

# Operating Procedures of the Canadian Ombudsperson for Responsible Enterprise (CORE)

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## **1. Mandate of the Canadian Ombudsperson for Responsible Enterprise**

1.1 The mandate of the Canadian Ombudsperson for Responsible Enterprise (the CORE or the Ombudsperson) is established by [Order in Council 2019-1323](#) and can be generally described as follows:

- Promoting the implementation of the United Nations *Guiding Principles on Business and Human Rights* and the Organisation for Economic Cooperation and Development's *OECD Guidelines for Multinational Enterprises*;
- Advising Canadian companies operating abroad in the garment, mining, and oil and gas sectors on best practices related to human rights and responsible business conduct (RBC);
- Providing a dispute resolution mechanism for, and receiving complaints and conducting reviews of, allegations of human rights abuses arising from the operations abroad of Canadian companies in the garment, mining, and oil and gas sectors;
- Making recommendations including regarding courses of action to resolve human rights disputes; remedies for those affected by human rights abuses; trade measures against Canadian companies; and changes to the policies, procedures and practices of Canadian companies;
- Advising the Minister of International Trade on any matter relating to the CORE's mandate and making recommendations for the review of RBC and due diligence policies as they relate to funding and services provided to Canadian companies by the Government of Canada.

1.2 The CORE takes a broad and purposive approach to the interpretation and application of the provisions in Order in Council 2019-1323, in keeping with its problem-solving role as an ombud and the nature of the human rights and obligations that underlie its mandate.

## **2. Introduction to the Operating Procedures**

2.1 These Operating Procedures of the CORE ("Operating Procedures") and accompanying guidance notes provide information about the CORE's complaint, review, and dispute resolution processes. The Ombudsperson may modify any procedure including in response to the needs and circumstances of one or more of the parties or persons subject to a review.

- 2.2 The CORE is committed to accessible, timely, fair, impartial and transparent complaint, review and dispute resolution processes.
- 2.3 If an individual requires accommodation of needs related to disability and/or any other prohibited ground of discrimination in order to participate in the CORE's complaint, review and dispute resolution processes, they are invited to contact the CORE to discuss possible accommodation measures.

### 3. Definitions

The following definitions apply:

**“arbitration”** is a process in which the parties use an impartial decision-maker to decide on their dispute outside of the courts; arbitration can be binding or non-binding and in the context of the CORE complaint, review and dispute resolution processes, arbitration is non-mandatory.

**“Canadian company”** means an entity that is incorporated or formed by or under an Act of Parliament or of the legislature of a province, or that is otherwise formed in Canada, that operates abroad in the garment, mining, or oil and gas sectors, and includes an entity that it controls and that operates abroad in the garment, mining, or oil and gas sectors.

For the purposes of the definition of Canadian company, a Canadian company controls an entity if it controls that entity, directly or indirectly, in any manner; and a Canadian company that controls an entity is deemed to control any entity that is controlled, or deemed to be controlled, by the entity.<sup>i</sup>

**“Canadian NCP”** means the Canadian National Contact Point, an interdepartmental committee created in accordance with the *OECD Guidelines*

**“complainant”** means the individual, organization or community who submits a complaint to the CORE, or the person who submits a complaint to the CORE on behalf of an individual, organization or community

**“frivolous”** describes a complaint that clearly has no merit<sup>ii</sup>

**“garment sector”** includes all of the processes involved in the manufacture of clothing and footwear including making the raw materials (for example, fabric and leather), distribution, use, and disposal

**“human rights abuse”** means an adverse impact<sup>iii</sup> on an internationally recognized human right

**“internationally recognized human right”** includes at a minimum any of the human rights referred to in the [Universal Declaration of Human Rights](#), the [International Covenant on Civil and Political Rights](#), and the [International Covenant on Economic, Social and Cultural Rights](#)

**“mediation”** is a voluntary process in which an impartial third party assists the parties to a dispute to try to resolve the dispute, identify or narrow the issues in dispute, arrive at agreed facts related to the dispute, and/or identify or narrow options for remedy

**“mining sector”** includes exploration, extraction, transport, handling, smelting, refining and alloying, manufacturing and remediation in relation to minerals or other geological material

**“Minister”** means the Minister of International Trade

**“OECD Guidelines”** means the Organisation for Economic Cooperation and Development’s [Guidelines for Multinational Enterprises](#)

**“oil and gas sector”** includes includes exploration, extraction, processing, transport, remediation

**“respondent”** means the Canadian company that a complaint is submitted against

**“UN Guiding Principles”** means the United Nations [Guiding Principles on Business and Human Rights](#)

**“vexatious”** describes a complaint submitted for an improper purpose<sup>iv</sup>

#### 4. Communication and Time Lines

- 4.1 The languages of operations of the Office of the CORE are English and French, Canada’s official languages.

