



MORE FOOD FOR THOUGHT

TALK TO OUR TEAM



Where are you on the pathway to net zero?

Electric transportation, sustainably-powered industry, green infrastructure, smart cities and a circular economy — this is the future if we are to reach net zero by 2050.

As of September 2022, 136 countries had established some kind of net zero emissions target. Canada has committed to reducing greenhouse gas emissions 40 per cent below 2005 levels by 2030 and hitting net zero by 2050.



Net Zero



MORE FOOD FOR THOUGHT

TALK TO OUR TEAM



As of Oct 2022, Canada has:



32
Cities/Regions



147
Companies



26
Financial
Institutions

35
Educational
Institutions



pledging a commitment to net zero.*

* Source: [Race to Zero](#)

Net Zero



MORE FOOD FOR THOUGHT

TALK TO OUR TEAM



This pledge will have real impacts on business as usual at home. Legislative changes, stricter reporting, penalties and incentives — particularly tax credits — will affect every business, from big banks to the corner store.

Now is the time to assess where you are on the pathway to net zero.

Emissions reductions by sector (% reduction from 2005 to meet 2030 target)

Buildings



-37%

Electricity



-88%

Heavy Industry



-39%

Oil & Gas



-31%

Transportation



-11%

Agriculture



-1%

Waste and other



-49%

Net Zero



MORE FOOD FOR THOUGHT

TALK TO OUR TEAM



EARLY ADOPTERS



Will be start-ups and high growth businesses created to disrupt traditional models, and market leaders prepared to reinvent themselves (like IKEA has) to participate in the energy economy.

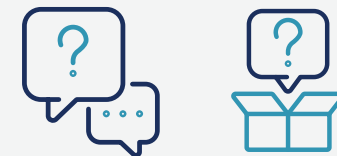
LATER ADOPTERS



Will be established businesses that are mostly concerned with managing the economic costs of compliance.



Many organizations will be somewhere in between, eager to identify opportunities but unsure where to start.



Once you know where you are on the pathway, you can develop a plan for your next steps.

Net Zero



[MORE FOOD FOR THOUGHT](#)

[TALK TO OUR TEAM](#)



**Show us the money:
Net zero financing
for Canadian
Businesses**

[> Read now](#)



**2030 Emissions
reduction plan and
Canada's journey
to net zero**

[> Read now](#)



**Canada's national
hydrogen strategy**

[> Read now](#)

Net Zero



MORE FOOD FOR THOUGHT

TALK TO OUR TEAM



Alan Ross
Partner

ARoss@blg.com
T: 403.232.9656

[> View bio](#)



Jonathan Cocker
Partner

JCocker@blg.com
T: 416.367.7283

[> View bio](#)



John A.D. Velone
Partner

JVellone@blg.com
T: 416.367.6730

[> View bio](#)



MORE FOOD FOR THOUGHT

TALK TO OUR TEAM



Is your cybersecurity legally sufficient?

It's an old saw at this point: a cyber attack is not a question of if but when. An average of almost one in five Canadian businesses (one in three for large organizations) experienced a cybersecurity incident in 2021. It's a fact of life, like bad weather or fire. And, as with those risks, organizations need to be adequately prepared or they may be at fault for the consequences of a cybersecurity incident when it occurs.

Cyber risk

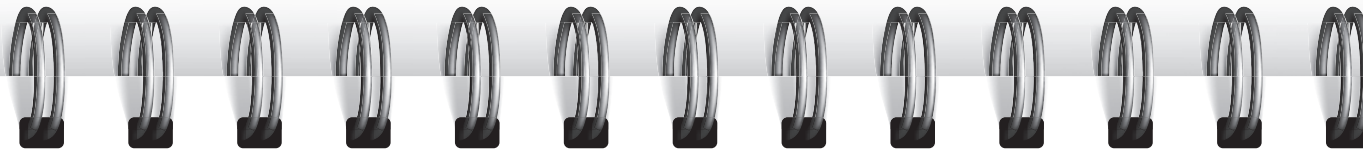


MORE FOOD FOR THOUGHT

TALK TO OUR TEAM



Regulators in the U.S. and Canada agree, and are setting a new baseline for minimally required protections. So are cyber insurance companies, who won't even sell you the coverage if you don't have certain controls. The general public expects more, too, and they are taking complaints over mismanagement of privacy and inadequate cybersecurity to the courts.



