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Canadian Ombudsperson for Responsible Enterprise

A vital step towards ensuring justice for individuals and communities.

What is the Ombudsperson?

In January 2018, the Canadian government announced the creation of a Canadian Ombudsperson for Responsible Enterprise (CORE). The office is mandated to investigate allegations of human rights abuses linked to Canadian corporate activity abroad. The Ombudsperson will be empowered to independently investigate complaints against Canadian companies abroad, report on findings, recommend remedy for any human rights abuses, and monitor implementation. Initially the Ombudsperson will focus on the mining, oil and gas, and garment sectors, but the intention is to expand the scope to other business sectors within a year. The Ombudsperson's mandate and associated responsibilities will be outlined through an Order in Council.

Who is the Ombudsperson?

The Ombudsperson has not yet been selected. However, a hiring process is underway.

What are the Ombudsperson's investigatory powers and how are investigations conducted?

The exact details are uncertain until the Order in Council is approved, but the Government of Canada has confirmed that the Ombudsperson will be empowered to conduct both

collaborative and independent fact-finding investigations. To ensure that the Ombudsperson is able to access essential information, the Government of Canada has assured us that the Ombudsperson will be able to compel witnesses and documents.

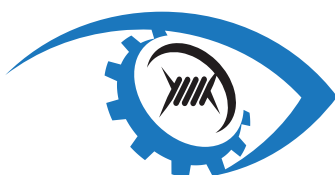
We expect the exact procedure for investigations to be made publicly available once the Ombudsperson office is open.

What penalties can the Ombudsperson use and what sort of remedy is available?

The exact details are uncertain until the Order in Council is approved, but according to the Canadian Government, the Ombudsperson will be able to recommend sanctions, including the withdrawal of certain government services, such as trade advocacy and future Export Development Canada support, for companies found to be involved in wrongdoing.

The Ombudsperson will also be able to make recommendations to companies. This could include recommending compensation, an apology, cessation of particular activities, mitigation measures or corporate policy changes.

If the Ombudsperson discovers evidence of criminal wrongdoing, it will be provided to the appropriate law enforcement authority, including the Royal Canadian Mounted Police.



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Can people still bring claims against a company in Canadian courts?

Yes. The Ombudsperson will not impact the ability of anyone to bring legal action against a Canadian company in a Canadian court regarding allegations of harms committed by the company abroad.

Will the Ombudsperson be different/better than the Canada's Extractive Sector Corporate Social Responsibility (CSR) Counsellor and Canada's National Contact Point (NCP)?

Canada's NCP and the CSR Counsellor (disbanded in 2018) have proven inadequate for responding to human rights abuses. If the government fulfills its promises, the Ombudsperson will be a marked improvement because it will be empowered to conduct independent investigations and compel corporate disclosure, make findings of fact, recommend sanctions, remedy and policy changes, and operate at arms-length from the government.

If someone believes they have been harmed by a Canadian company operating overseas, how can they file a complaint to Canada's Ombudsperson?

There will be a web portal for people to submit complaints. There will also be an option to submit complaints by mail.

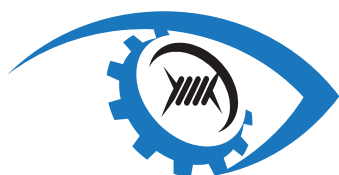
What is Amnesty's position on the Ombudsperson?

Amnesty International, in collaboration with the Canadian Network on Corporate Accountability (CNCA), has urged the Government of Canada for over a decade to create an ombudsperson to help ensure access to remedy for people harmed by Canadian companies abroad. While we are pleased by the announcement about the creation of an Ombudsperson, we will continue to advocate for the position to be as effective a mechanism as possible, free from corporate and political interference. And we will continue to call on companies and States to carry out human rights due diligence to make sure that people's rights are respected and protected from the outset.

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