

# Critics pan limited powers of Canada's new ombudsperson for corporate responsibility

Canada has a new ombudsperson for corporate responsibility abroad, 15 months after the government announced it was creating the post.

But unions and non-government organizations are reacting angrily to uncertainty and limitations over the ombudsperson's powers to investigate human rights abuses.

Lawyer Sheri Meyerhoffer has been tagged to head the new office of Canadian Ombudsperson for Responsible Enterprise, Global Affairs Canada announced April 8.

The office's initial responsibilities will cover Canadian companies operating in the mining, oil-and-gas and garment industries abroad, but the government expects the office to expand its responsibilities to other industries beginning in the first year of operation.

However, the government is still seeking outside legal opinions on whether the ombudsperson can compel executives to testify under oath and whether she can order companies to produce documents.

The government has set up a five-week consultation period to help it better define the powers of the ombudsperson.

"Fifteen months into this process, news of a review is outrageous. We don't need more studies," said Canadian Network on Corporate Accountability (CNCA) co-ordinator Emily Dwyer.

Development and Peace, the international development arm of Canada's Catholic Church, is a member of CNCA.

"My hope as the new ombudsperson is that, yes, we would have (the power to compel documents and testimony from executives) in our tool box, and all the powers that would allow us to do our job more effectively," Meyerhoffer told the *Globe and Mail*.

Development and Peace, which campaigned for an independent ombudsperson for more than 10 years, calls the new ombudsperson "a powerless advisory post."

"An independent ombudsperson should operate at arms-length from government and have the power to order those under investigation to

produce documents and testimony under oath. The position created today does neither," Development and Peace advocacy officer Elana Wright said in a release.

Wright sits on an advisory body set up by former Minister of International Trade Francois-Philippe Champagne when he announced on Jan. 17, 2018 the federal government would hire a new ombudsperson. The advisory body has met twice over the past year.

Unlike the previous Office of the Extractive Sector Corporate Social Responsibility Counsellor, the new office will have the power to initiate its own investigations independent of any complaint process.

Development and Peace is disappointed that Meyerhoffer will get her budget from and report directly to Minister of International Trade Diversification Jim Carr. It had campaigned for an office that would have its own, independent budget and report directly to Parliament.

Under the new regime, companies that do not co-operate with ombudsperson investigations could be shut out of Canadian trade missions, consulates and embassies, and sacrifice Export Development Canada's loan guarantees and advice.

"We can't help but wonder if today's announcement is an example of back-room pressure by well-connected corporate lobbyists," United Steelworkers national director Ken Neumann said in a release.

Rather than a department within the Ministry of International Trade Diversification, the union representing thousands of miners in Canada wants the ombudsperson to be appointed under the Inquiries Act, which would automatically confer the power to compel testimony and demand documents.