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CANADA

CANADIAN MINING AND MINERAL EXPLORATION FIRMS OPERATING ABROAD: IMPACTS ON THE NATURAL ENVIRONMENT AND HUMAN RIGHTS

Report of the Standing Committee on International Trade

Hon. Judy A. Sgro, Chair

**SEPTEMBER 2023
44th PARLIAMENT, 1st SESSION**

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NOTICE TO READER

Reports from committees presented to the House of Commons

Presenting a report to the House is the way a committee makes public its findings and recommendations on a particular topic. Substantive reports on a subject-matter study usually contain a synopsis of the testimony heard, the recommendations made by the committee, as well as the reasons for those recommendations.

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has the honour to present its

TENTH REPORT

Pursuant to its mandate under Standing Order 108(2), the committee has studied environmental and human rights considerations regarding Canadian mining firms abroad and has agreed to report the following:

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LIST OF RECOMMENDATIONS

As a result of their deliberations committees may make recommendations which they include in their reports for the consideration of the House of Commons or the Government. Recommendations related to this study are listed below.

Recommendation 1

That the Government of Canada, in consultation with relevant stakeholders, consider new or modified strategies, policies and other measures that would further promote and enhance corporate social responsibility and responsible business conduct in the foreign operations of Canadian firms, including those in the mining and mineral exploration sector..... 21

Recommendation 2

That the Government of Canada undertake a review of the authorities of, and explore all options for expanding the mandate of, the Canadian Ombudsperson for Responsible Enterprise. The goal of this review is to ensure that the Ombudsperson is able to review complaints—adequately and in a timely manner—relating to alleged violations of human rights and harm to the natural environment associated with the foreign operations of Canadian firms falling within the Ombudsperson’s mandate. This review should involve consultations with relevant stakeholders..... 21



CANADIAN MINING AND MINERAL EXPLORATION FIRMS OPERATING ABROAD: IMPACTS ON THE NATURAL ENVIRONMENT AND HUMAN RIGHTS

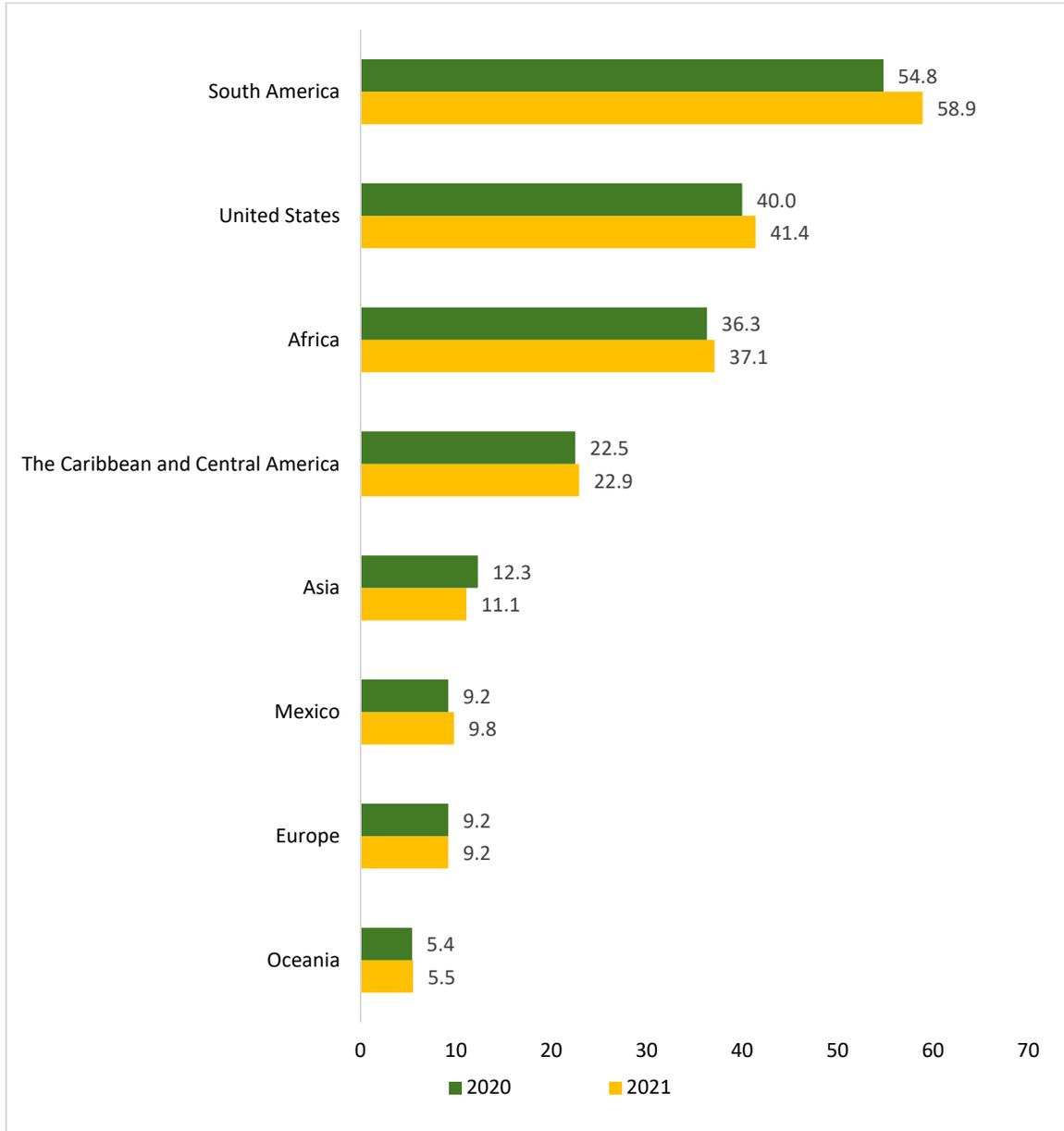
INTRODUCTION

Canada's mining and mineral exploration sector is an important contributor to the country's gross domestic product (GDP) and its level of employment, as well as to the value of its merchandise trade with the world. In 2021, the sector contributed about \$97.0 billion to Canada's nominal GDP, with about 665,000 jobs in Canada created due to its activities and exports valued at \$126.6 billion. Concerning international trade, the top three export destinations for goods from Canada's mining and mineral exploration sector in that year were: the United States, at \$68.5 billion; the United Kingdom, at \$12.3 billion; and China, at \$9.4 billion. Moreover, in 2021, Canada's most highly valued mineral exports to the world were: gold, at \$21.3 billion; iron and steel, at \$20.0 billion; aluminium, at \$15.2 billion; iron ore, at \$10.1 billion; and copper, at \$9.9 billion.

A February 2023 Natural Resources Canada report indicates that, in 2021, about 750 Canadian mining and mineral exploration firms collectively had assets in 96 foreign jurisdictions. In that year, Canada had nearly 1,400 such firms and the value of Canadian mining assets totalled \$285.8 billion, of which approximately \$195.9 billion—or 68.5%—was located abroad.



