

CLIMATE CHANGE IN NEW BRUNSWICK, CANADA: A CALL FOR A JUST TRANSITION ACT

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As law students passionate about sustainability, climate change, and environmental reform, we are deeply concerned with the lack of attention given to the transition of workers in the grander economic shift to more climate-friendly industries. Climate change is currently one of the biggest threats faced by humanity; it is disrupting national economies and affecting every country. Urgent action on climate change is necessary. According to a report from the United Nations, the world is running out of time to avert the most catastrophic consequences of global warming.¹ In this paper, we advocate for the implementation of a Just Transition Act in the province of New Brunswick focusing on the province's vulnerabilities and the protection of at-risk individuals. Drawing inspiration from international initiatives, we advocate for strategies supporting Canadian workers in transitioning to a greener economy. Our recommendations include the establishment of an advisory board to provide information, address concerns, and advocate for individuals' needs; the creation of a Just Transition Fund; and the mitigation of obstacles associated with investing in climate-friendly businesses. Finally, we emphasize the importance of educational and training programs to ensure the success of New Brunswick workers in seeking new employment opportunities.

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¹ *The Sustainable Development Goals Report 2023: Special Edition*, UNDESA "Goal 13: Take urgent action to combat climate change and its impacts", online: <www.un.org/sustainabledevelopment/climate-change/>.

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Part 1: Our Proposal

More than 95,000 New Brunswickers work directly in fossil fuel production or depend on this sector, such as agriculture, forestry, mining, construction, transportation, and utilities.² While a transition to a net-zero-carbon economy is necessary, there is a substantial risk that such transition will not be effective and inclusive in the absence of a Just Transition Act. Many labour unions, environmental advocates, and proponents of social justice have expressed their concern that a lack of proactive policies will cause many Canadians, particularly marginalized people, to lose their jobs and be left without support.³ The province of New Brunswick is especially vulnerable as most of its population is employed by companies like Irving Oil (Irving) and JD Irving (JDI) - both contributors to climate change. It is, thus, necessary to take action to ensure a just transition for the affected workers in New Brunswick.

In this paper, we argue for the implementation of a Just Transition Act (Act). In doing so, we encourage following the framework of the already proposed *Canada Just Transition Act*, while relying on our recommendations tailored to the population, economy, and provincial needs of New Brunswick. In our suggestions, we build upon international reports, programs, and on some of the most effective climate actions adopted by other countries. An inclusive and comprehensive Just Transition Act is imperative, not solely from a social perspective, but in practice: Canada's failure to transition out of the resource sector is attributable to the inadequate resources and support for workers and communities.⁴

² “Hadrian Mertins-Kirkwood & Zaeesh Deshpande, “Who is included in a Just Transition? Considering social equity in Canada’s shift to a zero-carbon economy” (August 2019) at 6, online (pdf): *Canadian Centre for Policy Alternatives*, <policyalternatives.ca/sites/default/files/uploads/publications/National%20Office/2019/08/Who%20is%20included%20in%20a%20just%20transition_final.pdf>.

³ Hadrian Mertins-Kirkwood & Clay Dunclafte, “Roadmap to a Canadian Just Transition Act” (April 2021) at 15, online (pdf): *Canadian Centre for Policy Alternatives* <policyalternatives.ca/sites/default/files/uploads/publications/National%20Office/2021/04/Roadmap%20to%20a%20Canadian%20just%20transition%20act.pdf>.

⁴ *Ibid.*

Part 2: Climate Change and New Brunswick

2.1. Irving and J.D Irving

New Brunswick, the city of Saint John in particular, is at high economic risk as two of its greatest companies, Irving and JDI, are major contributors to climate change. Industries that are reliant on fossil fuels, such as oil and gas, play a pivotal role in aggravating climate change. These sectors significantly contribute to the global environmental crisis, as fossil fuels account for over 75% of worldwide greenhouse gas emissions and are responsible for almost 90% of all CO₂ emissions.⁵

Irving maintains two oil refineries which generate energy commodities for wholesale and retail markets, including gasoline, diesel, heating oil, jet fuel, propane, and asphalt.⁶ The Saint John Refinery is the largest in Canada. Irving also covers sectors in blending and packaging, wholesale and specialty, and cargo and product trading. They have 900 fueling locations and 20 big stop locations, as well as a team of home heating experts.⁷ On the other hand, JDI employs over 19,000 individuals in various sectors such as agriculture, construction and equipment, consumer products, hydro energy, food, forestry and forestry products, retail and distribution, shipbuilding and industrial fabrication, and transportation and logistics. Therefore, Irving and JDI combined employ a vast majority of the province's population.⁸ This poses great economic and social risks, as these companies will have to undergo major changes to keep up with global climate standards.