Cybersecurity must-haves:

- Multi-factor authentication (MFA)
- Segregated backups from your networks
- Training for people
- Incident response plan
- Onboarded incident response legal counsel and digital forensics in advance of an incident
- Strong data retention practices

Cyber risk



MORE FOOD FOR THOUGHT

TALK TO OUR TEAM



Assemble your key decision makers — your CISO, privacy officer and GC, if you have them, or your IT leaders if you don't — and determine whether your cybersecurity safeguards meet industry standards. If they don't, make 2023 the year you get cyber secure.



43.2%

of companies do not have multi-factor authentication¹

1 Source: [CyberEdge Cyberthreat Defense Report 2022](#)



Yet tech execs say it can prevent 80 to 90% of cyber attacks²

2 Source: [The White House press briefing, Sept 2021](#)

Cyber risk



[MORE FOOD FOR THOUGHT](#)

[TALK TO OUR TEAM](#)



Cyber risk management guidance for Canadian corporate directors

[> Read now](#)



Cyber hygiene checklist: Tick these boxes to lower your cybersecurity risk and insurance costs

[> Read now](#)



The cyber incident response plan: The power is in the process


[> Read now](#)

Cyber risk




MORE FOOD FOR THOUGHT

TALK TO OUR TEAM




Éloïse Gratton
Partner
EGratton@blg.com
T: 514.954.3106

[> View bio](#)



Eric Charleston
Partner
ECharleston@blg.com
T: 416.367.6566

[> View bio](#)



Bradley Freedman
Partner
BFreedman@blg.com
T: 604.640.4129

[> View bio](#)



MORE FOOD FOR THOUGHT

TALK TO OUR TEAM



Are you safe from a greenwashing claim?

With climate change and human rights making headlines, consumers are increasingly choosing products and services based on the sustainability claims companies make.

According to a website sweep conducted by the International Consumer Protection and Enforcement Network (ICPEN) in 2021, four in 10 of these claims are exaggerated, false, unsubstantiated or misleading — a practice commonly known as “greenwashing.”



Greenwashing



MORE FOOD FOR THOUGHT

TALK TO OUR TEAM



In Canada, high profile complaints, including against a manufacturer and a bank have been filed with the Competition Bureau, resulting in fines and other penalties.



In Italy, a textile company obtained an interim injunction against its competitor for greenwashing claims.



In the U.S., greenwashing class action suits are becoming more common.



Whistleblowing employees are another source of claims.

Greenwashing



MORE FOOD FOR THOUGHT

TALK TO OUR TEAM



To avoid complaints and respond confidently if one happens, scrutinize your reports, disclosures and marketing for any claims that may be hard to back up. Once you've tested and confirmed all claims, maintain an up-to-date, accurate and easy-to-access record of the evidence. Make sure you walk your talk internally, so your employees feel comfortable with your claims. And take a hard look at your global supply chain in anticipation of Canada's modern slavery legislation.



Greenwashing



MORE FOOD FOR THOUGHT

TALK TO OUR TEAM



ESG claims: Managing risks and liabilities for Canadian businesses

[> Read now](#)



More than marketing: How to share your ESG story with investors

[> Read now](#)



Bill S-211: A comparative overview of Canada's newest legal tools against forced and child labour

[> Read now](#)

Greenwashing



MORE FOOD FOR THOUGHT

TALK TO OUR TEAM



Laura Wagner
Partner

LWagner@blg.com
T: 416.367.6572

[> View bio](#)



Rick Williams
Partner

RWilliams@blg.com
T: 604.640.4074

[> View bio](#)



Benedict Wray
Senior Associate

BWray@blg.com
T: 613.787.3570

[> View bio](#)

Capital projects



MORE FOOD FOR THOUGHT

TALK TO OUR TEAM



Where could your capital project take a turn?

Money for infrastructure projects is flowing right now, thanks in part to support from all levels of government for developments that will achieve the economic, social and environmental goals of our communities.

But these are strange times.

Capital projects



MORE FOOD FOR THOUGHT

TALK TO OUR TEAM



We have emerged from the COVID pandemic faced with economic uncertainty, supply chain issues and skilled labour shortages that are leading to challenges in project scheduling and pricing. Condo developers can get fridges but not stoves. Electric bus fleets sit idle while they wait for charging clips.

