



LISTENING TOUR REPORT





OVERVIEW

The Canadian Ombudsperson for Responsible Enterprise (CORE) is the first of its kind. Our office is uniquely positioned to review alleged human rights abuses, allow communities to access remedy, and ultimately achieve greater respect for human rights in the context of Canadian company operations abroad in the oil and gas, mining, and garment sectors.

As the starting point for our work, we launched a consultation process in May 2019 to hear from our public, private, and plural stakeholders regarding our mandate. We listened carefully to their expectations, concerns, input, and advice to learn from past experience and how to most effectively implement our mandate.

Everyone we spoke with agreed on the necessity of respecting human rights and that following international norms and standards, such as the [UN Guiding Principles for Business and Human Rights](#) [FR; ES] and the [OECD Guidelines for Multinational Enterprises](#) [FR; ES] will guide us to achieving this goal. The distinctions in what we heard from different stakeholders centred on how to go about reaching that goal.

The listening tour is foundational to our office, providing direction that is shaping our priorities and informing our approach. Although stakeholder consultations are ongoing, this report reflects what we heard to date. It outlines:

- Our consultation process
- Who we spoke to
- What we heard
- What we learned
- How this is shaping our work

KEY STAKEHOLDER GROUPS

> Public

Includes governments, government institutions, and government bodies both domestic and international, including Indigenous governments.

> Private

Includes Canadian companies in the garment, mining and oil and gas sectors, their subsidiaries, contractors and subcontractors, and other supply chain partners.

> Plural

Includes individuals, communities, groups, and civil society organizations who represent them, including Indigenous communities and organizations.



SUMMARY: WHAT WE HEARD

Shared Perspectives

- It is important to respect human rights as part of responsible business conduct.
- Canadian companies can and must improve practices to identify, address, and remedy human rights abuses linked to their operations.
- We can improve human rights practices by promoting international standards

- It is important to keep individuals and communities safe and prevent harm--in general, but also in the context of a CORE review.
- Relationships, network-building, and collaboration are central in efforts to increase respect for human rights in responsible business conduct.

- The need to clarify CORE's unique role, how it is different from other bodies.

- The necessity for reviews to be fair and impartial.

Differing Perspectives

- Whether voluntary measures are sufficient or stronger measures are needed.
- Whether dialogue/mediation is an effective means for resolving human rights issues.

- Balancing protections for complainants and others through anonymity while preventing potential harms from unfounded claims against companies.

- Whether the scope of CORE's mandate and powers are sufficient.

- How CORE can achieve fairness.



THE LISTENING TOUR: OUR CONSULTATION PROCESS

In May 2019, the Canadian Ombudsperson for Responsible Enterprise, Sheri Meyerhoffer, initiated in-depth discussions and relationship building activities with a diverse range of stakeholders. The objective was to have open conversations and listen to stakeholders' perspectives about:

- **CORE's mandate** and expectations, concerns, and advice about our organization, what we should prioritize, and how we should operate;
- **Issues and challenges** that CORE should be aware of in implementing our mandate within specific sectors, regions, or contexts; and
- **The way forward** to improve respect for human rights as part of responsible business conduct.

The listening tour involved conversations with over 200 domestic and international stakeholders across Canada and the world, including public stakeholders such as government institutions and officials, private stakeholders such as industry representatives, and plural stakeholders such as communities and civil society organizations, including Indigenous organizations. This includes four organizations and experts focused on gender equality and women's issues across various stakeholder categories.

WHO WE SPOKE TO



TOTAL: 233

Legend: ■ Public ■ Plural ■ Private



WHAT WE HEARD

Overall, there was agreement that respect for human rights as part of responsible business conduct is important, that Canadian companies can and must improve practices to identify, address, and remedy human rights abuses linked to their operations. We received a lot of positive feedback about CORE's role in promoting international standards such as the [United Nations Guiding Principles \(UNGP\) on Business and Human Rights \[FR; ES\]](#), [OECD Guidelines for Multinational Enterprises \[FR; ES\]](#), and [international treaties for the protection of human rights \[FR\]](#).

Our Mandate

We received a lot of helpful feedback about our mandate. All three stakeholder groups were unsure about what CORE is mandated to do, and how we are different from other bodies, such as the [National Contact Point \[FR\]](#).

Our *plural stakeholders* raised concern that CORE does not currently have the powers it needs to effectively fulfill its mandate. In particular, they were concerned about CORE's lack of powers to compel documents and witnesses during a review, and the lack of a legislative basis for CORE's mandate.

Indigenous governments and organizations wanted to know more about how CORE will interpret its mandate to protect the rights of Indigenous Peoples.

By contrast, our *private stakeholders* were concerned about further expansion of CORE's current scope of authority, and that powers to compel information might cause harm to companies. Specifically, there

was concern that sensitive information obtained by CORE will not be protected from disclosure and might be used later in other proceedings. Private stakeholders also felt there are too many organizations focused on business and human rights and responsible business conduct overall.

Issues & Challenges: Shared Perspectives

All three stakeholder groups recognized that human rights abuses are complex in terms of their causes and consequences, and identified different challenges to us:

- Our *private stakeholders* helped us to understand challenges they face in the local operating context that complicate their harm reduction efforts.
- Our *public* and *plural stakeholders*, including experts and organizations focused on women's issues, helped deepen our knowledge of the challenges of addressing human rights abuses and their intersection with other societal challenges, such as poverty and human trafficking. Transformative action is needed.

A major theme that emerged was keeping individuals and communities safe and preventing harm. Organizations across all stakeholder groups agreed on the importance of this issue both in general as well as in the context of CORE's role in reviewing alleged human rights abuses.