2.2. Environmental Impact

Given the fields and sectors of operation of these two companies, Irving and JDI are particularly vulnerable to the transition towards a greener, resilient, and climate-neutral economy. For instance, being the largest refinery in the country, the Saint John Refinery alone produces more than 320,000 barrels per day (Mb/d).⁹ It produces more refined petroleum products (RPPs) than New Brunswick needs, and it operates

⁵ Climate Action, "Causes and Effect of Climate Change", online: *United Nations* <www.un.org/en/climatechange/science/causes-effects-climate-change#:~:text=Fossil%20fuels%20%E2%80%93%20coal%2C%20oil%20and,of%20all%20carbon%20ioxide%20emissions>.

⁶ Irving, "Saint John Refinery", online: *Irving Oil* <www.irvingoil.com/en-CA/discover-irving/saint-john-refinery>.

⁷ Careers, "Careers Overview", online: *Irving Oil* <www.irvingoil.com/en-CA/careers/careers>.

⁸ JD Irving, "About Us", online: *JD Irving* <www.jdirving.com/en/about-us/>.

⁹ Irving, "Report on Sustainability 2021", online (pdf): *Irving Oil* <<https://www.irvingoil.com/sites/default/files/2022-04/Irving%20Oil%202021%20Report%20on%20Sustainability.pdf>> [<https://perma.cc/DSC6-ZSCB>].

primarily for exports to the U.S. and neighbouring provinces.¹⁰ According to the report of Environment and Climate Change Canada on greenhouse gas emissions, the largest GHG emitting sectors in New Brunswick are in fact oil and gas (primarily petroleum refining) at 27% of emissions, transportation at 26%, and electricity generation at 23%.¹¹ In addition, over the past decade, Irving has been responsible for several catalyst releases that severely impacted air quality and raised general environmental concerns; particularly, in 2010, an Irving refinery unit released more than 30 metric tons of dust into the air.¹² Again, in 2020, New Brunswick released an air-quality report in which it showed that it exceeded both national and provincial standards for sulphur dioxide and nitrogen dioxide.¹³

Part 3: Just Transition

The International Labour Organization (ILO) describes a just transition as “greening the economy in a way that is as fair and inclusive as possible to everyone concerned, creating decent work opportunities and leaving no one behind”.¹⁴ In other words, it seeks to assist corporations, workers, and communities in their transition to a net-zero carbon economy. The Paris Agreement also urges its member nations to *commit to a just transition to fight climate change*.¹⁵ Along with the Paris Agreement and the ILO, the work of *Climate Action 100+* is noteworthy. *Climate Action 100+* is an investor-led initiative that ensures the world’s largest corporate GHG emitters act on climate change. In 2022, they released the *2022 Net Zero Company Benchmark Assessment* which emphasizes the pressing need for legislation that ensures a fair and smooth just transition away from fossil fuels.¹⁶ This assessment analyses companies’ disclosure on climate change issues and evaluates the climate actions that companies are taking to meet climate goals. The majority of the largest global emitters (75%) are not

¹⁰ Provincial and Territorial Energy Profiles – New Brunswick, “Energy Production” (last modified 24 August 2023), online: *Canada Energy Regulator* <<https://www.cer-rec.gc.ca/en/data-analysis/energy-markets/provincial-territorial-energy-profiles/provincial-territorial-energy-profiles-new-brunswick.html>> [<https://perma.cc/USH5-663X>].

¹¹ *Ibid.*

¹² Dave Sherwood, “Exclusive: Irving Oil dust pollution exceeded limits in Canadian city” (last modified 10 June 2016), online: *Reuters* <www.reuters.com/article/us-irving-airquality-exclusive-idUSKCN0YW0BK> [<https://perma.cc/53CE-Y826>].