Figure 1—Estimated Value of Canadian Mining Assets Located Abroad, by Foreign Jurisdiction, 2020 and 2021 (\$ billions)



Notes: Numbers are rounded.
Data for 2021 are preliminary.

Source: Natural Resources Canada, "[Canadian mining assets located abroad, by region](#)," *Canadian Mining Assets*, February 2023.

Over time, the Government of Canada has implemented measures designed to enhance the corporate social responsibility and responsible business conduct of Canadian mining and mineral exploration firms operating abroad. According to the [European Commission](#), the terms “corporate social responsibility” and “responsible business conduct” are sometimes used interchangeably when discussing the potential impacts of firms’ actions, including on the natural environment and human rights. However, suggesting that these terms can have slightly different meanings, Canada’s [Responsible Business Conduct Abroad: Canada’s Strategy for the Future](#) indicates that “corporate social responsibility” concerns the voluntary activities “undertaken by a [firm], over and above any legal requirements, to operate in an economically, socially and environmentally sustainable manner,” and states that “responsible business conduct” is the “process of integrating the management of risks to the environment, people and society within [a firm’s] core activities.”

The Government of Canada’s measures relating to corporate social responsibility and responsible business conduct include the 2009 [Building the Canadian Advantage: A Corporate Social Responsibility \(CSR\) Strategy for the Canadian International Extractive Sector](#), the 2014 [Canada’s Enhanced Corporate Social Responsibility Strategy to Strengthen Canada’s Extractive Sector Abroad](#), the 2015 [Extractive Sector Transparency Measures Act](#), the 2018 creation of the role of [Canadian Ombudsperson for Responsible Enterprise](#), and the 2022 [Responsible Business Conduct Abroad: Canada’s Strategy for the Future](#). The corporate social responsibility–related measures developed and adopted by Canada’s mining and mineral exploration sector include the Mining Association of Canada’s [Towards Sustainable Mining](#) initiative and the Prospectors & Developers Association of Canada’s [e3 Plus: A Framework for Responsible Exploration](#). Furthermore, Canada is a member of the [Minerals Security Partnership](#), which—as of 5 June 2023—comprised the European Union as an entity, as well as Australia, Canada, Finland, France, Germany, Italy, Japan, Norway, South Korea, Sweden, the United Kingdom and the United States.

In April 2019, the first Canadian Ombudsperson for Responsible Enterprise was appointed, with the Ombudsperson’s office established in May 2019. The Canadian Ombudsperson for Responsible Enterprise has the [mandate](#) to undertake the following activities:

- promote the implementation of the *United Nations Guiding Principles on Business and Human Rights* and the *Organisation for Economic Co-operation and Development’s Guidelines for Multinational Enterprises*;



- provide advice to Canadian firms regarding their responsible business conduct abroad;
- review complaints relating to alleged human rights abuses when such complaints involve Canadian garment, mining, and oil and gas firms operating abroad;
- offer informal mediation services to address concerns and disputes, including in relation to the impact of Canadian firms' foreign operations on human rights and the natural environment; and
- inform the Minister of International Trade, Export Promotion, Small Business and Economic Development about matters that relate to the Minister's mandate, including in relation to the practices and policies of Canadian firms operating abroad.

Notwithstanding measures adopted in a number of jurisdictions regarding corporate social responsibility, certain civil society organizations—including Amnesty International, Human Rights Watch and the Human Rights Law Centre—have alleged that the foreign operations of some mining and mineral exploration firms headquartered in such countries as [Australia](#), [Canada](#), [China](#) and the [United Kingdom](#) have been linked to human rights abuses or harm to the natural environment.

On 2 February 2022, the House of Commons Standing Committee on International Trade (the Committee) adopted a [motion](#) to undertake a study on environmental and human rights considerations regarding the foreign operations of Canadian mining and mineral exploration firms. During four meetings held on 6, 9 and 13 February and 27 March 2023, the Committee heard from the Minister of International Trade, Export Promotion, Small Business and Economic Development, the Canadian Ombudsperson for Responsible Enterprise, officials from Global Affairs Canada and Export Development Canada, a geologist who appeared as an individual, and representatives of: one trade association, one organized labour group and five civil society organizations. As well, the Committee received written briefs from the Canadian Network on Corporate Accountability, the Justice and Corporate Accountability Project, the Mining Association of Canada and Mining Watch Canada, with the first and last of these also appearing as witnesses.

This report summarizes comments made by witnesses and contained in briefs concerning the foreign operations of Canadian mining and mineral exploration firms. The first section presents general views about these operations, as well as observations about their impacts on the natural environment and human rights, with the second

section identifying some approaches for enhancing corporate social responsibility and responsible business conduct by Canadian mining and mineral exploration firms operating abroad. The report concludes with the Committee's thoughts and recommendations.

GENERAL VIEWS AND IMPACTS ON THE NATURAL ENVIRONMENT AND HUMAN RIGHTS

Witnesses provided the Committee with their general views about the foreign operations of Canadian mining and mineral exploration firms, as well as about those operations' impacts on the natural environment and human rights.

General Views

The [Minister of International Trade, Export Promotion, Small Business and Economic Development](#) characterized Canada's mining and mineral exploration sector as important for Canada, with [Global Compact Network Canada](#) making a similar comment. The [Canadian Ombudsperson for Responsible Enterprise](#) highlighted Canada's global leadership in mining, particularly among the Group of Seven and the Organisation for Economic Co-operation and Development countries.

The [Canadian Network on Corporate Accountability](#) estimated that about 50 of the world's mining and mineral exploration firms are headquartered in Canada. [United Steelworkers](#) argued that certain of those firms are registered in Canada "on paper." Asserting that some of these firms have a "very limited" domestic presence, [Mining Watch Canada](#) suggested that some of these firms may have an "office mailbox" as their headquarters or may lack sufficient personnel to manage their offices. As well, [Mining Watch Canada](#) claimed that several firms are headquartered in Canada for tax and other reasons, and contended that they could be involved in "snow washing," or money laundering activities. The [Minister of International Trade, Export Promotion, Small Business and Economic Development](#) emphasized that mining and mineral exploration firms are not considered "Canadian" if they have a "postal box" as their headquarters and they do not have operations in Canada.

The [Prospectors & Developers Association of Canada](#) and Eval Minerals' [André Gauthier](#), who appeared as an individual, described the foreign operations of Canadian mining and mineral exploration firms as "complex." In particular, [André Gauthier](#) noted the complexity that can occur when firms must interact with various governments and local employees, and outlined that the activities of some of these firms include exploration, construction, extraction and transportation. André Gauthier also identified a number of



risks—including environmental, financial, legal, political and social—associated with these firms’ operations.

With a focus on mineral exploration abroad, the [Prospectors & Developers Association of Canada](#) remarked that Canadian firms involved in this activity are mostly small or medium in size, and operate in jurisdictions that have regulatory processes that differ from those in Canada. According to the [Prospectors & Developers Association of Canada](#), these differing processes create “a challenging environment” for Canadian mineral exploration firms that are planning to establish foreign operations.