Infrastructure assets – In 2021, private and public industries in Canada invested:

\$94
billion

+ \$7.5
billion from previous year

Source: [Statistics Canada: Infrastructure Statistics Hub](#)

There's no quick fix. Some owners experiment with different project delivery models. Some seek price certainty by tying costs to an index, such as steel. Others ask contractors for fixed prices — and may pay triple for their project for this peace of mind.

Capital projects



MORE FOOD FOR THOUGHT

TALK TO OUR TEAM



A back-to-basics approach works best. Before going to market, have your design, land acquisition and permits in place. Bring trusted contractors to the table early to anticipate where the supply chain and pricing challenges may lie and take steps to avoid or manage them. Be prepared to make quick decisions and pay for materials and equipment early to avoid escalation issues.

In 2021, infrastructure investment contributed

\$70 billion

to Canada's GDP



Source: [Statistics Canada: Infrastructure Statistics Hub](#)

Capital projects



MORE FOOD FOR THOUGHT

TALK TO OUR TEAM



**Uncertain terms:
Absence of a formal
agreement on
construction projects**

[> Read now](#)



**Defence infrastructure
projects in Canada:
considerations for
contractors and
subcontractors**

[> Read now](#)



Development projects

[> Read now](#)

Capital projects



MORE FOOD FOR THOUGHT

TALK TO OUR TEAM



Patricia L. Morrison
Partner

PMorrison@blg.com
T: 403.232.9472

[> View bio](#)



Douglas R. Sanders
Partner

DSanders@blg.com
T: 604.640.4128

[> View bio](#)



Pascale Dionne
Partner

PDionne@blg.com
T: 514.954.2516

[> View bio](#)

Artificial Intelligence



MORE FOOD FOR THOUGHT

TALK TO OUR TEAM



Are you using AI responsibly?

Businesses use artificial intelligence (commonly referred to as AI) for everything from process automation and marketing campaigns to improving customer service and optimizing supply chains.

Your business may be using AI and not even know it.

Artificial Intelligence



MORE FOOD FOR THOUGHT

TALK TO OUR TEAM



Ignorance is not bliss. Existing privacy and human rights laws in Canada already govern AI to a certain extent. Bill C-27, which has not yet been adopted, contains the *Artificial Intelligence and Data Act (AIDA)* — a robust legislative response to the ethical and privacy concerns that arise when decisions are automated using machine learning. With the EU, Canada one of the first countries to table laws to govern AI.

AIDA aims to prevent:



HARM

Physical/psychological harm, damage to property and economic loss



BIASED OUTPUT

AI output that adversely differentiates without justification on one or more of the prohibited grounds of discrimination set out in the CHRA

Artificial Intelligence



MORE FOOD FOR THOUGHT

TALK TO OUR TEAM



To get ready for potential AI legislation and comply with existing laws, including privacy and employment, identify your processes that use AI, then ask questions of your AI providers or internal teams. Could the decisions these processes make affect someone's psychological or financial wellbeing? Are steps taken to avoid bias? How are privacy concerns addressed? If you're in the market for a new system, find out what its risks are in light of the potential new AI framework before investing in it.

A broad set of obligations may apply to designers, developers, providers and managers of AI systems:

Risk assessment to determine if the system is "high-impact"



Mitigation and system monitoring for high-impact systems (regarding potential harm or biased output)



Transparency and notice for high-impact systems regarding intended use and actual use



Establishing measures with respect to data anonymization process and the use of anonymized data



