

OUR INVESTIGATIVE APPROACH

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Fairness in a changing climate: Ensuring disaster supports are accessible, equitable and adaptable

The principles of administrative fairness inform our analysis and our work under the *Ombudsperson Act*. In the context of public bodies' duties and obligations, there are several aspects of administrative fairness, including procedural fairness, substantive fairness and equitable fairness. There may be significant overlap between these terms, but each brings important dimensions to the assessment of fairness. For our office and this investigation, **fairness takes into consideration reconciliation, equity and the impacts of climate change.**

Consistent with our commitment to reconciliation,³⁰⁷ our investigative work is informed by an acknowledgement and recognition of the systemic unfairness that results from historic and ongoing racism and colonialism in relation to Indigenous Peoples. When assessing the scope of the province's fairness obligations toward Indigenous Peoples, both individually and as part of a collective, we consider the province's obligations under the *Declaration on the Rights of Indigenous Peoples Act* and related provisions of the *Interpretation Act*.

An equity approach acknowledges that different people require different services to participate fully in society. Our investigation was informed by the analytical frameworks known as Gender-Based Analysis Plus (GBA+), Indigenous Gender-Based Analysis Plus (IGBA+, sometimes also called Culturally Relevant GBA+ or CRGBA+) and Métis-Specific GBA+.³⁰⁸ These are analytical tools used to assess how diverse groups of people may experience public policies, programs and initiatives. They require analyzing socio-cultural and historical realities resulting from colonization, systemic racism and other systemic inequities. The "plus" in these approaches acknowledges our multiple and intersecting identity factors, such as race, religion, age, sexual orientation, geography, or mental or physical disability.

Our analysis involved asking additional or different questions and bringing forward equity considerations.

Existing social inequities in British Columbia are exacerbated by climate change.³⁰⁹ People who experience poverty or social inequality, or who are impacted by systemic racism or other forms of systemic oppression, are often affected more strongly by the impacts of a changing climate and may have fewer resources with which to adapt.³¹⁰ Reports on other extreme weather events have explored their disproportionate impacts – for example, the disproportionate impacts of the heat dome on people with disabilities, older people, and people living in poverty.³¹¹ The majority of people who died because of the extreme heat were older and living alone, and others disproportionately affected included people with disabilities, people who were unhoused, and people living in poverty.³¹² The provincial government has taken steps to consider issues of equity in its work. In 2018, BC committed to advancing gender equality by ensuring that gender equity is reflected in all budgets, policies and programs. Our assessment of the delivery of emergency supports was informed by that commitment.

In consideration of the intersection between these various aspects of fairness, our investigation has been framed by the following questions:

- How have the provincial support programs, Emergency Support Services (ESS) and Disaster Financial Assistance (DFA), assisted people who have experienced displacement as a result of extreme weather events between June and December 2021?
- What gaps in the scope and implementation of ESS and DFA have been identified or experienced by the people who have been displaced? How do any identified gaps in the delivery of ESS

and DFA contribute to disproportionate impacts?

- How have people accessed the programs? Have the supports been timely and accessible? Have there been barriers to access? Who experiences barriers? What is the impact of barriers? What ameliorative strategies are in place to offset barriers or disproportionate impacts?

British Columbians are a diverse population with diverse needs, and processes and decisions that appear to be neutral impact different people in different and often unfair ways. We recognize these impacts in looking at whether a process or decision is fair or reasonable. Our work also takes place in a changing climate. As governments at all levels respond – or fail to respond – to the immediate and longer-term impacts of climate change, they must continue to do so in ways that satisfy the requirements of fairness.

How we investigated

Our investigation pursued several lines of inquiry and drew on multiple sources of information to develop an understanding of how ESS and DFA were administered by Emergency Management BC (EMBC) and how people who were evacuated or displaced from their homes in 2021 experienced those supports. Our investigation included a review of primary records from EMBC, a public questionnaire, a literature review, and interviews and discussions with EMBC, service recipients, service providers, local governments, Indigenous leaders and communities, and others with knowledge or expertise related to the provincial programs or experience of long-term displacement.

We did not investigate local governments or the relationship between local government and the province in providing supports, but we understand that local governments play a

key role in emergency response. We include some discussion of their role and relationship to provide context for our analysis.

EMBC records

We requested records and information from Emergency Management BC (EMBC), which is currently part of the Ministry of Emergency Management and Climate Readiness. (At the time we started our investigation, EMBC was part of the Ministry of Public Safety and Solicitor General.)

The ministry administers all aspects of private sector DFA. In contrast, the ministry does not directly deliver ESS services but provides funding to the local and First Nations governments that administer ESS and establishes policy guidance for the program.

In addition, EMBC contracted with the Canadian Red Cross to administer some supports in response to the extreme weather events of 2021. We reviewed and assessed the records and information provided by EMBC that addressed the administration of ESS and DFA generally and in the specific contexts of the extreme weather events of 2021.

We also reviewed law, policy and other guidance documents that relate to the ESS and DFA programs, including provincial and federal legislation, and provincial regulation and policy.

Because the ministry has different roles in relation to ESS and DFA, the type and scope of information available on the two programs varied. For example, the ministry was not able to provide our office with ESS records for all of the program recipients – only those who registered through the online ERA tool, not recipients who were registered using the paper system – resulting in gaps in the data we analyzed about this program. The ministry does not consistently collect or have access to socio-demographic data related

to the provision of emergency supports or disaster financial assistance. These issues are discussed in greater detail in the main body of the report.

Because our investigation was focused on the ministry's administration of DFA and ESS, we did not seek records held by local governments, First Nations governments or the Canadian Red Cross. However, we shared portions of our draft report with CRC and received additional information that we assessed and incorporated where appropriate.

