SUSTAINABLE DEVELOPMENT AT WORK

GOOD NEIGHBOR GUIDE

How to harmonize your industrial activities with the environment and communities

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GLOSSARY
PROCESS IN BRIEF

GOOD GOVERNANCE MEASURES TO ENSURE GOOD NEIGHBORLY RELATIONS

► Background on the Notion of Good Governance

► Identifying and Consulting the Stakeholders
  » Identifying the stakeholders
  » Consulting the stakeholders
  » Drawing up a list of stakeholders

► Defining the Notion of Neighborhood Disturbances

► Producing an Inventory of Nuisances

► Identifying the Applicable Legal and Other Corporate Requirements
  » Identifying the laws, regulations and directives applicable at the federal level
  » Identifying the laws, regulations and directives applicable at the provincial level
  » Identifying the by-laws and directives applicable at the municipal level

► Developing Risk Management and Reduction Measures, an Action Plan and Complaint Response Procedures
  » Establishing a program to manage, control and monitor risks
  » Preparing an action plan to minimize or, if possible, eliminate nuisances
  » Establishing a neighborhood complaint response system

INTERNAL AND EXTERNAL COMMUNICATION STRATEGY

► Raising Awareness, Informing and Training Employees and Subcontractors
  » Raising employees and subcontractors’ awareness of the need to maintain good neighborly relations
  » Informing employees and subcontractors about the consequences for the company of failure to maintain good neighborly relations
  » Raising employees’ and subcontractors’ awareness of their role as the company’s ambassadors and representatives
» Raising employees’ and subcontractors’ awareness of their role as the company’s ambassadors and representatives
» Establishing a system for gathering employees’ perceptions and knowledge
» Raising employees’ awareness of volunteering or sponsorship in the neighborhood

► Developing a Communication Plan for the Company

» Assessing the relevance of producing a communication plan
» Identifying the people responsible for the communication plan
» Identifying the objectives of the communication plan
» Deciding on the messages and content of the communication plan
» Identifying the target audiences
» Choosing the communication tools
» Developing an implementation timeline for the communication plan
» Monitoring the communication plan

► Setting Up a Liaison Committee

» Drawing up the liaison committee’s mandate
» Identifying citizens and other stakeholders who will be part of the liaison committee
» Setting the frequency and format of the meetings
» Presenting the participants with the improvements made to the processes, the nuisances resulting from the company’s activities and the list of actions taken to reduce and if possible, eliminate these nuisances
» Inviting the participants to share their concerns and validate the list of nuisances
» Inviting the participants to suggest solutions
» Inviting external experts, NGOs, the local media, the provincial MNA or the federal MP
» Establishing the degree of transparency that will apply to the information provided during the liaison committee meetings and to the minutes taken

CORPORATE INVOLVEMENT IN THE COMMUNITY

► Establishing a Targeted and Methodical Approach to Involvement in the Community

» Setting a specific objective
» Establishing a rigorous methodology

► Identifying the Company’s Activities in the Community

» Open house
» Business partnership (sponsorships)
Involvement with the Municipality

» Establishing good relations with the different levels of the municipal administration
» Meeting the municipal representatives
» Informing the municipality of the company’s activities and what they contribute to the local community
» Giving the municipality regular presentations on the improvements made to the processes, the nuisances resulting from the company’s activities and the list of actions taken to reduce and, if possible, eliminate these nuisances
» Raising the municipality’s awareness of the benefits of maintaining harmonious relations between the company and the neighborhood
» Raising the municipality’s awareness of the importance of developing buffer zones between residential and industrial zones to minimize the risks associated with the company’s activities and to better protect the public

Monitoring Changes to the Development Plans of the Regional County Municipalities (RCM) and to Municipal By-laws

» Making representations at the regional and municipal level to prevent the development of residential zones closer to industrial zones
» Monitoring the media (local newspapers or Internet) used by the municipalities in order to detect announcements concerning zoning changes and to find out the dates of municipal meetings and their agendas
» Attending each RCM meeting where major guidelines concerning the development plans are discussed
» Attending RCM and local municipal meetings

NEIGHBORHOOD TENSIONS: SCENARIOS AND TREATMENT OF SPECIFIC CASES

► Residents Dissatisfied with the Neighborhood Disturbances they Suffer on a Regular Basis
► Hypersensitive Residents Dissatisfied with the Neighborhood Disturbances they Suffer
► Residents Dissatisfied After an Incident
► Residents Averse to the Company’s Presence in their Neighborhood
► Non-Residents Averse to the Company’s Presence in the Region
1 INTRODUCTION

The members of the Nuisance Committee of the Quebec Business Council for the Environment (CPEQ) have taken on the challenge of producing this Good Neighbor Guide. The Guide proposes a series of steps that companies will find useful in maintaining good neighborly relations, a challenge that they will certainly face in the years ahead.

Companies today should be perceived as good corporate citizens. They are aware that it is important to take all the measures at their disposal to minimize and, if possible, eliminate all sources of discontent their activities may cause the public. The fact that they may be found liable for any abnormal nuisance they might cause their neighborhood, has, over the years, made them ever more aware of it.

Companies must also deal with new circumstances that lead them to change their behavior: first, urban sprawl and population movements on the periphery of companies’ sites and secondly, the changes in values that have occurred in the past few decades. These new circumstances have contributed to changing the framework in which companies operate. They are now steadfastly committed to dialogue with the community. This Guide is a tool that will facilitate such dialogue.

In the past, industrial companies used to carry on their activities outside of heavily urbanized zones. Industrial sites were surrounded by low density residential areas, mainly occupied by the companies’ own workforce. In the mid-20th century, however, residential zones inexorably started to draw nearer to industrial zones. Population growth, greater automobile use, land use policies favorable to suburban development, and the tax pressure on municipal finances have all been aggravating factors. They have all contributed, over the years, to the worsening phenomenon of urban sprawl as well as to reducing the distance between residential and industrial zones, thus giving rise to conflicting uses.

Contrary to earlier times, the people currently living in these new residential developments near industrial sites generally do not have a direct employment relationship with the local companies. They are therefore much more demanding towards the neighboring industries and have higher environmental expectations. As a consequence, several industrial projects which, in the past, would have been accepted and even desired by the public are now perceived as unacceptable or have become sources of conflict.

Inevitably these residents, disturbed by noise, odors, dust, lighting and other nuisances usually resulting from living near industrial facilities, have turned to the courts. Their aim has been to compel companies to adopt measures to eliminate or reduce “abnormal” neighborhood nuisances and to potentially obtain monetary damages.
In November 2008, the Supreme Court of Canada rendered a very important judgment on neighborhood disturbances in Quebec. In St. Lawrence Cement v. Barette et al.¹, a group of residents of the municipality of Beauport sued a neighboring cement plant for damages over the nuisances they suffered, due to the noise, odors and dust resulting from the cement plant’s activities over a period of several years. The Supreme Court upheld St. Lawrence Cement’s liability, solely on the grounds that it had caused its neighborhood abnormal nuisances. Ever since this judgment was rendered, the member companies of the Quebec Business Council for the Environment (CPEQ) have been very concerned about this issue and have been looking for solutions.

Indeed, from now on, even if a company complies scrupulously with all the environmental legislation governing its activities, possesses all the required authorizations and observes all the conditions stipulated in its authorizations, it could nonetheless be held liable for the “abnormal” nuisances it caused its neighborhood through the normal course of its industrial activities.

CPEQ’s members have therefore expressed the wish to obtain practical advice, guidelines or directives on how to interact with their environment in order to maintain good neighborly relations with the nearby communities.

This document is of course, first and foremost, a guide, which does not impose any constraints. In view of the context in which companies currently operate, however, where communities are increasingly mobilized and demanding, the approach proposed by the CPEQ becomes almost unavoidable. Henceforth, no company will be able to disregard its environment while carrying on its activities. Corporate social responsibility involves an everyday commitment to the neighboring communities and, in general, to the stakeholders. Neighborhood rights, as interpreted by the Supreme Court in the St. Lawrence Cement case, are, to some extent, a crystallization of the principle of social responsibility that leads companies to anticipate the threshold of their neighbors’ tolerance in order to manage, and even eliminate, if possible, the nuisances their activities may cause.

Each of the stages proposed in this Guide will result in the production of major documentation within the company, which should be intended for internal purposes and not be distributed externally. It is possible however, that a company should chose to publish part of this documentation. Such a decision will then be made exclusively on its own authority.

Concrete and user-friendly, this Guide presents several practical tools, mainly intended to create and maintain good neighborly relations. All the stages it presents can be integrated into an environmental management system and into the monitoring tools a company already possesses (identification of the aspects, legal and other requirements, monitoring of the controls in place, change management process, training, communication plan, etc.).

The Guide is essentially aimed at existing companies, already established in their community. Companies can also draw inspiration from it when setting up in a new community.

It is appropriate to recognize that a variety of small and medium enterprises exist in Quebec, which have limited means to invest in a complex process. The CPEQ Good Neighbor Guide is

intended for all companies, whether large or small. A small or medium-size company may of course choose to apply only certain elements of the proposed approach and integrate others along the way.

The CPEQ makes a detailed tool available to companies, but one should remember that, in this field, the key to success depends on consulting the stakeholders, maintaining a constant dialogue with the community and demonstrating achieved progress.

This Guide presents a series of measures that can be implemented in a company to facilitate good neighborly relations. An internal and external communication strategy is suggested and a targeted and methodical approach is presented to foster involvement in the community and in the municipality. This Guide also proposes a method to follow when a neighborhood tension scenario occurs.

The Good Neighbor Guide contains several examples. All these examples are provided only as indications. It is important to bear in mind that the people responsible, the situations and the sequence of actions may vary according to each company’s circumstances.

This tool is of course, not a guarantee against neighborhood disturbances and tensions or lawsuits and, in this regard, it is always recommended to consult a legal advisor when the time comes to adopt given stances towards the neighborhood.
2 GOOD GOVERNANCE MEASURES TO ENSURE GOOD NEIGHBORLY RELATIONS

This chapter establishes the good governance measures to be implemented within the company to ensure the maintenance of good neighborly relations.

2.1 Background on the Notion of Good Governance

Governance means all the information, monitoring measures and rules that make it possible to ensure the efficient operation and management of an organization. Its purpose is to provide the company’s strategic orientation and ensure that objectives are met, that risks are adequately managed and that resources are used responsibly.

Good governance should take into account both the economic component and the environmental and social dimensions resulting from a company’s activities. The social dimension includes good neighborly relations. Regarding good neighborly relations, the governance rules require not only respect for the neighbors’ interests but also consultation with the neighbors. Management of good neighborly relations should thus be part of the company’s evolutionary process.

To foster harmonious relations between the company and the neighborhood, it is important that all stakeholders know their roles and responsibilities, that the relevant information be collected, that the company monitor the situation, that the issues be identified, that the actions to be taken be known and communicated clearly, that procedures be developed and implemented, and that the company get involved in the community, while focusing on consultation with the stakeholders.

During the implementation of such a process, the company will certainly be faced with an issue of internal mobilization. It will sometimes be necessary to shake up mentalities internally before an exercise may be undertaken that will integrate social issues into the management of nuisances caused by the company.

Several of the company’s departments will contribute to an approach like the one favored by the CPEQ in this Guide, in order to establish and maintain good community relations. The representatives of each of these departments will be involved in various ways and at various stages, as follows:

► Corporate management will commit to such a process by integrating it into its strategic plan, its risk management plan and its action plan;
► The Environment Department will get involved in identifying the nuisances caused by the company’s activities and their impact on the community, as well as in implementing measures to manage and reduce the risks resulting from these nuisances. It will also contribute to identifying the stakeholders and take part in preparing the action plan and setting up management procedures and systems;

► The Legal Department will produce the list of legal requirements applicable to the company and, more specifically, concerning neighborhood disturbances. It becomes the main reference point when neighborhood tensions arise;

► The Production and Operations Department will be involved in preparing the action plan, which will allow the identification of concrete measures, so that certain nuisances can be reduced and, if possible, eliminated. This department should work closely with the Environment Department to anticipate and prevent the nuisances likely to arise from a modification to the process or in production capacity;

► The Community Relations or “Public Relations” Department will identify the person responsible for the company’s internal and external communications. It will develop a communication procedure with the neighbors for various subjects. It will prepare an awareness raising, information and training program for employees and subcontractors and possibly for the community. It will prepare a communication plan. This department should steer the entire issue of the company’s involvement in the community. In a neighborhood tension scenario, this department is called upon to play a key role;

► The Environment Department jointly with the Community Relations or “Public Relations” Department will have to set up a liaison committee, identify its mandate and its modus operandi, and identify the members of the public and other stakeholders who should be invited to serve on this committee. The management will have to approve the creation of such a committee, its mandate and its operation. Without management support, the legitimacy of this liaison committee could be contested.

Once the resources are mobilized internally, the company, working in unison with all the sectors concerned, should proceed with a rapid internal inventory of its nuisances to eliminate the most obvious ones and then initiate its real process with the stakeholders. The stages are described in the following sections.

2.2 Identifying and Consulting the Stakeholders

In addition to the neighborhood, other individuals or groups of individuals may have an interest in a company’s activities or decisions. All of these players are referred to as “stakeholders” or “interested parties”. In a good neighbor initiative, it is important to have a good knowledge of these “stakeholders”, i.e. the individuals or organizations who have an interest in ensuring that
the company’s activities are conducted according to the principles of social responsibility. These parties will then be consulted.

