

# HEBRON PROJECT CONSULTATION

A BRIEF SUBMITTED BY



TO THE HEBRON PUBLIC REVIEW COMMISSION



The Provincial Advisory Council on the Status of Women was established in 1980 by the Government of Newfoundland and Labrador. It was created to advise Government on issues affecting the status of women as well as raise awareness of women's equality issues within the general public. The Advisory Council is legislated by the *Status of Women Advisory Council Act*.



November 16, 2011

Hebron Public Review Commission

Dear Commissioner Ayre,

The Provincial Advisory Council on the Status of Women is pleased to submit the enclosed brief to the Hebron Project Review Panel.

The Advisory Council, established by Government under the *Status of Women Advisory Council Act* was created to advise Government on issues affecting the status of women as well as to raise awareness of women's issues within the general public. As such, our brief outlines a series of issues related to Hebron Project.

We view the Hebron Project not only as an economic and social opportunity for Newfoundland and Labrador generally, but a chance to advance the status of women throughout our Province. We are, however, aware of the potential challenges that arise with projects of this magnitude. The enclosed brief identifies ways the Hebron Project's Diversity Plan can more effectively address the challenges and take advantage of opportunities to ensure women can fully benefit from and participate in all aspects of this Project.

We look forward to any further opportunity to collaborate and support your commitment to advance women's equality through the Hebron Project.

Sincerely,

Linda Ross  
President/CEO

Encl.

## BRIEFING NOTE RE: HEBRON PROJECT

### INTRODUCTION

I am submitting this brief on behalf of the Provincial Advisory Council on the Status of Women, established in 1980 by the Government of the day and legislated through the *Status of Women Advisory Council Act*. It was created to advise Government on issues affecting the status of women and raise awareness of women's issues within the general public. This brief outlines the Advisory Council's concerns, recommendations and commitment to work with and support the Hebron Project in its efforts to maximize the benefits to women, and all designated groups, while minimizing any potentially negative outcomes.

In addition to the obvious equality-based reasons for including women in all aspects of any resource development project, the social and economic benefits of workplace diversity cannot be underestimated. For example, diversity contributes to meeting a project's labour demands, encourages the sharing of innovative ideas and creates balance in the workplace. These practical and ethical realities frame the various contractual and legal requirements that our Province's natural resource development projects include diversity plans.

Diversity starts with a commitment that designated groups, including women, are provided an equal opportunity at employment. Despite making up 51% of the population, women have historically had low to non-existent representation in many occupational categories arising from the Province's natural resource development projects to date. This seems to be of particular concern at the operational level, where on the White Rose Project, for example, the most recent report indicates no women were employed in the marine crew category and only 2% women were employed in the technicians/technologists positions in 2010.<sup>1</sup> We are also concerned by issues of diversity plan compliance across all agreements. All of these realities are in spite of existing diversity plans, as required by C-NLOPB.

An ideal diversity plan must expressly cover both the construction and operational phases of a project and include aggressive employment targets, as well as pro-active measures that ensure women are recruited, educated, trained and qualified to fill any and all positions arising from the project. Ultimately, a diversity plan must reflect an employer's genuine commitment to equity and desire to create an ever improving and diverse workplace.

Those in the oil and gas industry often identify safety as their 'bottom line' and the 'safety culture' that permeates all activities, decisions, and policies is paramount. The Advisory Council encourages the Hebron Project ("the Project") to be an industry leader and take the same priority approach to diversity as it has with respect to workplace safety. This means making proactive decisions and implementing outcome oriented

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<sup>1</sup> Husky Energy, 2010 Diversity Plan Report (July 2011), page 6.

measures to ensure designated groups, such as women, are meaningfully participating in all aspects of the Project. In turn, this goal can only be achieved through an industry leading Diversity Plan that is not only innovative, but developed and reviewed through consultation and an honest corporate desire to effect change.

