

Unifor's comments on the proposed emergency order issued under section 80 of the *Species at Risk Act* to provide for the protection of caribou, boreal population (*Rangifer tarandus*)

Consultation

Environnement and Climate Change Canada

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About Unifor

Unifor represents 320,000 members across Canada. We are the country's largest private-sector union, with broad exposure in every major sector of the economy.

In Quebec, Unifor has nearly 15,000 members in the forestry sector, working in every region from Abitibi-Témiscamingue to Gaspésie. The workers we represent are involved in all levels of processing and in all areas of activity related to the forestry industry: silviculture, logging, firefighting, transportation, lumber, engineered wood, panels, sawmill equipment, pulp, paper, cardboard, packaging, cellulose, pellets, flooring, furniture, kitchen cabinets, doors, windows, printing, etc.

Unifor's members have a unique perspective on the industry and the territory in question while also having a shared stake in their future.

For several years now, Unifor has been closely monitoring the progress of public initiatives aimed at restoring woodland and mountain caribou populations in Quebec.

The restoration initiatives currently underway or in the planning stages pose a major challenge to the forestry industry. Moreover, they are likely to have serious repercussions for our members.

The proposed emergency order is the most significant preservation measure to date in terms of its potential impact on the province's allowable cut and, incidentally, on the economic activity generated by the forestry industry.

In 2022, the Quebec Chief Forester's analysis of the most restrictive habitat management scenario evaluated by the Independent Commission on Woodland and Mountain Caribou estimated losses at 824,300 m³ gross/year for all areas (7) within the range.¹

This time, the Quebec Chief Forester's calculations reveal a loss of 1,393,300 m³ gross/year for the four regions affected by the three specific ranges targeted by the current version of the emergency order.²

The Quebec government, for its part, estimates that at least 2,000 jobs would be lost in the projected provisional order areas alone,³ and puts the loss of added value at around \$1.5 billion.

According to a Radio-Canada report,⁴ an impact analysis carried out by Natural Resources Canada revealed that 1,400 direct jobs in the forestry sector could be at stake. The department estimates losses for the Quebec economy ranging from \$670 to \$895 million over 10 years.

The workplaces affected include 35 sawmills, 10 wood product manufacturing plants, three pulp and paper mills, two cogeneration and energy product facilities and three harvesting cooperatives.

Moreover, the proposed project affects only a small portion of Quebec's woodland caribou habitat. Other areas are likely to be targeted by similar measures in the future.

The outcome of new Imminent Threat Assessments (ITAs) initiated by Environment and Climate Change Canada (ECCC) could eventually result in new restrictions on access to resources and, by extension, additional impacts on the forestry industry.

Unifor's position on the issue of caribou restoration

Unifor recognizes the alarming situation of many of the woodland and mountain caribou herds found in Quebec. Their vulnerability has long been recognized and is a major source of concern.

Unifor recognizes that the effect of higher levels of cumulative disturbance across the range of both of these ecotypes is to reduce the likelihood of population persistence. While the disruptions affecting caribou populations are varied, with many having their origins in natural or climate phenomena, it has been established that certain disturbances linked to human activities, notably industrial forestry, can contribute to their decline.

Unifor recognizes that the government of Quebec has implemented a series of measures (recovery plan, habitat management plan, predator management, forest road closures, creation of protected areas and biodiversity reserves, population monitoring system, etc.) aimed at restoring populations, along with investments to match.

Despite these efforts, it is clear that the actions taken in recent years do not seem to have produced the expected results. At the very least, they have failed to stem the decline of the majority of herds. According to available data,⁵ of the 10 local caribou populations identified in Quebec, eight are in decline, one is on the rise, and the demographic trend for one is unknown.

Unifor recognizes the need to act in accordance with existing legal and treaty obligations, at both the federal and provincial level. For several years, we have been expecting the introduction of policies and regulations aimed at protecting caribou populations, including the development of a global caribou preservation strategy by the Quebec government.

In anticipation of this, we have actively sought to make workers' concerns known and to facilitate their participation as stakeholders in discussions surrounding such measures. We have emphasized the importance of planning and mitigating the impact of preservation measures. We also acknowledge the importance of caribou to First Nations culture and identity, and the fact that their legitimate concerns have been ignored for too long.

Whether in our representations⁶ to the consultations of the Independent Commission on Woodland and Mountain Caribou in 2022, or during the mobilization campaign "Caribou : faut qu'on se parle"⁷ in 2023 and our subsequent exchanges with the federal Minister of the Environment, or more recently in the context of the Reflection Process on the Future of Forests under the aegis of the Ministère des Ressources naturelles et des Forêts du Québec (MRNF), Unifor has always called for the creation of a global transition framework that is inclusive, attentive to workers' interests and based on a spirit of social dialogue.