- 4.2 Where possible, communications with the CORE including documents submitted to the CORE should be in English or French. If a document is translated into English or French, a certified translation should be provided, if possible. If a certified translation is not available, the source document should be provided to the CORE along with the translation.
- 4.3 The CORE may decide whether to accept communications including documents, in languages other than English or French.<sup>v</sup>
- 4.4 The Ombudsperson may set time lines for any step or action in a particular case, and will adopt a flexible approach, as appropriate.
- 4.5 The CORE will strive to ensure that its processes are transparent including by keeping participants informed of next steps, time lines and delays.
- 4.6 The following steps and time lines are provided as guidelines:

Step 1	Acknowledge receipt of complaint	Five (5) working days
Step 2	Intake (initial screening)	Thirty (30) working days
Step 3	Initial Assessment	Ninety (90) working days

## 5. Complaints

- 5.1 There is no required format for filing a complaint. A complaint may be submitted using the online complaint form, by email to [CORE/OCRE@international.gc.ca](mailto:CORE/OCRE@international.gc.ca), or by postal mail to the Canadian Ombudsperson for Responsible Enterprise at the address listed on their website: [https://core-ombuds.canada.ca/core\\_ombuds-ocre\\_ombuds/index.aspx?lang=eng](https://core-ombuds.canada.ca/core_ombuds-ocre_ombuds/index.aspx?lang=eng)

### *Required information*

- 5.2 A complaint should include the following information:
- 5.2.1 The name(s) of the complainant(s) and their contact information;

- 5.2.2 If the complaint is submitted on behalf of another person, the name of the individual, organization or community on whose behalf the complaint is submitted;
  - 5.2.3 Whether the complainant wants to keep their identity confidential and/or, if the complaint is submitted on behalf of an individual, organization or community, whether their identity is to be kept confidential;
  - 5.2.4 The name(s) of the respondent(s) and their contact information (if available);
  - 5.2.5 Whether the complainant's preferred language of communication is English or French;
  - 5.2.6 Whether the allegations in the complaint are being reviewed or have been reviewed in another forum.
- 5.3 Notwithstanding 5.2.1, the Ombudsperson may decide to proceed with a complaint that is submitted anonymously.
- 5.4 If a complaint is submitted on behalf of an individual, organization or community affected by the alleged human rights abuse, the Ombudsperson may require the Complainant to prove that the individual, organization or community consents to the Complainant submitting the complaint on their behalf.

#### *Information Regarding Admissibility Criteria*

- 5.5 A complaint must provide the information reasonably available to the complainant regarding each of the following admissibility criteria:
- 5.5.1 What is complained about allegedly took place after May 1, 2019 or if it allegedly occurred before May 1, 2019, it is continuing at the time of the complaint;
  - 5.5.2 What is complained about is allegedly an abuse of one or more internationally recognized human rights;
  - 5.5.3 The alleged human rights abuse arises from the operations abroad of a Canadian company in the garment, mining, or oil and gas sectors.



### *Acknowledgement of Receipt of Complaint*

- 5.6 Where a complaint is submitted using the online form or by email, the Office of the Ombudsperson will acknowledge receipt of the complaint within five (5) working days by email.
- 5.7 Where a complaint is submitted by letter and/or an email address is not provided, the CORE will mail a letter to the person submitting the complaint within five (5) working days of receiving the complaint.

### *Intake of Complaint*

- 5.8 Intake is an informal process during which the CORE will open a file and contact the complainant by telephone and/or email regarding the complaint.
- 5.9 Where it appears to the Ombudsperson that a complaint warrants further treatment, the intake process may involve contact with the complainant to obtain more information regarding the admissibility criteria.
- 5.10 Where it appears to the Ombudsperson that a complaint does not warrant further treatment including because it is not within the mandate of the CORE, the Ombudsperson may attempt to refer the person submitting the complaint to another body for assistance and will close the file.
- 5.11 The Ombudsperson will attempt to complete the intake process within thirty (30) days of receiving the complaint.

