Corporate **Accountability** for Canada's **Mining**, **Oil** and **Gas** Sectors Abroad

CNCA RCRCE
Canadian Network on Corporate Accountability
Réseau canadien sur la reddition de compte des entreprises

Parliamentary Report Card

Canadian extractive sector companies have a significant presence around the world, including in developing and emerging economies.[1] Increasingly, Canadian companies' overseas operations are associated with credible accusations of human rights abuse- including forced labour, sexual violence and involuntary relocation. The Government of Canada has an important role to play in promoting corporate accountability and an obligation to ensure that Canadian companies respect international human and labour rights wherever they operate.

This Parliamentary Report Card documents

- the commitments made by Canadian federal political parties to adopt corporate accountability mechanisms in Canada and
- the MP voting record on legislation to create an Ombudsman for the international extractive sector in Canada.

1 VOTING RECORD:

DOES YOUR MP SUPPORT THE CREATION OF AN EXTRACTIVE SECTOR OMBUDSMAN?

(See a detailed breakdown of how MPs voted on the next pages)

Second Reading Vote on Bill C-584, Extractive Sector Ombudsman Bill
October 1, 2014

Voted in SUPPORT of the Ombudsman bill	***Voted AGAINST the Ombudsman bill***
Conservative Party: 0	*Conservative Party: 149*
New Democratic Party: 86	*New Democratic Party: 0*
Liberal Party: 34	*Liberal Party: 0*
Bloc Québécois: 2	*Bloc Québécois: 0*
Green Party: 2	*Green Party: 0*
Independent: 3	*Independent: 1*

1 For example, over half of the world's mining and mineral exploration companies are headquartered in Canada, with operations in over 100 countries. (NRCAN 2013, http://www.international.gc.ca/trade-agreements-accords-commerciaux/assets/pdfs/Enhanced_CS_Strategy_ENG.pdf)

2 PUBLIC COMMITMENTS:

WHICH PARTIES HAVE COMMITTED TO MAKE CANADA OPEN FOR JUSTICE?[2]

(See more detailed corporate accountability commitments for each party on the next pages)

Conservative Party of Canada	New Democratic Party	Liberal Party of Canada	Green Party of Canada	Bloc Québécois
NO	YES	YES	YES	YES

WHAT WILL EACH POLITICAL PARTY DO TO ADVANCE INTERNATIONAL CORPORATE ACCOUNTABILITY IN CANADA?[3]

CREATE AN EXTRACTIVE-SECTOR OMBUDSMAN?

Conservative Party of Canada	New Democratic Party	Liberal Party of Canada	Green Party of Canada	Bloc Québécois
No *"…we believe that the two dispute resolution* ***mechanisms currently in place*** *–the Office of the* ***CSR Counsellor,*** *and the* ***NCP*** *… [for] … the* ***OECD Guidelines*** *for Multinational Enterprises –are the most effective means for resolving disputes."*	Yes *"… institute a* ***Corporate Social Responsibility Ombudsman*** *responsible for investigating complaints filed against Canadian extractive companies working abroad."*	Yes *"…* ***set up an independent ombudsman office*** *to advise Canadian companies, consider complaints made against them, and investigate those complaints where it is deemed warranted."*	Yes *"… establish an* ***ombudsman office*** *with the power to investigate and evaluate complaints… and determine levels of compliance with the established standards."*	Yes *"…would create a* ***Canadian Extraterritorial Activities Review Commission*** *to receive complaints and conduct inquiries … The President of the Commission would be the equivalent of an* ***Ombudsman****."*

2 The CNCA considers a party to have made a commitment to ensure access to justice in Canada when it has committed to facilitate access to Canadian courts and/or create an extractive sector Ombudsman.

3 The following chart contains excerpts from Canadian federal political parties' policy platforms and excerpts from responses by party representatives to CNCA requests for information. For further information see www.cnca-rcrce.ca. Sources: New Democratic Party of Canada, *Canada cares: Our vision for international development cooperation*, pp. 6-7; Liberal Party of Canada response to questionnaire – received via email. Green Party of Canada, *Vision Green* 2015, p. 131, Bloc Québécois response to questionnaire – received via email in French (English translation is our own).

