Navigating the Wildfire Smoke Situation: Tips for In-house Counsel

Employment and Labor

Environmental

As smoke from Canadian wildfires shrouds large swaths of Canada and the United States, what issues and tips should in-house counsel consider to support their organization?

Things to consider

- Check out ACC's curated selection of resources - news reports on the situation, as well as governmental and non-governmental resources.

- Demonstrate leadership and build trust by taking steps to support the business and its workforce during this situation. As was the case during the COVID-19 pandemic, Chief Legal Officers and General Counsel are in a key position to help their organization navigate this ongoing event by offering advice, helping to put in place measures and to develop communications to support the workforce with a focus on workers' health and safety, and support business continuity while ensuring that the organization complies with national and local laws and regulatory requirements.

- Monitor and take into account the health guidance published by the relevant federal, state, provincial, and local authorities regarding wildfire smoke. Among other sources and depending on your location, you may for example want to check out the guidance published

the US Centers for Disease Control and Prevention, the Occupational Safety and Health Administration, or by the Canadian Government regarding wildfire smoke.

- Consider what information, guidance, or instructions your business can communicate to its workforce regarding the facts of the situation, the implications for their workplace, guidance, and measures that the company takes, such as whether employees are encouraged or required to work remotely. For example, Google asked employees of certain offices in Canada and the United States to work from home.

- Also consider how the business can support the broader community whose stakeholders may be impacted by the situation.

- If your business suffers economic consequences from the situation, consider whether insurance coverage would apply, and potential needs to notify insurers.

As the wildfire smoke situation evolves, in-house counsel have a strategic role to play, an opportunity to lead and help their business address the challenges at hand.

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