Discussions with our *private stakeholders* focused on identifying specific challenges in community harm-reduction efforts and seeking CORE's advice on addressing them.



Our *plural* and *public stakeholders* emphasized that CORE should focus on the needs, protections, and well-being of vulnerable and underserved communities in fulfilling our mandate.

Another major theme raised by all three stakeholder groups was making sure that CORE's review mechanism will be fair and will not favour one party over another. Different stakeholder groups articulated different concerns that were not incompatible. Our *plural stakeholders* were focused on facilitating access to remedy and addressing power imbalances through CORE's review mechanism. They emphasized the use of technology in achieving this objective. Our *private stakeholders* were focused on the handling and disclosure of confidential information during the review process and on potential adverse impacts of the review process on companies or organizations.

The Way Forward

We received a very clear message from all of our stakeholders that the way in which we implement our mandate is central to our effectiveness. Our stakeholders expressed different perspectives about how CORE can most effectively improve respect for human rights as part of responsible business conduct.

Organizations across all three stakeholder groups advised us to focus on relationships and network-building. Everyone agreed that we should adopt a collaborative approach to our work.

Our *plural stakeholders* further emphasized the importance of leveraging networks as a way to reach vulnerable populations, with Indigenous governments

and organizations emphasizing the importance of engaging both the community and engaging Indigenous experts in CORE reviews.

Our *plural* and *public stakeholders* also advised us to adopt a community-focused approach to protect the human rights of underserved populations, as well as to focus on the needs and well-being of vulnerable populations both in the context of a review and over the long-term.

Perspectives across stakeholder groups diverged on two strategies: voluntary approaches and dialogue.

Our *private stakeholders* preferred voluntary, industry-led approaches to encourage respect for human rights. They preferred dialogue and mediation as a means for resolving human rights issues.

By contrast, our *plural* and some of our *public stakeholders* were vocal that voluntary approaches are not working, and that stronger mechanisms are needed to encourage respect for human rights and responsible business conduct. Options offered included legislation, financial measures, mandatory disclosures, and due diligence requirements. Many *plural stakeholders* have lost confidence in dialogue and mediation as a way to achieve justice for those impacted by Canadian companies abroad; nevertheless, mediation was acknowledged as part of CORE's mandate.



WHAT WE LEARNED

Here are the key messages from our listening tour:

- 1 Relationships with stakeholders are fundamental to our work.**
- 2 Increased clarity about our mandate is needed.**
- 3 Focus on mitigating risks and harms for all parties involved in a review is needed.**
- 4 Fairness is extremely important, but it means different things to different stakeholders.**
- 5 Stakeholders share some perspectives, but there are also important differences, in particular, concerning the role of voluntary approaches and the need for more stringent measures to encourage respect for human rights.**
- 6 General support for CORE exists, with disagreement about CORE's likely effectiveness given the current lack of powers to compel.**
- 7 Agreement and willingness exists to improve respect for human rights as part of responsible business conduct.**
- 8 The way we deliver on our mandate is key to generating broader support and trust for CORE.**

We have incorporated these insights into our organization through...

OUR VALUES,
which guide the way we operate.

Independence: We operate at arms-length from other federal organizations.

Fairness and impartiality:
We represent the public interest in protecting human rights; our processes are just and objective.

Transparency and accountability:
Our processes are transparent; we communicate clearly and openly with our stakeholders and publish the results of our work.

Accessibility:
Our process is informal, inclusive and easy to use.

OUR PRIORITIES,
which identify key areas of focus in our work.

Compliance and Dispute Resolution Mechanism:
We are focused on compliance and dispute resolution processes that are accessible, timely, fair, transparent and impartial.

Engagement:
We are focused on building relationships with stakeholders that reflect respect, trust and transparency to strengthen perceptions of CORE as an independent, impartial and authoritative Ombud.

Policy & Research:
We are focused on achieving transformative action in the business and human rights policy space for impacted individuals and communities, Canadian



companies and government through evidence-informed and rights-based recommendations and promotion of best practices to advance international human rights standards and responsible business practices.

Organizational Effectiveness:

CORE has been endowed with unique powers and we remain committed to expand our resources as required to continue to establish CORE’s status as an independent, effective, respected organization.

NEXT STEPS

COVID-19 has created certain challenges, but we have and will continue to consult with our stakeholders through available means, and have adjusted our timelines for the launch of our compliance and dispute resolution mechanism.

Over the coming months we will continue to engage our stakeholders as we work towards the launch of our compliance and dispute resolution mechanism. Stay tuned for further updates about our work, such as our Annual Report, Strategic Plan, and Operating Procedures.

We want to close by thanking all of the individuals and organizations that took the time to share their perspectives and insights with us during our listening tour. We invite you to [reach out to us](#) to provide feedback, or if you have questions or suggestions on our next steps.

WHAT WE’VE BEEN WORKING ON

- The development of our **compliance and dispute resolution mechanism** is based on research, best practices and consultations with stakeholders.
.....
- To **promote accessibility, fairness and transparency**, we are producing information and guidance in multiple formats.
.....
- To **address a range of potential risks and harms** that could emerge in the context of our work, we are developing guidance and procedures on issues such as retaliation, the protection of confidential and sensitive information, and balancing confidentiality and transparency.
.....
- To **integrate human rights** into COVID-19 measures, we released a [policy statement \[FR\]](#) with further guidance materials to follow.
.....
- As part of efforts to achieve **transformative action**, we are researching and analyzing current Canadian policies and international developments, such as [our analysis \[FR\]](#) of a proposed legally binding mechanism in the European Union.
.....
- As part of our commitment to fairness, **addressing power imbalances**, and achieving transformative change, we released a [policy statement on racial equity \[FR\]](#).
.....