ESG has progressed from optional to essential as a factor in contributing to business success.

With each passing year, it becomes increasingly clear that a company's prosperity hinges on much more than its financial performance. Given the significance ESG now has on the corporate agenda, Canadian companies are looking for ways to embed ESG factors into their strategic frameworks. In fact, businesses that do not adhere to effective ESG standards can be penalized by investors, regulators, employees, customers and suppliers alike.

As Canada's Law Firm, we combine deep expertise in international best practices with a uniquely Canadian perspective to help you decipher the regulatory, policy, social and market drivers of change across a broad range of industries.

Our diverse and seasoned team cuts across multiple areas including:

With a national reach and a multidisciplinary structure, we can help you minimize ESG-related risks and improve program outcomes in areas spanning climate change, Indigenous reconciliation, resource management, diversity and inclusion, executive pay, community engagement, risk, and governance.

Clients trust BLG to help them move beyond compliance towards an integrated ESG risk management approach that drives improved performance, a lower cost of capital and greater business resiliency.

Investment Management

As asset managers struggle to respond to growing investor demand for ESG-based investment vehicles, institutional investors are pushing for greater ESG transparency. Lenders seek guidance on establishing green bonds and sustainability-linked loans, while industry associations consider strategies to advocate for wholesale shifts in methods and practices. Through it all, issuers and reporting companies are looking for practical ways to track, measure and disclose their ESG performance.

From ESG risk and compliance measures to risk mitigation and competitive strategies, our first-class team provides authoritative and practical advice on the full spectrum of legal, advocacy and regulatory issues on your ESG agenda.

View our experience below and for more information visit our Investment Management page here.

Experience

- Advising Green Climate Fund, a fund established within the framework of the UN Framework Convention on Climate Change whose mandate is to invest in environmental projects, on two large international investments, as well legal services in relation to cross border financing transactions, dispute and arbitration, labour, banking and regulatory issues, and intellectual property work.
- SP Impact, a subsidiary of Singapore Power, regarding a sizeable investment in an ESG fund managed by Emerald Mutual Funds.
- MD Financial Management in the establishment of two fossil fuel-free funds.
- A Canadian financial institution on the establishment of a suite of ESG-focused ETFs
- An independent fund company on the establishment of ESG mutual funds

Sustainable Finance

Sustainable finance is a new and rapidly growing force in Canada's financial services landscape. As regulatory changes sweep across the EU, the US and Canada, asset managers and funds are under growing pressure to integrate ESG factors into their investment offerings, enhance their disclosures around climate risk and allay investor concerns around "greenwashing." This creates both opportunity (including the elusive "greenium") and risk for these products' sellers and buyers.

At BLG, we are uniquely positioned to help you meet these shifting requirements by delivering seamless, consistent and pragmatic legal adivce on the underlying indigenous, environmental, labour/employment and governance law matters that underpin most ESG performance metrics.

View our experience below and for more information visit our Financial Services Regulatory page here.

Experience

- Canadian bank on the launch of their ESG investment funds (ETFs and mutual funds)
- Global Reporting Initiative (GRI) and its integration into the ESG performance reports of major Canadian banks
- Evaluation of Clean Development Mechanism (CDM) — a global, environmental investment and credit scheme — that provides a standardized emissions offset instrument, CERs, through project development; and
- SP Impact Pte. Ltd, an affiliate of Singapore Power, on its investment in an evergreen global energy transformation fund.

Corporate Governance

In our experience, complying with legal standards and corporate governance best practices is table stakes for those seeking a significant investment by pension funds and large private equity. Corporate governance needs to be much more than a compliance exercise if you truly hope to avoid reputational risk, the ire of blue-chip investors and the erosion of shareholder value.

Advising management, boards and special committees, BLG's Corporate Governance team provides comprehensive, results-oriented advice on the governance, strategy, risk management and metrics related to the legal aspects of ESG disclosures and corporate climate change strategies — positioning you to effectively address emerging ESG opportunities and challenges. Our clients rely on us to provide extensive strategic governance reviews and audits given our wealth of legal and board experience and members of our team are also frequently asked to present on ESG-related topics.

View our experience below and for more information visit our Corporate Governance page and our Crisis Management page.

Experience

- The formation and governance of corporate groups to ensure long-term alignment while respecting legal separation.
- The development and delivery of director education sessions on a variety of topics with an emphasis on sustainability of mission.
- Advice and representation in connection with ordinary course and contested corporate meetings.
- Regularly conduct governance reviews of board and committee conduct in order to optimize high-quality governance functions and ensure consistency with governance best practices.
- Provide formal legal opinions respecting director duties and specific advice respecting the performance management of directors and officers behaving badly.

Environment and Climate Change

The growing global demand for environmentally-sound investment strategies, coupled with mounting investor reliance on climate-related disclosures, has put ESG reporting under intense scrutiny. While the regulatory landscape remains in flux, BLG has the background and experience to help you navigate the complexities associated with all types of environmental and climate change-related ESG reporting.

Whether you're moving to adopt ESG-linked investment standards, respond to investor demands for more transparent disclosures, structure "green finance" and sustainability-linked lending policies, or qualify for government funding based on environmental performance criteria, we can work with you to strengthen your ESG reporting and streamline all your related environmental and climate change disclosures.