Fire and floods questionnaire

We designed an online questionnaire for people who had been or were still displaced because of the extreme weather events of 2021, to gain direct, first-hand knowledge and understanding of their experiences with ESS and DFA. The questionnaire asked about people's experiences with displacement and support through ESS and DFA, and invited people to share socio-demographic information.

The questionnaire was available on our website. We also invited people to contact us directly if they wanted to share more information or preferred to share information in a different format. We announced the questionnaire in a news release on October 6, 2022, and further advertised it on social media. The questionnaire remained open throughout the investigation, and almost 500 people completed it. We informed participants that information they shared would be used for the investigation, kept confidential, and anonymized in any published reports, and all participants consented to the use of the information. We reviewed and analyzed the quantitative and qualitative data provided through the questionnaire, which helped inform our understanding of the programs from the perspectives of some of the people who were directly impacted by them. We also contacted some participants, with their

consent, for follow-up interviews to share their perspectives, and these provided helpful input based on lived experience. A copy of the questionnaire is provided in Appendix D, and results are summarized in the charts in Appendix D.

We saw investigative value in the use of a questionnaire to reach people across the province and particularly in areas impacted by the extreme weather events. There are some limitations to the data that should be considered when viewing the questionnaire results. Participation was voluntary and self-selected, and we did not seek a representative sample of people who were impacted by the extreme weather events. Most of the people who responded to our questionnaire were from the southern Interior, primarily Merritt and surrounding locations in the Nicola Valley, which means participants from these areas are over-represented in the data. Additionally, we asked participants about their racial identity and whether they identified as Indigenous, and the results indicate that (in comparison with 2021 census data for BC and the southern Interior region) racialized people are under-represented, white participants are over-represented, and the percentage of Indigenous participants is on par with census data (at 14 percent). We also recognize that there are limitations in using an online questionnaire, and the format likely excluded or presented challenges for some people and communities. We tried to address this by reaching out directly to local governments and First Nations to inform them of our investigation and invite them to share the questionnaire with their communities. We combined the questionnaire with other forms of outreach, particularly to Indigenous communities, leaders and groups, and we provided opportunities for in-person communications in some communities.

Interviews and engagement

We met with senior personnel at EMBC, and DFA and ESS program personnel.

We also reached out to local governments and regional districts in areas particularly impacted by the extreme weather events of 2021, and we met with leadership and/or personnel from the City of Merritt, the City of Vernon, the City of Kamloops, the City of Kelowna, the City of Vancouver, the Regional District of Central Okanagan and the Thompson-Nicola Regional District.

We also prioritized outreach to Indigenous leaders and communities, especially in areas particularly impacted by the extreme weather events of 2021. We met with Chief Maureen Chapman, Sq'ewá:lxw First Nation, co-chair of the independent review of the 2017 wildfires and floods, early in our investigation for her insights and expertise. We also met with the Minister's Advisory Council on Indigenous Women for insights and guidance on inclusive engagement and analysis. We met with leadership and/or personnel from Skeetchestn Indian Band, Shackan Indian Band and Upper Nicola Band, and from Métis Nation British Columbia.

In addition, we spoke with personnel from First Nations' Emergency Services Society, the Insurance Council of BC, the General Insurance Ombudservice, the Climate Displacement Planning Initiative, and several emergency management professionals. We also interviewed people with lived experience of displacement from the wildfires or atmospheric river events (or both) about their experiences with the ESS and DFA programs.

Some of these meetings occurred virtually, while others were conducted in person. During the investigation, we travelled the traditional and unceded territory of the Scw'exmx and the Nl̓eʔkepmx Tm̓ixw, including communities along the Nicola and

Coldwater rivers to see first-hand some of the impacts of the 2021 wildfires and atmospheric river.

The extreme weather events that occurred between June and December 2021 had impacts throughout the province. During this period, the province continued to respond to the COVID-19 pandemic, which also had impacts on how ESS could be safely delivered. These impacts and the provision of supports varied by event location, community, and individual circumstances and experiences. Although we invited and sought out a range of perspectives, and incorporated different types of information and evidence, our approach was not comprehensive and may have excluded some views and experiences. Interviews, discussions and the site visit also occurred months or more after the extreme weather events and the provision or receipt of supports, which may have affected the information and views shared.

Literature review

We conducted a review of academic and grey literature (government reports, non-governmental organization reports, news articles) at the start of the investigation and continued to review the literature on an ongoing basis. We sought to understand how people experience displacement due to climate change-related disasters, such as flooding, landslides and debris flows, wildfires, heat waves and hurricanes. Although the focus was on literature from BC, Canada and North America, the review also included some literature about climate-related displacement in other contexts for fuller understanding of the issues. The literature review identified themes related to impacts on physical, emotional and mental health; housing; livelihoods; education; access to post-disaster assistance and

resources; impacts on families, communities, and social networks; and impacts on Indigenous Peoples.

Over the course of the investigation, we continued to search for and review grey literature from BC and Canada on the 2021 events and related topics, including displacement, climate-change planning and impacts, the Sendai Framework for Disaster Risk Reduction, emergency management, flood risks and insurance, disproportionate impacts, and impacts on and leadership by Indigenous Peoples. We also scanned local and national media for coverage related to the extreme weather events of 2021 in BC, including coverage of the events, response and recovery, ESS and DFA, other financial assistance, the role of insurance, and stories of lived experience.

We focused our reviews geographically and temporally on extreme weather events in BC between June and December 2021, which limited their scope. Media scans were not comprehensive and relied primarily on major mainstream media sources. The reviews were limited to English language media and literature, and it is possible that reports and articles in French or Indigenous languages were excluded.