» Identifying the stakeholders

Regardless of whether they are external to the company, such as the local communities (including the neighbors), governments, the legislator, the media, social groups, pressure groups, NGOs, customers, insurers or financial institutions; or internal to the company, such as employees, directors, shareholders, partners, suppliers or subcontractors, stakeholders are demanding more transparency from companies as well as the adoption of exemplary behavior, respectful of the environment, public welfare and human rights.

Identifying the company’s internal and/or external stakeholders is a crucial stage in a process intended to establish good neighborly relations, because it will enable the company to determine the area impacted by its activities and to initiate the consultation, by which we mean the dialogue leading to identification and understanding of the stakeholders’ concerns.

Within the context of good neighborly relations, some stakeholders have a close relationship with the company and are directly affected by its activities. Other stakeholders, who are not directly affected by nuisances caused by the company, will also be identified.

In a good neighbor initiative, it is therefore recommended to begin by producing a socio-economic profile of the stakeholders in order to determine the current players, their values, their concerns, their interests, their perception of the company’s situation, their expectations and their needs in terms of information and communication.

This profile will allow the company to gain a better knowledge of the neighborhood and the stakeholders around it, to better distinguish the issues that may arise depending on these players’ values, to determine the best way to communicate and to implement mitigating measures, as and when needed. Subsequently, these parties will be invited to participate in the company’s good neighbor initiative. Identification of the stakeholders who will be solicited in the initiative is therefore a crucial stage.

» Consulting the stakeholders

The company should consult the stakeholders to identify the concerns and issues caused by its activities. It is impossible to produce an inventory of nuisances or a communication plan if the stakeholders have not been consulted in advance. The stakeholders’ concerns should be at the heart of the process. The earlier in the process the stakeholders are engaged, the better the chances that the initiative will succeed. It is however important to mention that the company should first perform the exercise of establishing a preliminary internal inventory in order to eliminate the more obvious nuisances, prior to starting the consultation process with the stakeholders.
Drawing up a list of stakeholders

Table 1 below can be used to draw up a list of stakeholders and their concerns. This list is not exhaustive. It is recommended that this exercise be conducted by a committee made up of a representative of each sector of the company.

Table 1: Examples of stakeholders affected by good neighborly relations and their concerns

<table>
<thead>
<tr>
<th>STAKEHOLDERS</th>
<th>MAIN CONCERNS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Immediate neighbors (may include a school)</td>
<td>Quality of life and environmental protection</td>
</tr>
<tr>
<td>Local community, NGOs*, various associations, economic development bodies</td>
<td>Economic impacts</td>
</tr>
<tr>
<td></td>
<td>The company’s impact on the environment and on the residents’ quality of life</td>
</tr>
<tr>
<td>Directors</td>
<td>Responsibilities in case of violation of laws and regulations</td>
</tr>
<tr>
<td>Employees</td>
<td>Environmental protection and respect for workers’ rights</td>
</tr>
<tr>
<td></td>
<td>Job retention</td>
</tr>
<tr>
<td></td>
<td>Responses to comments from the community</td>
</tr>
<tr>
<td>Government representatives (municipality, government departments, etc.)</td>
<td>Compliance with laws and regulations</td>
</tr>
<tr>
<td></td>
<td>Respect for quality of life and the environment</td>
</tr>
<tr>
<td></td>
<td>Effectiveness and stability of standards</td>
</tr>
<tr>
<td></td>
<td>Sustained economic development while companies in the territory respect</td>
</tr>
<tr>
<td></td>
<td>environmental standards</td>
</tr>
<tr>
<td></td>
<td>Pressure from their fellow citizens</td>
</tr>
<tr>
<td>Customers</td>
<td>Reputation of their suppliers</td>
</tr>
<tr>
<td>Insurers, bankers</td>
<td>Financial impact of poor neighborhood relations on the company and means</td>
</tr>
<tr>
<td></td>
<td>taken to reduce this impact if it is negative</td>
</tr>
</tbody>
</table>

*Non-governmental organizations*

Once the list of stakeholders is drawn up and their concerns are identified, it is recommended to
analyze the stakeholders’ influence on the company and the company’s impact on these parties, and thus determine the priorities to be assigned to dealing with the nuisances. This exercise may be performed with the stakeholders by completing Appendix 1.

Once the analysis is completed, a list of nuisances should be drawn up and then cross-referenced with the stakeholders’ concerns. The company will thus be in a better position to develop its action plan to adopt specific measures with the aim of mitigating or reducing the nuisances. This exercise can be performed by completing the table in Appendix 2.

To allow the company to identify the nuisances properly, it is necessary to understand the notion of neighborhood disturbances.

### 2.3 Defining the Notion of Neighborhood Disturbances

The notion of neighborhood disturbances refers to nuisances suffered by a company’s neighbors as a direct result of its activities. These nuisances can come from dust or noise emissions, as well as odors, vibrations, radiation, lighting or other disturbances of the same kind that are likely to impair the public’s comfort, welfare, health or safety.

Section 976 of the Civil Code of Québec (C.C.Q.) encapsulates this notion of neighborhood disturbances, to some extent. Under this provision: “Neighbors shall suffer the normal neighborhood annoyances that are not beyond the limit of tolerance they owe each other, according to the nature or location of their land or local custom.” On the other hand, the neighbors do not have to accept abnormal neighborhood annoyances or nuisances, i.e. “neighborhood disturbances”.

Section 976 does not however define what constitutes an abnormal neighborhood annoyance or nuisance. It will be up to the company and the town planners to determine what they consider an abnormal nuisance.

One may think that most companies cause their neighborhood some nuisances due to the nature of their activities. On the other hand, should these nuisances for the neighborhood increase, they should be scrupulously and continuously assessed in order to determine whether they exceed the bounds of normality to become “abnormal”.

As for the courts, they will from now on analyze neighborhood disturbance cases from the point of view of the neighbor who suffers the nuisance. The legality of the company’s behavior will thus no longer be taken into account. Nuisances suffered by the neighbor will be the only determining factor to be analyzed.

This last aspect of the problem is of course what currently seems to be the most disturbing for the industry. In practice, once a case is before the courts, it is up to the court to rule on the specific conditions of operation of an industrial activity carried out in compliance with the regulations, for any situation in which a neighbor may argue that they are inconvenienced by this activity. By assessing the problem early on, the company and the planners will be able to exercise their
judgment in this regard.

The company must thus attempt to determine whether its neighbors suffer nuisances and, above all, whether these nuisances are likely to be qualified as “abnormal”. If this is the case, it must establish various measures to mitigate, reduce and, if possible, eliminate these nuisances.

2.4 Producing an Inventory of Nuisances

Neighborhood disturbances can easily cause neighborhood relations to deteriorate. This is why, in a preventive context, it is essential to draw up the list of nuisances resulting from the company’s activities and discover their origin to determine their scope, impact and relevance. The company should record in its inventory all potential nuisances, both perceived and real, that are attributable to its activities, regardless of whether they are partially controlled or not.

The production of this inventory is a subjective exercise, because certain activities are perceived by some as causing nuisances while being perceived differently by others. The collaboration of employees from various sectors and different hierarchical levels is important in the production of this inventory, as it allows a more extensive analysis of the company’s operations. It is also imperative to consult with external stakeholders.

It is appropriate to consider not only the nuisances directly attributable to the company but also those for which it is accountable, such as nuisances resulting from suppliers’ activities. In producing this inventory, it is important to identify the sources of these nuisances and classify them in categories.

In parallel with the categorization of nuisances resulting from the company’s activities, it is important to draw up an inventory of other nuisances suffered by the neighborhood but coming from other sources. This categorization exercise for sources of nuisances caused by neighbors will make it possible to inform the neighborhood about the various sources of nuisances around it, so that the company does not always become the target of grievances or complaints for nuisances that may come from other sources.

The inventory of nuisances suffered by the neighborhood must of course be reviewed on a regular basis, because the environment can change and the company’s activities can evolve. A simple system of periodic consultation with the stakeholders can help determine whether specific equipment or a specific operation produce noise, dust, vibrations or other nuisances. These observations should be recorded in writing in a register and then addressed.

Table 2 below, which is not exhaustive, is a tool that allows the company’s activities to be linked to the nuisances suffered by the neighborhood.
Table 2: Examples of nuisances associated with certain activities

<table>
<thead>
<tr>
<th>ACTIVITIES</th>
<th>NUISANCES</th>
</tr>
</thead>
<tbody>
<tr>
<td>► Too intense lighting of the site</td>
<td>► Light pollution</td>
</tr>
<tr>
<td>► Poor dispersion from source points (e.g. paint room chimney)</td>
<td>► Odor problems</td>
</tr>
<tr>
<td></td>
<td>► Air quality</td>
</tr>
<tr>
<td>► Dust emitted by the process and the operating equipment</td>
<td>► Air quality (dust, noise and odor problems)</td>
</tr>
<tr>
<td>► Receiving raw materials</td>
<td></td>
</tr>
<tr>
<td>► Unprotected bulk storage</td>
<td></td>
</tr>
<tr>
<td>► Shipping of raw materials</td>
<td></td>
</tr>
<tr>
<td>► Faulty or poorly maintained equipment</td>
<td></td>
</tr>
<tr>
<td>► Subcontracted trucking activities</td>
<td></td>
</tr>
<tr>
<td>► Badly maintained/neglected landscaping</td>
<td>► Unaesthetic sites (visual pollution)</td>
</tr>
<tr>
<td>► Aggressive poster, neglected or poorly integrated buildings</td>
<td>► Visual pollution</td>
</tr>
<tr>
<td>► Outdoor storage of residues</td>
<td>► Odor problems</td>
</tr>
<tr>
<td>► Waste, refuse, scrap and rubbish</td>
<td>► Spill of undesirable products</td>
</tr>
<tr>
<td>► Accumulation of organic materials</td>
<td>► Presence of vermin</td>
</tr>
<tr>
<td>► Construction or demolition debris</td>
<td>► Contamination problems if a person ventures</td>
</tr>
<tr>
<td>► Scrap metal, tires, automobile parts or carcasses</td>
<td>onto the site</td>
</tr>
<tr>
<td>► Storage of potential contaminants unprotected from weather</td>
<td>► Soil and groundwater contamination</td>
</tr>
<tr>
<td>► Uncovered storage of bulk products</td>
<td></td>
</tr>
<tr>
<td>► Continuous operation (24/7)</td>
<td>► Noise problems and possibility of vibrations</td>
</tr>
<tr>
<td>► Night-time receiving and shipping of raw materials</td>
<td></td>
</tr>
<tr>
<td>► Passing trains, loading and unloading</td>
<td></td>
</tr>
<tr>
<td>► Ventilation and air conditioning of buildings</td>
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<tr>
<td>► Blasting</td>
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<tr>
<td>► Truck traffic without tarps on the public thoroughfare</td>
<td>► Risk of collisions, accidents with pedestrians</td>
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<tr>
<td>► Trucking and railway transportation</td>
<td>► Air quality (dust emissions)</td>
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<tr>
<td>► Deficient outdoor maintenance</td>
<td>► Proliferation of weeds (ragweed)</td>
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Once the nuisances are identified, it is important to know the legal requirements applicable to the company and thus establish, based on certain identified nuisances, whether it complies with the regulations, and whether its liability is at risk.

2.5 Identifying the Applicable Legal and Other Corporate Requirements

Under a preventive approach to neighborhood disturbances, it is recommended to identify the list of legal requirements applicable to the company and to establish whether the company complies with this legislation. It is also appropriate to verify whether the company honors the commitments it made in the course of its applications for permits and certificates of authorization, especially if it undertook to comply at all times with the noise criteria of the Ministère du Développement durable, de l'Environnement des Parcs (MDDEP), for example.

Since many companies are subject to corporate requirements, it is also important to draw up the list of these internal requirements.

By knowing the legal and corporate requirements it must meet, the company will be able to offer training programs to its employees and to reduce the nuisances generated by its activities.

In drawing up this requirements list, it is appropriate to identify the relevant federal legislation, provincial legislation, including the Civil Code of Québec, and municipal by-laws. Aside from identifying the applicable legislation, the company should of course also ensure that it complies with it.

For a finely-tuned and detailed analysis of the applicable legislation, see Appendix 3 of this Guide.

» Identifying the laws, regulations and directives applicable at the federal level

The company should produce an inventory of the laws and regulations that apply to its activities at the federal level and, more specifically, relating to neighborhood disturbances.

» Identifying the laws, regulations and directives applicable at the provincial level

The company should draw up the inventory of laws and regulations that apply to its activities at the provincial level and, more specifically, relating to neighborhood disturbances. Section 976 of the Civil Code of Québec establishes the rule to follow at the provincial level relating to neighborhood disturbances.

The Draft Bill, Sustainable Regional and Local Land Use Planning Act, whose purpose is to overhaul the Act respecting land use planning and development, does not contain any specific provisions to prevent the problem of neighborhood disturbances. The CPEQ intends to monitor
Identifying the by-laws and directives applicable at the municipal level

Québec’s municipal legislation confers broad powers in the regulation of public nuisances to municipalities and territorial communities. This is a historical power of municipal political bodies, and most municipalities adopted by-laws a very long time ago on community noise, dust, odors, clean-up of the atmosphere, etc. Without establishing an exhaustive inventory, it is appropriate to mention two characteristics of these by-laws.

One should first bear in mind that the regional county municipalities (RCM) and the municipalities have regulatory powers. The development plan drawn up by the RCM establishes the major land use guidelines. In this sense, the RCM has the power to limit conflicts of use by drawing up its guidelines to respect buffer zones between residential and industrial zones.

