

EQUALITY IMPACT Backgrounder

October 20, 2011



This Equality Impact Backgrounder is a description of the possible or actual gendered impact of the legislation. While it may raise possible breaches of the Charter worth further research and consideration, it is not an application of the Charter or Charter jurisprudence – rather, it is the application of Gender-Based Analysis and international Gender Development tools created and applied around the world.

Name of Legislation (or Regulation)

Either legislation or regulations are eligible.

British Columbia Utilities Commission Act (1996)¹, Demand Side Measures Regulation (2008)², BC Energy Plan: A vision for Clean Energy Leadership³

West Coast LEAF's interest in the Act

Why is West Coast LEAF examining this Act? Were we asked by a community partner or external organization to? As a result of an Intake call? At the request or interest of a staff member? Board member? Volunteer?

West Coast LEAF's initial interest in the regulatory and legislative framework surrounding home heating arose during our Carbon Tax Equality Impact Statement. Community groups that we consulted indicated that home heating was an area impacted by the Carbon Tax. West Coast LEAF was not able to address the equality impacts of home heating within the limited scope of the Carbon Tax Equality Impact Statement but recognized that it was a significant area of concern.

Purpose and History of Legislation

Outline the publicly stated purpose of the legislation according to Hansard or media reports. Describe the context of the legislation. Have there been any major amendments to it over the years – describe briefly, only where evolution is relevant to actual ongoing impact

British Columbia Utilities Commission (BCUC) regulates public utility operation and is governed by the *Utilities Commission Act*. The Commission has the responsibility to review all the required actions of

¹ *Utilities Commission Act*, RSBC, 1996, online:

<http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96473_01>

² Demand Side Measures Regulation, BC Reg 326/2008, online:

<http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/10_326_2008>

³ Ministry of Energy and Mines and Responsible for Housing, "BC Energy Plan: A vision for Clean Energy Leadership", 2009, online < <http://www.energyplan.gov.bc.ca/>>

the public utilities and then accept or reject their proposals keeping in mind the requirements of *BC Energy Plan*⁴. The BC Utilities Commission's has been primarily funded through a levy on the public utilities it regulates since 1988.⁵

The *Utilities Commission Act (UCA)* requires that public utility companies file long-term resource plans with the BCUC for approval, develop demand side measures to reduce forecast demand, and estimate how much such measures would reduce demand. Additionally the UCA requires that BC Hydro to plan long-term demand-side measure to contribute to a 50% reduction in the expected demand increase by 2020.⁶ Importantly, Section 59 of the Act is intended to protect individuals from discrimination including:

59 (1) A public utility must not make, demand or receive

- (a) an unjust, unreasonable, unduly discriminatory or unduly preferential rate for a service provided by it in British Columbia, or
- (b) a rate that otherwise contravenes this Act, the regulations, orders of the commission or any other law.⁷

In 2009, demand-side measure regulation (DSMR) became applicable to all major utilities.⁸ DSMR regulation requirements force utilities to include in their long-term resource plan a low-income energy efficiency program in order for their overall proposals to be considered adequate under s. 44.1(8)(c) of the *Utilities Commission Act*. According to the DSMR "low-income household" follows Statistics Canada's Low-Income Cut-Off which is defined for different household types each year. The DSMR also requires utilities to provide energy efficiency programs specifically for rental housing. Finally, in developing the cost benefit analysis the utilities are required by subsection 4(2)(a) and (b) of the DSMR to give a value of 130% to lower-income energy efficiency programs.⁹

In 2008 the opposition attempted to introduce an amendment to Bill 15 – Utilities Commission Amendment Act, 2008 which would have introduced a fixed utility rate for low income earners.¹⁰ This proposed amendment did not end up part of the amendments to the Utilities Commission Act. Bill 15 did lay the groundwork for the instillation of "smart meters" for residential customers which has the potential to enable BC Hydro to introduce time-of-use metering billing.¹¹ In 2008 BCUC approved an

⁴ *Ibid.*

⁵ BC Utilities Commission, "Organization Profile", online: <<http://www.bcuc.com/CorpProfile.aspx>>

