

November 21, 2022

To: Justin Trudeau, Prime Minister of Canada

CC:

David Lametti, Minister of Justice

Mary Ng, Minister of International Trade, Export Promotion, Small Business and Economic Development

Seamus O'Regan, Minister of Labour

Helena Jaczek, Minister of Public Services and Procurement

Marco E. L. Mendicino, Minister of Public Safety

Make human rights and environmental due diligence mandatory for Canadian corporations

Dear Prime Minister,

We, the undersigned, are academics and legal professionals in the fields of business, human rights, environment, global affairs, and Canadian and international law. We are calling on the Government of Canada to enact legislation that would require Canadian corporations¹ to prevent and remedy human rights and environmental harms in their business activities and relationships abroad. This legislation must also provide affected people and communities around the world with access to justice through Canadian courts.

Canadian multinationals continue to be implicated in serious human rights abuses and environmental damage throughout the globe. The communities and workers who suffer these harms are often unable to access justice or remedy in their own countries, while human rights and environmental defenders who stand up to powerful corporations frequently face violence, including assault, murder, rape, death threats, intimidation and criminalization.

Canadian mining companies – including [Hudbay](#), [Tahoe Resources](#), [Nevsun](#), [Goldcorp](#) and [Barrick Gold](#) – are perhaps the most well-known multinationals accused of grave violations of human rights abroad. Canadian oil and gas companies, such as [Pacific Exploration & Production](#) and [ReconAfrica](#), have been accused of causing both local devastation and global harm, particularly in their contributions to the climate crisis. Garment and manufacturing companies are also connected to harm, including the [Canadian companies](#) that profited from clothing produced at the Rana Plaza garment factory in Bangladesh, which collapsed and killed over 1000 people, and companies like [Supermax](#), which have imported into Canada products linked to documented human rights abuses in their supply chains.

Harmful behaviour of Canadian companies persists despite decades of public pressure and repeated corporate commitments to voluntary codes of responsible business conduct. For over two decades, the Canadian government has merely “[expect\[ed\]](#)” and “[encourag\[ed\]](#)” Canadian companies to respect human rights throughout their global operations and supply chains. **In the absence of binding rules that enshrine these principles in Canadian law, companies operating abroad too often fail to deliver on their responsibilities.**

¹ These include non-Canadian companies that import goods into Canada.

The [United Nations Guiding Principles on Business and Human Rights](#), adopted unanimously by the United Nations Human Rights Council in 2011, with broad support from business actors, sets a clear global standard regarding the responsibilities of businesses to prevent, address and remedy all human rights harms they cause or contribute to. The Canadian government must uphold these principles by implementing a comprehensive and mandatory human rights and environmental due diligence (mHREDD) law. This would require:

1. establishing a corporate duty to prevent and avoid all adverse human rights impacts, including the right to a healthy and sustainable environment, throughout parent company supply chains, including subsidiaries, contractors and other business relations;
2. establishing a corporate duty to develop, implement and report on adequate human rights and environmental due diligence procedures, including: identifying real and potential adverse impacts; ceasing, mitigating and remedying adverse impacts; monitoring the effectiveness of the measures adopted to address adverse impacts; developing a mechanism to provide an alert to the company of possible adverse impacts or risks; documenting due diligence efforts; and establishing a commissioner empowered to enforce the production of due diligence reports; and
3. ensuring access to remedy for those harmed, through civil liability mechanisms in Canadian courts.

To address corporate impunity, several jurisdictions, including in [Europe](#), have passed or are developing laws requiring companies to undertake human rights due diligence, with many requiring environmental due diligence as well. The implementation of strong Canadian mHREDD legislation – that includes the elements outlined above – would help Canada meet the growing global momentum for effective corporate accountability measures.

The former Vice-Chair of the United Nations Working Group on Business and Human Rights, Surya Deva, [made it clear](#) that Canada cannot claim leadership on promoting business respect for human rights until such legislation is in place. In 2021, the House of Commons Standing Committee on Foreign Affairs and International Development, which includes members from all four major federal parties, [adopted a report](#) echoing Professor Deva’s appeal, calling on Ottawa to “introduce legislation requiring Canadian corporations to conduct human rights due diligence” to address adverse human rights and environmental impacts in their global operations and supply chains.

We call on the Canadian government to walk its talk on human rights and environmental protection and fulfil its international obligations by enacting mandatory human rights and environmental due diligence legislation for Canadian corporations operating abroad.

Sincerely,

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