The municipality has a similar power with its master plan and zoning by-laws. Zoning is often used by municipalities to control or prevent the appearance of certain nuisances. Municipal nuisance by-laws generally set standards that limit substance or noise emissions that are considered detrimental to public health or public order. Exceeding the limit set by a release or emission standard is penalized by a fine and a compliance order. In addition, the municipal standards governing public nuisances are closely associated with zoning. As a consequence, noise or dust release levels tolerable in an industrial zone can obviously be prohibited in a residential zone.

If the land use rules have in the past guaranteed zoning stability, this regulatory practice undoubtedly could prevent many neighborhood conflicts caused by nuisances of industrial origin. Unfortunately, however, under the pressure from urban sprawl, the preexisting restrictions on industrial land use are not always respected under municipal planning policies. Many residential developments have thus been authorized immediately adjacent to industrially-zoned land, without any buffer zone being imposed on their developer. This leads to problematic situations, similar to the St. Lawrence Cement case, where the new residents turned to the civil courts to obtain redress regarding the industrial activities that disturbed them.

Once the stakeholders have been identified and consulted, the nuisances and their impact identified and analyzed, and once the identification and analysis of compliance with the established legislation is done, the implementation of an internal risk management program, an action plan and a complaint response procedure is strongly suggested. These will allow the company to adequately control its risks and to adopt concrete measures to reduce and, if possible, eliminate its nuisances.

Section 463(1) of the Cities and Towns Act (R.S.Q., Chapter C-19), Section 546(l) of the Québec Municipal Code (R.S.Q., Chapter C-27.1) and Section 4 of the Municipal Powers Act (R.S.Q., Chapter C-47.1)
2.6 Developing Risk Management and Reduction Measures, an Action Plan and Complaint Response Procedures

In line with good governance and good neighborly relations, the company should implement various measures to continuously assess the potential risks to which it is exposed through its activities in relation to its neighbors. Pressure from the neighborhood, the possibility of a class action against the company, and the mobilization of stakeholders against the company due to the nuisances it causes are all risks likely to impact the company’s profitability, activities, production hours or development, as well as cause concern amongst its business partners. The setting up of a continuous risk management procedure will thus allow the company to identify the greater risks and set their priority levels. This means establishing a continuous watch system in agreement with the stakeholders.

In addition, the company should develop an action plan for the adoption of concrete measures that will allow the allocation of the necessary financial and human resources to tackle a potential risk or a real problem.

Once the action plan and the risk management procedure are drawn up, it is essential to implement a complaint response procedure to offer the public an official communication channel and to allow efficient management of complaints, by clearly defining the procedure for the internal and external stakeholders.

One should remember that implementing such measures requires a budgetary commitment, an allocation of resources, without which it will be difficult, if not impossible, to go forward.

Establishing a program to manage, control and monitor risks

From the analysis of the nuisances caused by its industrial activities, the company will be able to establish a risk control and monitoring program.

To this end, the company can install permanent measuring equipment. The permanent equipment normally operates continuously and often has an alarm system when certain thresholds are exceeded. The company should establish the monitoring frequency according to the type of nuisance and the degree of risk initially assessed.

The management, control and monitoring program for the risks associated with neighborhood nuisances should also account for any change made to the company’s activities, such as variations in intensity, in the duration of an existing activity, a change of equipment or process, or the addition of a new activity.
When the company therefore considers making changes, it is appropriate to assess the temporary and permanent nuisances that will result from the project. It would also be desirable to consult the stakeholders early on in order to take their concerns into account and avoid nuisances resulting from these changes. This type of consultation will lead to better results if the company presents its objectives and its constraints to the stakeholders in advance. It is not desirable to present a completed project to these parties, without a context, that offers little opportunity for changes. This would only be an information session and not a public consultation.

The company therefore would find it beneficial to review its inventory of nuisances on a regular basis, in order to adjust to its community, its activities and its new projects.

» Preparing an action plan to minimize or, if possible, eliminate nuisances

The action plan encompasses a series of concrete measures that a company intends to take in order to innovate and propose solutions fostering good neighborly relations.

In order for the risk management, control and monitoring program to enable the company to identify the priority nuisances to be addressed in the short, medium and long term, it is desirable, at the development stage of the action plan, for the company to consider the feasibility of reducing and, if possible, eliminating each type of nuisance previously identified.

Consequently, to reduce the effects on the public and achieve immediate results, it may prove more effective for the company to take quick action to reduce or, if possible, eliminate several minor nuisances, which nonetheless have a significant cumulative effect, rather than immediately tackle a major nuisance that could require a complex long-term solution. What counts is to be able to show that the company is making progress.

To maximize the possibilities of mitigating a specified nuisance, the company should inquire about the best existing methods and identify the operational practices that have proven effective. For this purpose, the CPEQ suggests that the company examine its management processes and methods, particularly those related to transportation and logistics, because these are the operations most often at the core of neighborhood disturbance cases.

The company can also adopt site maintenance directives regarding cleanliness, drainage and surface run-off, dust emissions and disposal of treated residual water. In some cases, poor equipment maintenance will affect performance and result in substance emissions. It is therefore appropriate to determine the optimum parameters, and maintain and calibrate the equipment to ensure that it is in good working order at all times.

This process must be iterative, meaning that the results of the action plan should be regularly assessed under the risk control and monitoring program. The action plan should then be amended and updated to allow continuous improvement and to account for any change occurring within the company.

Once the action plan is set up, the company should draw up procedures and a complaint response system.
Establishing a neighborhood complaint response system

Despite the actions taken under an action plan, a company’s activities may nonetheless cause nuisances for its neighborhood. In a preventive context, the establishment of a complaint response procedure for neighborhood disturbances is unavoidable in order to give the employees proper guidance. This also sends a very strong internal and external signal on how rigorously the company addresses the issue of neighborhood disturbances.

At the outset, it is essential to appoint a person responsible for communications on good neighborly relations. This may be the person responsible for the environment, someone from the Human Resources Department, or from the Community Relations or Public Affairs Department. The chosen individual must have the necessary aptitudes for this role, including innate diplomacy, patience, excellent listening skills and empathy, as well as the necessary rigor to follow procedures and ensure proper follow-up of requests or complaints.

A decision flow chart could be produced to define the procedure to be followed when an incident occurs. Appendix 4 contains a decision flow chart that can be helpful to the company. This flow chart allows the company’s executives to approve the proposed actions in advance.

When the procedure is approved by the officers, the person responsible for internal and external communications for good neighborly relations can act within a clear and structured context. This person’s intervention will be more effective because they will be able to respond effectively to the complainants and resolve the situation within the stipulated deadline. This flow chart will also allow for a deputy to follow the same procedure and fill in for the responsible person in their absence.

Company employees (and anyone working on the company’s behalf) likely to interact with a neighbor of the company, should attend the training sessions on the communication process to follow when a complaint is made.

The training should address two essential items. First of all, it is important to inform the employees properly about how to respond to a neighbor. In this instance, empathy is essential. If the employee is not the person responsible for corporate communications, they will have to limit their intervention. Employees must not give their opinion, but report what the neighbor has told them. In the case of a complaint or a question concerning the company, the employee must take the person’s contact information and inform them that someone from the company will contact them shortly. At this stage, it is important to outline what information must be conveyed to the company in order to ensure proper handling of the complaint. Although complaint follow-up is essential, it is important to tell complainants what the next steps will be so that they are reassured.

The second aspect to be presented in this training concerns the chain of communications to follow when interacting with the neighborhood. Employees must understand the importance of reporting any communication with a neighbor, regardless of whether it is a complaint, a comment, a question or even positive feedback.

The opportunity to feel the pulse of the community is critical. When well-managed, it enables the company to have the upper hand in its relations with the neighborhood.
Finally, employees must know the process for recording any communication with a neighbor in the database.

The complaints system should allow the complainant to register a complaint rapidly and obtain an answer within a very short time\(^3\). Here are a few examples of actions and tools likely to be found in such a system:

- Provide the neighborhood with a communication tool so that individuals can submit their comments or complaints (telephone line, Internet link or fax);
- Allow individuals to speak to the person responsible for community relations who will answer their questions or receive their comments;
- Analyze the situation rapidly after receiving a complaint and take appropriate action;
- Follow up with the author of the complaint;
- Document the situation (nature of the complaint, results of the analysis, remedial actions taken) so that this data can be useful in the event of a lawsuit.

Depending on the company’s size, specific procedures can be developed to explain the steps to follow in case of a complaint. These procedures can be integrated into an environmental management system.

Appendix 5 presents examples of complaint response procedures:

- Processing of a complaint by the supervisor;
- Processing of complaints for damage to cars;
- Processing of complaints for damage to residences.

It is recommended that situations for which a company receives several complaints be reported to the municipality. The municipality will thus be able to inform the people who contact them and collaborate with the company in looking for solutions.

It is important at this stage to reiterate that, in the event that major changes should occur within the company which is likely to result in nuisances, it would be preferable to alert the neighbors. A meeting could even be envisioned to sound out opinions and to take the neighborhood’s concerns into account.

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\(^3\) For greater efficiency, it would be very desirable for this information to be compiled promptly in a computer database. This would facilitate the production of annual reports and trends analysis, and thus to determine whether the company is improving.
A letter could be sent to the people likely to be annoyed by unusual work. This letter should give
the description of the work, its duration, its anticipated start and end dates, the hours during which
the work should be performed, the nuisances that will result from it and the contact details of the
company’s representative who will be able to answer questions. This letter should be phrased
politely and the benefits of this work for the community should be specified. Appendix 6 presents
an example of such a letter.

To conclude this section, let us remember that the presence of contaminants within the limits of a
company’s land must be disclosed to the neighbors concerned under the Environment Quality
Act. The person responsible for communications would thus find it beneficial to meet the neigh-
bors concerned to explain the problem, after which a letter could be sent to them.
3  INTERNAL AND EXTERNAL COMMUNICATION STRATEGY

The company should communicate well with internal and external parties on how it handles its good neighborly relations. To this end, it should raise these parties’ awareness, produce a communication plan and set up a liaison committee.

3.1  Raising Awareness, Informing and Training Employees and Subcontractors

Very often, the company’s employees or its subcontractors deal directly with members of the community. In a good neighbor initiative, it is essential to understand all interactions with the neighbors.

The following subsections present information and advice on how to raise employees and subcontractors’ awareness and inform and train them effectively.

»  Raising employees and subcontractors’ awareness of the need to maintain good neighborly relations

Raising the company’s employees and subcontractors’ awareness to the issue of good neighborly relations is a crucial stage in a good neighbor initiative. These people are key players for their company and their actions, attitudes and communications can influence the company’s credibility and its relations with its neighborhood.

As part of this awareness-raising exercise, the company should make sure that the context in which it operates is well understood. Its employees will understand their role better and will be more motivated to take part in the process, with the aim of maintaining good neighborly relations. Their awareness can be raised by:

►  Citing examples of existing problematic situations the company is dealing with, for which it must find solutions;

►  Presenting the evolution of the notion of environment towards the notion of sustainable development while also presenting the bases of “corporate social responsibility;”
► Informing the employees of the consequences likely to result from a bad neighborhood situation;

► Popularizing the Supreme Court judgment in the St. Lawrence Cement case;

► Discussing the environmental legislation.

» Informing the employees and subcontractors about the consequences for the company of failing to maintain good neighborly relations

In addition to clearly understanding the need for the company to maintain good neighborly relations, the employees and subcontractors must understand that bad relations between the company and its neighborhood can directly and negatively impact the company’s operations.

Pressure from the neighborhood can affect not only the company’s profitability, its activities, production hours, development and the addition of new activities, but also certain jobs. Presenting concrete examples related to the company’s operations is always a good way to make reality easy to understand.

» Raising the employees and subcontractors’ awareness of their role as the company’s ambassadors and representatives

The employees are the company’s representatives. They are also actors of our society. They pass judgment on their employer and discuss their work.

By raising their awareness of the company’s actions and of the importance of maintaining good relations with the neighborhood, they will be able to “defend” the company’s image in their community.

It is thus important that messages be communicated clearly and coherently so that all employees convey the same message. Naturally, the more coherent the company’s message, the more credible it will be with its employees and the more they will buy into the message and convey it in turn.

It is important not to neglect the fact that the employees are the company’s ambassadors. If provided with clear communication tools, they will convey essential messages to the community. A form with questions and answers designed for employees and subcontractors can be very useful. However, they must understand that they are not the company’s official spokespersons, but may nonetheless be called upon to answer questions in the course of their duties or on a more personal basis. In this event, they must limit themselves to the message they are authorized to convey, take note of the contact details of people who want more information, and leave it up to the official spokesperson to get in touch with them.
Establishing a system for gathering employees' perceptions and knowledge

In undertaking a good neighbor initiative, employees should be consulted to find out their perception of the potential impact of the company’s activities on the neighborhood. This group can provide a different perspective and allow the company to adjust its action plan.

In addition, a process could be established so that employees can easily communicate any relevant information likely to affect the company’s reputation or its good relations with the neighborhood.

Raising employees’ awareness of volunteering or sponsorship in the neighborhood

The corporate citizen values its employees’ volunteer involvement in the community. In addition to supporting certain causes, the company shows its commitment to its employees and the community by supporting the employees’ involvement on an individual basis.

Several avenues are possible in this regard:

► Offer financial support by defining a donation policy based on the employees’ volunteer action;
► Release work time for employee participation in local causes;
► Value employees’ social involvement by offering rewards or recognition awards;
► Publicize the employees’ volunteer involvement in internal or external publications;
► Establish a sponsorship program in the neighborhood.