¹³ Bobbi-Jean MacKinnon, “N.B. releases 2020 air-quality report showing national and provincial standards exceeded” (last modified 29 September 2022), online: *CBC News* <www.cbc.ca/news/canada/new-brunswick/air-quality-new-brunswick-2020-exceeded-standards-national-provincial-1.6600408> [<https://perma.cc/AB7T-VMN4>].

¹⁴ Frequently Asked Questions on just transition, “What is a just transition?”, online: *International Labour Organization* <www.ilo.org/global/topics/green-jobs/WCMS_824102/lang-en/index.htm> [<https://perma.cc/9V7A-YCX9>].

¹⁵ “A need for robust transition planning” (16 June 2022), online: *Climate Action 100+* <www.climateaction100.org/news/a-need-for-robust-just-transition-planning/> [<https://perma.cc/QFSS-88E3>].

¹⁶ *Ibid.*

sufficiently prepared to deliver a just transition.¹⁷ This is an even more pressing issue in a smaller province such as New Brunswick with an aging population and fewer resources. New Brunswick is at significant risk of negative economic and social implications resulting from the failure to successfully transition.

3.1. International Views on Just Transition

Just transition is not a Canadian innovation, but rather an international plan implemented by several countries all over the globe. Denmark, New Zealand, and Germany are further ahead than Canada in the execution of the just transition.¹⁸ Denmark, for instance, introduced a ‘reskilling’ program to allow workers to develop the skills required to be proficient in offshore wind technologies, after the closure of many shipyards in 2009. In 2019, transitioning from coal to wind eventually led to the creation of thousands of green jobs, employing more than 1% of the Danish workforce in the wind power sector.¹⁹

Similarly, in 2017, New Zealand created the *New Zealand Just Transition Unit* to assist workers and communities in areas of the country where offshore oil and gas industries are predominantly based. Again, in 2019, it released the *Taranaki 2050 Roadmap*, an action plan aimed at developing economic sectors that are central to a greener transition, as well as promoting sustainable employment for both directly and indirectly affected industries.²⁰

Finally, in 2018 Germany established the *Commission on Growth, Structural Change and Employment*, which proposed to facilitate a just transition towards a more sustainable economy for those employed in Germany’s coal areas. The Commission also advocated for more employment opportunities like the modernization of alternative energy and transportation. Germany’s federal legislation in 2020 agreed to grant up to \$60 billion CAD in funds by 2038 to facilitate the transition in these regions.²¹

¹⁷ *Ibid.*

¹⁸ *Supra* note 3.

¹⁹ “Employment, Export and Revenue”, online: *Wind Denmark* <en.winddenmark.dk/wind-in-denmark/statistics/employment-export-and-revenue> [https://perma.cc/JM3P-K64V].

²⁰ “Just Transitions for Taranaki”, online: *Ministry of Business, Innovation, and Employment* <www.Mbie.govt.nz/business-and-employment/economic-development/just-transition/just-transitions-for-taranaki/>.

²¹ The German Coal Commission, “A Roadmap for a Just Transition from Coal to Renewables” (2019), online (pdf): *Agora Energiewende und Aurora Energy Research* <www.agoraenergiewende.de/fileadmin/Projekte/2019/Kohlekommission_Ergebnisse/168_Kohlekommission_EN.pdf> [https://perma.cc/CDW5-3R4X].

3.2. National Views on Just Transition

In 2019, Prime Minister Justin Trudeau promised to enact a Just Transition Act to ensure that workers are provided with training and support in the world's transition towards a cleaner and greener economy.²² The Canadian government committed to implementing a Just Transition Act in view of Canada's goal of decarbonizing its economy and achieving net-zero greenhouse gas emissions by 2050.²³ Trudeau further addressed this proposal in his 2019 campaign speech in response to the conservative party's lack of a plan to reduce carbon emission and combat climate change.²⁴ Although the promise of a Just Transition Act found support from labour unions, environmental groups, and social advocates, its implementation has barely been mentioned.²⁵

Part 4: Principles and Goals

Similar to the already proposed *Canada Just Transition Act*, a New Brunswick Act should focus on the following cornerstone principles: reducing emissions by decreasing reliance on the fossil fuel industry; equipping Canada's workforce through skills development and training; supporting Canadian workers by paying for transition; maintaining a people-centered approach; and promoting labour and human rights, while safeguarding marginalized people.²⁶