Reporting material harm to the Minister of Innovation, Science and Industry

Artificial Intelligence



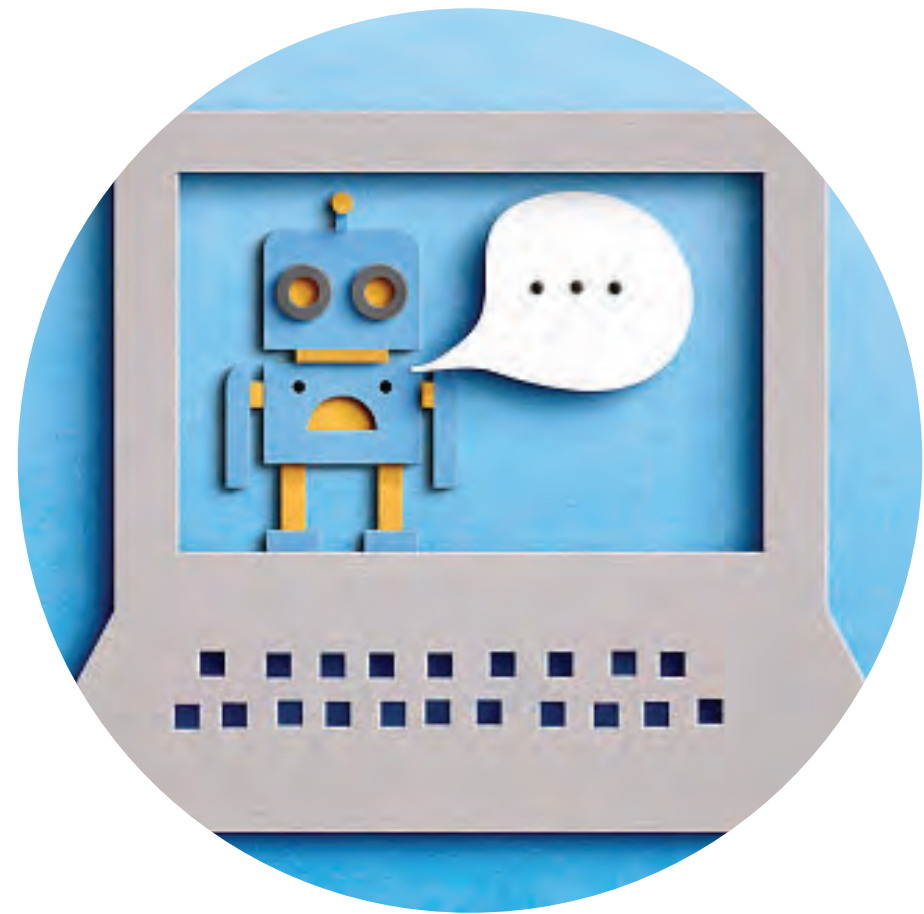
MORE FOOD FOR THOUGHT

TALK TO OUR TEAM



Whether Bill C-27 becomes law or not, responsible use of AI is simply good business practice. Consider developing your own AI governance policies and principles to build trust with your stakeholders and help shape the conversation about AI in Canada.

For examples principles organizations can consider when using AI, check out [Mila's AI For Humanity](#).



Artificial Intelligence



[MORE FOOD FOR THOUGHT](#)

[TALK TO OUR TEAM](#)



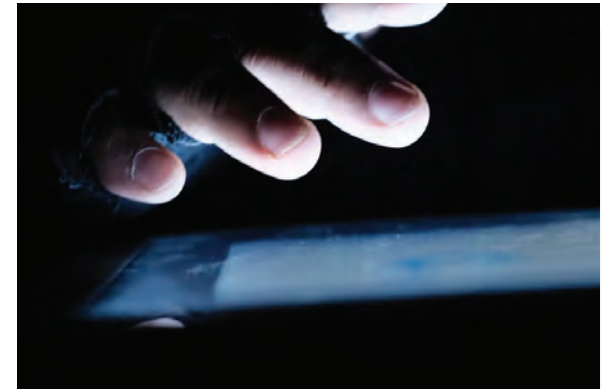
Canada's Artificial Intelligence and Data Act: Impact for businesses

[> Read now](#)



Regulating artificial intelligence: Preparing your business for the future

[> Read now](#)



4 ways to avoid bias when your HR agency uses AI recruitment tools

[> Read now](#)

Artificial Intelligence



MORE FOOD FOR THOUGHT

TALK TO OUR TEAM



François Joli-Coeur
Partner

FJolicoeur@blg.com
T: 514.954.3144

[> View bio](#)



George Wray
Partner

GWray@blg.com
T: 416.367.1234

[> View bio](#)



Edona Vila
Partner

EVila@blg.com
T: 416.456.7890

[> View bio](#)



MORE FOOD FOR THOUGHT

TALK TO OUR TEAM



Are you ready to pivot your healthcare practice?

They say necessity is the mother of invention — and this was certainly true of healthcare during the COVID-19 pandemic, when virtual primary care visits in Canada ballooned from less than 20 per cent of total visits in 2019 to 60 per cent in April 2020.

Health Innovation



MORE FOOD FOR THOUGHT

TALK TO OUR TEAM



Today, digital health care is viewed by many as a way to increase access to care, reduce healthcare costs and improve patient satisfaction.