⁶ Maine McEachern and Jill Vivian, "Conserving the Planet Without Hurting Low-Income Families: Options for Fair Energy-Efficiency Programs for Low-Income Households" University of Victoria Environmental Law Centre, April 2010, online: < <http://www.elc.uvic.ca/press/documents/Conserving-planet-without-hurting-low-income-families-April2010-FINAL.pdf>> at 31

⁷ *Utilities Commission Act*, *supra* note 1, s 59

⁸ McEachern, *supra* note 5 at 32

⁹ *Ibid* at 33

¹⁰ BC, Legislative Assembly, *Hansard* 38th Leg, 4th Sess, Vol 29. No 9 (7, April 2008) at 10978

¹¹ For a breakdown on time-of-use billings and concerns for low-income individuals: Marc Lee, Eugene Kung & Jason Owen, "Fighting Energy Poverty in the Transition to Zero-Emission Housing" (2011) , online:

application by BC Hydro to implement an “inclining block rate”.¹² The current billing structure of BC Hydro includes two tier structure which attempts to penalize bigger consumers of electricity. BC Hydro introduced this rate structure in order to meet energy efficiency requirements in the BC Energy Plan. The Demand Side Regulations came into force a year later and seem to be an attempt to balance energy efficiency concerns with the needs of low-income individuals and renters.

Category of Legislation

These ‘categories’ were developed by West Coast LEAF based on the Beijing Platform for Action to assist in linking the legislation with International expectations regarding gender development.

*What is **the main** subject area of the legislation? Choose one of the following categories of legislation that describes the main subject area, but please describe how others may apply if necessary (see Guiding Questions for description of the category):*

1. *Poverty – legislation relating to the alleviation of poverty*
2. *Education and Training – legislation governing, defining, creating educational systems, including adult training and education.*
3. *Violence – legislation related to addressing violence of any kind including sentencing, gang issues, victims rights etc.*
4. *Economic – tax laws, international trade laws, business development and governance etc*
5. *Participation in decision-making – laws defining appointments to administrative bodies, rules for the election of leaders etc.*
6. *Family Law -What resources are attached to the legislation*
7. *Civil and Human Rights – laws relating to privacy, expression, religion, human rights. Traditional civil rights laws.*
8. *Justice system – laws defining how the justice system will work, whether family law, small claims court, etc.*
9. *Media – access to media, internet and its use, privacy issues, telecommunications generally*
10. *Environment – laws protecting, impacting environmental and conservation issues*
11. *Youth/Children – laws directly related to children and youth*
12. *Infrastructure – urban planning, transportation, community services and programs*
13. *Health – legislation related to the health care system*

1. Poverty
10. Environment

Vulnerable groups identified

Identify those groups/communities in BC society that may be particularly affected by this legislation. Is this legislation likely to be important to seniors? People with disabilities? Aboriginal and First Nations communities? In reviewing research and data, the experience of identified ‘vulnerable groups’ will be examined according to gender breakdown.

Low Income Individuals in Rural Communities:

To fully understand the impact of the regulations surrounding home heating on low income individuals it is

http://www.policyalternatives.ca/sites/default/files/uploads/publications/BC%20Office/2011/09/CCPA-BC_Fighting-Energy-Poverty.pdf

¹² BC Hydro – Residential Inclining Block Rate Application (24 September, 2008) G-124-08, BCUC, online: http://www.bcuc.com/Documents/Decisions/2008/DOC_19755_BCH-RIB-Decision-WEB.pdf

important to paint a picture of who falls into this category in British Columbia:

Canada and BC have no clear definition of poverty, relying on a low income cut-off rate (LICO). LICO takes into account the average spending on basics such as food, clothing and shelter and defines low income as families which are forced to spend a greater portion of their income on these necessities and varies according to family size and place of residence.

Over all, a woman is more likely to be poor than a man and those factors increase if the woman is a newcomer to Canada, a lone parent, Aboriginal and/or living with a disability. The disproportionate numbers of women and girls who are living in low-income situations is often referred to as the feminization of poverty. 20.9% of female lone-parent families are low-income as compared to 5.5% of married couples and 7% of male lone-parents¹³. Immigrant girls and women are twice as likely to be living in a low-income situation as Canadian-born girls and women¹⁴. These inequalities only increase when looking at women with disabilities or Aboriginal women.