We fully understand that the restrictions ensuing from the introduction of preservation measures will have an impact on industrial activities and jobs in the sector. That is why we

are calling for action to be taken upstream, to mitigate the negative effects on workers and to overhaul certain of the industry's activities based on a more sustainable approach.

We are also calling for more and better reconciliation between forest management practices and biodiversity protection objectives. We are convinced that there is a way forward, but it requires greater openness on the part of all stakeholders as well as additional planning and coordination efforts.

Unifor recognizes the major socio-economic benefits generated by the forestry industry. Forestry provides a livelihood in the form of good jobs for thousands of our members, most of them located in the regions. They benefit from their union's presence and its ability to bargain collectively for better working conditions, which helps raise standards for all workers in the sector, whether unionized or not.

Unifor recognizes the close link between forestry, land use and the vitality of rural communities. That's why we're concerned that initiatives aimed at biodiversity preservation can be carried out without any real planning to deal with the adverse effects on the workers who are the pillars of these communities. These considerations cannot simply be dismissed out of hand.

Crisis in the forestry sector

The federal government's proposed emergency order comes at a pivotal time for Quebec's forestry industry, which is currently in the midst of an unprecedented polycrisis.

The 2023 forest fire season was catastrophic, resulting in a loss of allowable cut estimated at 849,900 m³ gross/year by Quebec's Chief Forester.⁸ According to the Chief Forester, more than 920,000 hectares intended for forest management were affected, with damage felt most acutely in north-western Quebec.

Mill closures are continuing in various manufacturing segments (paper, cellulose, lumber, etc.). The current market weakness, high timber auction prices and uncertain access to the resource are forcing companies to develop consolidation strategies that will likely result in further closures and job losses.

The trade dispute with the USA is an ongoing issue, and the latest review of combined final duty rates by the US Department of Commerce saw a sharp increase from 8% to nearly 15%.⁹

At the same time, the industry is grappling with a labour shortage, as many experienced workers are approaching retirement and professions in the forestry industry are not perceived as attractive by younger generations.

This is the context around which the potential impacts of the additional restrictions imposed by the proposed emergency order should be reframed. This is also why it is problematic to believe that this intervention can be separated from the broader situation affecting the sector.

Emergency order: an incomplete and inadequate instrument

The socio-economic consequences of the measures imposed by this emergency order will be exacerbated by an already difficult situation that requires a global approach based on collaboration between the various public authorities according to their respective responsibilities. Unifor strongly denounces the fact that the situation we are currently facing is diametrically opposed to such an approach.

Politicizing the crisis serves the interests of neither the population, nor the workers, nor the caribou. The only ones who stand to gain are the politicians. The prevailing conflictual dynamic is detrimental to all concerned. It's a waste of time and precious resources, and it's leading us further away from structuring solutions.

While, on the one hand, we have criticized the Quebec government's delay in developing its global preservation strategy, which it what has led us to the current deplorable situation, on the other hand, we do not believe that the federal government's use of an emergency order as a means to pressure Quebec will lead to a well-thought-out and sustainable solution.

This instrument is designed to provide an emergency response. It calls for the accelerated implementation of actions and, in doing so, it makes it more difficult for stakeholders to prepare for possible consequences.

This approach will inevitably hinder the planning and mitigation of impacts, which in this case will mainly affect workers' jobs and the rural communities that depend on forestry activities.

Worse still, by adopting a piecemeal approach – note that the order covers only a small portion of caribou habitats, while several other areas could be targeted in the near future – the order is injecting uncertainty into the development of the sector and compromising the emergence of a global plan that will enable us to reconcile biodiversity and socio-economic dimensions in a sustainable way.

We are aware that the instrument employed by ECCC meets the requirements of the *Species at Risk Act* (SARA), that it targets a specific protection objective in a given context, and that it does not provide for broader management of the consequences associated with its deployment. Our argument is that this approach is inadequate in such a broad context of application.

At present, nearly 16,000 km² of territory are covered by the order for provisional order areas alone. Should the government decide to expand the scope of restrictions to the areas of interest and buffer zones identified in the ECCC working document, the total area could exceed 50,000km², which is equivalent to the size of Slovakia or Costa Rica.

Given the scale of such a measure and the scope of its impact on a territory that is host to a variety of uses and activities that support neighbouring communities, the impact analysis and mitigation framework needs to be improved. For us, it is clear that the legislative

instrument proposed by the federal government cannot, by definition, provide a framework conducive to the necessary reconciliation of the issues facing our members with regard to adaptation.

Comprehensive transition support framework

This desire to expand the horizon of considerations is part of a broader trend in demands supported by Unifor at a time when many industrial sectors, including forestry, are coping with an intensification and acceleration of transition factors due to the imposition of new environmental constraints.