FACILITATE ACCESS TO CANADIAN COURTS?

Conservative Party of Canada	New Democratic Party	Liberal Party of Canada	Green Party of Canada	Bloc Québécois
No *The Conservative Party of Canada response did not commit to any specific action to facilitate access to Canadian courts. The response does state that "… dispute resolution mechanisms (CSR Office and OECD NCP) are not meant to replace local mechanisms,* ***nor do they preclude the use of court systems****."*	*Yes* *"… adopt a* ***strong legal corporate accountability framework*** *for Canadian companies abroad, including …* ***access to judicial remedy****."*	*No* *The Liberal Party of Canada response did not commit to any specific action to facilitate access to Canadian courts. The response did state that the Party is "…* ***committed to the principles of justice and the protection of human rights*** *for all people around the world, and we will safeguard fundamental human rights both here at home and abroad."*	*Yes* *"****Develop laws*** *similar to the U.S.'s Alien Tort Claims Act that will* ***allow those who are not Canadian to sue Canadian corporations*** *for gross violations of basic human, environmental, or labour rights …"*	*?* *The Bloc Quebecois offer an alternative avenue to seek justice: "Transform* ***international corporate social responsibility codes of conduct into binding legislation*** *… would allow foreign citizens to make a complaint for failure to comply with codes of conduct that would now have legal force. The result would be an end to violations ... the best form of justice."*

IMPLEMENT THE NATIONAL ROUNDTABLES' RECOMMENDATIONS?[4]

Conservative Party of Canada	New Democratic Party	Liberal Party of Canada	Green Party of Canada	Bloc Québécois
? ***No mention was made*** *of the National Roundtable Recommendations.*	*Yes* *"…* ***implement the recommendations*** *of the 2007 National Roundtables on Corporate Social Responsibility to ensure that Canadian companies abide by* ***international human rights law and environmental standards*** *when operating overseas, and develop and enforce sanctions if they do not."*	*Yes* *"A Liberal government* ***will act on the*** *(National Roundtables) Advisory Group's* ***recommendations, including adopting Canadian CSR standards****."*	*Yes* *"****Adopt the recommendations*** *of the Advisory Report from the National Roundtables on Corporate Social Responsibility. This framework sets out clear* ***standards*** *and* ***reporting obligations*** *for Canadian corporations."*	*Yes* *The proposed* ***Canadian Extraterritorial Activities Review Commission*** *is an attempt to implement the Recommendations of the National Roundtables on CSR.*

4 In 2007 civil society and industry involved in the *National Roundtables on Corporate Social Responsibility and the Canadian Extractive Industry in Developing Countries* reached an unprecedented consensus around public policy recommendations.

OTHER COMMITMENTS

Conservative Party of Canada	New Democratic Party	Liberal Party of Canada	Green Party of Canada	Bloc Québécois
*"…under our refreshed CSR Strategy, a decision by a company **not to cooperate** with Canada's National Contact Point or the CSR Counsellor's review process will be made public and cause the **Government of Canada's support in foreign markets to be withdrawn**…"*	*"… adopt a **strong legal corporate accountability framework** for Canadian companies abroad, including **clear standards** with **robust sanctions for non-compliance**; a strong **independent oversight** body; and **access to judicial remedy**."* *"Strengthen **transparency, accountability, and responsibility** of Canadian companies operating overseas."*	*"The Liberal Party of Canada has long been fighting for **transparency, accountability and sustainability in the mining sector**.* *Canadians rightly expect Canadian businesses at home and abroad to reflect our values, and the success of Canadian business rests, in part, on Canada's good reputation. Continuing to address these issues and finding meaningful solutions is a priority for the Liberal Party of Canada."*	*"Introduce legislation to **hold Canadian corporations** that are working **overseas to the same environmental and human rights standards** as they are subject to in Canada"* *"Prevent legal intimidation of ordinary people by **limiting the rights of corporations to sue groups and individuals only for actual loss**"* *"**Prohibit the use of SLAPP suits** (Strategic Litigation against Public Participation) so often used by large corporations to frighten and silence … critics."*	*"After inquiry by the Commission, a company found to be at fault would have **no right to any federal government support of any kind**, including from crown corporations such as the EDC."* *"Through the amendment of the Special Economic Measures Act, we would, in cases of **serious violations, empower the government to bar a company from pursuing its activities**."*