3.2 Developing a Communication Plan for the Company

To maintain and improve good neighborly relations, but also to maintain good relations with all stakeholders in the community, it is important to establish and maintain communication and exchanges with these stakeholders. These ties are developed as trust is established, based on the information communicated and the openness and transparency shown by the company.

Unless there is a clear and precise mechanism for conveying information, there is a risk of omitting certain elements that can undermine the company’s credibility and give way to rumors and speculation. This is when the communication plan takes on its whole significance.
In short, the plan seeks to define the communication objectives clearly and precisely. It also seeks to define the “message” the company wants to convey. It then defines the target audience and how the message will be conveyed. Finally, it will be appropriate to define the costs of implementing the plan, the time that will have to be allocated to this plan and the person who will be responsible for it.

The plan should highlight the company’s place in the community and the nature of its contribution and commitment. With its communication plan, the company should build up a capital of sympathy and always do its best to find a solution. The plan should be drawn up when relations with the stakeholders are good.

The process of writing the plan must be scalable and iterative. The “closer” the relationship between the company and its stakeholders becomes, the more the ties and the type of information conveyed will evolve. For example, during the initial contacts between the company and its neighbors, the company will explain what it does and why it does it. In other words, the company will have to “introduce itself”. It will also have to learn to listen to the stakeholders and then be able to innovate.

Subsequently, as the stakeholders and the company learn to know each other, more specific information will be communicated. Finally, in order to achieve a level of maturity, the company will include citizen participation in a concerted process to involve the neighborhood in the search for solutions.

Before starting to develop the communications plan, however, the company needs to question the relevance of this plan and define its eventual operational framework. At this stage, an evaluation will be performed.

» Assessing the relevance of producing a communication plan

The first stage of developing the communication plan consists of evaluating its relevance. It is true that a rigorously prepared communication plan provides a coherent framework for communication actions. However, if the means are limited or if there is a small number of stakeholders, a company could decide not to develop a formal communication plan. This simply will involve gathering the messages and the tools in a reference document, which could be likened to a communication plan.

The evaluation of the plan’s relevance will make it possible to define the company’s operational framework into which the communication plan is integrated. Any communication plan should be coherent with the company’s strategic or development plan. It could otherwise end up in a situation that jeopardizes the success of the reconciliation process with the neighbors. In performing this evaluation, the level of transparency regarding the information to be conveyed should be specified.
Determining the people responsible for the communication plan

The success of any plan largely depends on the accountability of a communications officer. In a situation where the company has not designated someone for this responsibility, it is easy to skip steps that would be critical to the plan’s successful implementation. Furthermore, identifying a responsible individual or individuals ensures better follow-up and greater coordination. This identification may depend on the scope of the plan. For a smaller plan, the company will designate a single communications officer. For a more complex plan, responsibilities will be assigned according to each person’s competencies and interests.

Determining the objectives of the communication plan

It is appropriate to define the communication plan’s objectives. In a “good neighborly relations” context, this mainly involves improving relations with the neighbors.

The communications officer will have to give it more thought and detail the goal of this process. The officer will have to determine whether the goal is to improve the corporate image, obtain acceptance for changes in a company’s activities or its expansion, reduce the number of complaints, or simply inform the stakeholders about how the company will deal with the nuisances. For example, the company may choose to inform the neighborhood or the municipality regularly of the date and hours of the work and the nuisances that could result from it. The company may also decide to announce the tools put in place to minimize or, if possible, eliminate the nuisances in the future. By receiving information and being informed in advance about the schedule of activities and the mitigation measures, the public will feel they are being treated with more respect and consideration and will show greater tolerance of the potential nuisances created by nearby industrial activities.

Deciding on the messages and content of the communication plan

After defining the communication plan’s objectives, it is appropriate to develop the messages to be conveyed and their respective content in order to obtain the expected results. Some authors propose defining the messages before identifying the target audience. Specifying the content before identifying the stakeholders makes it possible to obtain a coherent message adapted to the discussion partners. However, others propose defining the messages and their content according to the target audience, because the type of message will be tailored accordingly.

For the purpose of this guide, it is important to have an idea of the general message to be conveyed, which will be articulated from the objectives defined in the previous stage. This message can be adapted to the target audience. For example the message to be conveyed to the general public will be different from the message to be communicated to local institutions.
The message thus corresponds to the ideas that must be conveyed and that the discussion partner must remember. For the message to be clear, it must be expressed in simple terms and short sentences. Finally, the quality of the argument is essential to the effectiveness of a message.

Since the goal of the communication plan is to maintain and improve good neighborly relations, it is appropriate to inform the community about the benefits and services provided by the company. The community can thus know the company better and understand the context in which it operates. One of the key factors of a healthy relationship with the neighborhood is to explain the nuisance management process. This information will then be adjusted to the stakeholders: individuals, municipality or government authorities. This information can also be communicated to financial institutions or insurers, and perhaps even to the shareholders, to assure them of the importance given to this issue.

» Identifying the target audiences

Another section of this Guide presents the procedure for identifying the stakeholders in the community. The target audiences will be selected from this list. For each audience, the approach, the style and the content will have to be identified. To achieve the desired results, it is recommended to know each party’s characteristics and concerns. When adopting the discussion partner’s point of view, it is useful to try to imagine what they think, what they feel and what they consider important, without forgetting to consider their cultural identity, level of knowledge and needs.

The media, especially the local media, are often forgotten stakeholders, despite the fact that they can become important allies. They should be met on a regular basis, so that they become familiar with the company’s activities and operations.

» Choosing the communication tools

Another important factor in the communication plan is choosing the communication tools. There are a wide range of tools, each with its own characteristics. Here are a few examples of communication tools:

► Communication events (meetings, seminars, open house, etc.);
► Printed media (newspapers, magazines, pamphlets, posters, etc.);
► Audiovisual media (television, radio);
► Electronic media and social networks (Internet, Webinars, Facebook, Twitter, blogs, emails, etc.).

The choice of communication tools will have to be based on the target audience. Some tools are more effective than others with a specific type of audience, such as the social networks, which
are very popular with the young. Finally, direct contact between the company’s representative and the stakeholders must not be neglected. The ties created by these contacts foster trust between the company and its neighbors.

It is also possible to opt for a survey to find out the neighbors’ concerns. Attendance at relevant stakeholders meetings (municipal council meetings, public meetings, etc.) is another communication tool.

» Developing an implementation timeline for the communication plan

The timeline is linked to the different steps of the communication plan. It will enable you to set a rhythm for releasing information that takes into account the company’s resources and each stakeholder’s ability to absorb the information. Frequency and regularity are factors that will help maintain interest levels.

» Monitoring the communication plan

It is crucial to produce an ongoing assessment of the communication plan’s implementation. This assessment will identify the strengths and weaknesses of the messages and the tools used. In the course of the assessment, it will be appropriate to validate whether the right message was developed and whether the appropriate communication tool was used to maximize achievement of the objectives. This process will also evaluate how the company and its activities are perceived in the neighborhood. This last step makes the communication process iterative and scalable.

Meanwhile, it is just as important to ensure a continuous watch of the social media and employees’ perceptions, to find out the neighborhood’s stance towards the company.

In the company’s external communication strategy, setting up a liaison committee is another crucial step.

3.3 Setting Up a Liaison Committee

Liaison committee, advisory committee, citizens’ committee – different names are given to a group made up of representatives of the company, the stakeholders and the community in general. This group serves as an intermediary to foster dialogue and develop lasting and harmonious relations between the different players.
This committee’s objective is to facilitate exchanges and the dissemination of information, and thus allow a better understanding of the collective issues in order to choose the best strategies and action plans.

The following subsections contain information and advice on how to set up a liaison committee and make this a successful initiative.

» Drawing up the liaison committee’s mandate

When a company chooses to set up a liaison committee, it should begin by drawing up this committee’s mandate and then choose the people best qualified to take this mandate on. The company’s management should ratify the terms of the committee’s mandate.

Once the mandate is drawn up and adopted, the company can identify the neighbors and other stakeholders whom it can invite to sit on the committee.

Despite the terms of the mandate, the committee’s role is in effect to favor a closer relationship between the company and its neighbors. To this end, bonds of trust must be developed over time. The committee must therefore show flexibility so that all participants may find an interest in serving on the committee.

» Identifying citizens and other stakeholders who will be part of the liaison committee

The members of the liaison committee will be chosen on the basis of uniform representation of the community, with all social strata being represented.

The committee will also include members who have already declared themselves in favor of or against the company. It is essential that the people invited not only be those in favor of the company’s activities, but rather that the group be representative of all stakeholders, thus creating a forum conducive to constructive discussions.

It is also strongly recommended to invite representatives of the municipality and the government, as well as environmental groups, to take part in this committee. Even if they decline the invitation, they at least will have received one and will know of the existence of the liaison committee and its mode of operation.

» Setting the frequency and format of the meetings

One of the committee’s first activities is to establish the frequency and format of the meetings. The committee can meet on a monthly basis or three or four times a year, depending on the needs of its members and current issues. To meet the committee’s objectives and maintain the members’ interest, sessions should generally be held at least twice a year.
The appointment of a moderator allows the facilitation of discussions and confers the right to speak under the best possible conditions. Moreover, the moderator can set the schedules of the meetings and ensure that the minutes are taken.

This moderator will usually be a communications specialist, which can reassure some companies less familiar with this type of process. The responsibility for managing the administrative and logistical structure of the meetings can also be entrusted to a third party.

It may be interesting to hold the meetings off the company’s premises and thus benefit from neutral ground, more conducive to exchanges. The meetings can of course also be held on the company’s site. In such cases, it is desirable to provide an informal meeting room suitable for group discussions.

The primary objective of these meetings is to deal with the public’s questions and concerns and to respond to them specifically and in detail.

To allow the company to prepare adequately and respect the agenda as much as possible, it is advisable to include the questions for discussion on the agenda and distribute them at least one week before the meeting. One may also decide, at the beginning of the year, on the topics to be discussed at all upcoming meetings, or identify them at the end of each meeting in preparation for the next. It is always preferable not to overload the agenda, so as to allow enough time for the participants to express themselves, ask questions and encourage discussions.

» Presenting the participants with the improvements made to the processes, the nuisances resulting from the company’s activities and the list of actions taken to reduce and, if possible, eliminate these nuisances

The company has an informative and educational role towards the members of the community. During the liaison committee meetings, the company should be transparent. This is the basis on which a bond of trust will be established among the committee participants.

The company should announce its mission, vision, values and activities, while showing that it is in control of the situation through the actions it undertakes. It should also inform the community about the improvements introduced to find solutions to the company’s known problems. By adopting a frank attitude, even for elements requiring improvement, the company establishes its credibility and shows its desire to improve. Usually, when citizens are aware that the company is seeking to improve, they show tolerance and even contribute to seeking solutions.

» Inviting the participants to share their concerns and validate the list of nuisances

During the liaison committee meetings, it is suggested that time be set aside to obtain the participants’ comments, through discussions, direct questions, or even surveys.
Inviting the participants to suggest solutions

The company encourages the participants to suggest solutions. When the participants suggest solutions and the company does not accept them, it is then appropriate to explain the reasons for this refusal to the participants. Once again, the key to success is transparent communication. This discussion can lead to others, and even bring up new ideas.

Inviting external experts, NGOs, the local media, the provincial MNA or the federal MP

It may be appropriate to invite experts to introduce topics outside the company’s field of expertise. Resorting to a third party can sometimes energize the committee meetings and offer a more global vision.

The committee would find it beneficial to invite an NGO to attend a meeting as an observer, especially if no NGO sits on the committee.

The media play an important role in the chain of communication. They offer a way to propagate information and influence the community. The media represent an effective way to inform the public about the committee’s existence and to confirm the company’s active participation in its community.

At the same time, by organizing a meeting with the media, the company communicates its issues and the actions it takes to a larger segment of the community.

Finding the opportunity to invite an MNA or an MP to meet the members of the community helps foster discussions. This activity will show the company’s level of commitment and will inform the elected representative about the committee and the company’s actions. This is also a way for the committee to do outreach on a larger scale.

Establishing the degree of transparency that will apply to the information provided during the liaison committee meetings and to the minutes taken

The minutes relate officially and in detail what was discussed and agreed at the committee meetings. Some information must remain confidential, and it is thus important for the company to determine the level of transparency it wishes to achieve and the information it does not wish to disclose. To this end, the company must be aware that the information distributed through the minutes becomes public and can become known to a broader group than the committee.
The company should show an open attitude, even in the presence of issues and information that cannot be disclosed. In such cases, the company should simply inform and explain the reasons why certain information cannot be disclosed. Even in refusing to disclose some items, the company shows transparency by presenting the guidelines it follows on what information it can or cannot disclose.

After review by the company and adoption by the committee members, it is important to identify the means available to distribute the minutes.

The internal and external communication strategy is a tool supporting the company’s involvement in the community. The next chapter presents how the company can get involved in the community.
4 CORPORATE INVOLVEMENT IN THE COMMUNITY

Involvement in the community is a prerequisite to ensure good neighborly relations. It does not offer guarantees against neighborhood disturbances but it can contribute to preventing and reducing difficulties.

From the outset, it is important to understand that involvement in the community goes far beyond communication activities intended to make the company and its activities known. Indeed, communication activities, such as distributing pamphlets and advertising, organizing open house events or sponsoring events in the community, must be perceived as tools to support the company's approach to community involvement.