Whether it's the reduction of greenhouse gas emissions or the protection of endangered species, in the end, the same pressures are being exerted on workers, and in our view, they need to be addressed in a concerted fashion. The protection of Quebec's woodland and mountain caribou populations is no exception.

While we denounce the wait-and-see attitude of certain elected officials who believe that sticking to the status quo will please our members, we would also like to reiterate that environmental protection actions should not be implemented without regard for the socio-economic consequences they may trigger. Acting in silo, under the guise of working within the limits of a given legislative framework, is not an acceptable approach.

In this respect, we would like to recall the requirements formulated by the International Labour Organization (ILO), which refers to the importance of “ [...] *maximizing the social and economic opportunities of climate and environmental action, including an enabling environment for sustainable enterprises, while minimizing and carefully managing challenges.*” It adds that a “*just transition is central to delivering sustainable development in its economic, social, and environmental dimensions and to addressing the linkages between them.*”¹⁰

There are ways to minimize the socio-economic impacts arising from the implementation of environmental measures. However, as the ILO reminds us, we must first identify the links between the economic, social and environmental dimensions, and work to resolve the challenges they may pose.

To do so, Unifor is calling for a broader scope of analysis, and for the establishment of a comprehensive transition support framework focused on concrete adaptation needs. We also call for the creation of a modern and visionary industrial policy to ensure the future development of the forestry sector on a sustainable basis.

Unifor recognizes the need to integrate new constraints linked to ecosystem protection into current industrial forestry practices. The long-term sustainability of these activities and the future of the workers we represent depend on it.

However, in pursuing this objective, all aspects of the problem must be taken into account, particularly its socio-economic dimensions. Unfortunately, the debates surrounding this order remind us just how far we are from achieving this result.

Courses of action

There are several avenues available to the federal government to contribute to the emergence of a comprehensive transition support framework. While ECCC is responsible for the application of the SARA, there needs to be broader ownership and collaboration with the other federal departments concerned for the coordination of adaptation and support measures. The departments of Natural Resources, Labour, Employment and Economic Development must intervene in accordance with their respective portfolios.

Unifor believes that the answer to the challenges facing the forestry sector – particularly with regard to the critical issue of caribou protection – lies in the development of a concerted approach between federal departments, the allocation of adequate resources and the establishment of a constructive partnership dynamic with the Quebec government.

We understand that it takes two to tango. Given its leadership role, the federal government must take the initiative in the same way it appears to be capable of doing in other sectors and regions of Canada.

How can it do this? By putting adequate resources on the table. By fostering conditions conducive to the creation of a caribou recovery program that is adapted to Quebec's reality, while respecting its jurisdictional competence. By thus extending a helping hand in a context of urgent needs, it will quickly make the Quebec government's foot-dragging on this issue untenable.

Among the potential courses of action that could contribute to the development of a comprehensive transition support framework, we draw your attention to the following points:

- **Support the adaptation of forest management practices**

Fund scientific research activities and field projects to accelerate the acquisition and transfer of knowledge with a view to the implementation of forest management practices that are better adapted to the protection of woodland and mountain caribou habitat.

- **Improve assessment of the performance of preservation measures**

Fund activities aimed at assessing the performance of the preservation measures and access restrictions implemented (population monitoring system, data collection, evaluation of best practices, etc.).

- **Establish a comprehensive overview of socio-economic impacts**

Support the Quebec government in carrying out detailed analyses, in the appropriate geographic sectors, of all the disruptions resulting from supply restrictions that could affect companies (and by extension workers and their communities) and existing value chains as a result of the application of preservation measures.

- **Develop impact mitigation strategies**

Support the Quebec government in identifying and implementing solutions and alternatives aimed at limiting the negative effects of anticipated or existing disruptions and, if possible, reshaping forest industry activities in situ on a sustainable basis.

For example: reviewing supply arrangements; pooling with other production sites; granting temporary subsidies for transport; conducting analyses with a view to diversifying or converting production; carrying out market studies; developing projects to increase added value; setting up a financial framework including public and private resources; etc.

- **Provide assistance to affected workers**

Support remedial action by the Quebec government in the event of unavoidable impacts on employment due to asset displacement or company closures.

For example: payment of supplemental unemployment benefits and maintenance of comparable benefits; early-retirement bridging in line with anticipated conditions for older workers who will not be able to adequately reintegrate the job market; additional assistance for the relocation of affected workers (including reimbursement of moving and property sale costs); access to training and new education pathways, and financial support for the duration of studies, etc.