DOES YOUR MP SUPPORT THE CREATION OF AN EXTRACTIVE SECTOR OMBUDSMAN?

The following lists the votes of all Members of Parliament at the Second Reading of Bill C-584, *Corporate Social Responsibility of Extractive Corporations Outside Canada Act: An Act respecting the Corporate Social Responsibility Inherent in the Activities of Canadian Extractive Corporations in Developing Countries*, **on October 1, 2014**.

FOR

New Democratic Party (86):

Malcolm Allen, Charlie Angus, Niki Ashton, Robert Aubin, Tyrone Benskin, Dennis Bevington, Denis Blanchette, Françoise Boivin, Charmaine Borg, Marjolaine Boutin-Sweet, Tarik Brahmi, Ruth Ellen Brosseau, Guy Caron, Andrew Cash, Chris Charlton, Sylvain Chicoine, Robert Chisholm, François Choquette, David Christopherson, Ryan Cleary, Raymond Côté, Nathan Cullen, Libby Davies, Don Davies, Anne-Marie Day, Paul Dewar, Pierre Dionne Labelle, Fin Donnelly, Rosane Doré Lefebvre, Matthew Dubé, Linda Duncan, Pierre-Luc Dusseault, Mylène Freeman, Randall Garrison, Réjean Genest, Alain Giguère, Yvon Godin, Claude Gravelle, Sadia Groguhé, Jack Harris, Dan

Harris, Carol Hughes, Pierre Jacob, Peter Julian, Matthew Kellway, François Lapointe, Alexandrine Latendresse, Hélène Laverdière, Hélène LeBlanc, Megan Leslie, Laurin Liu, Hoang Mai, Wayne Marston, Pat Martin, Brian Masse, Irene Mathyssen, Élaine Michaud, Christine Moore, Marie-Claude Morin, Dany Morin, Marc-André Morin, Thomas Mulcair, Pierre Nantel, Peggy Nash, Jamie Nicholls, José Nunez-Melo, Annick Papillon, Ève Péclet, Anne Minh-Thu Quach, John Rafferty, Murray Rankin, Mathieu Ravignat, Francine Raynault, Jean Rousseau, Romeo Saganash, Jasbir Sandhu, Craig Scott, Djaouida Sellah, Jinny Jogindera Sims, Rathika Sitsabaiesan, Kennedy Stewart, Mike Sullivan, Glenn Thibeault, Philip Toone, Jonathan Tremblay, Nycole Turmel

Liberal Party of Canada (34):

Scott Andrews, Mauril Bélanger, Carolyn Bennett, Scott Brison, Gerry Byrne, Sean Casey, Arnold Chan, Irwin Cotler, Rodger Cuzner, Emmanuel Dubourg, Kirsty Duncan, Wayne Easter, Mark Eyking, Judy Foote, Chrystia Freeland, Marc Garneau, Ralph Goodale, Ted Hsu, Yvonne Jones, Kevin Lamoureux, Dominic LeBlanc, Lawrence MacAulay, David McGuinty, John McKay, Joyce Murray, Massimo Pacetti, Geoff Regan, Francis Scarpaleggia, Judy Sgro, Scott Simms, Lise St-Denis, Justin Trudeau, Frank Valeriote, Adam Vaughan

Green Party of Canada (2):

Bruce Hyer, Elizabeth May

Bloc Québécois (2):

Claude Patry, Louis Plamondon

Independent (3):

André Bellavance, Jean-François Fortin, Manon Perreault

AGAINST

Conservative Party of Canada (149):