Involvement in the community is a way to develop fairly strong ties so that the company can be perceived as an integral part of the community, and even as one of its fellow members.

In more practical terms, community involvement is characterized by a relatively sustained presence and participation in the activities specific to the targeted stakeholders.

The following subsections contain information and advice for the company to become effectively established in the community.

4.1 Establishing a Targeted and Methodical Approach to involvement in the Community

The approach to community involvement must be coherent with the corporate culture. The company should therefore not adopt behaviors that will be contrary to its culture and its business model. The company should not attempt to reinvent itself through its involvement in the community. Involvement in the community should instead reflect the corporate culture.

The decision to get involved in the community cannot be made if the company is not willing to show transparency and flexibility to the outside world. Such an approach will be doomed if the corporate culture and the executive philosophy do not allow enough transparency to open up to the community gravitating around the company. It is essential that the executive be really convinced of the need for this approach, which will require a sustained commitment. The process will also require flexibility from the company in adapting its methods, both operationally and strategically, in order to find common ground in light of the external stakeholders' concerns.
Executives can specifically consider allowing their employees to devote time to the community during their working hours, without being financially penalized.

» Setting a specific objective

This approach cannot be accomplished over a short period and must depend on a very specific business objective. This objective will serve to anchor all the actions that will be implemented in the field, throughout the process. The objective can take different forms: reduce public complaints about operations, obtain better services from municipalities, gain support in the community for an expansion project, increase the capacity for attracting and retaining labor, improve workforce training, etc.

Setting a specific business objective will allow better targeting of the various communication actions, government relations, sponsorship, public relations or other actions that the company may implement in the field.

» Establishing a rigorous methodology

Despite the rather subjective nature of such a process, corporate involvement in the community should be methodical and rigorous to avoid scattering and wasting the human and financial resources the company plans to invest in the initiative.

Step 1: Identify a person responsible for the initiative on behalf of the organization (champion). Identifying a coordinator responsible for community relations, the company’s true ambassador, ensures a clear, constant and efficient channel of communication with the community;

Step 2: Get the employees to take part. Employee involvement in community life, whether as individuals or as company representatives, can be a significant asset when well supervised. However, this is not essential to the success of the initiative, especially since, more often than not, gaining employees’ commitment can be a considerable challenge for the company;

Step 3: Identify the community into which the company should integrate. This community may include a wide variety of stakeholders, such as individuals or organizations from the neighborhood, as well as public institutions, representatives of the business community (competitors, associations, customers/suppliers, etc.), specialists and groups from outside the community (specialized pressure groups, university researchers, etc.). Appendix 7 illustrates the sphere of influence of these stakeholders;

Step 4: Identify the key stakeholders and establish the level of influence of each one. This step lets you identify the stakeholders to target and which actions to prioritize. This step should be reviewed and updated regularly;
Step 5: A strategy should be established for each relationship likely to impact the success of the corporate objective;

Step 6: To discern the company’s positioning clearly in terms of achieving its objectives, it is suggested to identify the strengths, weaknesses and threats that may be associated with the company itself and with its projects. This approach allows the company to take a step back and understand where it stands, at a specific time, in relation to its geographical, economic, political, regulatory or operational environment;

Step 7: Identify the tools and actions necessary to maximize the relationship with the community and to achieve the corporate objectives. These actions can take various forms. At this stage, it is a good idea to elaborate on the advantages and limitations of certain communication activities which can support the corporate strategy of involvement in the community.

One should remember that communication actions are only a bridge between the company and the community and that their sole aim is to support the company’s involvement in various sectors of community life. Corporate involvement in the community requires the company to take on an active and constant role in its community.

Finally, corporate involvement in the community is a constantly evolving approach. New stakeholders will appear, their level of influence may change rapidly, and the community’s issues and concerns may evolve. The strategy, tools and resources to be put in place will then have to be adjusted accordingly. It is important that the company be in tune with the changes affecting the community in which it operates.

4.2 Identify the Company’s Activities in the Community

Once the company has established its level of involvement, it should determine the activities it wants to carry out in the community. It is recommended that the company establish an internal register to record all of these activities.

Open house

This action is a fine demonstration of transparency regarding the company’s activities and helps demystify certain concerns or misconceptions due to a lack of information. The open house activity can meet a communication objective. The company’s involvement in the community cannot however be limited to holding such an activity, which is mainly a good way to make the company and its activities known.
The business partnership, sometimes taking the form of sponsorships, remains an effective tool to support corporate involvement in the community, which should however be used tactfully. While “sponsorship” can facilitate and strengthen the ties with the community, it can also cause negative feelings towards the company regarding the amounts invested or the benefits the company can expect to receive in exchange. It is important to prevent the business partnership from appearing as a way to buy community support or sympathy.

In any case, the company should administer its business partnership program carefully primarily for internal budget control reasons, but also to manage the community’s expectations and avoid disappointing important stakeholders. The business partnership cannot be a substitute for the company’s active participation and integration into the life of its community.

In addition to sponsorships, the company can create a business partnership that will allow the community to develop free of financial contribution. For example, some community stakeholders can be invited to take part in internal training sessions given by the company, while the company’s project management expertise can sometimes serve to advance a structuring project for the community. Programs favoring the hiring of local labor or local purchasing can also be developed in partnership.

There are multiple ways to participate actively in community development. In this context, partnerships with regional development bodies take on their full meaning for the company. The company’s employees could contribute to these partnerships as part of their duties.

To maximize the impact of its initiatives, the company should also gear its actions towards regional needs. It is recommended to build partnerships with development bodies (local development centre, Société d’aide au développement commercial, Regional Conference of Elected Officers, regional environment council, chamber of commerce, school board, local employment centre). Such partnerships can create leverage that is likely to boost the impact resulting from the company’s involvement in the community.

4.3 Involvement with the Municipality

The success of good neighborly relations depends on the good relations developed with all community stakeholders, including the municipality. In fact, it is recommended that the company communicate with public servants at different levels of the municipal administration, in addition to elected municipal officers. All these stakeholders are likely to have a direct relationship with the company’s neighbors and may be called upon to play an important role in the company’s good neighborly relations.
The following subsections contain information and advice to help the company engage in fruitful relations with the municipality.

» Establishing good relations with the various levels of the municipal administration

Amongst the people with whom it is recommended to communicate in the municipal administration are the representatives of the urban planning and environment departments. These two departments should be a point of entry for the company. It is essential for the company to take the lead and ensure that the officials know the company, its operations and its representative.

These individuals will be able to get rapidly in touch with the company should they receive complaints or if regulatory changes are planned. Whether it be the representatives of these two municipal departments or of other departments, it is appropriate to target all the departments likely to interact with the company, including those likely to deal with neighborhood complaints.

» Meeting the municipal representatives

The company should set the frequency of its meetings with the municipal representatives. This frequency may vary depending on the representatives and their department. The company should at least ensure that the municipal representatives can get easily in touch.

In more structured municipalities, the company can establish a schedule of meetings, in collaboration with the municipality. These meetings will make it possible to present and discuss the company’s actions and projects, as well as those of the municipality. These exchanges allow both parties to adjust their planning according to the other’s needs.

» Informing the municipality about the company’s activities and what they contribute to the local community

Every company gains from preparing a communication plan to inform the municipality about the company’s activities and about the resulting benefits for the local community. The municipality will appreciate the company’s dynamism and involvement in its territory.

» Giving the municipality regular presentations on the improvements made to the processes, the nuisances resulting from the company’s activities and the list of actions taken to reduce and, if possible, eliminate these nuisances

It is important to give the elected municipal officers regular presentations on the improvements made to the processes, the nuisances resulting from the company’s activities, and the list of
actions taken to minimize and, if possible, eliminate these nuisances. This presentation can be given during meetings planned with the municipal representatives.

Acting in such a way will ensure that the municipality knows the company’s issues and its commitment to the community while remaining a “good neighbor”.

» Raising the municipality’s awareness of the benefits of maintaining harmonious relations between the company and the neighborhood

Municipalities are generally aware that public peace depends on good cohabitation with everyone, including industrial/residential cohabitation. It would nonetheless be preferable for the company to pursue its “proactive” approach and educate the municipal representatives, so that they are made aware of the benefits of maintaining harmonious relations between the company and its neighborhood.

As already mentioned, the municipal representatives are sometimes the people who are in direct contact with the company’s neighbors. In these cases, the way they act will greatly influence the relationship between the company and its neighbors. The municipal representatives should be aware of this fact.

» Raising the municipality’s awareness of the importance of developing buffer zones between residential and industrial zones to minimize the risks associated with the company’s activities and to better protect the public

During meetings with the municipal stakeholders, the company must discuss the necessity of preserving buffer zones between residential and industrial zones and the municipality’s responsibility in developing these buffer zones. Indeed, these buffer zones are the guarantee of good cohabitation. The municipality could for instance create such a buffer zone by allowing only commercial facilities near industrial facilities and refusing any residential development.

Finally, at this stage it is recommended that the company monitor information pertaining to the development plans of the regional county municipalities (RCM) and the municipal by-laws.

4.4 Monitoring Changes to the Development Plans of the Regional County Municipalities (RCM) and to Municipal By-laws

Ideally, the company should know the RCM development plans and ensure a watch (monitoring of information) on the proposed changes to municipal by-laws. In effect, developments which bring residential zones closer to industrial facilities can often be anticipated by keeping track of
zoning changes that will make them possible. Reducing the distance between the zones creates conditions conducive to neighborhood disturbances and should be avoided whenever possible.

The company can also try to bring various prevailing problems to the attention of the RCMs and the various municipalities in order to encourage them to improve existing standards or impose new ones.

It is desirable to explore the idea of sustained collaboration with the municipality by creating a joint “municipal-industry” committee with the municipality and even with the RCM, because the company is a kind of partner for these organizations. In this context, the company and the municipality could, for example, plan the long-term zoning. The company could also know the municipal and regional intentions before certain proposals reach the publication stage. If the municipality comes to see the company as a partner and a stakeholder who shows proof of collaboration, it can then maintain a relationship with the company and communicate relevant information. However, in practice, the municipalities and RCMs do not always dare to communicate their intentions. There is reason to hope that a sustained relationship between the municipality and the company, within the framework of a joint committee, can succeed in modifying these behaviors to increase municipal transparency.

The following sections contain information and advice so that the company ensures effective monitoring of information on the development plans of the regional county municipalities (RCM) and municipal by-laws.

» Making representations at the regional and municipal level to prevent the development of residential zones closer to industrial zones

The RCMs are responsible for the adoption of development plans, which constitute the development framework of a territory. The municipal by-laws must conform to the development plan in force. Any amendments to the plans and the municipal by-laws must be the subject of public announcements, in the local newspapers, for example, and of consultations. The companies should thus monitor information regarding changes to the development plan and the municipal by-laws, so that they can intervene rapidly and point out problems that could arise from identifying as residential a development zone located near an industrial zone.

» Monitoring the media (local newspapers or Internet) used by the municipalities to detect the announcements concerning zoning changes and find out the dates of municipal meetings and their agendas

It is the company’s duty, as an interested party, to monitor the local media and the municipalities’

4 The CPEQ believes it is important to remind the readers that any intervention aimed at influencing a municipality or an RCM can constitute an activity that must be reported to the Lobbyists Registry.
websites in order to obtain information on the dates and agendas of the scheduled meetings, and any proposal to amend the by-laws. The company can then intervene in the consultation process to object to the development of a residential zone closer to an industrial zone.

» Attending each RCM meeting where the major guidelines concerning the development plans are discussed

To ensure this kind of monitoring, a company should assign a person responsible for each municipality in which it operates. This approach requires an investment in human resources. In addition, the time investment will increase when it is necessary to intervene. It would be desirable for the company to attend the RCM meetings where the major guidelines of the development plan are discussed, as well as the municipal meetings when zoning changes are discussed. It becomes essential for the company to formulate a clear message to emphasize the importance of sustainable land use planning, both for future residents and for industries.

» Attending RCM and local municipal meetings

Apart from meetings specifically devoted to development plans and zoning by-laws, it is desirable for a company representative to attend municipal and regional meetings regularly in order to have a good understanding of the concerns of residents and elected officers, to develop ties and present the company’s contributions and concerns, including the importance of preserving the buffer zones between the industrial and residential sectors.

The next chapter presents the different neighborhood tension scenarios that may arise between the neighborhood and a company, while proposing a process to follow when these tensions arise.
5 NEIGHBORHOOD TENSIONS: SCENARIOS AND TREATMENT OF SPECIFIC CASES

The CPEQ Good Neighbor Guide is primarily a prevention tool, aimed at fostering harmony between companies and their neighboring communities. Despite the preventive measures a company has put in place, neighborhood tensions can still arise.

Although they may result from accidental or unforeseeable circumstances, neighborhood tensions always generate high anxiety, especially for people who have never been exposed to such a situation. The way the company deals with these tensions will have a determining influence on its future.

This section of the Good Neighbor Guide discusses various scenarios likely to arise in the presence of neighborhood tensions. These scenarios are distinguished from the complaint resolution problem presented earlier in this Guide.

First of all, it is important to produce a document that will allow neighborhood tensions to be properly managed. It is also important to react quickly, by knowing how to recognize the errors committed and by adopting the appropriate measures to take the required corrective actions. A clear response for the public must also be prepared even while the situation is being dealt with. Finally, the company will have to ensure that it minimizes the internal and external impacts.

There is no one way of resolving neighborhood tensions, but the guidelines proposed by the CPEQ in the previous sections will make it easier to get through these difficult stages. In all cases, however, a quick reaction is preferable to a slow and passive one, which could lead to a higher degree of public dissatisfaction.