4.1. Decarbonization and Winding Down of Fossil Fuels

In line with Canada's goal of reaching net-zero carbon emissions by 2050, one of the Act's guiding objectives should be decarbonization. Decarbonization is a process that consists of reducing the net output of carbon dioxide (CO₂) into the Earth's atmosphere. As a result of the greenhouse effect trapping greenhouse gases into the Earth's atmosphere, carbon dioxide accumulates and causes global temperatures to rise.²⁷ This is particularly relevant to the province of New Brunswick, given its

²² "Call on Trudeau to pass the Just Transition Act", online: *350.org* <act.350.org/sign/jt-act/> [https://perma.cc/LG9U-HDG6].

²³ *Supra* note 3.

²⁴ Justin Trudeau, "The climate crisis is real, and we have the best plan to fight it. Watch my speech about our vision for the future of Canada" (24 September 2019), posted on *Justin Trudeau*, online: *Facebook* <https://www.facebook.com/watch/live/?ref=watch_permalink&v=2389213064465935.>

²⁵ *Supra* note 22.

²⁶ *Supra* note 3.

²⁷ "The Greenhouse Effect and our Planet", online: *National Geographic* <education.nationalgeographic.org/resource/greenhouse-effect-our-planet/> [https://perma.cc/3WKM-NF27].

economy's significant reliance on fossil fuels, which produce large quantities of CO₂ when burned.²⁸

In supporting New Brunswickers in their transition towards a greener economy, the Act should encourage and strive for more sustainable and renewable energy sources like wind power, solar power, and biomass to finally renounce fossil fuels. It should also strive for cleaner electricity production, like small modular (nuclear) reactors (SMRs).²⁹ While Canada has implemented carbon capture strategies, the Act should not rely on them as their inefficacy has been proven to be more damaging than helpful.³⁰ Instead, safer, and more sustainable strategies, like enhanced natural sequestration through better forest and land-use management should be utilized to decarbonize.³¹ Finally, the Act should give people incentives so that individuals are motivated to reduce their carbon footprint on their own. This can be accomplished by modifying habits in relation to driving, flying, energy use, and food consumption, and by ensuring seafood safety, reducing meat consumption, and purchasing safer cleaning products. These serve a double purpose: they protect individuals against the negative consequences of climate change, as well as preserve our environment.

4.2. Pay for Transition

This previous suggestion can be accomplished by relying on some of Canada's income support systems which will support all Canadian workers affected by a transition to a net-zero carbon economy. For instance, *Budget 2021* included job and growth plans to increase opportunities for people impacted by the COVID-19 pandemic.³² We suggest that *Budget 2021* should be consulted to inform longer-term reforms and programs. Further, the Act could support New Brunswick workers by increasing taxes on corporations, wealthier populations, and through public financing.

4.3. People-Centered Approach

Next, given the direct impact that a just transition will have on workers' lives and well-being, the Act should take a people-centered approach. *Person-centered* is an approach

²⁸ *Supra* note 10.

²⁹ Natural Resources and Energy Development, "Renewable Resources", online: *Government of New Brunswick* <www2.gnb.ca/content/gnb/en/departments/erd/energy/content/renewable.html> [<https://perma.cc/8KU4-GLYM>].

³⁰ Jason MacLean, "Canada needs to cut carbon, not try to capture it" (22 February 2022), online: *The Conversation* <theconversation.com/canada-needs-to-cut-carbon-not-try-to-capture-it-175987> [<https://perma.cc/7PFM-NDQP>].