Specifically, we are recommending that the Diversity Plan include:

- Construction and operational phase specific goals and measures;
- A minimum enumerated target of women in trade related positions arising within the short-term (i.e. construction phase of the project);
- Increased and enumerated targets for women's participation in historically under-represented occupational categories for the long-term; and
- Proactive measures to ensure women are trained and qualified to fill these positions (i.e. support for apprentices);
- A business access and procurement strategy that includes proactive measures and targets to ensure women owned/ controlled/managed businesses are participating in the Project's supply chain.

We encourage and support the continued development of programs and policies that provide women with the opportunity to fully participate in and benefit from all of our Province's natural resource developments. As with any major natural resource development project, consideration of all potential social and economic impacts, positive and/or negative, is critical. It is essential that particular attention be given to the unique perspectives, circumstances and concerns of women related to such projects. It is necessary to not only consult with women generally, but also diverse populations of women specifically (for example women with disabilities and aboriginal women) as a means of ensuring an appropriate gender lens is applied to development of all of the Hebron Project's policies, programs and plans.

We wish to acknowledge the 2008 Hebron Benefits Agreement that includes Gender Equity and Diversity Program measures. Further to this we wish to recognize the efforts of EMCP to date as outlined in the Diversity Plan as it currently exists. Although the existing Diversity Plan outlines measures the Advisory Council supports, we are very concerned by the lack of distinction between the needs and plans of the construction and operational phases of the project; the lack of enumerated targets and in particular how the absence of ambitious women's employment and business access goals may in fact undermine the effectiveness of the other diversity-seeking measures outlined in the Plan. Primarily, we are calling on EMCP to create a Diversity Plan that is creative, progressive and visionary. To reach this end, we are recommending that the Diversity Plan be amended to include targets not only for women's employment within the various occupational categories, but also with respect to women's participation in the business opportunities arising from the Project. Such targets must be ambitious and challenge the current status quo, which fails to appropriately represent women within many of the Project's occupational categories.

## THE DIVERSITY PLAN

### GENERAL DISCUSSION

The Diversity Plan as it is currently written does not include enumerated targets, and as such, is incomplete. We are concerned that EMCP has proceeded with the Public Review Hearings without the critical information. This is problematic as the federal *Employment Equity Act* (“the Act”) applies to the Project and that Act (as well as the Federal Employment Equity Policy) provide direction that target and proactive measures to achieve women’s employment, effective monitoring and reporting are all important elements for employment equity to be achieved. These requirements are also listed in the *Provincial Government’s Guide to Gender Equitable Employment* that is provided to all operators when planning projects in this jurisdiction.

While we are of the opinion that the Act (and the *Federal Contractors Program* (referred to in s.42(2) of the Act)) do not apply to the C-NLOPB we are also of the opinion that it applies to EMCP, as well as anyone doing work in the offshore during the towing out and anchoring of the Gravity Base Structure (GBS), the drilling and production phases and up until the GBS is removed. As the Plan notes, the C-NLOPB Benefit Plan Guidelines require that the Proponent review and assess models such as the *Federal Contractor’s Program* and the Act when preparing its Benefits Plan Application to be filed with the C-NLOPB.<sup>2</sup> It is within this legal framework that we recommend the need for defined targets and proactive measures throughout our brief.

Recruitment, education, supportive work environments and consultation are all essential in creating meaningful and long-lasting opportunities for women. We also know, however, that attempting to challenge deeply rooted negative attitudes about diversity and ultimately transform the often unintentional or unacknowledged discrimination inherent in many of our society’s institutions, policies, processes, and attitudes, requires significant self-consideration and concerted effort to accept change. The Diversity Plan as it is currently written does not adequately respond to this reality and fails to genuinely address the myriad of barriers facing women as potential beneficiaries of the Project.

Equally troubling, the Diversity Plan as it is currently written fails to adequately address the operational phase of the project. Although many of the measures outlined in the Diversity Plan might apply to both phases of the Project, we recommend that consideration be given to the specific barriers and circumstances of designated groups, in relation to each phase, in order to most effectively contribute to tangible diversity based outcomes.