The [Minister of International Trade, Export Promotion, Small Business and Economic Development](#) stated that, during recent negotiations with the Association of Southeast Asian Nations, India, Indonesia and the United Kingdom, the Government of Canada has pursued trade agreement provisions relating to human rights and the natural environment. Focusing on Canada’s foreign investment promotion and protection agreements, [Oxfam Canada](#) said that, from its perspective, these agreements often prevent foreign governments from implementing “robust standards” regarding human rights and the natural environment. Furthermore, [Mining Watch Canada](#)’s brief pointed out that Colombian and international civil society organizations have called on the Government of Colombia to withdraw from investment agreements that allow Canadian mining and mineral exploration firms—including Eco Oro Minerals Corp., Galway Gold Inc. and Red Eagle Mining Corporation—to “sue Colombia in [international] tribunals designed to favor [the] interests [of those firms].”

In the view of [Global Compact Network Canada](#), [Oxfam Canada](#) and [KAIROS: Canadian Ecumenical Justice Initiatives](#), gender inequality is a key issue affecting the operations of Canadian mining and mineral exploration firms, including those that are foreign. [Oxfam Canada](#) cited a 2022 Responsible Mining Foundation report indicating that—globally—mining and mineral exploration firms have “made little to no progress on gender equality,” and noting that no Canadian firm is among the world’s top 10 mining and mineral exploration firms that have taken actions to address gender inequality.

The Natural Environment

In the opinion of Eval Minerals’ [André Gauthier](#), Canadian mining and mineral exploration firms meet the “highest [standards] in the world” when operating abroad, and the “environmental and social damage” resulting from those operations is “minimal.” Similarly, according to the [Mining Association of Canada](#)’s brief, although Canadian mining and mineral exploration firms operating in Africa, Asia and Latin America have “faced allegations of environmental harm or conflict,” these firms are

meeting environmental standards that are higher than those being met by their Chinese and Russian counterparts, as well as by competitors in other jurisdictions.

The [Canadian Network on Corporate Accountability](#), [Global Compact Network Canada](#), [KAIROS: Canadian Ecumenical Justice Initiatives](#) and [Mining Watch Canada](#) drew attention to allegations concerning negative effects that the foreign operations of some Canadian mining and mineral exploration firms have had on the natural environment. From the perspective of [Global Compact Network Canada](#), [KAIROS: Canadian Ecumenical Justice](#) and [Mining Watch Canada](#)'s brief, those operations have been linked to such outcomes as increased levels of contamination and pollution, the displacement of Indigenous communities, and violence against defenders of human rights and the natural environment. Moreover, [Global Compact Network Canada](#) asserted that several of these firms "have come under global scrutiny for the way they operate outside Canada," with the [Canadian Network on Corporate Accountability](#) suggesting that such firms have been involved in "serious environmental damage."

According to [Mining Watch Canada](#)'s brief, certain Canadian mining and mineral exploration firms operating in a number of countries—including Argentina, Brazil, the Dominican Republic, Kyrgyzstan, Papua New Guinea and the Philippines—have been linked to "environmental harm," such as "hazardous substances" and "toxic spills" affecting the natural environment. The brief also speculated that environmental degradation resulting from mining activities could "persist for hundreds of years," with impacts on the health and well-being of local communities, and on "local and national development."

With a focus on Indigenous peoples in the Global South, [KAIROS: Canadian Ecumenical Justice Initiatives](#) argued that, "because of environmental racism and colonialism and for many other reasons," the foreign operations of Canadian mining and mineral exploration firms tend to occur near or on Indigenous territories. From [Mining Watch Canada](#)'s point of view, these firms have sought to expand their "global footprint," as well as to establish operations in remote Indigenous territories and "critical ecosystems," such as high-altitude grasslands in the Andes Mountains, the Amazon rainforest and glaciers.

Human Rights

The [Minister of International Trade, Export Promotion, Small Business and Economic Development](#) noted that, whether operating domestically or abroad, Canadian mining and mineral exploration firms must respect Canada's human rights standards, as well as those that exist internationally. Eval Minerals' [André Gauthier](#) contended that, from the perspective of such firms operating abroad, upholding "human rights is more than



essential.” [André Gauthier](#) also suggested that, unlike their counterparts from South Africa, the United Kingdom and the United States, Canadian mining and mineral exploration firms have an “obligation” to consider human rights when operating abroad. As well, in [André Gauthier](#)’s opinion, this obligation and the training opportunities provided within local communities lead “everyone” to want to work for Canadian mining and mineral exploration firms.

According to [Prospectors & Developers Association of Canada](#), Canadian mining and mineral exploration firms operating abroad “bring best practices [concerning human rights] to their operations,” and alleged human rights abuses involving these firms are not “rampant.” The [Mining Association of Canada](#)’s brief claimed that such firms both “continue to be held accountable for any wrongdoing” and “outperform” their counterparts from China and other countries in meeting high human rights standards.

Comparing the foreign operations of Canadian mining and mineral exploration firms to those of their Chinese counterparts, Eval Minerals’ [André Gauthier](#) asserted that Chinese firms “are just about the worst” concerning respect for human rights. André Gauthier also drew attention to allegations that human rights abuses committed by Chinese mining and mineral exploration firms operating abroad have affected the foreign operations of some Canadian firms. In particular, in commenting on a Chinese mining firm operating Las Bambas copper mine in Peru, André Gauthier argued that that anti-mining protests had been directed not only against that firm, but also against Canadian mining firms operating nearby.

The [Canadian Network on Corporate Accountability](#) provided a different perspective, suggesting that studies conducted by the Justice and Corporate Accountability Project and the Business & Human Rights Resource Centre on the operations of Canadian mining and mineral exploration firms in Latin America and other jurisdictions have concluded that—when compared to their foreign counterparts—those firms do not meet higher standards regarding human rights or the natural environment.

According to [Mining Watch Canada](#)’s brief, national security forces and private security firms guarding Canadian-owned mines in Africa, the Asia-Pacific region and Latin America have abused Indigenous peoples, defenders of human rights and the natural environment, and mine employees. The brief contended that these human rights abuses are “persistent” and “widespread globally.” As well, the brief mentioned a 2017 report published by the Justice and Corporate Accountability Project that found that—between 2000 and 2015—the foreign operations of 28 Canadian mining and mineral exploration firms were associated with about 40 deaths and approximately 400 injuries in Latin America.

Claiming that domestic oversight of the foreign operations of Canadian mining and mineral exploration firms is “flawed” and “voluntary,” the [Canadian Network on Corporate Accountability](#) asserted that some of these firms “get away with serious human rights abuses,” with these abuses affecting “a large number of people around the world.” Similarly, in [Mining Watch Canada](#)’s opinion, Canadian mining and mineral exploration firms are operating abroad with “impunity” and in a manner that “enables and drives further [human rights] abuses.”