- **Support the creation of a Forestry Transition Office**

Support the Quebec government by funding operations related to the creation of a Forestry Transition Office. This office could be responsible for the following functions:

- Monitoring developments and risks associated with the various sectors of the industry, based on regional contexts and management and production strategies;
- Serving as a point of convergence and coordination for the work of stakeholders involved in the development and implementation of mitigation strategies for impacts linked to an industrial transition or a specific event;
- Consolidating and refining the analysis of labour market information based on the specific characteristics of the sector and regions concerned (shortages, job risk profiles, wage levels, nearby employment opportunities, etc.);

- Assisting affected workers by ensuring access to support measures and identifying gaps between transition needs and available resources;
 - Producing ad hoc or situational analyses with the collaboration of experts (risk analysis, portrait of emerging trends, collection of best practices, evaluation of the effectiveness of support measures, etc.).
- **Support the creation of a forestry intervention team**

Support the Quebec government by funding operations arising from the creation of an intervention team modelled after the Rapid Response Teams (RRTs)¹¹ set up by the U.S. government, with expertise focused on supporting hard-hit communities. These teams would be called upon to intervene in communities impacted by the transition. They could coordinate the identification and use of public support resources, act in collaboration with local stakeholders and provide dedicated technical assistance to address immediate needs as well as longer-term economic transition strategies.
 - **Create a work program dedicated to the forestry sector within the *Sustainable Jobs Action Plan***

Mobilize the capabilities offered by the recently adopted *Act respecting accountability, transparency and engagement to support the creation of sustainable jobs for workers and economic growth in a net-zero economy*. This legislation marks an important step forward in the Canadian government's work on transition. By including a work program dedicated to forestry issues, we can pave the way for more dedicated funding, as well as improved coordination of measures between different departments and levels of government.

¹ Analyse de l'effet sur les possibilités forestières de deux scénarios d'aménagement de l'habitat du caribou forestier et montagnard (Analysis of the effect on forestry of two management scenarios for woodland and mountain caribou habitat): https://forestierenchef.gouv.qc.ca/wp-content/uploads/FI_00510_analyses_caribou_commission_MFFP.pdf, p. 37 (in French).

² Évaluation d'impact sur les possibilités forestières 2024-2028 - Projet de décret d'urgence visant à protéger l'habitat du caribou boréal au Québec (Allowable cut impact assessment 2024-2028 – Proposed emergency order to protect boreal caribou habitat in Quebec): https://forestierenchef.gouv.qc.ca/wp-content/uploads/Impact_Projet_Decret_Caribou_20240715.pdf, p. 3 (in French).

³ Letter to Mr. Steven Guilbeault, Minister of the Environment and Climate Change.

⁴ Le Québec perdrait jusqu'à 900 M\$ avec un décret fédéral de protection du caribou (Quebec stands to lose up to \$900 M under the federal caribou protection order), Radio-Canada: <https://ici.radio-canada.ca/nouvelle/2102893/decret-protection-caribou-pertes-economie-quebec-ottawa-etude-impact> (in French).

⁵ Proposed scope of an order under Section 80 of the *Species at Risk Act* to provide for the protection of caribou, Boreal population (*Rangifer tarandus*): https://publications.gc.ca/collections/collection_2024/eccc/cw66/CW66-1533-2024-eng.pdf

⁶ Mémoire d’Unifor dans le cadre des Tables des réflexions sur l’avenir de la forêt (Unifor brief filed as part of the Reflection Process on the Future of Forests) – April 2024 : https://www.uniforquebec.org/wp-content/uploads/2024/04/memoire_tables_de_reflexion_avenir_foret_uniforquebec_vf_0.pdf (in French).

⁷ Protection du caribou : les travailleurs forestiers veulent faire partie du dialogue (Caribou protection: Forestry workers want to be part of the dialogue), Pascaline David, March 18, 2023: <https://www.ledevoir.com/societe/784865/protection-du-caribou-les-travailleurs-forestiers-veulent-faire-partie-du-dialogue> (in French).

⁸ Possibilités forestières 2023-2028 – Recommandation d’une mise à jour à la suite des feux de forêt 2023 (Allowable cut 2023-2028 – Recommendation for an update following 2023 forest fires): <https://forestierenchef.gouv.qc.ca/wp-content/uploads/Effet-des-feux-de-foret-2023-sur-les-possibilites-forestieres-2023-2028.pdf> (in French).

⁹ Softwood Lumber Recent Developments - 2024 : https://www.international.gc.ca/controls-controles/softwood-bois_oeuvre/recent.aspx?lang=eng.

¹⁰ Resolution concerning a just transition towards environmentally sustainable economies and societies for all, International Labour Conference, 111th session, Geneva, 2023: <https://www.ilo.org/resource/ilc/111/resolution-concerning-just-transition-towards-environmentally-sustainable>.

¹¹ Interagency Working Group on Coal & Power Plant Communities & Economic Revitalization, “Rapid Response Teams (RRTs)”: <https://energycommunities.gov/technical-assistance/rapid-response-teams/> .