## **6. Refusal to Proceed with a Complaint**

- 6.1 At their complete discretion, the Ombudsperson may refuse to proceed with a complaint at any time after the complaint is submitted, including for the following reasons:
  - 6.1.1 The complaint is about something outside the CORE's mandate;
  - 6.1.2 The complaint is frivolous or vexatious;

- 6.1.3 There is not enough information for the Ombudsperson to make an initial assessment of the complaint.
- 6.1.4 The allegations in the complaint are being reviewed or have been reviewed in another forum;
- 6.1.5 The same or a similar complaint was already made to the Ombudsperson and there is no new or additional information regarding the allegations;
- 6.2 Notwithstanding 6.1.4, review of the allegations in another forum is not a bar to the Ombudsperson reviewing a complaint or initiating a review.<sup>vi</sup>
- 6.3 The Ombudsperson will advise a complainant in writing of the reason for their refusal to proceed with a complaint. If the Ombudsperson decides not to proceed with a complaint after notifying the respondent of the complaint, the Ombudsperson will also advise the respondent in writing of the reason for their refusal to proceed with the complaint.
- 6.4 Where the Ombudsperson decides not to proceed with a complaint before the respondent is notified of the complaint, the Ombudsperson may share information about the allegations in the complaint with the Canadian company named in the complaint without identifying the complainant, or the individual, organization or community on whose behalf the complaint was submitted.<sup>vii</sup>

## **7. Notification of Respondent**

- 7.1 The Ombudsperson will notify the respondent of the allegations in a complaint before the commencement of a review of the complaint (including an initial assessment, if the Ombudsperson decides to undertake an initial assessment).
- 7.2 The CORE will not publish information regarding a complaint before notifying a respondent of the complaint.

## **8. Initial Assessment**

- 8.1 The Ombudsperson may undertake an initial assessment of a complaint for any reason including gathering additional information regarding the admissibility criteria at 5.5, to

decide whether to review a complaint, to decide whether to recommend mediation to the parties or subjects of a review, or to define the issues for mediation or review.

- 8.2 If the Ombudsperson undertakes an initial assessment of a complaint, they will prepare an initial assessment report, and disclose and publish the report in the usual manner (see 15 and 16).
- 8.3 Where the Ombudsperson undertakes an initial assessment, they will attempt to disclose an initial assessment report within ninety (90) days of the commencement of the initial assessment.

## **9. Dispute Resolution**

- 9.1 Consistent with their role as an ombud, the CORE will strive to fulfill their dispute resolution mandate in a manner that:
  - 9.1.1 Attempts to address any imbalance of power that may exist between the participants in a dispute resolution process;
  - 9.1.2 Ensures that dispute resolution processes are accessible to all who want to participate;
  - 9.1.3 Assists participants to resolve disputes using a problem-solving approach, having regard for the need for access to effective remedies for human rights abuses recognized by the *UN Guiding Principles*.
- 9.2 Dispute resolution including mediation is available at any stage of the review process at the Ombudsperson's discretion and with the agreement of the parties.
- 9.3 The CORE will adopt a flexible approach in moving between the dispute resolution and complaint and review processes, while respecting any confidentiality the parties agree will attach to dispute resolution.
- 9.4 The Ombudsperson may offer mediation to the parties to a complaint or the subjects of a CORE-initiated review at any time including to prevent a human rights-related dispute from escalating ("early intervention"), to support joint fact-finding, or to facilitate the co-development of remedies for alleged human rights abuses.

- 9.5 A Canadian company, an individual, organization or community may request mediation relating to a matter within the CORE's mandate at any time, whether or not a complaint is submitted or a review is ongoing. However, in order for a review to take place, a complaint must be submitted or the CORE must initiate a review.
- 9.6 If the parties agree to mediation, they will be asked to sign an agreement to mediate that will provide for any mediation confidentiality.
- 9.7 Where the parties to a complaint or the subjects of a CORE-initiated review agree to mediation, the Ombudsperson may provide a CORE mediator, or may help the parties find a mutually agreed-upon mediator to be paid for by one or both of the parties.<sup>viii</sup>
- 9.8 Where parties proceed with a mutually agreed-upon mediator, a CORE representative may be present at any mediation as an observer and will be bound by any confidentiality agreement signed by the parties.
- 9.9 If the parties resolve a complaint or dispute, or reach an agreement regarding facts or remedies through mediation, the Ombudsperson, with the consent of the parties, may make public the agreement or the substance of the agreement including through a report. The Ombudsperson will consult with the parties regarding how and when the agreement will be made public. If the parties do not consent, the Ombudsperson may report on the agreement in a manner that does not identify the parties, including through a report.
- 9.10 If the parties reach an agreement through mediation, the Ombudsperson may assist the parties in monitoring the implementation of any terms of settlement.