The Hebron Benefits Agreement (dated August 20, 2008) states:

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<sup>2</sup> *Employment Equity Act* S.C. 1995, c.44 ss.3,4 & 42(2) and *Employment Equity Regulations*; *Canada Labour Code* R.S.C., 1985, c. L-2, s.2; *Oceans Act* (S.C. 1996, c. 31) ss.2, 20(1) & 26(1) and regulations made under *Oceans Act*.

A women's employment plan and business access strategy (the "WEP") in which the Operator will establish quantifiable objectives and goals. The Operator agrees that it will initially set such goals by **taking into consideration** the availability of women in particular occupational categories as identified by Statistics Canada in its Employment Equity Data Report.<sup>3</sup>

Notably, taking Statistics Canada's Employment Equity Data *into consideration* does not inherently exclude the consideration of other information, nor does it equate setting goals or targets based strictly on those numbers. The shortfall of the Statistics Canada information is that it is only published every 5 years (having last been produced in 2006)<sup>4</sup> and as such, it fails to reflect recent and ongoing investments in the Province with respect to women's employment. Furthermore, it fails to account for the labour market outlook which identifies under-represented groups (including women) as playing "an increasingly important role in helping to meet future labour demands."<sup>5</sup> Most significantly, however, Statistics Canada's information regarding women's participation in said occupational categories in fact reflects women's very low representation in these positions. Simply put, to set targets based on this information only serves to perpetuate women's low and often lack of participation in many of the relevant occupational categories, effectively undercutting any of the other financial and social investments EMCP has made pursuant to the Diversity Plan. Consideration of the Employment Equity Data is helpful, however, in identifying a base from which to aggressively set targets to increase women's employment and participation in the supply chain over the course Project.

For example, the College of the North Atlantic's enrolment numbers indicate women represent 14% of the students studying trades and technology<sup>6</sup>. Setting targets that mirror this number, or even slightly above 14%, still results in women remaining under-represented in these types of positions. To create real change, EMCP must set aspirational employment targets, coupled with aggressive measures by which to achieve those goals, to ensure women are trained, supported, recruited, hired and retained in positions which women have been traditionally under-represented. Rather than using women's low participation rate in a particular occupational category as a justification for low targets, the Diversity Plan must include proactive measures to increase women's enrolment in the trades and technologies to begin with and ensure women are supported, financially and otherwise, through the apprenticeship process.

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<sup>3</sup> The Hebron Benefits Agreement (August 20, 2008) clause 5.11 (c)(1)

<sup>4</sup> Human Resources and Skills Development Canada  
([http://www.hrsdc.gc.ca/eng/labour/equality/employment\\_equity/tools/eedr/index.shtml](http://www.hrsdc.gc.ca/eng/labour/equality/employment_equity/tools/eedr/index.shtml))

<sup>5</sup> Labour Market Outlook 2020, Department of Human Resources, Labour and Employment, Government of NL, 2011, pg vii.

<sup>6</sup> Department Human Resources, Labour and Employment, Government of NL, 2011.

Although such measures are particularly critical for occupations where women have been historically under-represented, we would also like to see stronger targets for women across all occupations where this project will provide opportunities. At a time when enrollment for women in engineering is decreasing in this Province and projects such as these afford significant opportunities for engineering, this plan should show exactly how women in engineering and other specialized occupations will be encouraged and supported to train and be part of one of the most important construction and energy projects in Canada.

### **Skills Development through Community Investment**

The Advisory Council supports the Hebron Project's assertion that "healthy and educated communities, where all citizens are valued and productive members of society, help provide a stable and prosperous operating environment." To this end, we recognize that gender specific investment is necessary in the inclusion, development and productivity of women in the oil and gas industry.