³¹ *Ibid.*

³² Budget 2021, "A Recovery Plan for Jobs, Growth, and Resilience", online: *Government of Canada* <<https://www.budget.canada.ca/2021/report-rapport/toc-tdm-en.html>> [<https://perma.cc/DV3K-35UH>].

that considers individuals accessing social services as partners of equal importance in the planning, development, and monitoring of these services. This involves placing individuals and their families at the core of decision-making, recognizing their expertise, and collaborating with professionals to achieve the best possible outcomes. It considers people's preferences, values, family dynamics, social context, and lifestyles, recognizing each person as an individual. In other words, the focus is on collaborating to create tailored solutions.³³ In this vein, the Act could seek and encourage an informed and ongoing dialogue with the people affected by a just transition. No one, whether directly or indirectly affected, should be excluded and all relevant stakeholders should be consulted. A people-centered approach supports the development and implementation of policies that create adequate, just, and high-value work that reflects regional resources and provincial needs.³⁴

4.4 Labour Rights and Marginalized People

In further support of a people-centered approach, the Act should set, as a guiding principle, the protection and enforcement of basic human rights, with particular focus on labour rights. Workers must be respected and protected through a just transition, as they are displaced and removed by climate change and decarbonizing strategies. Moreover, climate change, its impact, and policies addressing climate change disproportionately affect already marginalized communities. For instance, as explained by Harriet Washington, racialized communities are often disproportionately exposed to harmful pollutants and toxins; while the author's focus was on the United States of America, it is also a plausible consequence of climate change in New Brunswick. As a result, policies that support workers through a just transition frequently exclude marginalized people, or else, individuals who experience discrimination and exclusion in a social, economic, cultural, gender, or political context.³⁵

In a just transition away from fossil fuels, gender inequality may lead women to struggle significantly more than their male counterparts. Mitigation strategies and renewable energy programs will limit women's participation and continued income and reinforced gender inequalities, as they are focused on male-dominated industries.³⁶ Similarly, individuals that live in poverty and that lack the requisite technological

³³ "What is person-centred care and why is it important?", online (pdf): *Health Innovation Network* at 2 <healthinnovationnetwork.com/system/ckeditor_assets/attachments/41/what_is_person-centred_care_and_why_is_it_important.pdf> [<https://perma.cc/QEL3-SYY9>].

³⁴ "People-Centered Just Transition: Discussion Paper", online (pdf): *Government of Canada* <www.rncanengagenrcan.ca/sites/default/files/pictures/home/just_transition_discussion_paper_-_en_-_july_15.pdf> [<https://perma.cc/5JJK-FN7Z>].

³⁵ John Cartwright, "Toward a just transition" (2018) 1:1 World Resources Institute at 161; ³⁵ Harriet Washington, *A Terrible Thing to Waste: Environmental Racism and Its Assault on the American Mind* (New York, NY: Little, Brown Sparke, 2020).

³⁶ *Supra* note 3.

capacities will struggle both to participate in the decision-making process and to access the resources provided.³⁷ Finally, a just transition towards a greener economy will significantly impact Indigenous communities and Indigenous lands that are in the proximity to fossil fuel extraction. As a result, the Act should reinforce the self-determination of Indigenous people, as well as follow the guidelines set by the *United Nations Declaration on the Rights of Indigenous Peoples*.³⁸ This is particularly relevant to New Brunswick, given that more than 17,000 First Nation people, mostly from the Mi'kmaq and Wolastoqiyik communities, live in the province.³⁹

Fighting climate change also supports the Canadian government's goals of addressing these inequities and providing further support for marginalized communities. Particularly, in the context of Indigenous people, an adequate and efficient just transition provides Canada with the opportunity to uphold the inherent rights and sovereignty of Indigenous people.

Part 5: Proposed Programs for New Brunswick

Climate change is a global concern that has visible implications in New Brunswick. As previously mentioned, the province is at significant risk given that major employers in the province are contributors to the climate crisis.⁴⁰ As is evident from the steps taken internationally, climate change and a transition to a climate-friendly economy are inevitable. It is essential that the province's main actors take these issues seriously, starting by developing programs and regulations and urging the federal government to act and implement the proposed *Canada Just Transition Act*. We propose three main programs that will help New Brunswick workers to transition successfully: the implementation of an advisory board, a just transition fund that includes regulations to support climate-friendly investments, and a program focused on education and transferable skills.

5.1. Advisory Board

At the heart of a successful transition, individuals who are at risk must be involved in the decision-making process. The legislation should establish an advisory board to provide independent advice on strategies. The *People-Centered Just Transition: Discussion Paper* provided by the Government of Canada briefly discusses the

³⁷ *Ibid.*

³⁸ "Indigenous Peoples meeting on climate change-January 24-26, 2016: Final meeting report", online (pdf): *Indigenous Climate Change* <https://static1.squarespace.com/static/5e8e4b5ae8628564ab4bc44c/t/5f35a0201780e57f8ef14c0c/1597349931556/Copy+of+ICA_FinalReport_IPMCC2016.pdf> [https://perma.cc/ASF7-U9US].