## **10. Review Initiated by the CORE**

- 10.1 The Ombudsperson may initiate a review of an alleged human rights abuse within its mandate.
- 10.2 When the Ombudsperson decides to initiate a review, the Ombudsperson will prepare a Notice of CORE-initiated Review and provide the appropriate Minister(s) and Canadian company, individual, organization or community who may be directly affected by the outcome of the review, with a copy of the Notice before posting the Notice on the CORE website.

10.3 The Notice of CORE-initiated Review will contain information regarding each of the admissibility criteria at 5.5.

## **11. Requirement to Act in Good Faith**

11.1 All parties or subjects of a review are required to act in good faith during complaint, review and dispute resolution processes including any follow-up of recommendations or implementation of terms of settlement.

11.2 A party to a complaint review or a subject of a CORE-initiated review who does not actively participate in the review without reasonable explanation, including responding within the time lines established by the Ombudsperson, may be considered not to be acting in good faith.

11.3 The requirement on a Canadian company to act in good faith includes not retaliating or engaging in any act of reprisal against an individual, organization or community who files a complaint, has a complaint filed on their behalf, or participates in the CORE's complaint, review and dispute resolution processes.<sup>ix</sup>

11.4 If a Canadian company does not or has not acted in good faith during a review or a follow-up to a review, the Ombudsperson may make recommendations to the Minister on implementing trade measures including:

11.4.1 The withdrawal of trade advocacy support provided to the Canadian company by the Department of Foreign Affairs, Trade and Development (known as "Global Affairs Canada");

11.4.2 The refusal by the Department of Foreign Affairs, Trade and Development to provide future trade advocacy support to the Canadian company;

11.4.3 The refusal by Export Development Canada to provide future financial support to the Canadian company.

## **12. Conduct of a Review**

### *Participation by the Parties*

- 12.1 Parties to a complaint review and subjects of a CORE-initiated review are expected to fully participate in the review including by providing the Ombudsperson with relevant information and documents according to the time lines established by the Ombudsperson.

#### *Fact-Finding*

- 12.2 Where the parties or subjects of a review agree, then in accordance with the language of the section 7(b), the Ombudsperson will start a review with joint fact-finding.<sup>x</sup>
- 12.3 Joint fact-finding will be used in a flexible manner including identifying and/or to narrow the factual issues in dispute, develop a joint statement of facts, and support the co-development of remedies.
- 12.4 The process of joint fact-finding may include a committee or working group comprising the parties and members agreed to by the parties (for example, other stakeholders and experts), and a representative of the CORE. With the agreement of the parties, terms of reference for the committee or working group may provide for matters including the sharing of information, confidentiality, the availability of resources, and public engagement.
- 12.5 If joint fact-finding is not possible or is limited, the Ombudsperson may use independent fact-finding. Independent fact-finding may include interviewing the parties, witnesses proposed by the parties and others, and inviting submissions from the parties.
- 12.6 The Ombudsperson may seek assistance with independent fact-finding including from experts and host country governments, carry out different types of research, conduct interviews, undertake country visits, and ask for submissions from industry associations, civil society organizations, and other interested persons.

#### *Interim Reports*

- 12.7 Where applicable, the Ombudsperson may prepare interim reports during a review and, in any event, will publically report on ongoing reviews every six months.

### **13. Recommendations**

### *During the Course of a Review*

- 13.1 During the course of a review, the Ombudsperson may:
  - 13.1.1 Recommend referring the matter to the Canadian NCP if the matter falls more within the NCP's mandate;
  - 13.1.2 Recommend referring the matter to arbitration;
  - 13.1.3 Recommend to the Minister that the matter be referred to law enforcement authorities if the Ombudsperson has reason to believe that a criminal offence has been committed or is being committed in Canada or abroad;
  - 13.1.4 Recommend to the Minister that the matter be referred to a regulatory or other relevant authority if the Ombudsperson has reason to believe that a regulatory offence has been committed or is being committed in Canada or abroad; and,
  - 13.1.5 Determine that an allegation of human rights abuse is founded or unfounded.