Strong promotional efforts and training supports need to be targeted at and available to women, and especially the young women and girls, throughout the Province. This includes gender and culturally sensitive promotional and educational opportunities in rural and aboriginal communities throughout the Province. As such, consulting with and building partnerships with aboriginal women and women living in rural communities, as examples, is critical to achieving that end.

We are also pleased to see EMCP plans to continue working with community organizations such as WRDC and Junior Achievements to promote the development of skills and experience to meet the Project's needs, amongst our Province's youth. Further to this point, we also encourage EMCP to consider expanding this effort to organizations that raise employment opportunity awareness amongst older women who are already in the workforce and perhaps considering a career change. We know that there are many women throughout Newfoundland and Labrador who are unemployed, under-employed or working in typically low paying female dominated professions. Through a creative and targeted communication piece, this untapped resource of potential employees provides EMCP with an ideal opportunity to meet the Project's labour demands.

Similarly, the Council of Marine Professional Associates (COMPASS) is an industry leader which recognizes the vital role women will play in meeting the marine labour market needs of the Province and as such, is an ideal partner and resource for the Project. Working with COMPASS and the Marine Institute are ways EMCP can proactively identify the occupational need and worker availability, to then ensure we have trained, experienced and qualified women to fill these jobs during the operational phase of the Project. Furthermore, we encourage EMCP to work with the Marine Institute to explore specific funding opportunities and ways to invest directly in the

education and training women require to effectively qualify for marine related positions arising within the Project.

While we acknowledge the benefits associated with the Hebron Project Diversity Endowment Fund, such financial support is only available to students of Memorial University of Newfoundland and College of the North Atlantic. Women attending and being educated in the skilled trades, for example, at other post secondary institutions, however, cannot benefit from such funding. As well, although engineering, mathematics and the sciences are undoubtedly important skill-sets for many of the occupations arising from the Project, scholarships and other forms of educational supports need to also address more generally the business, trade and technology needs of the Project.

Ultimately, there needs to be an ongoing assessment of opportunities, investment effectiveness and flexibility in addressing the goals arising from pillar 1. Building long-term, meaningful and reciprocal partnerships with our Province's educational institutions and community organizations is a critical step in achieving these goals.

Likewise, research is another means of community investment, although not directly identified within the Diversity Plan. "Response to Hebron Public Review Additional Information Request (October 14, 2011)" addresses the issue of the \$120,000,000 Research and Development commitment. In particular, the Advisory Council notes that "in order to qualify as R&D and E&T for the purposes of meeting regulatory and Benefits Agreement requirements the expenditures must occur in the Province of Newfoundland & Labrador"<sup>7</sup> We believe that Research and Development offers an ideal opportunity to not only set targets with respect to women's involvement in these processes, but also as means to advance the participation of all designated groups in other aspects of the Project. For example, gender focused research relating to disability accommodation needs and opportunities are a qualitative step towards progressive workplace accommodation for women with disabilities.

The oil and gas industry has also taught us about the social impacts of major natural resource development projects. With the wealth, employment opportunities and associated economic benefits come many social impacts, both positive and negative, experienced by individuals and the community at large. Women, in particular specific groups of women, often experience these negative factors to a greater degree than other groups. The Diversity Plan fails to acknowledge and respond to these greater-impact realities.

With the development of the various off shore oil projects, housing has become an issue for many, in particular women throughout the Province. Women have also raised concerns about the levels of violence, crime and addictions which they attribute to the economic boom. As the oil industry grows, so too does the demand for housing as labourers and executives move into the community, thus reducing housing availability and in turn increasing housing costs. For example, St. John's is currently experiencing

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<sup>7</sup> Response to Hebron Public Review Additional Information Request (October 14, 2011).

an affordable housing crisis. Many minimum wage earning and single parent families cannot secure adequate and affordable housing. Women, specifically women with complex needs relating to mental health and addictions for example, are particularly vulnerable to displacement. Many other communities throughout the Province, including Whitbourne, Happy Valley- Goose Bay, Corner Brook and Labrador West report similar housing concerns. As such, a Project initiated strategy addressing the local need for comprehensive, affordable and accessible housing, would help mitigate housing issues throughout the community at large, which might arise from or become further aggravated by factors relating to the Project. In particular, we are calling on EMCP to make a meaningful financial contribution to affordable and accessible housing in the areas of the Province impacted by the Project.