Innovations in technology and service delivery abound. However, the regulations and payment models are complex, vary across Canada and may change with little warning. Ontario physicians, for example, saw a dramatic decrease in payment for some virtual services as of Dec. 1, 2022.



Virtual primary care visits in Canada ballooned from less than 20 per cent in 2019 to 60 per cent in April 2020.

Health Innovation

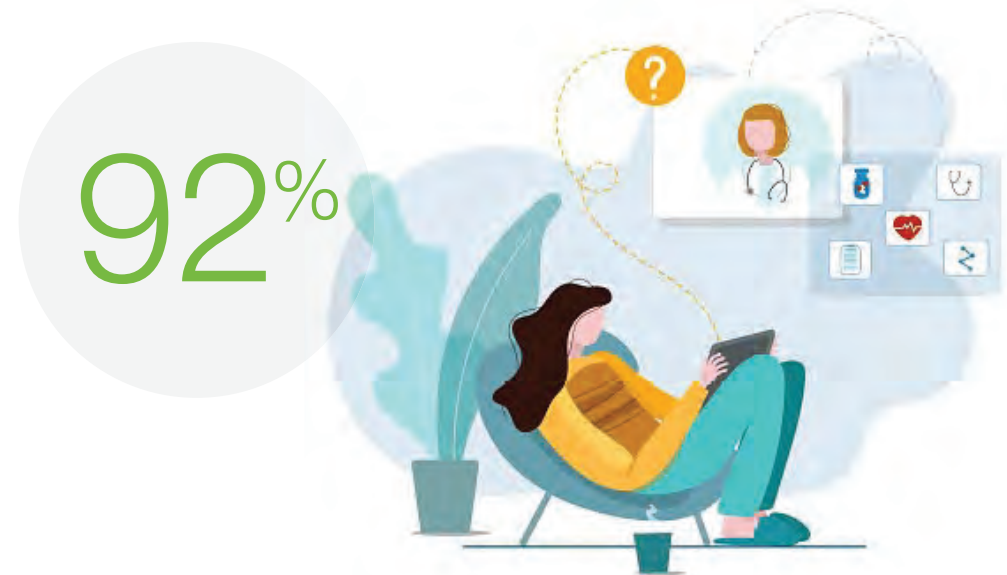


MORE FOOD FOR THOUGHT

TALK TO OUR TEAM



Start-ups and established companies alike are bringing an entrepreneurial spirit to a healthcare system in crisis. If you have an idea for innovation, first test it against provincial rules to confirm it's allowed. Next, ensure that intellectual property, privacy, cybersecurity, marketing and service contracts are handled properly and that you're practicing within the standards of care for your profession, type of service and jurisdiction. Then be prepared to pivot — because opportunities, regulations and funding models will change.



of Canadians want technology that makes health care as convenient as other aspects of their lives.

– [Canada Health Infoway and Environics, November 2020](#)

Health Innovation



MORE FOOD FOR THOUGHT

TALK TO OUR TEAM



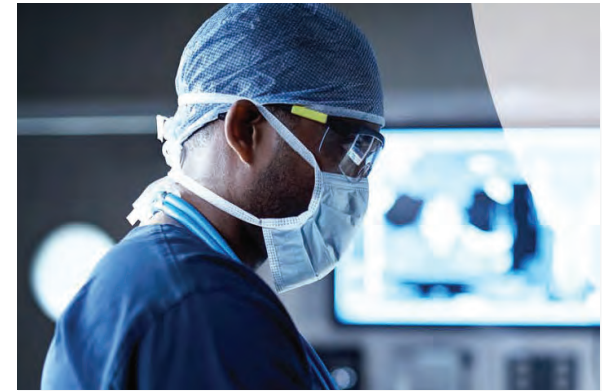
**Cross-Canada
virtual care licensure
requirements and
best practices**

[> Read now](#)



**No quick fix: Private
health care in Canada
is back in the news**

[> Read now](#)



**Privacy considerations
for Ontario's health
care sector**

[> Read now](#)

Health Innovation



MORE FOOD FOR THOUGHT

TALK TO OUR TEAM



Anna Marrison
Partner

AMarrison@blg.com
T: 416.367.6674

[> View bio](#)



Christine Laviolette
Partner

CLaviolette@blg.com
T: 416.367.6238

[> View bio](#)



Manon Gauthier
Partner

MGauthier@blg.com
T: 514.954.2510

[> View bio](#)