### *When a Review is Terminated or Completed*

- 13.2 When the Ombudsperson terminates or completes a review, they will prepare a report and may make recommendations to any person<sup>xi</sup> including recommendations:
  - 13.2.1 Described at 13.1;
  - 13.2.2 Regarding any remedy contemplated by the UN Guiding Principles; and
  - 13.2.3 For changes to a Canadian company's policies, procedures and/or practices.
- 13.3 The Ombudsperson may follow up on recommendations made after a review is terminated or completed, and may report publicly including on compliance and non-compliance with the recommendations, additional steps needed to cease and/or remedy the human rights abuse, and alleged reprisal for making the complaint and/or participating in the review.

## **14. Termination of a Review**

- 14.1 The Ombudsperson may terminate a review of a complaint at any time, including for one or more of the following reasons:
- 14.1.1 The complaint is frivolous or vexatious;
  - 14.1.2 The allegations in the complaint are being reviewed or have been reviewed in another forum;
  - 14.1.3 The same or a similar complaint was already made to the Ombudsperson and there is no new or additional information regarding the allegations;
  - 14.1.4 The complaint is about something outside the Ombudsperson's mandate;
  - 14.1.5 There is not enough information for the Ombudsperson to continue to review the complaint;
  - 14.1.6 The Complainant is not actively participating in the review without reasonable explanation, including responding promptly to requests by the Ombudsperson for information.<sup>xii</sup>
- 14.2 The Ombudsperson will publish a final report setting out the reason(s) for terminating the review and may make recommendations to any person including those who are the subjects of the review.

## **15. Requirement to Submit and Publish Reports**

- 15.1 The Ombudsperson will provide any report prepared following an initial assessment or during a review, at the termination or completion of a review, during and after follow-up on recommendations, and following a country visit, to the Minister of International Trade.
- 15.2 The Ombudsperson will provide any report relating to the extractive sector to the Minister of Natural Resources at the same time as the report is provided to the Minister of International Trade.
- 15.3 The Ombudsperson will publish the report(s) after providing it to the Minister of International Trade and, where appropriate, to the Minister of Natural Resources.



## **16. Opportunity to Comment on Report**

16.1 If it appears to the Ombudsperson that information in a report may have an adverse effect on any person including those who are the subjects of the review, the Ombudsperson will:

16.1.1 Give that person an opportunity to comment on the facts in the report before the report is published;

16.1.2 Advise the person that any comments they make will be made public;

16.1.3 Include in the report a summary of any comments made by the person.

16.2 Where the Ombudsperson gives a person an opportunity to comment on the facts in a report, the person must do so in writing within one month or any other time line established by the Ombudsperson.

## **17. Coordination with the Canadian National Contact Point (NCP)**

17.1 A complainant may choose to submit a complaint to the CORE or the Canadian NCP regarding alleged human rights abuse in the garment, mining, or oil and gas sectors.

17.2 If the CORE receives an inquiry or complaint regarding allegations relating to the *OECD Guidelines* outside the garment, mining, or oil and gas sectors, the CORE will inform the inquirer or the person submitting the complaint that the Canadian NCP may have responsibility for the treatment of the matters raised. The CORE will suggest that the inquiry or complaint be submitted to the Canadian NCP, or will request the consent of the person to forward the inquiry or complaint to the NCP.

17.3 If the CORE is engaged in a review regarding allegations that took place or are taking place in a country where a national contact point (NCP) is set up, the CORE will advise the country NCP and the Canadian NCP that a review is taking place. Where the CORE seeks the cooperation of the country NCP in the review, the CORE will seek to enter into a cooperation agreement with the country NCP including providing for the sharing of information necessary to advance the review.

## **18. Referral to Arbitration**

- 18.1 At any time during a review, the Ombudsperson may recommend that the allegations be referred to arbitration.
- 18.2 If the parties agree to arbitration, the Ombudsperson:
- 18.2.1 May help the parties transfer the matter to arbitration including finding a mutually agreeable arbitrator to be paid for by the parties;
  - 18.2.2 May attend the arbitration as an observer;
  - 18.2.3 Will prepare and issue a final report with respect to the complaint that may include information on the outcome of the arbitration.

## 19. Statistics

- 19.1 The Ombudsperson will collect statistics relevant to the exercise of their mandate including the number of cases relating to the *OECD Guidelines* and the *UN Guiding Principles* and will publish those statistics in their annual report to the Minister.