View our experience below and for more information visit our Environmental page and our Climate Change page.

Experience

- Provide advice and representation in respect of commercial food industry diversion of organic waste from landfill to production of renewable natural gas.
- Participate in the creation of research and development facility to create hydrogen from agricultural biomass for use in heating systems.
- Assist textile and apparel makers in adopting sustainable fashion initiatives across the lifecycle of their products.
- Conversion of municipal, transit and commercial vehicle fleets to electric power to reduce reportable carbon emissions.
- Global Reporting Initiative (GRI) and its integration into the ESG performance reports of major Canadian banks.

Labour, Employment & Human Rights

As issues of social concern become growing factors in protecting corporate reputation, safeguarding one's customer base, mitigating operational and sustainability risks, and attracting top talent, businesses in every sector are looking to bring more transparency and accountability into their social performance.

We help you prioritize and operationalize issues that are material for your company's growth and resiliency in such areas as equity, diversity and inclusion; employee relations and wellbeing; human rights; community engagement; reputation management; supply chain management; and product responsibility and stewardship.

View our experience below and for more information visit our Human Rights page and our Labour and Employment page.

Experience

Human rights

- British Columbia Ferry Services was successful in having the complainant's application for the human rights tribunal to reconsider its previous decision to dismiss part of the applicant's complaint denied.
- Schenker. BLG provides a full range of employment advice and litigation, including collective bargaining, labour arbitration and human rights and employment-related litigation.
- Bell Canada. BLG successfully represented Bell Canada before the Federal Court in a judicial review application brought by a former employee who was challenging a decision issued by the Canadian Human Rights Tribunal ("Tribunal") in which it was found that she was not discriminated against when she was terminated as part of a major restructuring, despite having been in receipt of long-term disability benefits at the time of the restructuring.
- British Columbia Hydro had a successful application to dismiss a human rights complaint on the basis that it had no reasonable prospect of success.
- Air Canada before the Canadian Human Rights Tribunal in a matter raising, for the first time, the constitutionality of the Canadian Human Rights Benefits Regulations, specifically, that the regulations allow disability benefits to cease at the age of 65 or pensionable age, and whether that violates the Canadian Charter of Human Rights and Freedoms.
- Bell Canada in a case of an employee who filed a complaint under section 7 of the *Canadian Human Rights Act*. Employed by Bell since 1990, her position was abolished as part of a restructuring process that affected 2500 employees. The complainant could not prove prima facie that her dismissal was based on discrimination. The *Canadian Human Rights Act* does not impose on an employer any duty to accommodate unless prima facie discrimination within the meaning of the act is shown (*O'Grady v. Bell Canada*).
- Our department acted as defence counsel for an Ottawa based charity, which provides healthcare and hospice services to Ottawa's vulnerable, marginalized and homeless populations. We successfully defended the client against allegations of sexual harassment, poisoned work environment, and reprisal before the Human Rights Tribunal of Ontario. Through our defence, the client avoided an adverse monetary judgement, and reputational damage.

Corporate reputation management

- Assisted a high profile public sector client through a harassment investigation against a senior executive that received a great deal of media attention.
- For 20 years, BLG has been providing ongoing employment advisory work and litigation advice for a major U.S. investment bank. This includes

advisory work in relation to employee relations issues, hiring, terminations and severance packages, employee policies and all aspects of the employment relationship, in relation to their employees situated in offices across Canada.

Indigenous Law

A complete assessment of ESG must also include Indigenous perspectives and considerations, particularly critical in the natural resources sectors of forestry, mining and energy. All too often, non-Indigenous-owned companies are not strategically positioned to build and maintain the positive relationships with Indigenous governments and communities that reduce social and environmental risk.

We work with Indigenous and non-Indigenous clients to provide unparalleled guidance on the steps to consider when structuring deals and planning projects, how to engage meaningfully and develop economic partnerships with Indigenous rights holders, corporate governance, ESG standards and the specificities of Indigenous law.

View our experience below and for more information visit our Indigenous Law page here.

Experience

- Counsel to several First Nations and industry/government groups on the development of consultation policies and frameworks for Indigenous engagement.
- Advised proponents on the duty to consult and accommodate Indigenous groups and Assessed Indigenous peoples' title and Aboriginal rights' claims.
- Counsel on joint venture agreements among Indigenous groups and infrastructure companies for competitive procurement processes in mining and infrastructure.
- Advised Indigenous and non-Indigenous clients on business opportunities in the context of various major mining across Canada (development phase, construction and commissioning).
- Counsel to developers and Indigenous groups across Canada on renewable energy, electricity, and transmission projects to advise on duty to consult matters as well as transactional advice, strategic partnerships and commercial partnerships.

Related Expertise

Lending & Financing

Energy - Oil & Gas

Mining

Energy – Power

Private Equity & Venture Capital

Tax

BLG can also help you with

Corporate Commercial

Mergers & Acquisitions

Mutual Funds

ETFs, Structured Products & Closed-End Funds

Disputes

Capital Markets

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Corporate Social Responsibility

We are committed to using our knowledge, skills and platform to help address vital social issues and to shape a sustainable future.