Low income individuals are more likely to live in a home which needs repair. In addition Aboriginal individuals are disproportionately represented among those who are living in home which require major repairs. 18.4% of Aboriginal households in BC are living in housing which is need of major repairs.¹⁵ This situation worsens when comparing on reserve housing to off reserve. Aboriginal individuals living in housing on-reserve are 3.3 times more likely to be living in housing that is in need of major repair¹⁶ In addition, 47.6% of Aboriginal people in BC live in rental accommodation as compared to 33.4% of the general population of British Columbia.¹⁷

Single Mothers:

Female lone parent families are the lowest income situation by family type; in 2008 female lone parents on average earned \$42,300 as compared to average income of \$60,400 for male lone parent households. This translates to 20.9% female lone parents being defined as low income as compared to 7% of male lone parent families.¹⁸ In 2006 in Canada 52.5% of single mother owned their own home.

Over one in four families with children in BC are headed by lone parents; 80% of these households are led by single mothers.¹⁹ Lone parenthood is even more common among Aboriginal families; in many

¹³ Statistics Canada, "Economic Well Being", No 89-503-X (Ottawa: StatCan, December 2010), online: <<http://www.statcan.gc.ca/pub/89-503-x/2010001/article/11388-eng.pdf>>

¹⁴ Statistics Canada, "Immigrant Women", No 89-503-X (Ottawa: StatCan, July 2011), online: <<http://www.statcan.gc.ca/pub/89-503-x/2010001/article/11528-eng.pdf>>

¹⁵ Catherine Palmer and Associates Inc., "Comprehensive Needs and Capacity Assessment of Aboriginal Housing in British Columbia", March 2007, online: <<http://www.bchousing.org/resources/Programs/AH/Aboriginal%20Housing%20Report.pdf>> at 14

¹⁶ *Ibid.* at 19

¹⁷ *Ibid.* at 14

¹⁸ Stats Can, *Supra* note 12

¹⁹ Statistics Canada 2006, Census families in private households by family structure and presence of children, by province and territory (2006 Census), online: < <http://www40.statcan.gc.ca/l01/cst01/famil54c-eng.htm>>.

urban areas of Canada the proportion of all Aboriginal households headed by a lone parent is double that of non-Aboriginals.²⁰

When compared with men, women's involvement in paid work is more often characterized by low-waged, non-unionized, part-time work with access to little or no employer-provided benefits, and is further hampered by a lack of access to affordable childcare. Given these structural and institutional barriers to women's participation in the paid labour force, social assistance is an essential option for single mothers. However, social assistance for single mothers in BC has undergone dramatic cuts over the past decade. A lone parent who is categorized as employable is expected to work when their youngest child reaches the age of three,²¹ rather than seven as was previously the case; support allowances for food and other necessities were reduced; family shelter allowances were cut; emergency grants were capped; and provisions allowing women to keep a small portion of any employment income or child support payments they received were abolished.²²

Both lone mothers and service providers identify the lack of safe affordable housing as the most critical issue affecting single parent families.²³ Low income women and women on social assistance are often forced to live in substandard housing in unsafe neighbourhoods because they cannot afford anything better.²⁴ Single mothers who rent their homes are particularly vulnerable to housing insecurity; 42% of renter families headed by female lone parents had housing affordability problems in 2003.²⁵

Resources attached to legislation

Describe the resources that have been assigned to the implementation of the legislation? Funding? Departmental or administrative resources? Are there resources assigned to monitoring, enforcing or evaluating the legislation? This information may be identified in the legislation or may be available on Ministry websites, budget allocations, etc. General information is okay, and should only be included at this point where easily accessible – flag if more research is required on this at a later date.

British Columbia Utilities Commission (BCUC) regulates public utility operation and is governed by the *Utilities Commission Act*. The commission is created through the *Utilities Commission Act* and has the responsibility to review all the required actions of the public utilities and then accept or reject their proposals keeping in mind the requirements of *BC Energy Plan*²⁶. The BC Utilities Commission's has been primarily funded through a levy on the public utilities it regulates since 1988.²⁷

²⁰ Statistics Canada 2005, Aboriginal people living in metropolitan areas, online: < <http://www.statcan.gc.ca/daily-quotidien/050623/dq050623b-eng.htm>>.