The [Canadian Network on Corporate Accountability](#)’s brief suggested that certain Canadian mining and mineral exploration firms have faced “well-documented allegations” of human rights abuses relating to their operations in Guatemala, Papua New Guinea and Tanzania. The brief argued that national security forces and private security firms guarding Canadian-owned mines in those countries have committed acts of “bodily harm, death and gang rape” against Indigenous peoples, defenders of human rights and the natural environment, and those who oppose mining projects.

Providing the view that, in the last decade, global mining operations have been associated with more than 200 conflicts between national security forces and private security firms guarding foreign-owned mines on one hand and Indigenous peoples and defenders of human rights and the natural environment on the other hand, [KAIROS: Canadian Ecumenical Justice Initiatives](#) said that two Canadian mining firms have allegedly been involved in such conflicts in Argentina. As well, the [Justice & Corporate Accountability Project](#)’s brief speculated that these types of conflicts increase the “risk of harm for affected communities and [human rights defenders,] who face threats, kidnappings, and assassinations.”

From [Oxfam Canada](#)’s perspective, certain United Nations human rights committees “have repeatedly taken Canada to task over the impact [that] Canadian mining [operations have had] on [I]ndigenous peoples in other countries.” [Mining Watch Canada](#) and the [Canadian Network on Corporate Accountability](#)’s brief stated that, between 2007 and 2016, a number of United Nations committees—including the Human Rights Committee—issued reports, observations and recommendations identifying the involvement of Canadian mining and mineral exploration firms in human right abuses, including in their foreign operations.

In the view of [KAIROS: Canadian Ecumenical Justice Initiatives](#) and [Oxfam Canada](#), national security forces and private security firms guarding several Canadian-owned mines operating in Latin America have been linked to violence against women and girls. Moreover, [Mining Watch Canada](#)’s brief indicated that, in 2016, the United Nations’ International Committee on the Elimination of Discrimination Against Women expressed



concerns about certain Canadian mining and mineral exploration firms violating the human rights of women and girls in foreign jurisdictions.

Finally, the [Canadian Ombudsperson for Responsible Enterprise](#), the [Canadian Network on Corporate Accountability](#), [Global Compact Network Canada](#) and [Mining Watch Canada](#) mentioned certain legal cases filed in Canada by defenders of human rights and the natural environment, mining employees and other individuals against Canadian mining and mineral exploration firms allegedly involved in human rights abuses in foreign jurisdictions. [Mining Watch Canada](#) contended that, between 1997 and 2022, several cases were filed against current and former Canadian mining and mineral exploration firms—including Anvil Mining Limited, Barrick Gold Corporation, Cambior Inc., Hudbay Minerals Inc. and Nevsun Resource Ltd.—concerning alleged involvement in such abuses or harm to the natural environment.

SELECTED APPROACHES TO ENHANCING CORPORATE SOCIAL RESPONSIBILITY AND RESPONSIBLE BUSINESS CONDUCT

In speaking to the Committee about approaches to enhancing corporate social responsibility and responsible business conduct, witnesses made comments about the following topics: corporate social responsibility, responsible business conduct and related initiatives; the Canadian Ombudsperson for Responsible Enterprise; and diplomatic and other federal supports.

As well, witnesses discussed domestic legislation relating to the foreign operations of Canadian mining and mineral exploration firms. In particular, they mentioned the Government of Canada's potential introduction of legislation to eradicate forced labour from domestic supply chains and to ensure that Canadian firms operating abroad do not contribute to human rights abuses, and provided general comments about mandatory human rights and environmental due diligence legislation. Moreover, witnesses drew attention to three bills: Bill C-262, An Act respecting the corporate responsibility to prevent, address and remedy adverse impacts on human rights occurring in relation to business activities conducted abroad (hereafter, [Bill C-262](#)); Bill S-211, An Act to enact the Fighting Against Forced Labour and Child Labour in Supply Chains Act and to amend the Customs Tariff (hereafter, [Bill S-211](#)); and Bill C-263, An Act to establish the Office of the Commissioner for Responsible Business Conduct Abroad and to make consequential amendments to other Acts (hereafter, [Bill C-263](#)).¹

1 These bills were introduced in the 1st Session of the 44th Parliament.

Finally, witnesses spoke about foreign legislation regarding corporate social responsibility and responsible business conduct, as well as some of Canada's international human rights commitments.

Corporate Social Responsibility, Responsible Business Conduct and Related Initiatives

The [Minister of International Trade, Export Promotion, Small Business and Economic Development](#) explained that, in addition to “an entire regime of legal obligations” in the foreign jurisdictions in which Canadian mining and mineral exploration firms operate, these firms are subject to domestic requirements. The [Minister](#) stressed the Government of Canada's expectation that, regardless of the location of their operations, Canadian firms will adhere to all legal obligations, including in relation to responsible business conduct. Making similar comments, the [Canadian Ombudsperson for Responsible Enterprise](#) added that Canadian mining and mineral exploration firms operating abroad have a “duty to respect” two international guidelines: the *United Nations Guiding Principles on Business and Human Rights* and the *Organisation for Economic Co-operation and Development's Guidelines for Multinational Enterprises*.

The [Prospectors & Developers Association of Canada](#) claimed that, in the “vast majority of cases,” Canadian mining and mineral exploration firms—including those operating abroad—meet the highest standards concerning corporate social responsibility and responsible business conduct. Likewise, the [Mining Association of Canada's](#) brief asserted that Canada has “one of the strongest and most comprehensive approaches” to ensuring that its mining and mineral exploration firms “operate responsibly outside of its borders.” In [Global Compact Network Canada's](#) opinion, Canadian mining and mineral exploration firms should be subject to “[domestic] regulatory scrutiny and laws,” whether they are operating at home or abroad.

The [Justice & Corporate Accountability Project's](#) brief suggested that the Government of Canada's 2022 strategy for responsible business conduct in foreign jurisdictions is “virtually identical” to the country's corporate social responsibility strategies from 2009 and 2014, and argued that the 2022 strategy does not “outline concrete actions or obligations” to be taken or met by the Government of Canada or Canadian mining and mineral exploration firms operating abroad, respectively. In the [Canadian Network on Corporate Accountability's](#) view, the 2022 strategy is an approach that essentially advises such firms about risk management, relies on “voluntary guidelines,” and provides mediation services to address concerns about human rights and the natural environment.



The [Canadian Ombudsperson for Responsible Enterprise](#) noted discussions with the Mining Association of Canada and the Prospectors & Developers Association of Canada about options for helping Canadian mining and mineral exploration firms to “do a better job and be more responsible” regarding their foreign operations. The [Prospectors & Developers Association of Canada](#) highlighted its commitment to working with Global Affairs Canada, the Trade Commissioner Service, Natural Resources Canada, the Canadian Ombudsperson for Responsible Enterprise and others with the goal of ensuring that Canada's mining and mineral exploration sector “can continue to be a global leader in sustainable and responsible [business] practices.”