We cannot understate the unacceptability of domestic violence experienced by women and children in communities throughout the Province. In particular, we have heard of incidents of domestic violence within families where one or both partners are employed in a natural resource development project. While we are certainly not suggesting that employment with any natural resource development project *causes* domestic violence, we do know that breaking the cycle of a violent relationship can be aggravated by isolation, a lack of community support, (including support workers and counsellors), a lack of temporary and/or permanent housing alternatives and economic dependence, (all factors which may arise or become magnified in communities and families directly impacted by the Project). We are also recommending that there be a commitment to educate employees on the impact of domestic violence on families and the workplace, and in particular, women.

Nonetheless, as communities (which may not otherwise have supports for families and individuals dealing with domestic violence) experience growth as a result of the Project, there will be a need and indeed an opportunity to further address that issue. We support the development of physical and human resource infrastructure needed to address domestic violence experienced by employees and those living within communities most impacted by the project on the basis that such measures would improve not only the well-being of individuals, but the community at large.

### **Recruitment and Selection of Qualified Candidates**

Building on the goals of pillar 1, recruiting and selecting qualified candidates is equally critical in ensuring women are not only made aware of Hebron's employment options, but also filling those available positions.

*Newfoundland and Labrador Labour Market: Outlook 2020* identifies “proactive” measures, specifically those which “increase participation of women, especially in non-traditional occupations”<sup>8</sup> as necessary in ensuring the Province can meet its emerging

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<sup>8</sup> Labour Market Outlook 2020, Department of Human Resources, Labour and Employment, Government of NL, 2011, pg 74.

labour demands. Proactive measures go beyond a simple commitment to hire women, rather they are based in the acknowledgement and meaningful response to the reality that women and girls face gender specific barriers that prevent them from considering certain occupations in the first place and when they do, they often face additional challenges arising in the course of their education, training and in the workplace. Although we are pleased to see the Diversity Plan includes initiatives relating to communication and consultation, advertising, selection and internship, pillar 2 does not adequately communicate meaningful measures to ensure designated groups, and particularly women, are recruited and hired for the Project.

Although excluding “self-identification” is one way to avoid “actual or perceived bias,” it is also counterproductive in meeting the Diversity Plan’s target commitment. What is more, inherent in the discussion around avoiding “bias” and “equitable treatment and opportunity for all individuals” is a failure to respond to barriers facing women and other individuals within the designated groups. Simply put, ensuring recruitment “advertising reaches target audiences” is not sufficient. Rather, the advertising itself must be targeted to women and the other designated groups. The Advisory Council strongly encourages EMCP to consider options available pursuant to the federal<sup>9</sup> and provincial<sup>10</sup> Human Rights Act, section 16 and section 8, respectively. Both pieces of legislation include “special program” options that allow employers to specifically recruit from disadvantaged or underrepresented groups.

Similarly, it is also important to consider, acknowledge and change any educational supports or employment advertising requirements that may unintentionally exclude diverse populations of women as well. For example, some women with disabilities may be further marginalized than women in the general population and would likely require extra prompting to avail of the Diversity Endowment Fund or apply for employment with the Project.

We strongly encourage EMCP to explore this possibility for both recruiting and hiring purposes. Likewise, with respect to the actual selection of qualified candidates we recommend measures such a commitment to interview all designated groups candidates who met the job criteria. Notably, Husky Energy as lead operator of the White Rose Project reported this measure in their 2010 Diversity Plan Report.<sup>11</sup> On a related note, we also recommend that the Diversity Plan include a commitment to review and amend job requirements to ensure identified qualifications are not unnecessarily narrow, and thus inherently exclusionary.