Examples of specific cases of neighborhood tensions

The following list presents some examples of specific cases likely to generate neighborhood tensions. Each case is analyzed in the following pages:

► Residents are dissatisfied with neighborhood disturbances they suffer on a regular basis;
► Residents are hypersensitive and dissatisfied with the neighborhood disturbances they suffer;
► Residents are dissatisfied after an incident;
► Residents are averse to the company’s presence in their neighborhood;
► Non-residents are averse to the company’s presence in the region.
5.1 Residents Dissatisfied with the Neighborhood Disturbances they Suffer on a Regular Basis

Gathering the facts:
► Meet the residents to better understand the issue in question;
► Assess the property damage suffered by the residents.

Analyzing the situation:
► Call a meeting of the Executive Committee to identify the source internally, evaluate the possibility of reducing and, if possible, eliminating the source, discuss the issue raised by the residents, the damages suffered and how to compensate the residents, if applicable;
► Gather the teams and the subcontractors involved to make them aware of the need to reduce or eliminate the source of the nuisance;
► If the cause of the residents’ dissatisfaction is due to negligence, meet the employees involved;
► If the cause of dissatisfaction is instead the result of the process, develop a scenario to find a solution that would make it possible to solve the problem and prevent it from recurring.

Communicating the solution:
► Present to the residents the nuisances resulting from the company’s activities, the list of actions taken and, more specifically, the improvements made to the process;
► Inform the residents about the applicable compensation procedure, as the case may be;
► Meet the residents to inform them about the chosen scenario and indicate when the next follow-up will take place;
► Obtain the employees’ comments and emphasize the increased role they must play as ambassadors to the neighborhood;
► Obtain assistance from the municipality and other stakeholders, if applicable.

Post mortem:
► Once the corrective scenario is put in place, meet the residents to obtain their comments on the improvements obtained, if applicable;
► If a solution has not been found, assess the degree of tolerance of the residents in question and, if applicable, ask for the stakeholders’ assistance in obtaining a delay that will allow modification of the process to solve the problem permanently;

► Focus on the partnerships and relationships created in the community; the company’s involvement in its community will be useful at this stage.

5.2 **Hypersensitive Residents Dissatisfied with the Neighborhood Disturbances they Suffer**

**Définition:**

► Hypersensitive individuals have extreme sensitivity and only represent a very small percentage of the population. For example, some people (less than 1% of the population) can detect certain odorous substances at a concentration of 100 to 1000 times below the average. A hypersensitive person may thus complain of an odor when it normally would be acceptable or undetectable for the general public.

**Gathering the facts:**

► In a case of hypersensitivity, the number of complainants should be extremely limited. Furthermore, it will be appropriate to meet these residents to assess their level of hypersensitivity and the situations that pose a problem.

**Analyzing the situation:**

► The analysis will include an assessment of the specific cases to determine whether or not there is a solution that could improve the individual’s well-being. The complaint resolution approach is the same as the one applicable in Scenario 1;

► Usually, when a group of residents complains about a repetitive nuisance, the cause should be easy to identify. However, for hypersensitive individuals, a meeting is necessary and special attention should be paid to understand the problem they are experiencing. It is also important to determine whether the solutions identified for the general public are satisfactory. In the affirmative, it will be appropriate to evaluate how they should be adapted. In the negative, the limits of the solution or the absence of economically viable solutions should be explained;

► On the other hand, for hypersensitive people, it is often beneficial to the company to agree to an acceptable solution directly with the individuals concerned.
5.3 Residents Dissatisfied After an Incident

The incidents likely to occur in a company are generally covered by the emergency response plan. In this case, the procedure dictated by the emergency response plan should be followed. However, since an emergency response plan cannot anticipate all possible scenarios, here is the way to deal with this type of situation with the public.

Gathering the facts:

► Assess the damages caused.

Analyzing the situation:

► Identify the risk management measures to be taken to protect employee safety and the environment;
► Establish a crisis unit, if applicable;
► Meet the company’s legal advisors to assess the risk of lawsuits;
► In the affirmative, meet the company’s public relations advisors to ensure uniform messages;
► If the incident is attributable to negligence, meet the employees involved;
► If the incident results from the process, develop a scenario to solve the problem.

Communicating the solution:

► Alert all the stakeholders identified in the emergency response plan, if applicable;
► Notify the government authorities;
► Call a meeting of all employees and subcontractors to convey a uniform message;
► Call the local media and, if necessary, the national media, to convey a uniform message;
► Hold a public meeting and add the relevant information onto the corporate website for the public and the media;
► Inform the public about the applicable compensation procedure, as the case may be;
► Meet the residents to inform them about the chosen scenario and indicate when the next follow-up will take place.
Post mortem:

► Write an incident report to determine the source of the incident and forward this report to the government authorities to whom the company is legally obliged to send it;

► Once the corrective scenario is put in place, meet the residents to collect their comments on the improvements obtained, if applicable;

► If a solution has not been found, assess the degree of tolerance of the residents in question and, if applicable, ask for the stakeholders’ help in obtaining a delay that will allow modification of the process to solve the problem permanently.

5.4 Residents Averse to the Company’s Presence in the Neighborhood

Analysis of the situation:

► These residents are treated in the same way as the residents dissatisfied with the neighborhood disturbances they suffer on a regular basis. However, it is clear that the stakeholders and the employees will have to be more involved in dealing with this category of individual. This group’s degree of tolerance will also be very limited, and any additional delay in implementing a permanent solution to solve the problem will be poorly perceived and poorly received by this group.

5.5 Non-Residents Averse to the Company’s Presence in the Region

In such a situation, the CPEQ believes it is important to limit the debate to the local level. The company has nothing to gain in nationalizing such an issue, because it is the local residents who are affected and not the residents of the entire province. The local residents’ issues may be different from those of other regions in Quebec.

Gathering the facts:

► Whenever possible, individual and/or public meetings should give the individuals the opportunity to establish the nature of their complaints and distinguish a local problem from a regional or even global problem. Knowing the complainants can make it easier to see the difference.
Analyzing the situation:

► In the case of individuals who do not live in the company’s zone of influence, the solutions will be very different and a more regional (or even national) analysis may be appropriate.

Communicating the solution:

► A company should explain the issues to the public and the local authorities, and even resort to the media to clarify the situation;

► In this specific case, the company’s involvement in the community will help gain more support from the local communities;

► Since the applicable solutions are very different, the company will have to show the extent of its contribution to the reduction of a more regional (or even global) issue, and refer these individuals to the responsible regional entity.
6 CONCLUSION

While various issues become increasingly polarized and the public is suspicious of industry, the CPEQ remains hopeful that a tool like the Good Neighbor Guide will help regain public confidence and foster dialogue between the parties.

Companies contribute to the common good by producing goods that are often essential, providing thousands of jobs and participating in the life of our community, thus helping to create wealth for our society.

To regain the confidence of the public and various pressure groups, it is desirable for companies to integrate the recognized best practices in the field, i.e. those recommended in this Guide. The companies in our society will thus develop more responsibly and sustainably, respectful of and in harmony with their neighbors. Human health and the environment will be protected and the needs of nearby communities will be taken into consideration through continuous consultation and information processes.

The companies will pay attention to changes in values and will adapt accordingly.
ANALYSIS OF THE STAKEHOLDERS’ INFLUENCE ON THE COMPANY AND, CONVERSELY, THE COMPANY’S IMPACT ON THESE STAKEHOLDERS
The following table offers a way to build the list of stakeholders and analyze their influence. To complete this table, it is important to complete two steps:

- Determine the stakeholder's influence on the company, which can be categorized as weak, medium or strong.
- Determine the company's impact on the stakeholder, which can be categorized as weak, medium or strong.

Based on these two steps, the company's committee will be able to determine whether a stakeholder mentioned in the list deserves attention and, if so, the name of this party will be entered in the last column of the following table.

Table 1-1: Analysis of Identified Stakeholders

<table>
<thead>
<tr>
<th>STAKEHOLDER GROUPS</th>
<th>STAKEHOLDERS</th>
<th>STAKEHOLDER'S INFLUENCE ON THE COMPANY</th>
<th>COMPANY'S IMPACT ON THE STAKEHOLDER</th>
<th>ACTION TO TAKE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Company (internal stakeholders)</td>
<td>Employees</td>
<td>Weak / Medium / Strong</td>
<td>Weak / Medium / Strong</td>
<td>Yes / No</td>
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<td></td>
<td>Directors</td>
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<td>Partners</td>
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<td>Suppliers</td>
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<td>Subcontractors</td>
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<td>Customers</td>
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<td></td>
<td>Insurers, financial institutions</td>
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<td>Local communities (external stakeholders)</td>
<td>Immediate neighbors</td>
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<td></td>
<td>Citizens' committee</td>
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<td></td>
<td>Local companies</td>
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<td></td>
<td>Economic development agencies (SADC, CLD, Regional Conference of Elected Officers, Chamber of Commerce)</td>
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<td></td>
<td>Community group representatives</td>
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<td>STAKEHOLDER GROUPS</td>
<td>STAKEHOLDERS</td>
<td>STAKEHOLDER’S INFLUENCE ON THE COMPANY</td>
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<tr>
<td>Governments and legislators (external stakeholders)</td>
<td>MP and MNA</td>
<td>Weak / Medium / Strong</td>
<td>Weak / Medium / Strong</td>
<td>Yes / No</td>
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<td></td>
<td>Municipal councillor</td>
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<td>Municipality</td>
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<td>Ministère du Développement, de l’Environnement et des Parcs</td>
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<td></td>
<td>Regional health and social services centre (CSSS)</td>
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<td>MRC</td>
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<td>CLSC</td>
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<td>Service clubs (external stakeholders)</td>
<td>Lions, Optimists, Knights of Columbus, etc.</td>
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<tr>
<td>Media (external stakeholders)</td>
<td>Local newspapers (daily, weekly, monthly)</td>
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<td>Radio stations</td>
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<td>National newspapers</td>
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<td>Pressure groups and NGOs</td>
<td>Environmental committees</td>
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<td></td>
<td>Local nature protection association</td>
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<td>Secrétariat des organismes environnementaux du Québec</td>
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<td></td>
<td>Conseil régional de l’environnement</td>
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<tr>
<td>Other</td>
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</table>
CROSS-REFERENCING OF NUISANCES WITH KEY STAKEHOLDERS
When a nuisance inconveniences a key stakeholder (one considered to be important for the company), it is recommended that specific measures be implemented. The following table is intended to cross-reference the stakeholders who are considered to be priorities for the company with the nuisances they suffer. An action plan can then be developed from this diagnosis.

Table 2-1: Cross-Referenced Grid of Nuisances and Key Stakeholders

<table>
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<th>COMPILATION GRID OF NUISANCES AND STAKEHOLDERS</th>
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Enter an “X” in the boxes where a nuisance affects a “key” stakeholder.
LEGAL REQUIREMENTS AND OTHER APPLICABLE CORPORATE REQUIREMENTS
Within the context of a preventive approach intended to prevent neighborhood disturbances, it is recommended that the list of legal requirements applicable to the company be identified. Since many companies are subject to corporate requirements, it is also important to draw up the list of these internal requirements. By knowing the legal and corporate requirements to which it is subject, the company will be able to offer training programs to its employees and reduce the nuisances generated by its activities.

When drawing up the list of these requirements, it is appropriate to identify the federal legislation, the provincial legislation, including the Civil Code of Québec, and the applicable municipal by-laws. It is also important to have a good knowledge of the provisions applicable to class actions by trying to keep informed on the progress of the jurisprudence in the field of neighborhood disturbances.

» Identifying the laws, regulations and directives applicable at the federal level

The company should list the laws and regulations that apply to its activities at the federal level and more specifically in the field of neighborhood disturbances.

The federal legislation does not contain any rule about special responsibility applicable to the adjudication of neighborhood disturbances or private nuisances. This situation is mainly explained by the fact that neighborhood disputes involve issues related to the exercise of the right of ownership which, in the Canadian constitutional system, falls primarily within provincial jurisdiction.

However, the federal environmental protection legislation includes a great many provisions regarding pollution prevention, which directly or incidentally relate to protecting the quality of an individual’s environment. These essentially are a set of prohibitions or prescriptions under public law, sanctioned by penal enforcement procedures and administrative ordinances. The courts have recognized that a duly recognized violation of a public law norm expressing an “elementary standard of prudence” can serve as the basis for a civil action in damages. The breach of a federal regulatory prescription, in some circumstances, may be a source of extracontractual liability under common law.

Consequently, a violation of a federal environmental protection standard can be invoked in the context of a private neighborhood dispute for the purpose of putting a stop to a nuisance or claiming compensation for harm caused by an industrial activity conducted in violation of the regulatory standards. In this specific case, the civil sanction will arise from the general

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5 We will note, in this regard, that section 22 of the Canadian Environmental Assessment Act (1999) (1999, c. 33) institutes the environmental protection action, which allows an individual to bring a civil action against an offender under a federal environment standard in situations where the State has failed to penalize it [link to section 22 of the Canadian Environmental Assessment Act].

6 Canadian Environmental Protection Act (1999), 1999, c. 33 – Part 10 - [link to Part 10 of the Canadian Environmental Protection Act].

extracontractual public liability regime for proven fault (and not from the liability for neighborhood disturbance arising from the abnormal nature of a harmful infringement).

» Identifying the laws, regulations and directives applicable at the provincial level

The company should list the laws and regulations that apply to its activities at the provincial level and more specifically in the field of neighborhood disturbances.