³⁹ Aboriginal Affairs, "First Nation Communities", online: *Government of New Brunswick* <www2.gnb.ca/content/gnb/en/departments/aboriginal_affairs/fnc.html> [https://perma.cc/PA3P-HGB8].

⁴⁰ *Supra* note 11.

implementation of an advisory board.⁴¹ The paper points out the weaknesses in our current system, specifically the lack of a single source that stakeholders can use to find out about support and programs. The paper also mentions how there is no independent body that focuses exclusively on employment opportunities and transitional impacts on workers and communities. As a solution to these issues, the Government is considering implementing an advisory board which would be mandated to engage in consultations with stakeholders and provide independent recommendations to the government.⁴²

Internationally, there are a few examples of how this may look. For instance, the *New Zealand Just Transition Unit*, mentioned above, assists workers and communities in areas where oil and gas industries are primarily affected.⁴³ Again, in Germany, the *Commission on Growth, Structural Change and Employment* proposes to facilitate a transition for those within at-risk coal areas, while advocating for more employment opportunities.⁴⁴ In our call for a Just Transition Act, we propose considering the following recommendations in regard to the advisory board. This will ensure that all New Brunswickers have a voice in these decisions.

The advisory body should be comprised of all major stakeholders, specifically those at higher risk. We believe that the board should consist of representatives from different fields and work sectors, including union representatives. In addition to those who are most impacted by the transition, such as small business owners or workers who are employed by either Irving or JDI, the Board should also consist of representatives of larger corporations. The recommendations should be aimed at both the Government and the community. Members of the board and individuals who are at the heart of the transition could provide useful insight in combatting the demanding dilemmas that a transition poses. The advisory board could maintain effective communication with community stakeholders and provide them with a voice to express suggestions and concerns. Further, the board could serve as an outlet for the Government to provide valuable information to the community.

With a board consisting of community professionals and representatives from various impacted fields, regional and local views will be heard. The mandate would necessitate a structured procedure, where the board serves as an avenue to conduct surveys and collect data on the community's views and perspectives. These can be then reviewed and summarized in final reports containing overall recommendations and opinions. For example, reports produced by accounting firms may be reviewed and taken into consideration in the board's deliberations. From there, the board can provide such reports to the Government and arrange meetings to discuss further steps with government officials. Monthly meetings could take place around the province

⁴¹ *Supra* note 34.

⁴² *Ibid.*

⁴³ *Supra* note 20.

⁴⁴ *Supra* note 21.

where workers from the community can have interacting discussions and conversations with both board members and government officials.

Conducting surveys and collecting information on the community's views is a reliable and efficient way through which the board can engage New Brunswickers. Another method to engage the community may be for the board to serve as an outlet for information and resources regarding the transition. In fact, one of the main challenges facing a just transition is a lack of education in the community.⁴⁵ Research shows that while people believe climate change to be a problem, only a few individuals consider themselves personally at-risk.⁴⁶ This highlights the necessity of educating the community on climate change and related economic risks, creating an effective dialogue with stakeholders and affected workers, and engaging the public in the implementation of strategies and solutions.

5.2. Just Transition Fund

Canada has committed to reducing greenhouse gas emissions. The question then becomes: how do we finance this transition? New Brunswick workers will need financial support in their transition to greener employment. This is a major challenge, especially in a smaller province with fewer resources such as New Brunswick. Arguably, the most at risk are smaller businesses and JDI and Irving's employees. Smaller businesses have less access to funds, making it harder for them to afford the transition. JDI and Irving Oil's workers, in the absence of monetary support, will financially struggle to find new positions and potentially undertake additional education. A recent article that looks at the financial support needed in the United States of America provides helpful commentary regarding what this financial help could look.⁴⁷ The article claims that the three major costs associated with the transition of workers are compensation, insurance, job retention, and moving expenses. A significant cost for New Brunswick will be pension benefits; as our province's population is aging, the transition may force many individuals into retirement.