²¹ Ministry of Social Development, Time Limits Fact Sheet, online: <<http://www.hsd.gov.bc.ca/factsheets/2004/timelimits.htm>>.

²² Penny Gurstein and Michael Goldberg, "Precarious and Vulnerable: Lone mothers in income assistance" *Social Planning and Research Council* (December 2008), online: <www.sparc.bc.ca/resources-and-publications/doc/284/raw>.

²³ Gurstein at 9.

²⁴ Ibid.

²⁵ Ibid.

²⁶ BC Energy Plan, *Supra* note 3.

All measures which attempt to address the needs of low income individuals and the efficiency of rental housing are provided by the utility as part of a long term-resource plan which must be approved by BCUC.²⁸

Who is responsible for implementing the legislation?

Some legislation is implemented by government and some legislation is implemented by a non- or quasi-governmental body such as LSS. Some legislation binds private actors only, and therefore is simply enforced by the courts or a tribunal. Identify the Ministry or government body responsible for the implementation of the legislation.

The BC Utilities Commission is created by the *Utilities Commission Act* and responsible for administering the Act. The BC Utilities Commission falls under the responsibility of the Ministry of Energy and Mines and Responsible for Housing.

The Demand Side Measures Regulation requires that each utility introduce measures assist low income individuals in reducing their energy consumption.²⁹ In addition, utilities are required to develop a plan to improve the energy efficiency of rental housing. Utilities with less than 10,000 customers and utilities owned or operated by a local government are exempted from these provisions.

Determining the rates of utilities in British Columbia requires a balance between the customer's needs and the needs of the utility owners and creditors. The British Columbia Utilities Commission is a regulatory tribunal and "is responsible for reviewing and approving the rates, return on equity, operating and maintenance expenditures, and capital investments of these electric and natural gas distribution utilities".³⁰ The Commission has a duty to ensure the public consumer is receiving safe, reliable, and reasonably priced services from the utilities it regulates.

How will the legislation impact the men and women of the identified vulnerable groups? (include positive and negative impacts)

The first task here is to understand how the legislation has been interpreted - if there are multiple interpretations of the legislation (e.g. if LSS and government interpret the Legal Services Act differently) then include this analysis here. While this is not intended to be a fulsome description of every provision of the Act, and therefore does not require extensive legal research on the judicial interpretation of the Act, there may be some need to discuss case law if the impact of the legislation is derived from a court interpretation rather than on the face of the legislation. The starting point for this should be the annotated version of the Act. Relying on this interpretation, examine how the legislation actually impacts people, focusing on the vulnerable groups identified below, broken down by gender.

This equality impact statement is tackling the concept of energy poverty. In BC the definition of energy

²⁷ BC Utilities Commission, "Organization Profile", online: <<http://www.bcuc.com/CorpProfile.aspx>>.

²⁸ *Utilities Commission Act*, *Supra* note 1, s. 44.

²⁹ Demand Side Measures Regulation, *Supra* note 2, s. 3

³⁰ BC Utilities Commission, *Understanding Utility Regulation: A Participants' Guide to the British Columbia Utilities Commission* (1999), online: <http://www.bcuc.com/Documents/Guidelines/Participant_Guide.pdf> at 2

poverty that is commonly used is when a household must spend 10% or more of its after-tax income on heating their home.³¹ Energy poverty is determined through three main factors: energy efficiency of the home, household energy costs, and household income. Low income homes are more likely to be experiencing energy poverty. 63% of low income homes have a female primarily responsible for paying the bill.³² One in four low income homes have children under 12 in the home as compared to 17% of households that are not low income.³³ Over half (54%) of low income households are living in homes with single pane windows.³⁴

BC Hydro is the primary electrical utility in the province. There is one region of the province, BC's southern interior, where Fortis BC delivers both electricity and gas to customers. Fortis BC is the primary source of gas for most individuals in BC who use natural gas as a heating method their home or for hot water tanks. According to Fortis BC's own materials they provide for 21% of the province's total energy consumption.³⁵ Pacific Northern Gas is the other major supplier of natural gas in the province. They provide natural gas to approximately 40,000 residential, commercial and industrial customers in the north.³⁶ Additionally, there a few municipalities: Grand Forks, Nelson, Kelowna and New Westminster who purchase energy and gas from BC Hydro or Fortis and deliver the service through their own infrastructure. For areas where there is no natural gas service available home heating options for households are limited to electric or oil. (See Fig.1)

³² McEarchern, *Supra* note 6 at 23.

