

The New *Canadian Environmental Protection Act*: Voluntary Reporting by Employees

By Hélène Lauzon

Last September 14th, the new *Canadian Environmental Protection Act, 1999* ("CEPA, 1999") was sanctioned and will likely come into force in the spring of 2000.

We believe it is necessary to draw your attention to some of the applicable provisions respecting when an employee reports his or her employer following a violation of this Act.

In a context in which more and more employees are reporting businesses they work for when a breach of a statute or regulation has occurred, or are forced to take measures against their will, or indicate their intention to take measures already suggested to the directors and officers which are ignored by the latter, the federal legislator wishes to provide a certain immunity against the potential consequences of these actions and to encourage "voluntary reports" relating to the commission of an offence.



The CEPA, 1999 protects the identity of the person making such a report and any information that could reasonably be expected to reveal the person's identity.¹

In addition, it is prohibited for an employer to dismiss, demote, discipline or harass an employee, or otherwise disadvantage an employee, or deny an employee a benefit of employment, by reason that:²

- the employee has voluntarily reported an offence under the CEPA, 1999.
- the employee, acting in good faith and on the basis of reasonable belief, has refused or stated an intention of refusing to do anything that is an offence under the CEPA, 1999.
- the employee, acting in good faith and on the basis of reasonable belief, has done or stated an intention of doing anything he or she is required to do under the CEPA, 1999 regime.

Note that these provisions also apply to federal government employees.³

Hélène Lauzon

¹ s. 16(2), 96(2), 202(2) and 213(2). In the current Act, this protection only benefits federal government employees. The new Act extends this protection to all employees (federal or otherwise).

² s. 16(4), 96(4), 202(4), and 213(4)

³ s. 213(4)



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