Another challenge in the funding of a just transition is determining who the recipients of the benefits will be. New Brunswick is among Canada's poorest provinces, and there will need to be guidelines in place for the Government to determine who qualifies to receive such funding and what requirements must be met.⁴⁸

⁴⁵ David J Lieske et al, "Climate Change Adaptation Challenges Facing New Brunswick Coastal Communities: A Review of the Problems and a Synthesis of Solutions Suggested by Regional Adaptation Research" (2015) 6:1 J New Brunswick Studies.

⁴⁶ *Ibid.*

⁴⁷ Robert Pollin & Brian Callaci, "The Economics of Just Transition: A Framework for Supporting Fossil Fuel-Dependent Workers and Communities in the United States" (2018) 44:2 Labour Studies J.

⁴⁸ Robert Jones, "Tough to take: New Brunswick grabs unwanted title as Canada's poorest province" (2019) online: *CBC News* <<http://www.cbc.ca/news/canada/new-brunswick/new-brunswick-poorest->

Programs from Switzerland provide potential guidance regarding the requirements and standards for who may qualify.⁴⁹ There must be regulations in place to ensure the reliability and credibility of businesses' climate actions in their transition to a net-zero economy. Accordingly, we suggest that for businesses to receive funding, they must meet requirements that align with our environmental goals.

In further support of funding, the Act should provide guidelines for financial institutions through appropriate standards. One of the main challenges concerns the funding of climate-friendly companies. There is significant risk associated with these investments because the financial risks may not align with an investor's return expectations. The Act should provide regulatory incentives to overcome some of these challenges.⁵⁰ For example, in an article targeted at Switzerland, the authors recommended regulatory incentives for financing the just transition, by re-risking investments in more "at-risk" financial activities and technologies and by improving the risk profile of low carbon alternatives.⁵¹

Overall, New Brunswick will need significant funding to maintain the economy and provide support for workers throughout the transition. The *European Just Transition Fund* is another example of what the fund may look like in Canada.⁵² The European fund, which is governed by regulations, supports the economic transition through the creation of new firms, investments in small and medium enterprises, environmental rehabilitation, reskilling workers, job search assistance, and transformation of existing carbon-intensive installations.⁵³

5.3. Education

JDI and Irving employ most of the province's population across multiple sectors.⁵⁴ Therefore, the majority of New Brunswick's workforce will be directly impacted by the transition. Programs must be put in place to utilize the skills of the impacted workers and to provide any additional education they may need. In the United States,

province-equalization-payments1.5400170#:~:text=New%20Brunswick%20has%20officially%20assumed,support%20program%2C%20starting%20in%20April> [https://perma.cc/53HW-KMQQ].

⁴⁹ Beatrice Ehmann et al, "Climate transition finance needs and challenges: insights from Switzerland" (2022), online (pdf): *WWF Switzerland* <www.infras.ch/media/filer_public/cb/be/cbba6f1-3d9c-4ef0-ac7b-bf6280d91790/transition_finance_report_220512_final.pdf> [https://perma.cc/86SA-BBR5].

⁵⁰ "Just Transition Mechanism - Performance", online: *European Commission* <ec.europa.eu/info/strategy/eu-budget/performance-and-reporting/programme-performance-overview/just-transition-mechanism-performance_en> [https://perma.cc/BUH9-R4KV]

⁵¹ *Supra* note 4.

⁵² "Just Transition Fund", online: *European Commission* <ec.europa.eu/info/funding-tenders/find-funding/eu-funding-programmes/just-transition-fund_en> [https://perma.cc/CMA5-YQWD].

⁵³ *Ibid.*

⁵⁴ *Supra* note 8.

the *Trade Adjustment Assistance Program* (TAA) which was implemented in 1962 and is operating today, is designed to help workers displaced by shifts in government policy.⁵⁵ The program supports wage insurance, health insurance, counselling, retainment, relocation, and job searching. To successfully transition to a cleaner economy, more than funding is needed. The transition will create new opportunities for Canadian workers, and it is essential to establish how the current workforce skills can be transferred and what additional skills may be required to ensure that New Brunswickers are able to find employment.