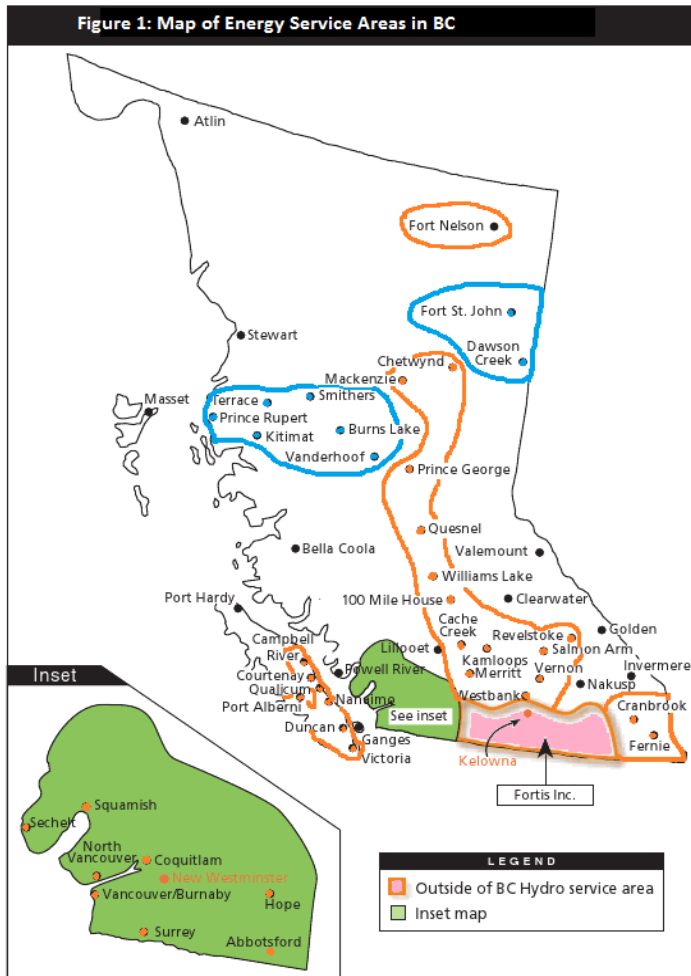
³³ *Ibid.*

³⁴ *Ibid* at 24.

³⁵ Fortis BC, "Media Centre", online:

<<http://www.fortisbc.com/MediaCentre/FortisBCSharedIdentity/Pages/default.aspx>>

³⁶ McEarchern, *Supra* note 6 at 30



Energy efficiency of the home:

There are several programs which attempt to meet energy efficiency concerns. Each program has its own name and is operated through a different company, government level or department so for individuals trying to self-advocate, it can feel like a maze.

BC Hydro's specific low-income program is called The Energy Conservation Assistance Program (ECAP). Those who qualify receive a home energy evaluation, installation of energy saving products, and efficiency advice for free. The energy saving products that may be installed related to heating households are water heater pipe wrap and blanket, weather stripping, caulking and outlet gaskets, and insulation for attics, walls and crawlspaces.³⁷ As well BC Hydro Power Smart extends ECAP for

³⁷ "Energy Conservation Assistance Program" (September 9, 2011), online: BC Hydro <http://www.bchydro.com/powersmart/residential/ps_low_income/energy_conservation.html>

housing organizations with multiple units. To qualify there is an evaluation of average energy consumption of the complex and the organizations low income criteria. The City of New Westminster has partnered with BC Hydro and offers ECAP to its customers as well.³⁸ Unfortunately, ECAP is only available on Vancouver Island and in the Lower Mainland. This exclusion of the BC interior is concerning as the cold weather can create dangerous conditions for individuals who are not able to afford the home repairs which would help keep their energy bills at a more reasonable rate.

The Federal government provides an ecoENERGY retrofit grant of up to \$5000 to homeowners and property owners who make energy efficient improvements on their homes.³⁹ The province of BC is providing the LiveSmart BC grants for homeowners to improve energy efficiency.⁴⁰ There are also low interests renovation loans, such as, the Vancity Bright Ideas Loan and The Royal Bank of Canada Energy Saver Loan.