### **Establishment and Development of a Supportive Work Environment**

We are pleased to see the Diversity Plan recognize the importance of a supportive work environment. We often hear of women who, after receiving extension training and

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<sup>9</sup> *Canadian Human Rights Act* (R.S.C., 1985, c. H-6).

<sup>10</sup> *Human Rights Act*, 2010 (Province of Newfoundland & Labrador)

<sup>11</sup> Husky Energy, 2010 Diversity Plan Report (July 2011), page 13.

education to work in non-traditional occupations, are forced to leave their chosen career due to barriers in the workplace. We applaud commitments outlined in the Diversity Plan that acknowledge women's unique needs, such as gender specific facilities and initiatives relating to work- life balance. To this end, we further recommend the inclusion of measures that ensure gender specific clothing and safety equipment are readily available to all employees.

From a contextual standpoint we find it beneficial to see the diversity expectations of both EMCP employees and managers as outlined in the "Valuing Diversity Statement" on pages B-9 and B-10 of the Plan. We wonder, however, how are these expectations achieved? What supports, training and accountability tools are in place to ensure the culture of diversity is nurtured and ultimately achieved? We suggest that in the application of the initiatives regarding Training/Education as outlined on Table 5.2-3, EMCP will keep the diversity expectations in mind and use training as means instilling a deeper diversity culture amongst employees, contractors and partners.

We note that throughout the Diversity Plan there is a tendency to speak of accommodation within the context of disability. While there is a definite need to implement disability accommodation policies, in particular for the unique needs of women with disabilities, the legal concept of accommodation goes beyond that of the disability context. For female employees in particular, issues of pregnancy, breast feeding and family status are all potential areas of workplace accommodation. We therefore recommend that the Diversity Plan expand and include initiatives related to other potential accommodation issues. On a related note, we recommend that the Diversity Plan outline the Operator's commitment to ensure accommodating measures are incorporated into collective agreements and EMCP work with the unions to achieve their diversity goals. Generally, collective agreements do not include any diversity based supports with respect to dispatches, for example, so companies must make this request directly. Therefore, we recommend that companies, including subcontractors, should be required to use the 'name hire' process from union halls.

Notwithstanding workplace accommodation needs, it is also critical to acknowledge the often subtle messages and attitudes that may be particularly intimidating or unappreciated by employees, particularly employees who may represent a minority in the workplace. On site 'diversity officers' should be introduced in the workplace, to avoid women having to go to the fore-person or shop steward (both positions are often held male) to address diversity issues. Just as many workplaces have safety officers who handle all safety issues, a similar type of role is essential to foster the growth and support for diversity on site. For example, this person would deal with issues of harassment, culture, gender specific equipment, monitoring the hiring and layoffs as per set targets and foster supports such as training for a woman is hired whose skills are 'rusty'. It is critical that there is a diversity officer, or designated supporter be on the ground or rig working directly with the workers, and not simply employed at the head office in St. John's.

The benefits of a supportive employer can carry over into an employee's personal life as well. While many employers feel it is not their responsibility to provide childcare, for example, the reality is that female employees in particular must often choose between work and family responsibilities. Simply providing childcare information is unlikely to be adequate given most communities in the Province have very limited affordable childcare options. Even families with significant financial means simply cannot find suitable childcare to meet their needs. Child and family care generally needs to be addressed in a more hands on way to encourage women and families to seek employment with the Project. Depending on the Project phase, employees could be required to move away or travel great distances – without this support for women and families, it will be difficult, due to the lack of child care in the province. Likewise, in instances where both parents are employed with the Project, EMCP will need to be flexible in scheduling work.