## 20. Confidentiality

- 20.1 Consistent with its role as an ombud, the CORE will carry out their mandate in a transparent fashion, and will generally share relevant information including with the parties or subjects to a review.
- 20.2 Notwithstanding 20.1, the CORE is subject to the [Privacy Act](#) and the [Access to Information Act](#). The *Privacy Act* and the *Access to Information Act* provide for exemptions to the disclosure of personal and/or confidential information by the CORE. These exemptions will be applied on a case-by-case basis.
- 20.3 All personal information collected and used by the CORE is protected in accordance with the *Privacy Act*. The *Privacy Act* protects information about individuals from being used for purposes other than that for which it was collected. The CORE will not use or disclose personal information without the consent of the individual to whom the information belongs unless a court orders the CORE to do so.
- 20.4 The disclosure of information by the CORE provided by third parties, including confidential information provided by Canadian companies, is subject to the *Access to*

*Information Act*. If a request for disclosure of information belonging to a third party is received, consultations with the third party will take place before the information is released.

- 20.5 The CORE may enter into non-disclosure agreements including to protect commercially sensitive information.<sup>xiii</sup>
- 20.6 If it appears to the Ombudsperson that information included in a report may have an adverse effect on any person, including those who are the subjects of a review, the Ombudsperson will give that person an opportunity to comment on the facts contained in the report including their confidential nature.

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### Guidance Notes

<sup>i</sup> “Canadian company” may include a subsidiary, contractor or sub-contractor, or a person who works for a Canadian company. The CORE will consider each case on its facts.

<sup>ii</sup> “Frivolous” is a legal term that has a different meaning than every day use; in general, it means a complaint that on its face cannot succeed.

<sup>iii</sup> “Adverse impact” is a broad term; the [Interpretive Guide](#) for the *UN Guiding Principles* states that an “adverse human rights impact” occurs when an action removes or reduces the ability of an individual to enjoy his or her human rights.

<sup>iv</sup> “Vexatious” is a legal term that has a different meaning than every day use; in general, it refers to a complaint that is an abuse of process and can include a complaint that is filed solely to annoy, embarrass or harass.

<sup>v</sup> Timelines for any step in the CORE’s complaint, review and dispute resolution processes may be longer where the CORE decides to accept communications in a language other than English or French.

<sup>vi</sup> Consistent with the Commentary on the Implementation Procedures of the OECD Guidelines at p. 83, para. 26, the CORE will exercise its discretion in deciding whether to proceed with a complaint or review where there is a parallel or related proceeding. In doing so, the CORE will consider whether its process could make a positive contribution to resolving the situation or whether it would be likely to cause a serious prejudice to any party.

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<sup>vii</sup> For example, the CORE may decide to share information about the allegations in a complaint in order to provide advice to a Canadian company about a potentially escalating situation.

<sup>viii</sup> In most situations, it is desirable if the parties share the costs of a mediator equally. Regardless of whether the parties share the costs of the mediation in whole or in part, both parties have a right of veto over the selection of a mediator. The CORE may recommend the selection of a mediator from a roster of mediators maintained by the CORE.

<sup>ix</sup> Given the broad definition of Canadian company and the nature of the obligations on Canadian companies with respect to responsible business conduct, this requirement includes preventing or mitigating retaliation or reprisal even where the parent company is not directly responsible but the retaliation or reprisal is directly linked to their operations abroad.

Given the seriousness of retaliation and reprisal, including their negative impact on access to CORE complaint, review and dispute resolution processes, the Ombudsperson will construe these terms broadly. Depending on the facts of a particular case, retaliation and reprisal can include silencing and undue pressure.

<sup>x</sup> Section 7(b) of the Order in Council states that the CORE is to engage in joint fact-finding and, if that is not possible, then in independent fact-finding. Consistent with its ombud role, the CORE is committed to attempting to redress any power imbalances that may prevent or impede joint fact-finding.

<sup>xi</sup> “Any person” includes a third party such as a country’s NCP, an international body, or a foreign government.

<sup>xii</sup> The exercise of the Ombudsperson’s discretion will be informed by the circumstances of the complainant and persons affected by the alleged human rights abuse, and whether the submission of the complaint has likely heightened the risk of vulnerability including fear of retaliation or reprisal.

<sup>xiii</sup> Depending on its terms, a non-disclosure agreement may protect information belonging to a third party from disclosure until a report is released by the CORE or after a report is published by the CORE. The CORE will be contractually bound by any non-disclosure agreement they enter into.