Currently, *Budget 2021* is committed to making significant investments that support Canadians in building new skills in growing sectors, as well as receiving education and connecting workers with potential employers. *Budget 2021* provides for new training and work programs to enable workers to take advantage of new opportunities in clean energy.⁵⁶

Capitalizing on the advantages and opportunities of the transition to clean energy is essential. New Brunswick businesses must be supported in providing low-carbon products, services, and technologies as there becomes an international demand for them. To secure stable well-paying jobs for people in New Brunswick, it is imperative to provide education and training to equip workers with the skills necessary to take on new job opportunities.

5.4. Engaging Indigenous People

Finally, the Government should consult with Indigenous communities and implement their perspectives and ideas into the proposed Act.⁵⁷ Given that the federal government has failed both to implement a just transition and to integrate Indigenous perspectives in their decision-making, this is an opportunity for New Brunswick to take the lead. The Tahltan Nation, and its agreement under the British Columbia's *Declaration on the Rights of Indigenous Peoples Act* (DRIPA) provides an excellent example of the sort of collaboration required to adequately consider Indigenous perspectives. It is the first ever consent-based decision-making agreement under DRIPA.⁵⁸ The Agreement recognizes Tahltan's jurisdiction in land management decisions and the importance of co-managing wildlife between the Nation and the Province of British Columbia. This agreement provides guidance on how the Province of New Brunswick may integrate Indigenous values and concepts into the drafting and planning of the Just Transition Act.

⁵⁵ *Supra* note 45.

⁵⁶ *Supra* note 34.

⁵⁷ M'sit No'kmaq et al, "'Awakening the sleeping giant': re-Indigenization principles for transforming biodiversity conservation in Canada and beyond" (2021), online (pdf): *Canadian Science Publishing* <www.facetsjournal.com/doi/pdf/10.1139/facets-2020-0083>.

⁵⁸ Tahltan Central Government, "Tahltan Nation Taking a Stand on Wildlife Issues (28 June 2022), online: *YouTube* <www.youtube.com/watch?v=xXgB2yJEQ6U> [<https://perma.cc/ZP4R-LPDX>].

Part 6: Conclusion

Climate change is no longer a future problem; its impact can be experienced firsthand by each one of us. As New Brunswickers, we are all experiencing extreme weather phenomena.⁵⁹ Extreme precipitation and storms increase the risk of flooding which causes damage to properties and infrastructure; coastal communities are at higher risk because of the rising sea level; warmer temperatures lead to heat stress among the most vulnerable; and the increasing frequency and intensity of forest fires pose an additional threat to ecosystems and communities.⁶⁰

Climate change also negatively impacts the provincial economy. Extreme weather events disrupt business operations, supply chains, and infrastructure; and the costs of maintenance and raw materials is constantly increasing.⁶¹ To fight climate change, Canada has committed to decarbonizing its economy and to achieve net-zero greenhouse gas emissions by 2050.⁶² This requires greening the economy and decreasing our reliance on fossil fuels and refined petroleum products. New Brunswick's workers are particularly vulnerable in the transition to a climate-friendly economy, as most of its population is employed in sectors that release high levels of GHG emissions, such as JDI and Irving.⁶³

In advocating for a Just Transition Act, we seek to ensure a fair and affordable transition away from fossil fuels. We have outlined foundational principles for the Act, drawing insights from international programs and initiatives. Our recommendations include essential strategies to effectively support New Brunswick workers in transitioning to a greener economy. This encompasses the establishment of an advisory board that can facilitate information access and advocate for individuals. We propose a Just Transition Fund to address the economic impacts of climate change. We acknowledge the challenges of investing in climate-friendly initiatives. But we must act. Climate change is the greatest threat of our lifetime and New Brunswick is particularly vulnerable to its devastating effects.

⁵⁹ New Brunswick's Climate Change Action Plan, "Transitioning to a Low-Carbon Economy", online (pdf): *Province of New Brunswick* at 1 <www2.gnb.ca/content/dam/gnb/Departments/env/pdf/Climate-Climatiques/TransitioningToALowCarbonEconomy.pdf> [<https://perma.cc/4HPN-CG7K>].

⁶⁰ *Ibid.*

⁶¹ *Ibid* at 14.

⁶² *Supra* note 3.

⁶³ *Supra* note 8.