The responsibility to mitigate potentially negative social impacts also relates to support and programs to address crime, addiction and mental health concerns. Our Council has heard of countless instances of drug addiction arising amongst individuals employed in the Alberta projects and also of the ensuing drug related-violence and crime. Similarly, working off-shore and being away from home for long periods of time can contribute to an individual's stress levels and overall well-being. While we do not pretend to understand the circumstances that allow this sort of situation to unfold time and time again, it would be misguided to ignore the greater social impact of addiction and its related problems.

While project employers often impose a 'zero tolerance' drug policy while on-site or in the course of employment, we support more proactive measures to ensure services are available to employees and the community at large to mitigate various addiction concerns. These measures might include addiction counselling services for employees and their families; stress-management services for employees; strategies to address addiction and mental health issues as they arise in the workplace; and relationship building with community partners such as frontline support service agencies and local police forces.

### **Monitoring, Reporting and Stewardship**

As noted in our introduction, diversity plan compliance is an on-going concern. Monitoring, reporting and stewardship are imperative aspects of ensuring women generally, and in particular, diverse populations of women are benefitting from the Hebron Project, and the goals of the Diversity Plan are met. As stated previously, the Diversity Plan in its current state is incomplete as a result of the lack of any identified targets. It is also troubling from the standpoint that the standard industry practice in Newfoundland and Labrador for women's employment plans is the inclusion of targets for women's participation either by occupational group or by the specific occupations. For example, Vale Inco (Argentia and Long Harbour Projects) and, Nalcor Energy (Lower Churchill Project) projects such as the Western Labrador iron ore project and the Rambler Mines Project, all include targets in their diversity or women's employment plans.

In addition to making it difficult to judge the strength of the women's employment initiatives as outlined in the Plan, the lack of targets make it difficult for ECMP to strategize process and outcomes. Furthermore, how are contractors or unions expected to cooperate if the final goals are yet to be identified? Therefore, it is imperative that this information be included in the Diversity Plan.

While we appreciate contractual requirements to report annually to the C-NLOPB, we also recognize the parameters of the Board's knowledge base and expertise. Specifically, we are not aware of any diversity expertise, and in particular gender awareness skill set present on this currently all male board and management team, and therefore fail to see how diversity initiatives could be appropriately monitored and criticized by this body. As such, we also recommend that monitoring be carried out by a body with "diversity experience" that is external to the operator, contractors, etc, to address gender issues as well as issues relating the other designated groups. Ideally this body would monitor the Diversity Plan initiatives as well hiring and layoff practices, ensuring women are given valuable job tasks as per their training.

With respect to reporting, we recommend that in addition to reporting to the Minister of Natural Resources the Project should report annually to the Minister Responsible for the Status of Women. Consultation is also a critical piece of ensuring accountability, but is particularly important when making decisions about and with respect to designated groups of people. We are pleased to see reference to the consultation done to date, as well as future plans to consult. On this point, we recommend that as a part of the accountability process, EMCP consult with community organizations annually (in particular women's organizations generally, as well organizations committed to working with specific groups of women) and apply that feedback as is necessary to ensure constant and meaningful improvement to the Project's diversity outcomes.

### **Business Access**

In addition to employment benefits, the Benefits Plan is also mandated to include specific information relating to how women and other designated groups might access business opportunities arising from the Project. The Business Access portion of the Diversity Plan as it is currently written requires more information from the standpoint of women owned businesses. Simply put, how does the Project plan on achieving the business access piece for women? What will constitute a woman or women owned/controlled and managed business? Will there be a certification process? What targeted and proactive measures will be taken to ensure women specifically are aware of business opportunities and how to competitively access them? As with women's employment, we strongly recommend setting targets.

The United States Government has a program for women's procurement and they have specifically committed 5% of all procurement will go to women owned, controlled and

managed businesses.<sup>12</sup> Establishing procurement targets, in combination with a national and transparent certification process for women owned businesses are critical measures in ensuring women are going to benefit from the business opportunities of the Project. As such, we strongly recommend that the Business Access piece include targets that 5% of all business procurement areas go to women's businesses.