The CCPA report titled *Fighting Energy Poverty in the Transition to Zero-Emission Housing: A framework for BC* does an excellent job describing the *free rider* effect where individuals who would have completed efficiency upgrade regardless are taking advantage of government subsidies.⁴¹ The reality of low income home ownership is that there are very little savings in place to do home repair. The disproportionate number of single mothers and Aboriginal folks living in poverty also translates to a disproportionate number those living in homes which are in need of major repair. One advocate living in a northern community described a client whose heater broke down early in the fall. The client had no savings and when she applied to an energy program for assistance in replacing a non-functioning furnace all of the money allocated to the program had been dispersed. The reality of poverty is that one cannot predict the need for major repair and individuals are not able to afford the basic maintenance that would allow for prevention and identification of potential risks for breakdown. Programs should be targeted to meet the needs of low income individuals and adequately funded so that low income individuals can access efficiency programs at any point in the year.

Fortis BC and BC Hydro also offer low-income energy saving kits which include includes items to make homes more energy efficient. In regards to home heating, the kit includes weather stripping, window film, pipe insulation, and outlet and switch gaskets.⁴²

³⁸ "More Power Smart incentives now available to New Westminster customers", online: BC Hydro <http://www.bchydro.com/news/articles/press_releases/2007/more_power_smart_incentives_now_available_to_new_westminst.html>

³⁹ "ecoENERGY Retrofit – Homes" (October 18, 2011), online: Government of Canada <<http://www.ecoaction.gc.ca/ecoenergy-ecoenergie/retrofithomes-renovationmaisons-eng.cfm> >

⁴⁰ "LiveSmart BC.ca: Efficiency Incentive Program" (August, 2011), online: <<http://www.livesmartbc.ca/attachments/LiveSmart-Home-Incentives.pdf>>

⁴¹ Marc Lee, Eugene Kung and Jason Owen, "Fighting Energy Poverty in the Transition to Zero-Emission Housing: A framework for BC", Canadian Centre for Policy Alternatives (September 2011), online: <http://www.policyalternatives.ca/sites/default/files/uploads/publications/BC%20Office/2011/09/CCPA-BC_Fighting-Energy-Poverty.pdf>

⁴² "Energy Saving Kit Offer", online: BC Hydro, <http://www.bchydro.com/powersmart/residential/ps_low_income/energy_saving_kits.html?WT.mc_id=freekit>

Advocates from a small community identified that these efficiency programs are virtually inaccessible to low income individuals living in the North. One advocate described how the local gas stations had to switch from incandescent light bulbs to fluorescent lighting because individuals were stealing light bulbs so they could use them in their own homes. When energy poverty is at the level of not being able to afford basic necessities such as light bulbs; weather stripping, window film and other energy efficiency materials are out of the range of most individuals. The low-income energy saving kits offer partial help for these individuals but there needs to be a more systemic solution considering the depth of the challenges faced by women, men and families experiencing energy poverty.

Household Energy Costs and Household Income:

The strongest comment received from community organizations in regard to individuals' experiences of energy poverty is that people simply do not have enough money to pay for utilities once rent or mortgage payments are made and groceries are purchased. For renters, the disconnection of gas or hydro can put them in a breach of their tenancy agreement and trigger an eviction. This places a double burden on low income renters who have very little control over the repair of their home and therefore their utilities costs.⁴³ Individuals living in Northern communities identified that it was impossible to separate utilities pricing from tenancy.

For individuals living on welfare the primary root for their energy poverty was the *Employment and Assistance Act*⁴⁴ rather than the legislation surrounding home heating. The average two-bedroom apartment cost in Terrace in the spring of 2010 was \$612. A single employable mother of one child receives a maximum shelter rate of \$570 and an approximate support payment of 375.58 and \$123.50 for her child under the BC Family Bonus for a total of 1069.08 per month.⁴⁵ This amount leaves \$457.08 per month for groceries, utilities, transportation clothing and any additional school costs. The BC Dietitians estimate that the average cost of providing healthy balanced meals for a mother between the age of 19 – 30 and a daughter between the ages of 9 – 13 at \$378.82.⁴⁶ Clearly, this mother would have to make decisions between offering healthy food and other necessities. Advocates identify that individuals on welfare are forced to rely on crisis grants to address increased energy costs in the winter. Unfortunately, crisis grants offer a maximum of \$900 per year so an individual must hope that either the spring or the fall is short in order to balance her energy needs together with her other needs.