In the same manner as the federal environmental legislation, the *Environment Quality Act* (EQA) and the regulations adopted under it define a set of rules intended to prevent damage to the environment. Control of their enforcement is primarily ensured by the penal sanctions and administrative constraints set out in the legislation. However, as indicated above, the recognition of a violation of an environmental legislative provision expressing an “elementary standard of prudence” could also be a source of extracontractual public liability.

Without claiming to be exhaustive, the pollution prevention regime under the EQA establishes several categories of rules that express elementary standards of prudence, which may be applied to penalize harmful interference within the context of a private neighborhood dispute.

There are thus regulatory prescriptions precisely aimed at governing the conditions in which certain specific categories of industrial activities are conducted. There are general prohibitions forbidding the alteration of the environment or special prohibitions in the regulations setting maximum emission standards for certain categories of materials or substances likely to contaminate.

In various instances, the courts have opened the way for damage claims based on the recognition of a violation of a prohibition of the EQA or a breach of a regulatory prescription adopted under the EQA. Here are some examples:

The administrative authorizations that define the conditions of operation of a specific industrial activity, in particular, the certificates of authorization under section 22, or the industrial pollution cleanup attestations of Division IV.2, also create a legal obligation of compliance for their holder,

8 For example:

Regulation respecting the liquid effluents of petroleum refineries c. Q-2, r.6.
Regulation respecting the landfilling and incineration of residual materials c. Q-2, r. 6.02.
Regulation respecting used tire storage c. Q-2, r. 6.1.
Regulation respecting pulp and paper mills c. Q-2, r. 12.2.
Regulation respecting hot mix asphalt plants c. Q-2, r. 25.
Agricultural Operations Regulation c. Q-2, r. 11.1.
Regulation respecting pits and quarries c. Q-2, r. 2.

9 For example, sections 20, 31.11 and 66 EQA.

and their violation may constitute a civil fault\textsuperscript{11}.

However, it is appropriate to emphasize that the purpose of bringing a public liability action based on the provisions of the EQA is to penalize a violation of the prohibitive or prescriptive environmental protection standards instituted by the Act and its regulations. The proof of an offence, conceived as a civil fault, gives rise to redress of a harmful infringement on the basis of the EQA. In plain language, the civil sanction of a violation of the EQA refers to the general extracontractual liability regime for proven fault of the Civil Code\textsuperscript{12} (s. 1457 & ss).

Finally, while the Environment Quality Act falls under public law, the contamination prevention regime it institutes establishes normative bases that are particularly appropriate for bringing a civil action within the context of a private dispute involving a fact of contamination, for the following reasons, in particular:

\begin{itemize}
  \item The legal definition\textsuperscript{13} of what constitutes a “contaminant likely to alter the quality of the environment in any way” is extremely broad and covers almost all the harmful interferences that are ordinarily at the origin of neighbourhood disputes: “…a sound, a vibration, rays, heat, an odour, radiation or a combination of any of them …”;
  \item More specifically, the general prohibition of s. 20 EQA\textsuperscript{14}, which prohibits the discharge of contaminants into the environment, specifically contains a prohibition, in its second paragraph, of emissions “…likely to affect the life, health, safety, welfare or comfort of human beings, or to cause damage to or otherwise impair the quality of the soil, vegetation, wildlife or property” – i.e. these are neighborhood disturbances, resulting in harmful infringements of the enjoyment of property, which are generally invoked in actions on neighborhood rights.
\end{itemize}


\textsuperscript{12} s. 1457. Every person has a duty to abide by the rules of conduct which lie upon him, according to the circumstances, usage or law, so as not to cause injury to another. Where he is endowed with reason and fails in this duty, he is responsible for any injury he causes to another person by such fault and is liable to reparation for the injury, whether it be bodily, moral or material in nature. He is also liable, in certain cases, to reparation for injury caused to another by the act or fault of another person or by the act of things in his custody.

\textsuperscript{13}s. 1. (5) “contaminant”: a solid, liquid or gaseous matter, a microorganism, a sound, a vibration, rays, heat, an odour, radiation or a combination of any of them likely to alter the quality of the environment in any way.

\textsuperscript{14} 20. No one may emit, deposit, issue or discharge or allow the emission, deposit, issuance or discharge into the environment of a contaminant in a greater quantity or concentration than that provided for by regulation of the Government.

Emission of a contaminant

The same prohibition applies to the emission, deposit, issuance or discharge of any contaminant the presence of which in the environment is prohibited by regulation of the Government or is likely to affect the life, health, safety, welfare or comfort of human beings, or to cause damage to or otherwise impair the quality of the soil, vegetation, wildlife or property.
Identifying the by-laws and directives applicable at the municipal level

The Quebec municipal legislation\(^{15}\) confers broad powers to the municipalities and territorial communities in matters of regulation of public nuisances. This is a historical power of municipal public bodies and most municipalities have long adopted by-laws on community noise, dust, odors, clean air, etc. Without establishing an exhaustive list, it is appropriate to mention two features of these by-laws.

First of all, the municipal nuisance by-laws generally set the threshold standards for substance or noise emissions considered detrimental to public health or public order. Exceeding a release or emission standard is penalized by fines and a compliance order.

It is appropriate to mention here that, in a recent judgment, the Quebec Court of Appeal\(^{16}\) condemned Municipalité de Saint-Adolphe-d’Howard to over $115,000 in damages to the benefit of two residents, for having failed to comply and enforce compliance with its public nuisance by-laws.

The municipal standards governing public nuisances are closely associated with zoning. As a consequence, noise or dust release levels tolerable in an industrial zone can obviously be prohibited in a residential sector.

If the land use rules have in the past guaranteed zoning stability, this regulatory practice undoubtedly could prevent many neighborhood conflicts caused by nuisances of industrial origin. However, under pressure from urban sprawl, the municipal authorities do not always account for the preexisting constraints of industrial land use in their development policy. Many residential developments today are authorized in the immediate vicinity of industrially-zoned land, without any buffer zone being imposed on their developer. As a consequence, as shown by the facts of the St. Lawrence Cement case, the new residents turn to the civil courts to obtain redress when their industrial neighbors’ activities inconvenience them.

Identifying the applicable provisions of the Civil Code of Quebec, including the provisions regarding class actions

A centuries-old institution\(^{17}\), based on the principle of the balance of property rights, the civil obligation imposed on property owners not to cause their neighbors a disturbance in excess of normal neighborhood nuisances has been formulated in various ways, both in the common law

\(^{15}\) L’article 463(1) de la Loi sur les cités et villes (L.R.Q., chapitre C-19), l’article 546(l) Code municipal du Québec (L.R.Q., chapitre C-27.1) et l’article 4 Loi sur les compétences municipales (L.R.Q., chapitre C-47.1).

\(^{16}\) Chalets St-Adolphe inc. et Feldman c. Municipalité de St-Adolphe d’Howard
http://www.st-adolphe.ca/info/docs/CA20090219.htm

\(^{17}\) The commentators trace the institution of neighborhood rights back to the maxim of Roman law, Sic utere tuo ut alienum non laedas (Digeste, 8, 5)
systems (Tort of Nuisance\textsuperscript{18}) and in codified statute law, as well as in international law\textsuperscript{19}. While neighborhood rights have long served to settle very prosaic backyard fence disputes, there has been a sustained resurgence of litigation in many jurisdictions, within the context of lawsuits seeking the redress of environmental harm caused by industrial activities: noise, odors, dust, vibrations, toxic fumes, radiation, etc.

The formidable effectiveness of the public liability regime in industrial pollution disputes is due to the very nature of this regime, which guarantees its sanctions. The neighborhood disturbance under civil law and its Tort of Nuisance counterpart under common law create liability as of right, based on the abnormality or unreasonableness of the nuisances suffered by the plaintiff, rather than on the characterization of the defendant’s faulty behavior.

In Quebec, the essential point of environmental litigation on extra contractual public liability is based on section 976 of the Civil Code of Quebec\textsuperscript{20}. It is appropriate at this point to mention the four fundamental characteristics of section 976 C.C.Q:

1. Section 976 is not a provision that attributes a substantive right. Instead it institutes a sort of civil obligation of public tolerance, which requires the neighbors to accept normal neighborhood “annoyances” (nuisances). As a result, civil judgments are based on infringements of private peaceful enjoyment that exceed the nuisances that neighbors are ordinarily required to tolerate.

2. Although s. 976 C.C.Q. serves to some extent as a preamble to the Chapter III Special Rules on Real Estate Ownership, the quality of neighbors (in the plural) defined by this provision does not exclusively protect the actual owners of the land who suffer from neighborhood nuisances. Proximity, rather than ownership determines the legally protected interest. Anyone who can thus assert their quality of neighbor, whether as owner or lessee, will have the judicial interest to claim redress in law for harm caused by a neighborhood nuisance.

3. The Supreme Court of Canada, in the St. Lawrence Cement decision, definitively sanctioned the liability regime of section 976 based on no fault liability\textsuperscript{21}. Therefore, section 976 allows any person who has the quality of neighbor of a site on which an industrial establishment is operated, even in scrupulous compliance with the regulations and according to standard practices, to petition for an injunction and to potentially claim damages from the owner of this establishment, in all situations where the plaintiff neighbor will be able to show, to the court’s satisfaction, that the industrial activity in question has caused them nuisances that unreasonably affect the normal enjoyment of their property.


\textsuperscript{20} 976. Neighbours shall suffer the normal neighbourhood nuisances that are not beyond the limit of tolerance they owe each other, according to the nature or location of their land or local custom.

\textsuperscript{21} St. Lawrence Cement Inc. v. Barrette, 2008 SCC 64 (CanLII), 2008-11-20.
Finally, section 976 does not define what an abnormal neighborhood “annoyance” (nuisance) is. The courts are asked, case by case, to determine “according to the nature or the location of their land or local custom”, whether the nuisance suffered by the plaintiff causes a neighborhood disturbance within the meaning of the Civil Code.

It is obviously this last aspect of the institution that currently appears to be the most disturbing for the industry. In practice, this comes down to leaving it up to a court to rule on the special conditions of operation of an industrial activity performed in conformity with the regulations, in any situation where neighbors can argue that this activity inconveniences them.

Identifying the recent applicable jurisprudence

The study of the Quebec jurisprudence in matters of neighborhood disturbance shows that the courts have sought to define the scope of section 976. It is recognized, in particular, that a recent Court of Appeal judgment recalled that the courts have penalized only serious infringements of neighborhood rights that are objectively recognizable and generally repeated or continuous. Minor nuisances, the assessment of which depends on the subjectivity or special sensitivity of the plaintiff neighbor, do not give rise to judicial redress. Moreover, the Court of Appeal also recently ruled that while the anteriority of use of land does not guarantee any acquired right in the context of an action on neighborhood rights, it nonetheless is a relevant factor to determine whether a neighborhood nuisance can be considered unreasonable.

Class action provisions

It is important to mention that neighborhood civil suits concerning nuisances of industrial origin are frequently heard before the courts by way of class actions. The class action is a procedure that authorizes any natural person to apply to the Superior Court to claim compensation for an infringement of a right on behalf of a group of persons who can argue an identical, similar or related infringement of their own right.

22 Lexum - Annotated Civil Code of Quebec

23 Entreprises Auberge du parc ltée c. Site historique du Banc-de-pêche de Paspébiac, 2009 QCCA 257 (CanLII), 2009-02-09

24 Ibid. [18] “The anteriority of a use is an integral part of the contextual review required in circumstances. A person who decides to live near a known source of annoyances accepts, to some extent, the normal annoyances of the environment where he takes up residence. On the other hand, a person who creates a new source of annoyances in a peaceful residential community can be blamed for deteriorating the quality of the community where he becomes established for abusing his right of ownership.”

The person who files a class action will have to obtain the prior authorization of the court. The judge seized with the motion for authorization must then determine the relevance of proceeding by class action. That is, more specifically:

► that the questions of fact and law raised are common to the members of the group;
► that the facts have a color of right and seem to justify the conclusions sought;
► that the class action is a more appropriate procedure in the case submitted, than the bringing of individual actions in which all the members of the group would have to be plaintiffs or mandate each other;
► finally, that the person who applies for authorization to bring a class action is in a position to represent the members of the group adequately.

Once the authorization is obtained (or more precisely, within 3 months of obtaining the authorization), the confirmed representative forms his or her motion according to the ordinary rules governing the bringing of a civil action. A judge is then specially designated to hear the class action on the merits.

When the court accepts the motion on the merits according to the conclusions sought, the final judgment that condemns the defendant or defendants to repair the alleged infringement disposes of the claims of the members of the group collectively or individually, taking the interest of the members of the group into account, as the case may be.

One should add that the Quebec class action regime includes a strong social dimension. The legislature adopted the Act respecting the class action26, which provides for the constitution of a Fonds d’aide aux recours collectifs under the authority of the Ministère de la Justice. This Fund is to be used to defray the expenses incurred by the plaintiffs (legal fees, court costs, expert witness fees…), who show a serious color of right until the outcome of the trial. In the past decade, the study of the jurisprudence has confirmed that this institution, which facilitates access to justice for representatives of civil society, has contributed extensively to the proliferation of class actions for neighborhood nuisances filed against industrial interests.

» Highlighting the problem of gag lawsuits (SLAPP) harmful to reputation

The aggressive collective mobilization strategies of certain pressure groups seeking to promote a public interest cause may be perceived by the targeted companies as machinations detrimental to their legitimate right to pursue their business interests. Some companies have sought a legal remedy, generally by filing defamatory libel suits against individuals or organizations claiming to speak for civil society, whose sometimes ill-advised comments have tarnished the company’s image.