An effective Business Access plan should be expected to include the following information:

- Provide women in business the opportunity to self identify as women owned businesses;
- Provide a certification process for women owned businesses in line with national certification programs such as "We Connect Canada", where certification goes to those women owned businesses where they have 51% ownership and where they can demonstrate they are owned, managed, controlled and operated by women;
- Identify where current business access for these groups exist;
- Communicate information on supply and procurement opportunities to these groups;
- Identify possible barriers in the procurement program that limit the participation of designated group members, and
- Develop a business access strategy aimed at promoting a fully equitable supplier and procurement process for women that would include the following information:
  - Positive policies and practices, including setting targets, awareness, training for procurement officers and other supplier development supports for women and other designated groups to ensure their participation and benefits from supply and procurement;
  - The identification of other aggressive and proactive measures to remove supply and procurement barriers for women owned businesses and other designated groups;
  - The identification of timetables and goals that are sufficient to achieve reasonable progress towards a representative supplier clientele for the project;
  - A commitment and demonstration to continuous improvement;
  - A commitment to and a demonstration of how reasonable efforts to implement its plan and monitor, review, and revise its plan on an annual basis including the assigning of responsibilities for this goal, and
  - A commitment to prepare an annual public report by designated group that would include a report on the achievement of targets by procurement categorizes.

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<sup>12</sup> U.S. Small Business Administration (<http://www.sba.gov/content/sba-announces-contracting-program-women-owned-small-businesses>).

## CONCLUSION

Although the Advisory Council is primarily concerned with the women's employment and benefits piece as is outlined in the Diversity Plan, we are firm in our position that efforts to achieve diversity cannot be achieved in a vacuum. As such, it is critical that the diversity vein runs throughout all aspects of the Hebron Project. Examples of this point arise in the "Response to Hebron Public Review Additional Information Request (October 14, 2011)" with respect to questions and responses relating to Pool 3 and the Research and Development. Hebron's response to the question seeking clarification on Pool 3 is:

The Benefits Plan covers the development of Pool 3. The Benefits Plan commitments apply to all potential development within the Hebron SDLs. The additional development of Pool 3 would provide incremental local benefits including incremental employment, procurement and R&D benefits.<sup>13</sup>

Currently, labour needs, both with respect to raw numbers and occupational categories are unknown. While aspects of the Diversity Plan may translate into whatever circumstances and needs may arise in relation to the development of Pool 3, tangible and quantitative measures, including targets, relating to the recruitment, training and hiring of women are impossible to determine in the absence of Pool 3 development details. Therefore, the Diversity Plan as it currently exists within the Benefits Plan cannot in good faith be intended to satisfy the Project's contractual and legal diversity requirements as they arise with respect to the potential development of Pool 3. As such, the Advisory Council recommends that EMCP prepare to re-examine the Diversity Plan in light of arising Pool 3 development plans and impose appropriate targets and measure in response to the same. More generally, however, this omission is an example of how the Diversity Plan as it is currently written lacks a comprehensive diversity vision or ability to effectively respond to all future circumstances of the Project.

As previously noted, there are many aspects of the Diversity Plan that the Advisory Council supports and we applaud the EMCP's efforts to date. We are, however, genuinely concerned by the above identified gaps in the Diversity Plan as it currently exists. Namely, the lack of aggressive targets that challenge the status quo with respect to women's employment and business access opportunities is unacceptable and would likely undercut the overall effectiveness and intention of the other measures outlined in the Diversity Plan. Of course such an outcome would be neither ethically nor economically sensible. After all, why make such significant financial and human resource investments if ultimately women and the other designated groups, remain under-represented and do not benefit from the Project's many opportunities. Ideally, the

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<sup>13</sup> Response to Hebron Public Review Additional Information Request (October 14, 2011).

ultimate aspiration of any women's employment or diversity plan should be the creation of a workplace and community that no longer requires such measures and until such time creatively and tirelessly seek to challenge and improve.

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