Export Development Canada [officials](#) commented that, since 2019, Export Development Canada has adopted a Human Rights Policy, developed Principles of Leverage and Remedy, and established an Environmental, Social and Governance Advisory Council. Moreover, the [officials](#) underscored that Export Development Canada has a “robust due diligence [process] for both environmental impacts and human rights impacts” that every potential transaction must undergo. The [officials](#) also remarked that this process continues throughout Export Development Canada’s relationship with clients.

From [Prospectors & Developers Association of Canada](#)’s perspective, its framework for responsible exploration and the Mining Association of Canada’s sustainable mining initiative aim to “accelerate the adoption of best practices in regions that may have less regulatory oversight [than Canada] and to export Canadian values abroad.” The [Mining Association of Canada](#)’s brief contended that the implementation of its sustainable mining initiative by more than 200 mining firms globally is a “testament to how Canada is raising the bar internationally.” Furthermore, according to the brief, a key priority of the Minerals Security Partnership is advancing—“as a competitive advantage in mineral-rich regions of the world”—measures relating to environmental, social and governance factors that affect investment decisions and human rights.

Noting that the Prospectors & Developers Association of Canada’s framework for responsible exploration and the Mining Association of Canada’s sustainable mining initiative are “voluntary measures,” [Mining Watch Canada](#) suggested that consequences are needed in order for Canadian mining and mineral exploration firms to “take [such measures] seriously.” [Oxfam Canada](#) claimed that a sole reliance on voluntary measures regarding corporate social responsibility and responsible business conduct is “bad business and bad diplomacy.”

The Canadian Ombudsperson for Responsible Enterprise

The [Minister of International Trade, Export Promotion, Small Business and Economic Development](#) emphasized that the Government of Canada will consider the views of various stakeholders as it considers “the future of the [Canadian Ombudsperson for Responsible Enterprise’s] work.” Focusing on potential additional authorities, the [Canadian Ombudsperson for Responsible Enterprise](#) stated that having the authority to compel witnesses and documents would achieve three objectives: ensure effective “access to remedy” for individuals and communities affected by the foreign operations of Canadian firms in the garment, mining and mineral exploration, and oil and gas sectors; “incentivize” firms to participate voluntarily in the complaint process; and demonstrate that Canada is meeting its “obligation” to ensure that “access to remedy is part of corporate accountability for human rights and the environment.”

Similarly, the [Canadian Network on Corporate Accountability](#) and [Mining Watch Canada](#) called on the Government of Canada to provide the Canadian Ombudsperson for Responsible Enterprise with the authority to compel witnesses and documents, with the latter stressing that—in 2018—the Government of Canada had “committed” to doing so. The [Canadian Network on Corporate Accountability](#) asserted that the Canadian Ombudsperson for Responsible Enterprise is not “effective” without this authority.

[KAIROS: Canadian Ecumenical Justice Initiatives](#) advocated authorities that would be sufficient for the Canadian Ombudsperson for Responsible Enterprise to “pursue justice for those who cannot do [so],” with [Mining Watch Canada](#)’s brief proposing authorities that would lead to “an effective non-judicial option” for people who seek remedy for harm associated with the foreign operations of Canadian mining and mineral exploration firms. Moreover, [United Steelworkers](#) supported “investigative and enforcement powers” that would enable the Canadian Ombudsperson for Responsible Enterprise to perform effectively.

In [Mining Watch Canada](#)’s opinion, there are “lots of problems” with the manner in which the role of Canadian Ombudsperson for Responsible Enterprise was established. According to [Justice & Corporate Accountability Project](#)’s brief, the Canadian Ombudsperson for Responsible Enterprise lacks independence from Global Affairs Canada. Furthermore, the [Canadian Network on Corporate Accountability](#) argued that, as of 13 February 2023, the Canadian Ombudsperson for Responsible Enterprise had not “fulfilled” the purpose of ensuring that “people are not left on their own” when human rights abuses and harm to the natural environment are associated with the foreign operations of Canadian mining and mineral exploration firms.



Concerning complaints about human rights abuses, the [Canadian Ombudsperson for Responsible Enterprise](#) stated that—as of 13 February 2023— there were 15 complaints, adding that “there are 13 in the Xinjiang region, and two of those are mining companies.” In [Mining Watch Canada](#)’s view, although the role of Canadian Ombudsperson for Responsible Enterprise has existed for five years, no cases have been completed in relation to such firms. Similarly, [Oxfam Canada](#) suggested that the Canadian Ombudsperson for Responsible Enterprise “has yet to fully investigate” any such firms.

Diplomatic and Other Federal Supports

With a focus on the diplomatic and other federal supports provided to Canadian mining and mineral exploration firms operating abroad, Eval Minerals’ [André Gauthier](#) drew attention to collaboration with Canada’s embassies. In particular, [André Gauthier](#) asserted that these embassies help Canadian firms operating abroad, and—in some cases—“monitor” such firms. [André Gauthier](#) claimed that the relationship between Canadian mining and mineral exploration firms and the local communities in which they operate abroad is “important,” and indicated that Canada’s ambassador in a foreign country “attends to that [relationship].”

From [Mining Watch Canada](#)’s perspective, Canada’s embassies support Canadian mining and mineral exploration firms operating abroad when such firms are “threatened through reputational risk.” As well, [Mining Watch Canada](#) noted that it “very often alert[s]” Canada’s embassies about human rights and environmental issues involving these firms, adding that it has to “push to get a meeting at all” with an embassy official about these issues. Moreover, the [Justice & Corporate Accountability Project](#)’s brief argued that Canada’s embassies, trade commissioners and senior federal officials “often continue to support and defend” such firms “amid strong community opposition, significant levels of violence and criminalization, and credible evidence of environmental contamination.”

Regarding Mexico and the supports available to defenders of human rights and the natural environment, [Mining Watch Canada](#)’s brief contended that the Embassy of Canada to Mexico “did not act to protect” Mariano Abarca—a Mexican community leader who opposed the Blackfire Exploration’s mine in Chicomuselo, Mexico—“when warned that his life and safety were in danger.” The [Justice & Corporate Accountability Project](#)’s brief suggested that Canada’s “diplomatic approach” to those affected by the foreign operations of Canadian mining and mineral exploration firms has “often elevated the risk” for defenders of human rights and the natural environment.

The [Minister of International Trade, Export Promotion, Small Business and Economic Development](#) stated that, regarding human rights violations, the Government of Canada is working with Canadian mining and mineral exploration firms to ensure that their supply chains are “clean,” and indicated that all Canadian firms must provide a declaration to the Trade Commissioner Service and to Export Development Canada in order to receive services. Similarly, Global Affairs Canada [officials](#) highlighted the requirement to sign declarations. Furthermore, the [officials](#) remarked that the Government is considering how to examine the foreign operations of Canadian firms, raise awareness about the business conduct “risks” when operating abroad and help firms “mitigate those risks.”

According to the [Mining Association of Canada](#)’s brief, Canada is the world’s only country that “imposes consequences” on its mining and mineral exploration firms if they do not participate “in good faith” in certain dispute-resolution processes relating to their “conduct.” In particular, the brief identified such consequences as potential loss of “enhanced diplomatic and trade commissioner support,” and of financial support from Export Development Canada.