26 Act respecting the class action  R.S.Q., c. R-2.1
http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=%2F%2FR_2_1%2FR2_1.htm
These actions, commonly known by their American name of “SLAPP” (Strategic Lawsuit Against Public Participation) or “gag lawsuits”\(^\text{27}\) must now be considered very cautiously. First of all, “gag lawsuits” are widely perceived in public opinion as attempts to intimidate citizen initiatives and, more generally, as infringements of freedom of expression protected by the Charters of Rights. They receive heavy media coverage. This is clearly not without consequence for the reputation of the companies that engage in legal actions of this nature.

Secondly, most jurisdictions, including Quebec, have adopted legislative provisions to impose severe restrictions on the conditions of bringing “gag lawsuits”. Indeed, the Code of Civil Procedure\(^\text{28}\) was amended to this end in 2009 to incorporate particularly dissuasive rules. These new provisions (section 54 CPC) allow the courts to rule on the inadmissibility of any apparently improper proceeding and summarily reverse the burden of proof. The plaintiff, usually a major corporation, will then have to prove that their action is justified in fact and in law, and that their objective is not to prevent the expression of an opinion contrary to their interests. When the court rules that the suit is improper, it can condemn the plaintiff to pay the defendant’s fees and extrajudicial costs, as well as punitive damages.

\(^{27}\) The Ministère de la justice du Québec adopted the French term “Poursuites stratégiques contre la mobilisation publique”

\(^{28}\) An Act to amend the Code of Civil Procedure to prevent improper use of the courts and promote freedom of expression and citizen participation in public debate – Received assent on June 4, 2009
http://www.liguedesdroits.ca/interventions-nationales/slapp/loiantislapp.html
DECISION FLOW CHART TO BE FOLLOWED WHEN AN INCIDENT OCCURS
Check emails and voice mail daily, as well as the event investigation reports.
- Environment Department of XYZ Inc.

Verify the reasons for the complaint (odor, noise, dust).
- Environment Department of XYZ Inc.

**Odor**
- Take the required action to stop the odor or retain the services of a consultant.
  - Environment Department of XYZ Inc.
- Follow-up with the complainant.

**Noise**
- Take the required action to reduce or stop the noise.
  - Environment Department of XYZ Inc.
- Known source
  - Have the spots or marks analyzed.
  - Source is attributable to the activities of XYZ Inc.: give the complainant a car wash coupon.
  - Source not attributable to the activities of XYZ Inc.: reject the complaint and notify the complainant verbally.

**Dust**
- Conduct an inspection, depending on whether cars or residences are affected.
  - Environment Department of XYZ Inc.
- Source attributable to the activities of XYZ Inc.
- Residences
  - Retain the services of an adjuster.
    - The adjuster will prepare a fact-finding report with photos, takes samples from the house, if required, and obtains the resident's version of the facts.
    - Receive of the adjuster's report indicating whether he recommends:
      - washing (interior and/or exterior);
      - painting;
      - aluminum siding;
      - other
      - Retain the services of a professional to act on the adjuster's recommendations.
        - Environment Department of XYZ Inc.
      - Have the complainant sign a release.

- Cars
  - Known source
  - Unknown source

**Department of XYZ Inc.** The Ministère du Développement durable, de l'Environnement et des Parcs and/or the municipality may be notified, if applicable, and the complaint would have to be logged into the complaint tracking system.
HANDLING OF COMPLAINTS
HANDLING OF COMPLAINTS BY THE SUPERVISOR

GOAL
Facilitate handling of internal and external complaints in a manner that is fair to all.

SCOPE
This procedure is intended for the supervisors of XYZ Inc.

RESPONSIBILITIES
The supervisor is responsible for investigating after receiving a complaint and should complete an event investigation report.

The security guard is responsible for recording the complaint in XYZ Inc.’s computer system and informing the persons responsible about the complaints.

The Environment Department of XYZ Inc. is responsible for handling the complaints received.

NB: At all times, when a complaint is submitted at the guard station, the guard should contact the supervisor on duty. This supervisor is responsible for inspecting the car. If the complaint is internal, the supervisor conducts this inspection alone or requests the Environment Department’s expertise. If the complaint is external (neighbor) or if no member of the Environment Department is on site, the supervisor should inspect the complainant’s car and, if the cause is known, inform the guard to give the complainant the car wash coupon without going into detail with the complainant. After the complainant leaves, inform the guard of the cause to be entered in the computer system. The investigation should then follow its course. If the cause is unknown and the complainant is a neighbor, inform the complainant that you do not believe that it is attributable to the company, but that you immediately accept to investigate this case, specifying that a representative of the Environment Department will contact the complainant for follow-up.

PROCEDURE
When an employee or a neighbor makes a complaint to the security guard, the guard will enter it in the computerized complaint system and must notify the supervisor on duty.

The supervisor on duty must:

If he knows the cause or origin of the complaint

1. The supervisor must authorize the security guard to issue car wash coupons for dust complaints attributable to XYZ Inc. (internal and external);
2. The supervisor must complete the event investigation report immediately;
3. The supervisor must email this report to the Environment Department promptly;
4. If the supervisor discovers that atmospheric emissions, such as a cloud, are migrating towards the neighboring properties (even without having received a complaint), he must notify the Environment Department immediately and inform the security guard of the situation.
If the supervisor does not know the cause at the origin of the complaint

1. The supervisor must promptly inspect the facilities to discover the cause;
2. The supervisor must promptly complete the event investigation report, even if he cannot identify the cause, and must inform the supervisor of the next shift;
3. If the supervisor discovers that atmospheric emissions are migrating to the neighboring properties (even without having received a complaint), he must notify the Environment Department immediately and inform the security guard of the situation.

HANDLING OF COMPLAINTS FOR CARS

GOAL
Facilitate handling of internal and external complaints in a manner that is fair to all.

SCOPE
This procedure is intended for the employees of XYZ Inc. and the residents of the zone around our company.

RESPONSIBILITIES
The employees of XYZ Inc. and the neighbors are responsible for cooperating by answering the security guard’s questions.

The security guard is responsible for recording the complaint in XYZ Inc.’s computer system.

The Environment Department of XYZ Inc. is responsible for handling the complaints received.

PROCEDURE

1. When a person claims nuisances affecting a car, attributable to the activities of XYZ Inc., this person must file a complaint immediately by going to the guard station of XYZ Inc. with the car;
2. The complainant must answer the guard’s questions and the guard will record the information obtained in the company’s computer system;
3. The complainant must allow the guard or the production supervisor or the Environment Department to inspect the car;
4. The complaint will then be handled by the Environment Department of XYZ Inc. in the following manner:
   a) The Environment Department completes and verifies the results of the investigation (information obtained by the guard and the production supervisor);
b) If the source is attributable to XYZ Inc.’s activities, a car wash coupon for the exterior of the car is issued by the guard. In this case, the car must be washed within 3 days after the coupon is issued, by the subcontractor chosen by XYZ Inc. The complainant must sign a covenant, committing to having the car in question washed within the prescribed deadline.

c) If the source is not attributable to XYZ Inc.’s activities, the complainant will be notified in person or by phone;

d) If the source is unknown, the Environment Department may require a sample to be taken from the complainant’s car to have it analyzed by an independent laboratory and, based on the results obtained, the Environment Department may either issue a car wash coupon for the exterior of the car, or reject the complaint on the conditions described above;

e) When the complaint can be handled without resorting to sampling, it is handled quickly;

f) When the Environment Department must resort to sampling in order to determine the source of the event, then the complaint must be handled within a maximum of 30 days.

HANDLING OF COMPLAINTS FOR DAMAGE TO RESIDENCES

GOAL
Facilitate handling of internal and external complaints in a manner that is fair to all.

SCOPE
This procedure is intended for residents of the zone around our company.

RESPONSIBILITIES
The neighbors are responsible for cooperating by answering the security guard’s questions.

The security guard is responsible for recording the complaint in XYZ Inc.’s computer system.

The Environment Department of XYZ Inc. is responsible for handling the complaints received.

PROCEDURE

1. When a neighbor claims nuisances regarding their home or appurtenances, attributable to XYZ Inc., this neighbor must file a complaint immediately by phone or by going to the company’s guard station;

2. The complainant must answer the guard’s questions and the guard will record the information obtained in the company’s computer system;

3. The complaint will then be handled by the Environment Department of XYZ Inc. in the following manner:

   a) The Environment Department completes and verifies the results of the investigation (information obtained by the guard and the production supervisor);
b) The Environment Department mandates an adjuster to inspect the neighbor’s residence or appurtenances;

c) The neighbor must answer this adjuster’s questions and allow the adjuster to take photographs and, if applicable, to take a sample;

d) The adjuster submits a report to the Environment Department within a reasonable time;

e) If the source is attributable to the activities of the XYZ Inc., the Environment Department retains the services of a professional; the neighbor is informed and must then sign a release;

f) If the source is not attributable to XYZ Inc.’s activities, the neighbor will be notified in person or by phone;

g) If the source is unknown, a sample is analyzed and, depending on the laboratory results, the Environment Department accepts to act on the complaint according to the conditions set out in paragraph e) if the source is attributable to XYZ Inc.’s activities. If the source is not attributable to XYZ Inc.’s activities, the company refuses to act on the complaint according to the conditions of paragraph f);

h) The complaint is handled within a period ranging from a few days to several weeks, depending on the circumstances.
APPENDIX 6

TEMPLATE OF LETTER TO BE SENT WHEN WORK IS UNDERTAKEN
DATE:

TO: Residents around XYZ Inc.

SUBJECT: WARNING OF DEMOLITION WORK

We hereby inform you that the company must remove a tank that was intended for internal treat-
ment of our process water. This work is required due to the fact that .................... .

This tank will be removed from our facilities by means of a crane and will be deposited on the
ground. The insulation that surrounded it to preserve the contents from frost will be removed.

To be able to transport this tank off our property, demolition work will be necessary. Equipment
similar to a mechanical shovel will be used on the site with cutters to cut the tank in pieces. This
work could result in noise for the residents who reside on Boulevard .................... .

The steel pieces will then be transported to a metal recycler.

The demolition work should begin on _________________ and should not last longer than two
business days.

The contractors who will perform this demolition work will begin their work day at 7:30 a.m. and
finish around 4:30 p.m.

We wish to apologize for the nuisances that this work may cause the residents around our company
and thank you for your understanding.

For any additional information, you may contact Ms. X at the following number
_________________________ during normal office hours. You can reach the security guard at any
time at ____________________ .

Director
SPHERE OF INFLUENCE OF THE STAKEHOLDERS
Spheres of influence

Red: Against (must secure support)
Green: Favorable
Yellow: Neutral
White: Unknown position

Population
External Groups and others
Business and community organizations
Elected Representatives
Opinion Leaders
Civil Servants

Influence 5-6
Influence 7 and +
Corporate social responsibility: Responsibility of an organization for the impacts of its decisions and activities on society and the environment, through transparent and ethical behavior that:

- contributes to sustainable development, including health and the welfare of society;
- takes into account the expectations of stakeholders;
- is in compliance with applicable law and consistent with international norms of behavior; and
- is integrated throughout the organization and practiced in its relationships

(source: ISO 26000)

Community: Inhabitants of a territory organized in an administrative jurisdiction (city, regional municipality).

Governance: The System according to which an organization makes and implements decisions in pursuit of its objectives. (source: ISO 26000)

Information watch: Monitoring of the appearance of information relevant to a subject (for example, zoning change, new projects in the community) by research, processing and distribution action with a view to eventual use of this information by people for whom it proves useful (source: etudoc) or permanent monitoring of an organization’s internal or external environment, which should allow detection signs or clues of major changes (source: Grand dictionnaire terminologique de l’Office de la langue française).

Neighborhood: Proximity of housing likely to create bonds of common interest (source: Grand dictionnaire terminologique de l’Office de la langue française). In the St. Lawrence Cement decision, the Supreme Court took a position in favor of a liberal interpretation of the notion of neighborhood, without the necessity that the neighbors’ properties be adjacent, while recognizing that this term requires “a certain geographic proximity between the annoyance and its source”. According to the Supreme Court, section 976 of the C.C.Q., which stipulates that the neighbors shall suffer the normal neighborhood annoyances that are not beyond the limit of tolerance they owe each other, may benefit all the residents of the neighborhood affected by the company’s operations, regardless of whether they are owners, tenants or occupants and whether they are immediate or more distant neighbors.

Neighborhood disturbances: Nuisances caused by neighbors, regardless of their nature. In some situations, disturbances can become so great that they prevent full enjoyment of a property. (source: educaloil.qc.ca)

Nuisance: Action of a noxious substance that involves a significant risk for human health and welfare or which can indirectly impair human health or welfare by its impacts on the natural, cultural or economic heritage (source: Grand dictionnaire terminologique de l’Office de la langue française). Section 976 of the Civil Code of Québec and the Supreme Court decision in the St. Lawrence Cement case both use the synonymous term “annoyance”.
**Proximity community, neighboring community:** Community located within a relatively close perimeter of a company. It includes the neighbors, groups, structures and public authorities seeking to defend or support the interests of the companies’ neighbors (source: Acertys).

**Stakeholder:** Individual or group that has an interest in any decision or activity of an organization. (source: ISO 26000)
The CPEQ is a dynamic organization that promotes the environment and sustainable development in Quebec businesses and offers a wide range of services to its members. Join us and contribute to sustainable development.

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