Gender home heating and climate change:

Given the realities of climate change and the finite nature of resource extraction it is reasonable to assume that energy poverty may deepen and grow in coming years. There needs to be structures put

⁴³ Lee, *Supra* note 41 at 20

⁴⁴ *Employment and Assistance Act*, SBC, 2002, c. 40, online: <<http://canlii.ca/s/abul>>

⁴⁵ Ministry of Social Development, "BC Employment and Assistance Rate Tables", online: <<http://www.eia.gov.bc.ca/mhr/ia.htm>>

⁴⁶ Dietitians of Canada, BC Region and the Community Nutritionists Council of BC, "The Cost of Eating in BC 2009: Low-income British Columbians Can't Afford Healthy Food", 2009, online: <http://www.dietitians.ca/Downloadable-Content/Public/BC_CostofEating_2009-%281%29.aspx> at 10

in place now which could help low income individuals adapt to climate change as well as to contribute to mitigation strategies through reducing energy use. Any policy which attempts to encourage behavioral change must take into account the elasticity of behavior. The reality of low income housing, either rental or owned, is that individuals have little control over their energy efficiency and any mitigating strategies that individuals could utilize have been put in place. Although individual action is an important part of addressing climate change we must also pressure governments to have clear strategies to address climate change with systemic solutions. Changing our light bulbs and turning out the lights is an important step in increasing energy efficiency but it pales in comparison to the scope that government can address through progressive policy and action on energy efficiency.

Another challenge in adequately addressing growing climate change concerns is the lack data in BC on GHG emissions disaggregated by gender, Aboriginal identity, race or disability. Additionally, any data that does exist is often based on household usage. By looking at households as a single unit we are masking gendered divisions of labour, physical mobility, and who is participating in decision making at a household level.⁴⁷ When there is not a clear picture of how energy use is gendered there is a risk of penalizing women's energy usage disproportionately, as compared to men.⁴⁸ Due to gendered roles and responsibilities in regard to household labour women are more likely to be using high levels of energy for cooking, cleaning and care of children. A gendered analysis must be applied when looking at policy in regard to household energy usage.

Where can/should we go to find more data about the possible impacts this legislation may have that hasn't been covered here? (Organizations, research journals etc?)

There was no legal review as part of this Equality Impact Statement. A legal review would be helpful in assessing possible equality litigation opportunities in regard to sections of UCA which require rates to apply fairly to all individuals. The reality of the energy efficiency programs offered by utilities is that they are inaccessible to low income households and yet are helping to subsidize these programs that are primarily accessed by the middle class. Additionally, Pacific Northern Gas has not implemented low income or renter DSM programs in its service area. It would be worthwhile to explore potential opportunities for accessing the BCUC to encourage the development of these programs.

Review negative impacts identified above and provide suggestions for mitigating actions or law reform.

- Create a separate utilities allowance that would be combined with shelter and support allowance to increase the amount that individuals receive on social assistance. The reality is that housing costs have outpaced the shelter allowance which leaves individuals receiving social assistance without any resources to address rising utilities costs.

⁴⁷ Terry, Geraldine, "No Climate Justice Without Gender Justice: An Overview of the Issues" (2009) 17:1 Gender & Development 5

⁴⁸ *Ibid.*

- One of the challenges in creating policy which does not exacerbate already existing inequalities is the lack of data on household energy usage disaggregated by gender, race, Aboriginal identity, and disability. Further, this information should be broken down by energy usage within the household. It is impossible to build comprehensive policy without adequate data.
- Target energy efficiency programs to low income households and ensure adequate funding so the programs are available year round.
- Ensure that all utilities live up to their obligations under S. 3 of the DSMR to provide programs for low income individuals to reduce their energy consumption as well as measures to address the energy efficiency of rental accommodations.⁴⁹

⁴⁹ DSMR, *Supra* note 2