Commenting on Export Development Canada’s “due diligence process,” Export Development Canada [officials](#) underscored that “boots [will be put] on the ground” to “verify the circumstances” when there are concerns about human rights violations by Canadian mining and mineral exploration firms that have received Export Development Canada financing. The [officials](#) added that, on a number of occasions, Export Development Canada has not provided financing. However, the [Canadian Network on Corporate Accountability](#) claimed that there are “eight cases in which [Export Development Canada] funding was granted” to Canadian mining and mineral exploration firms operating abroad that had been “accused of human rights violations.”

[Mining Watch Canada](#) asserted that the Trade Commissioner Service’s supports provided to Canadian mining and mineral exploration firms operating abroad are “ongoing in all cases” where such firms abuse human rights or harm the natural environment. Mining Watch Canada explained that firms are required to sign “an integrity assessment or agreement” when receiving support from the Trade Commissioner Service. Moreover, Mining Watch Canada contended that it sometimes experiences challenges in holding the Government of Canada “to account” for supporting a particular firm, including in very “egregious” cases, because information about whether a firm has signed such a document is considered to be confidential.



Domestic Legislation

The [Minister of International Trade, Export Promotion, Small Business and Economic Development](#) described “ongoing” work on a potential bill to eradicate forced labour from Canadian supply chains, and highlighted the Government of Canada’s support for “some complementary work ... in a private member’s bill.”

In the [Canadian Network on Corporate Accountability’s opinion](#), Canada currently has no legislation that obliges Canadian mining and mineral exploration firms to respect—and “take any step” to prevent violations relating to—human rights and the natural environment, and that facilitates access to remedy for those affected by such violations. As well, describing a potential “robust response” to human rights violations by such firms operating abroad, the [Canadian Network on Corporate Accountability’s](#) brief advocated legislation that would: require firms to “prevent human rights violations and undertake due diligence”; help those affected by human rights violations to have access to remedy; and apply to all human rights.

The [Canadian Ombudsperson for Responsible Enterprise](#), [United Steelworkers](#), [Mining Watch Canada](#) and [Oxfam Canada](#) supported the enactment of domestic legislation concerning mandatory human rights and environmental due diligence. [Mining Watch Canada’s](#) brief suggested that such legislation should require Canadian mining and mineral exploration firms operating abroad to take the following actions: prevent human rights violations and harm to the natural environment; regularly review and identify risks that could give rise to human rights violations; report publicly on—and address—any risks identified; and ensure “access to Canadian courts” for those alleging that such firms have violated human rights and/or harmed the natural environment.

Regarding Bill C-262, [United Steelworkers](#) argued that the bill is “at the heart of addressing [human rights and environmental] concerns ...” [Mining Watch Canada](#) called on the Government of Canada to implement “mandatory human rights and environmental due diligence legislation, as detailed” in Bill C-262. As well, [Oxfam Canada](#) asserted that the enactment of Bill C-262 would achieve the “comprehensive due diligence framework” that Canada needs.

In the [Canadian Ombudsperson for Responsible Enterprise’s](#) view, the enactment of Bill S-211 would be a “first step forward in strengthening respect for human rights” by Canadian mining and mineral exploration firms operating abroad. The Canadian Ombudsperson for Responsible Enterprise proposed that Bill S-211 could be improved through amendments in four areas: labour trafficking; certain regulation-making authorities; reporting requirements; and oversight mechanisms.

According to the [Canadian Network on Corporate Accountability](#), the enactment of Bill S-211 would not “help to address corporate abuse.” [United Steelworkers](#) made a similar comment and—like [Mining Watch Canada](#)—contended that the bill would not “create a legal obligation” to stop child labour and forced labour, or provide access to remedy. The [Canadian Network on Corporate Accountability](#) claimed that, although the bill’s enactment would require Canadian firms to report annually on any steps taken to “identify, mitigate and address forced labour and child labour in their supply chains,” firms would not “actually [be required to] take any [such] steps.” Furthermore, [United Steelworkers](#) speculated that the bill’s enactment could harm the “movement towards increased corporate accountability by being pitched as enough and used as an excuse to stop further work on this file.”

Regarding Bill C-263, [Oxfam Canada](#) and [United Steelworkers](#) suggested that the enactment of the bill would strengthen the role of the Canadian Ombudsperson for Responsible Enterprise.

Foreign Legislation and International Commitments

With a focus on foreign legislation relating to corporate social responsibility and responsible business conduct, the [Canadian Network on Corporate Accountability](#) asserted that a number of jurisdictions are “increasingly recognizing” the importance of “meaningful measures to address corporate malfeasance.” Providing examples, the [Canadian Network on Corporate Accountability](#) commented that France and the Netherlands are “quite seriously” seeking to ensure the existence of legislation requiring firms headquartered in their country to respect human rights.

In relation to Canada’s international commitments regarding human rights, [Mining Watch Canada](#) remarked that, in 2016, the United Nations Committee on Economic, Social and Cultural Rights required Canada to “develop a legal framework that affords legal remedies to people who have been victims of activities of [Canadian mining and mineral exploration firms] operating abroad.” Likewise, the [Canadian Network on Corporate Accountability](#) underlined that the United Nations has called on the Government of Canada to implement legislation that would require mining and mineral exploration firms to respect human rights and ensure access to remedy for people affected by human rights violations arising from these firms’ operations.

THE COMMITTEE’S THOUGHTS AND RECOMMENDATIONS

As noted in the Introduction, Canada’s mining and mineral exploration sector is an important contributor to the country’s gross domestic product, with hundred of



thousands of jobs associated with its activities and a high value of exports. The Committee is aware that the manner in which Canada's firms operate—both at home and abroad, and including in relation to respecting human rights and not harming the natural environment—affects the country's international reputation and its economic interests. In particular, the business conduct of Canadian mining and mineral exploration firms operating abroad is often scrutinized.

At least partly because of the substantial number of mining and mineral exploration firms headquartered in Canada, the country could have an important and enduring leadership role in promoting and enhancing corporate social responsibility and responsible business conduct, and in setting standards concerning human rights and the natural environment. The Committee acknowledges the existence of federal and private-sector measures designed to ensure that mining and mineral exploration firms meet high standards. From the perspective of such firms, these measures send a vital signal about the priority that the Government of Canada and their sector gives to meeting high standards. From the perspective of local employees and the communities in which these firms operate, the measures can help to address concerns relating to human rights and the natural environment.

Finally, regardless of the current extent to which Canadian mining and mineral exploration firms operating abroad are meeting high standards, oversight and accountability are key to ensuring corporate social responsibility and responsible business conduct. The Committee recognizes the Canadian Ombudsperson for Responsible Enterprise's oversight role, and stresses that ongoing evaluation of the incumbent's authorities—including in relation to reviewing complaints—could help to ensure that Canada is meeting domestic and international expectations concerning Canadian mining and mineral exploration firms' respect for human rights and prevention of harm to the natural environment.

