BLG Alumni in the Spotlight: A conversation with Noëlle Caloren, Canadian Nuclear Laboratories

After 22 years in private practice, Noëlle Caloren made the leap into the nuclear sector. Today, her career continues to prove the enduring value of the BLG network. Noëlle Caloren, now Senior Legal Counsel for Labour and Employment at Canadian Nuclear Laboratories (CNL), sat down with Larry Elliot, Regional Managing Partner in BLG's Ottawa office, to talk about safety culture, Supreme Court wins and why BLG is, quite literally, everywhere.

The nuclear environment: A culture of safety and compliance

Larry Elliot (LE): You spent 22 years at BLG before making the jump to CNL in 2017. What surprised you most about stepping into the nuclear world?

Noëlle Caloren (NC): What really struck me was just the fact that the nuclear industry has a culture that very strongly emphasizes safety. It permeates everything. It's a way of working. Before meetings start, the first item on the agenda is a safety moment, which drills into you the fact that you are in a very safety-sensitive work environment. People will call you out if you don't hold the handrail as you're going down the stairs and it's baked into the culture at every nuclear facility in Canada. In this case, it also comes from the fact that we're highly regulated by the Canadian Nuclear Safety Commission.

LE: That's a massive shift in environment. When navigating that kind of distinct culture, what specific operational skills from your BLG years made you ready for a role like this?

NC: I don't think I could have jumped into the role without having the background that I got and the structure in which I worked at BLG. There's no doubt about it. I mean, somebody junior could not have gone into that role.

How we work in a law firm and all of the requirements that are needed to manage your practice came in handy, especially since I didn't have the support staff I had at BLG when I joined CNL.

You have to be prepared for whatever is thrown at you when it comes. You have to be organized, you have to plan ahead. You also have to be responsive, because when you're embedded in the employer, things come up and you want to be approachable. That's the whole idea. You want to be there so that people can access you early on before problems get bigger.

LE: CNL manages a highly unionized workforce across multiple sites. How do you manage that complexity day to day?

NC: Right now we have roughly 4,500 employees, roughly two-thirds of whom are unionized. The composition of the workforce is widely varied. You've got the utility workers and tradespeople, and then you've got the scientists and the engineers who work in research and development. I would say that proportionally to the size of our workforce, though, we have an inordinate number of unions.

Also, CNL is a private sector corporate entity, but because we are contracted by and report to Atomic Energy of Canada Limited, our work becomes quasi-public in a way. CNL's activities are heavily regulated, so we're heavily scrutinized. Every day is a bit of an adventure.

LE: So with all of that swirling around you, what's been the most exciting legal challenge you've actually tackled since going in-house?

NC: When I started at CNL, there was a very interesting, cutting edge file waiting for me involving the Canadian Nuclear Safety Commission (CNSC). The CNSC had been working on a regulatory document requiring Canada's four Class I nuclear facilities to adopt a fitness-for-duty policy requiring the implementation of random and pre-placement drug and alcohol testing, which is the most controversial type of testing from the legal and privacy rights perspective.

So, the four facilities decided to band together, pool our resources and adopt a common policy. The workers subject to this testing were definitely safety-sensitive workers. For example, as a Class I facility, we are required to employ armed nuclear guards, called the Nuclear Response Force Officers.

The affected unions at all the involved nuclear facilities filed grievances right off the bat. They banded together and went the judicial route, attempting to take their fight all the way to the Supreme Court. But we won at every level, at the Federal Court and the Federal Court of Appeal, defending the testing regime alongside the CNSC. The unions didn't make it past their request to appeal at the Supreme Court of Canada.

It was a nine-year ride. Ultimately, the ruling was that random testing is justified in this particular context because the consequences are so extreme. This is because the nuclear industry is what I call an “uber-sensitive” work environment.

The next legal frontier and the power of the BLG network

LE: A nine-year ride to the Supreme Court and a win at every level, that's a remarkable outcome. You've clearly seen the law evolve enormously over your career. With that perspective, what do you see as the next big challenge on the horizon for labour and employment law?

NC: Mental health and psychological safety are definitely live issues. But obviously, the other issue that we're really going to have to focus on is AI. I can tell you, with self-represented litigants who frequently file their own claims with administrative tribunals or courts, AI will spit out something that's way better than what they would have ever done without legal representation. And it's scary because it emboldens people.

LE: AI emboldening self-represented litigants, that's a vivid image and a real concern. Before we wrap up, I want to go back to where it all started. Who from your BLG years has had the most lasting impact on you and does the BLG connection still show up in your work today?

NC: While attending law school, I was also interpreting in the legal system. I would attend examinations for discovery and had occasion to attend one session in which (former BLG Partner) Bryan Carroll was involved. I said, “Wow.” When I had to decide where I wanted to article, I was determined that “I have to work at Scott and Aylen,” which eventually became BLG. I was hired by Scott and Aylen and furthermore was lucky enough to have Bryan as my principal.

So I would say Bryan Carroll is one person who sticks in my mind, however the whole Scott & Aylen and BLG environment was the best place you could ever work in to learn the ropes and become a proficient lawyer.

I also had a moment not that long ago where I was doing some research and I happened upon a case that was led by former BLG colleagues. I knew when I read that case that I was on the right path. BLG really is everywhere!

The relationships built at BLG extend well beyond time at the firm. Whether you are a former colleague looking to reconnect or simply want to learn more about our community, discover the BLG Alumni Network.