

What is a Community Environmental Justice Forum?

A Community Environmental Justice Forum (CEJF) provides a venue for dealing with environmental offences committed by regulated companies. The CEJF process applies the principles of restorative justice which focus on offender accountability and repairing harm caused by an incident rather than assigning blame and punishment.

The CEJF process takes place outside of the courts. Enforcement officers are empowered to exercise discretion when choosing the most appropriate responses to non-compliance, giving consideration to the nature of the offence, the facts of the case and the regulatory history and attitude of the offender. Enforcement officers consider what is in the best interests all parties involved in or impacted by the incident and what will achieve the best outcomes in terms of behavioural change and achieving compliance.

The CEJF process requires the company to take responsibility for the offence in a meaningful way. The process recognizes the individuals or community harmed by the offence and invites them to be directly involved in determining appropriate restitution.

CEJFs offer an alternative to an adversarial process, providing opportunity for participants to engage in meaningful dialogue, collaborative problem-solving and relationship building.

How does a Community Environmental Justice Forum work?

A CEJF is led by a trained, impartial facilitator. The facilitator conducts a pre-forum meeting with company representatives – those most responsible for the incident - and interviews prospective community members so that all participants understand the process and know what to expect and what will be expected of them. Participation in a CEJF by the company, the community and the enforcement agency must be voluntary. At any time before or during the CEJF, prior to signing the final agreement, participants can withdraw from the process. At that time the enforcement agency would decide how to proceed with the case.

The forum follows a prescribed 'circle' format that typically lasts 2 – 2.5 hours. During this time, all participants are given an opportunity to be heard: the company is asked to explain how and why the offence occurred; each community representative describes the real or potential impact of the incident on themselves, or on the community as a whole. Collectively the group then agrees on appropriate remedies and restitution which is documented in a formal agreement and signed by all participants at the conclusion of the forum.

Discussion within the forum is confidential; however, once the forum concludes the offender is required to issue a press release accepting responsibility for the incident and summarizing the terms of the CEJF agreement. The outcomes of the CEJF are recorded in the ministry's publicly accessible Environmental Violations Database.

A monitor is assigned to ensure all terms and conditions of the agreement are completed. Once this happens, the matter is concluded.

What can the company expect going into a forum?

A considerable amount of work is done in advance of the forum by the facilitator, in consultation with the company, the community and the enforcement agency in order to ensure an outcome that is fair and acceptable to all. *Remember:* the goal of a restorative justice process is not to punish, but to find a solution that repairs the harm done and promotes trust and community well-being.

Before committing to participate in a forum, an offender can expect to know:

- the format of the forum and what will be asked of them;
- what the time commitment will be;
- who will be attending;
- the range of remedies and restitution likely to comprise the CEJF final agreement.

What is expected of the company?

To be eligible to participate in a CEJF the company will be expected to:

- take responsibility for the offence;
- demonstrate a sincere interest in repairing harm caused by the offence;
- be prepared to explain during the forum how and why the offence happened;
- listen to community members describe how the incident impacted them, which may include the expression of strong emotions;
- sign a CEJF agreement at the end of the forum, agreeing to comply with the prescribed remedies and restitution; and
- issue a news release taking responsibility for the incident, expressing remorse and outlining the terms of the agreement.

What is the role of the community?

Community participants are carefully selected to speak to the real or potential impacts from the incident and may include individuals directly affected or others who can speak on behalf of the broader community. Community participants will be expected to:

- sign a confidentiality agreement;
- participate willingly with a sincere interest in achieving a meaningful outcome;
- speak to the impact of the actual or potential harm caused by the incident; and
- sign a CEJF agreement at the end of the forum.

What are the benefits of a CEJF?

For the Company

- Good public relations: the CEJF provides an opportunity to demonstrate accountability and to repair the wrong
- Avoids an adversarial court process and potential conviction
- Builds appreciation and understanding in the community for your business
- Can result in a better working relationship with ministry officials responsible for overseeing your operations

For the Community

- Empowers them to be a partner in administering justice and problem-solving
- Offers answers to their questions about the incident and insight into the company
- Provides an opportunity to reinforce community values and expectations
- Remedial actions and/or compensatory payments benefit the community directly

For Government

- More timely and cost effective resolution of cases, reducing the burden on the court's time
- Positive environmental outcomes
- Provides opportunity for learning and building relationships with communities and companies
- Improved compliance through reduced recidivism