In the context of the foregoing, the Committee recommends:

Recommendation 1

That the Government of Canada, in consultation with relevant stakeholders, consider new or modified strategies, policies and other measures that would further promote and enhance corporate social responsibility and responsible business conduct in the foreign operations of Canadian firms, including those in the mining and mineral exploration sector.

Recommendation 2

That the Government of Canada undertake a review of the authorities of, and explore all options for expanding the mandate of, the Canadian Ombudsperson for Responsible Enterprise. The goal of this review is to ensure that the Ombudsperson is able to review complaints—adequately and in a timely manner—relating to alleged violations of human rights and harm to the natural environment associated with the foreign operations of Canadian firms falling within the Ombudsperson’s mandate. This review should involve consultations with relevant stakeholders.

APPENDIX A LIST OF WITNESSES

The following table lists the witnesses who appeared before the committee at its meetings related to this report. Transcripts of all public meetings related to this report are available on the committee’s [webpage for this study](#).

Organizations and Individuals	Date	Meeting
MiningWatch Canada Catherine Coumans, Research Coordinator	2023/02/06	47
Oxfam Canada Ian Thomson, Manager of Policy	2023/02/06	47
Prospectors and Developers Association of Canada Jeff Killeen, Director, Policy and Programs Lisa McDonald, Executive Director	2023/02/06	47
As an individual André Gauthier, Geologist, Eval Minerals	2023/02/09	48
Global Compact Network Canada Rumina Dhalla, Board Chair	2023/02/09	48
KAIROS: Canadian Ecumenical Justice Initiatives Silvia Vasquez-Olguin, Coordinator, Latin America, Gender Justice and Extractivism	2023/02/09	48
United Steelworkers Union Meg Gingrich, Assistant to the National Director	2023/02/09	48
Canadian Network on Corporate Accountability Emily Dwyer, Policy Director	2023/02/13	49
Export Development Canada Rachel Guthrie, Vice-President, ESG Strategy, Outreach and Reporting Sophie Roy, Vice-President, ESG Customer Success Group	2023/02/13	49

Organizations and Individuals	Date	Meeting
Office of the Canadian Ombudsperson for Responsible Enterprise Sheri Meyerhoffer, Ombudsperson	2023/02/13	49
Department of Foreign Affairs, Trade and Development Rob Stewart, Deputy Minister, International Trade Sara Wilshaw, Chief Trade Commissioner Hon. Mary Ng, P.C., M.P., Minister of International Trade, Export Promotion, Small Business and Economic Development	2023/03/27	55
Department of Industry Charles Vincent, Assistant Deputy Minister, Small Business and Marketplace Services	2023/03/27	55

APPENDIX B LIST OF BRIEFS

The following is an alphabetical list of organizations and individuals who submitted briefs to the committee related to this report. For more information, please consult the committee's [webpage for this study](#).

Canadian Network on Corporate Accountability

Justice and Corporate Accountability Project

Mining Association of Canada

MiningWatch Canada

REQUEST FOR GOVERNMENT RESPONSE

Pursuant to Standing Order 109, the committee requests that the government table a comprehensive response to this report.

A copy of the relevant *Minutes of Proceedings* (Meetings Nos. [47](#), [48](#), [49](#), [55](#), [67](#) and [72](#)) is tabled.

Respectfully submitted,

Hon. Judy A. Sgro
Chair

DISSENTING REPORT - BLOC QUÉBÉCOIS

TECHNICAL ISSUES

Simon-Pierre Savard-Tremblay, International Trade Critic for the Bloc Québécois, and Vice-Chair of the Standing Committee on International Trade, points out a number of shortcomings in the process of drafting and adopting the report.

Firstly, on several occasions in the text, the vocabulary used does not reflect the reality of the testimonies and contributes to undermining the witnesses' assertions, notably by using the verb "to suggest" to introduce a clearly stated element. We cite the following 2 examples:

- Paragraph 23 states that the Canadian Network on Corporate Accountability is « suggesting that studies conducted by the Justice and Corporate Accountability Project and the Business & Human Rights Resource Centre on the operations of Canadian mining and mineral exploration firms in Latin America and other jurisdictions have concluded that—when compared to their foreign counterparts—those firms do not meet higher standards regarding human rights or the natural environment.”
In their testimony on February 13, 2023, they stated that «Statistics do not show that Canadian mining companies are better than others around the world. [...] For instance, a study conducted in Latin America by the Justice and Corporate Accountability Project shows that 28 Canadian mining companies were linked to 44 deaths and over 400 injuries between 2000 and 2015. In addition, studies by the Business & Human Rights Resource Centre also revealed that attacks against defenders of human rights and the environment are certainly more dangerous in the mining sector. [...] In my opinion, the statistics answer that question.”
- Paragraph 26 states that “The Canadian Network on Corporate Accountability’s brief suggested that certain Canadian mining and mineral exploration firms have faced “well-documented allegations” of human rights abuses relating to their operations in Guatemala, Papua New Guinea and Tanzania.”
A look at the brief reveals that the CNCA clearly states that “Canadian mining companies operating abroad are linked to serious human rights violations and environmental damage around the world. For example, there are well-documented allegations of serious bodily harm, death and gang rape linked to security personnel and/or police at Canadian mines in Tanzania, Papua New Guinea and Guatemala.”

In addition, information crucial to understanding the issue at hand was requested but not received. In fact, during the testimony of the Minister of International Trade, Export Promotion, Small Business and Economic Development, Mary Ng, on March 27, 2023, the Bloc Québécois asked what the requirements were for a company to be legally recognized as a Canadian mining company. As the Minister did not have the answer, the Chair asked her to send the information in writing, which was not done.

We should also mention the hasty adoption of the final report: after debating the recommendations, and with the hour scheduled for studying the report almost up, the

Chairman decided not to read out the report paragraph by paragraph, and to proceed directly to its adoption. This was done extremely quickly, leaving little time for members wishing to review extracts to react. This haste is all the more problematic in that the changes were numerous compared to the previous version.

POLITICAL ISSUES

In addition to these technical considerations concerning the errors noted in the report's drafting process, there are political concerns. The Bloc Québécois, which initiated the study in question, does not wish to see the voices warning of the abuses of the foreign mining industry diluted or sidelined. More than 10 years ago, the Bloc Québécois tabled a bill to create a Commission of Inquiry into Mining Activities Abroad, independent of political power and empowered to conduct its own investigations. This was defeated, but was a far more interesting option than the symbolic ombudsman that the Trudeau government has created to pretend to follow up on the demands of civil society organizations. This ombudsman is no more than a complaints office with no concrete effect. It was also ironic to hear the ombudsman refer to Bill S-211 as a first step towards strengthening human rights by Canadian mining and exploration companies. Shouldn't he consider its creation as such a first step? Is this not an admission of futility?

Other unfortunate issues were also addressed, but the Committee deplorably refused to adopt the necessary recommendations. One of these concerns was the origin of mining operations. Several organizations pointed out that Canada was a veritable flag of convenience, and that it was enough to register in Canada to present oneself as Canadian, and thus enjoy tax and speculative advantages (guaranteed by the Toronto Stock Exchange), as well as the legal laxity in force in Ottawa.

