry out human rights due diligence. The process should include assessing actual and potential human rights impacts, integrating and acting upon the findings, tracking responses, and communicating how impacts are addressed.

- (a) Should cover adverse human rights impacts that the business enterprise may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships;
- (b) Will vary in complexity with the size of the business enterprise, the risk of severe human rights impacts, and the nature and context of its operations;

¹ United Nations, *Guiding Principles on Business and Human Rights Implementing the United Nations “Protect, Respect and Remedy” Framework*, para 17, Available at https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf; See also, UN Human Rights Council, *Protect, respect and remedy : a framework for business and human rights : report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises, John Ruggie*, 7 April 2008, A/HRC/8/5.

(c) Should be ongoing, recognizing that the human rights risks may change over time as the business enterprise's operations and operating context evolve.

Harassment & violence against girls and women is a serious human rights violation

Violence against women and girls constitutes a human rights violation. We are encouraged by the specific attention to the safety for Indigenous women and girls in the CSIMP; it is Indigenous women and girls who are disproportionately harmed by male work camps and who continue to suffer the impacts of colonization and environmental destruction of their lands and territories. But, Indigenous women and girls are not alone in facing the threat of transient male workforces. The human rights and safety of all women and girls in our community are at stake.

Due to the growing body of evidence connecting transient workforces with rapes, violence, sexual exploitation, disappearances and murders in surrounding communities, this issue merits specific attention in a Code of Conduct aiming to mitigate the harms of such workforces and to prevent systematic human rights violations. Unfortunately, the Code of Conduct does not go nearly far enough as it makes only superficial mention of requirements to behave respectfully, not engage in violence and to follow the law. **To demonstrate meaningful and sincere commitment to preventing sexual and gender-based violence, you need to name it specifically in your Code of Conduct as a serious human rights violation that will result in severe consequences with the potential for criminal investigation.**

Inadequate measures to protect women working in camps

The Code of Conduct offers no specific measures to protect the safety of women in the camps, nor is there any specific mention of protocols in place for women to report violence in the camp.

Neither the CSIMP, nor the Code of Conduct, provide for specific measures to protect and safety of female employees from harassment or violence by other workers. One of the greatest barriers to reporting sexual violence and harassment is fear of retaliation, which is exacerbated when coupled with a fear of losing one's employment. There is no statement or protocol in the Code of Conduct or the CSIMP that directly addresses these very real safety concerns.

The CSIMP does not provide protocols for company action following reports of violence, including ensuring adequate health and safety for victims, engagement with services for survivors or measures to ensure her safety following an incident. **Both the CSIMP and the**

Code of Conduct must include clear, detailed, accountable, and transparent human rights based processes for dealing with gender-based violence, sexual harassment and/or discrimination complaints.

Lack of Enforceability or Effective Remedies

That the nature of this industry relies on a complex matrix of sub-contractors and transient workers living in the work camp and in community housing, renders it virtually impossible to enforce compliance with a Code of Conduct. There is no meaningful accountability or transparency built into the plan that would adequately hold sub-contractors accountable if they fail to monitor and enforce the Code of Conduct. There is no way to ensure that they will self-report violations or to monitor the implementation of their internal disciplinary processes. To be remotely effective, compliance with the Code of Conduct would require enforcement, oversight and monitoring by an independent third party at minimum. Failure to implement such a mechanism leaves the company at risk of vicarious liability via sub-contractors.

However, even with independent monitoring, this would not overcome the deficiencies of a complaints-based system. For a tip-line to be useful, the company must thoroughly publicize the Code of Conduct and tip-line, and ensure response protocols mandate swift, thorough and decisive action when violations are reported. Given low rates of reporting for sexual violence, a complaints-based tip-line is not a meaningful or adequate measure to address this specific type of violation.

Inadequate accountability and transparency

The CSIMP and Code of Conduct lack meaningful measures for ensuring accountability and transparency. The CSIMP provides only two evaluation indicators to assess the efficacy of their safety protocols, neither of which are sufficient (see CSIMP, Table 6-1, paras. 10-11). The accuracy of these indicators require engagement with the tip-line and accurate reporting by sub-contractors, both of which we submit are unlikely to occur for the reasons outlined above. Thus, we do not believe there is adequate transparency or accountability for monitoring and evaluating these mitigation measures, nor do we believe that the Code of Conduct or CSIMP contain sufficient measures for protecting women and children in this community.

The plans also lack adequate remedies. Of course there are remedies available under both criminal and civil legal frameworks, however, business and human rights standards require

corporations to implement processes that enable remediation of any adverse human rights impacts they cause or to which they contribute.

The most serious insufficiency of both the Code of Conduct and CSIMP plan is the lack of specific obligations on FortisBC and sub-contractors to inform the local police in a scenario where the violation involved violence. This commitment and obligation must be built into the framework for mitigation strategies, both for the interests of public safety but also for accountability and transparency purposes.

We trust you will act with due diligence to ensure you have met your duties and responsibilities to prevent human rights abuses in company operations and to provide remedies if such abuses take place.

Sincerely,



Sue Brown, M.A., J.D.
Director of Advocacy
Justice for Girls
604-837-1069

Justice for Girls is an NGO with Special Consultative Status with the Economic and Social Council of the United Nations. Justice for Girls acknowledges the ancestral, unceded territories of the xʷməθkʷəy̓əm (Musqueam), Skwxwú7mesh (Squamish), and sə́lilwətaʔ/Selilwiltulh (Tsleil-Waututh) Nations.