Diane Ablonczy, Eve Adams, Mark Adler, Leona Aglukkaq, Dan Albas, Harold Albrecht, Chris Alexander, Mike Allen, Stella Ambler, Rob Anders, David Anderson, Scott Armstrong, Jay Aspin,John Baird, John Barlow, Joyce Bateman, Leon Benoit, Candice Bergen, Maxime Bernier , James Bezan, Steven Blaney, Kelly Block, Ray Boughen, Peter Braid, Lois Brown, Gordon Brown, Patrick Brown, Rod Bruinooge, Brad Butt, Paul Calandra, Blaine Calkins, Ron Cannan, John Carmichael, Colin Carrie, Corneliu Chisu, Michael Chong, Joan Crockatt, Joe Daniel, Patricia Davidson, Bob Dechert, Barry Devolin, Earl Dreeshen, John Duncan, Rick Dykstra, Ted Falk, Julian Fantino, Ed Fast, Kerry-Lynne D. Findlay, Diane Finley, Steven Fletcher, Royal Galipeau, Cheryl Gallant, Parm Gill, Shelly Glover,Robert Goguen, Peter Goldring, Gary Goodyear, Bal Gosal, Jacques Gourde, Nina Grewal, Stephen Harper, Richard Harris, Laurie Hawn, Bryan Hayes, Russ Hiebert, Jim Hillyer, Randy Hoback, Ed Holder, Roxanne James, Randy Kamp , Gerald Keddy, Jason Kenney, Peter Kent, Greg Kerr, Daryl Kramp, Mike Lake, Guy Lauzon, Denis Lebel, Ryan Leef, K. Kellie Leitch, Pierre Lemieux, Chungsen Leung, Wladyslaw Lizon, Ben Lobb, Tom Lukiwski, James Lunney, Peter MacKay, Dave MacKenzie, Larry Maguire, Colin Mayes, Phil McColeman, Cathy McLeod, Costas Menegakis, Larry Miller, James Moore, Rob Nicholson, Rick Norlock, Deepak Obhrai, Gordon O'Connor, Tilly O'Neill Gordon, Ted Opitz, Erin O'Toole, Christian Paradis, LaVar Payne, Pierre Poilievre, Joe Preston, James Rajotte, Scott Reid, Michelle Rempel, Blake Richards, Gerry Ritz, Andrew Saxton, Gary Schellenberger, Kyle Seeback, Gail Shea, Bev Shipley, Devinder Shory, Joy Smith, Robert Sopuck, Kevin Sorenson, Bruce Stanton, Brian Storseth, Mark Strahl, David Sweet, David Tilson, Lawrence Toet, Brad Trost, Bernard Trottier, Susan Truppe, Tim Uppal, Bernard Valcourt, Dave Van Kesteren, Peter Van Loan, Maurice Vellacott, Mike Wallace, Mark Warawa, Chris Warkentin, Jeff Watson, John Weston, Rodney Weston, David Wilks, John Williamson, Alice Wong, Stephen Woodworth, Lynne Yelich, Terence Young, Wai Young, David Yurdiga, Bob Zimmer

Independent (1):

Dean Del Mastro

Methodology:

The Canadian Network on Corporate Accountability collected responses[5] to the following three questions from all Canadian political parties:

- What mandatory corporate accountability measures will your party advance to ensure that Canadian mining, oil and gas companies are held accountable if they are implicated in serious human rights abuses or environmental damage overseas?
- Will your party support the creation of a human rights Ombudsman for the international extractive sector in Canada?
- Will your party facilitate access to Canadian courts by people who have been harmed by Canadian mining, oil and gas companies overseas?

5 Wherever possible, the CNCA extracted responses to these questions directly from a party's political platform. Where this was not possible, the CNCA contacted party representatives by email and telephone.

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The **Canadian Network on Corporate Accountability (CNCA)** brings together environmental and human rights NGOs, faith groups, labour unions, and research and solidarity groups across Canada who are advocating for mandatory corporate accountability standards for Canadian extractive companies operating abroad, especially in developing countries.

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