Another example is the financing provided by Export Development Canada to supposedly Canadian mining companies abroad. It soon became clear that no real checks were carried out on how the money was spent, and that companies that violated human, social and environmental rights could indeed receive money from EDC. Canadian diplomats echoed this view: while we have heard many accounts of the complicity and unlimited support of Canadian embassies abroad, a real investigation could certainly be set up.

Finally, there is the question of the legislative framework. Bill S-211, mentioned by several speakers at the Committee's hearings, offers only a reporting obligation. S-211 in no way obliges companies to respect human rights, prevent harm or take due diligence measures. It imposes no consequences in the event of a company's failure to comply, does not establish any verification of the reports filed annually, and does not address the right of aggrieved individuals to obtain reparation or justice for harm suffered. It applies only to companies with over 250 employees, significant revenues or assets, and is limited to the issue of forced and child labor. It's also a safe bet that the government will use this symbolic measure to rest on its laurels and abandon all vigilance.

The Bloc Québécois supports the adoption of a due diligence law with teeth, in terms of rights (human, social, environmental or health), vis-à-vis Canadian companies. Such a law would: 1) would require companies to prevent negative impacts on human rights and the environment throughout their global operations and supply chains; 2) would require companies to exercise due diligence, including carefully assessing how they might contribute to human rights or environmental abuses abroad, and guaranteeing access to remedies in the event of harm ; 3) would have significant consequences for companies that fail to conduct and report on adequate due diligence; and 4) would establish a statutory right for aggrieved persons to seek justice in Canadian courts. As such, Bill C-262, tabled by the NDP and co-sponsored by the Bloc Québécois MP for Saint-Hyacinthe-Bagot and International Trade Critic, is very much in keeping with what a true due diligence legal framework is all about.

Dissenting Report

New Democratic Party of Canada

The New Democratic Party of Canada is disappointed the Standing Committee on International Trade chose to ignore testimony from several witnesses to the effect that vital work of the Canadian Ombudsperson for Responsible Enterprise (CORE) is hampered by that office's inability to summon witnesses and compel the production of documents.

When appearing before the committee on February 13, 2023 Sheri Meyerhoffer, Ombudsperson, Office of the Canadian Ombudsperson for Responsible Enterprise, stated in her opening remarks;

“My third and final remark is that Canada has the capacity to strengthen effective redress for human rights and environmental harms arising from the operations of Canadian mining companies outside of Canada. This can be done by providing the CORE with the power to compel documents and witnesses.

I referred earlier to the United Nations Guiding Principles on Business and Human Rights. Those principles recognize the duty of states, including Canada, to ensure effective access to remedy for impacted individuals and communities.

The CORE currently has the power to conduct investigations, engage in mediation and, when appropriate, make remedial recommendations to Canadian companies and others. We also have a duty to report publicly and to follow up on our recommendations. These powers can have a positive impact. However, the CORE does not currently have the power to order Canadian companies to produce documents or witnesses. With these additional powers the CORE would have a greater positive impact.

Specifically, a CORE with powers to compel documents and witnesses would, first, provide access to effective remedies for impacted individuals and communities who do not have access to relevant information and who may face retaliation for exercising their rights. Second, it would incentivize Canadian companies to voluntarily participate in the CORE's complaint process, including by using consensual dispute resolution such as early resolution and mediation. Lastly, it would demonstrate that Canada is meeting its obligation to ensure that access to remedy is part of corporate accountability for human rights and the environment.”

Under questioning by the Hon. John McKay, Ms. Meyerhoffer said, “Some companies have refused to participate in our process. Having the power to compel witnesses and documents would provide my office with the powers needed to require company participation and avoid the need for human rights allegations to go to courts, a process that is less accessible and is expensive.

I think we have some indication now that not all companies are going to engage. The only way we could move forward and do a true, thorough job would be to have those powers. With others, I'll reiterate that our hope is that in most cases, and we're experiencing that now, we are able to work in a co-operative and productive manner with companies to address the issue, but that's not every situation, and we already have evidence of that.”

Ms. Meyerhoffer was not the only witness to call for increased powers for CORE. On February 6, 2023 in response to questions from MP Tony Baldinelli, MiningWatch Canada’s Research Coordinator Catherine Coumans detailed that the power to summon witnesses and compel the production of documents was part of the original concept of CORE;

“Yes, that's going back a ways. I think it's a very important question, because in 2018, the Government of Canada made a commitment, in the creation of the Canadian ombudsperson for responsible enterprise, that this officer would have the investigatory powers to compel documents and witnesses, yet a year later, when Sheri Meyerhoffer was installed as the first ombudsperson, she was not given those powers.

It was on the Government of Canada's website that she would have these powers. She in fact took the position assuming that she would have those powers. She was not given those powers. This is critically important.

There was an erosion of the commitment that had been made compared to what actually ended up happening when she was installed because there was a huge lobbying effort against those powers. This was right in the public realm. The Mining Association of Canada made public statements in the media saying that they opposed the ombudsperson having those powers.

The reason it's so critically important for her to have those powers is that without them, you have a he-said, she-said situation. The community says that their animals are dying when they drink from this river, that they can't bathe in the river, that they get sores. The company says that they've done testing and it's fine, but they don't have to provide those documents.”

When questioned by MP Simon-Pierre Savard-Tremblay as to whether she thought the CORE had sufficient powers, Ms. Coumans replied, “No. We do not believe she does, because she still does not have the powers, five years after her office was created, to compel witnesses and compel documents. That was something that the Government of Canada recognized as critically important, and it committed that she would have those powers when the office was first announced.”

In addition to the testimony heard by the committee a June 2021 report by the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development agreed, “that it is absolutely urgent for impacted communities and workers around the

world to have access to an effective mechanism to help redress and remedy harms that they have suffered. The Subcommittee is of the view that it is theoretically possible, as a stopgap measure, that the current Ombudsperson could be appointed as a commissioner under Part I of the *Inquiries Act*, which would immediately give her the power to compel witnesses and documents.”

In 2019, the Minister for International Trade at the time commissioned Ontario lawyer Barbara McIsaac to provide advice on how best to equip the CORE “with sufficient tools to engage in credible and effective investigations of alleged human rights abuse and to ensure that she has powers to compel witnesses and documents.” In that report Ms. McIsaac wrote, “...without a way to compel the cooperation of entities against which a complaint is made, or others who may hold relevant information, the CORE’s effectiveness may be compromised.”

These two examples are just the proverbial tip-of-the-iceberg. Since its creation there have been multiple calls and recommendations for CORE to be provide the powers to compel witnesses and documents. In paying attention to these calls, the New Democratic Party of Canada recommends:

Recommendation:

The Government of Canada increase the authorities of the Canadian Ombudsperson for Responsible Enterprise to include the power to summon witnesses and to compel the production of relevant documents.

