

Federal Court



Cour fédérale

Date: 20251006

Docket: T-2990-24

Citation: 2025 FC 1647

Ottawa, Ontario, October 6, 2025

PRESENT: The Honourable Mr. Justice Gleeson

BETWEEN:

**THE UNITED STEEL, PAPER AND
FORESTRY, RUBBER, MANUFACTURING,
ENERGY, ALLIED INDUSTRIAL AND
SERVICE WORKERS INTERNATIONAL
UNION (UNITED STEEL WORKERS), AND
CANADIAN LABOUR CONGRESS**

Applicants

and

**MARK'S WORK WEARHOUSE LTD. AND
CANADIAN TIRE CORPORATION,
LIMITED**

Respondents

JUDGMENT AND REASONS

I. Overview

[1] The Applicants seek judicial review under subsection 18(1) of the *Federal Courts Act*, RSC 1985, c F-7 [*Federal Courts Act*], of the Canadian Ombudsperson for Responsible

Enterprise's [CORE] decision to conclude the review of a complaint alleging the Respondent, Mark's Work Wearhouse Ltd. [Mark's], relies on suppliers in Bangladesh that fail to pay workers a living wage.

[2] For the reasons that follow, the application for judicial review is dismissed.

II. Background

A. *The office of the CORE and its mandate*

[3] The CORE, established in April 2019 by Order in Council [OIC], is authorized to review allegations of human rights abuses arising from the operations of Canadian companies abroad in the garment, mining, or oil and gas sectors [Canadian Companies]. OIC 2019-1323, dated September 6, 2019 [2019 OIC], details the CORE's mandate.

[4] In accordance with section 5 of the 2019 OIC, the CORE is to be guided by the *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework*, UNHCHR, 17th Sess, UN Doc A/HRC/17/31 (2011) [UN Guiding Principles] and the Organisation for Economic Co-operation and Development's *Guidelines for Multinational Enterprises on Responsible Business Conduct*, (Paris: OECD, 2023) [OECD Guidelines] in the discharge of its mandate.

[5] Pursuant to subsection 9(1) of the 2019 OIC, the CORE has established *Operating Procedures for the Human Rights Responsibility Mechanism of the Canadian Ombudsperson for Responsible Enterprise (CORE)*, [Operating Procedures], (see <https://core->

ombuds.canada.ca/core_ombuds-ocre_ombuds/operating_procedures-procedures_exploitation.aspx?). These procedures are triggered where (1) a complaint is initiated, (2) the CORE commences a review, or (3) a request is made to the CORE for informal mediation services (Operating Procedures, s 3.3).

[6] The CORE has the discretion to, among others, determine how a review is to be conducted, when to terminate a review, and may, in its sole discretion, refuse to review a complaint (2019 OIC, s 7 and 8).

[7] In fulfilling its review and reporting functions, the CORE has no authority to compel participation in its review process (Operating Procedures, s 11.1-11.8). Upon the completion or termination of a review, the CORE is limited to making recommendations only (2019 OIC, s 10 and 11).

[8] For ease of reference, the 2019 OIC is reproduced and attached as a Schedule to this Judgment and Reasons.

B. *Events leading to this Application*

(1) The Parties

[9] The Applicant United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (United Steelworkers) [USW] is one of the largest private-sector unions in North America.

[10] The Applicant Canadian Labour Congress [CLC] is the largest labour organization in Canada, encompassing national and international unions, provincial and territorial federations of labour and community-based labour councils.

[11] The Applicants advocate for the rights of workers and unions in Canada and internationally.

[12] The Respondent Mark's is a Canadian garment company and wholly owned subsidiary of the Respondent Canadian Tire Corp. Ltd. [Canadian Tire].

(2) The Complaint

[13] On November 21, 2022, the Applicants filed a complaint with the CORE alleging that Mark's uses suppliers and/or factories in its supply chain in Bangladesh that fail to pay workers, primarily women, a living wage [Complaint].

[14] In the Complaint, the Applicants requested that the CORE investigate the Respondents' alleged failure to ensure their suppliers in Bangladesh pay a living wage and determine if they are responsible for human rights abuses in the Bangladesh garment industry. The Applicants requested that, in concluding its investigation, the CORE recommend the Respondents (1) commit to ensuring a living wage is paid to all workers in their supply chain, (2) change their policies, (3) disclose information related to their supplier chain, (4) negotiate with independent Bangladeshi trade union federations, and (5) issue a formal apology.

[15] On December 14, 2022, the CORE determined that the Complaint was admissible pursuant to section 6.1 of the Operating Procedures. The Applicants were informed by email of the CORE's decision on December 16, 2022.

[16] On March 14, 2024, the CORE shared the final version of its initial assessment report [Initial Assessment Report] with the Parties where the CORE determined that it would proceed with an investigation through an independent fact-finding process in response to the human rights abuses alleged in the Complaint.

[17] On October 2, 2024, a final report was communicated to the Applicants [Final Report].

[18] The record before me includes more than one version of the Final Report. Although the different versions appear to be substantively the same, the published version of the report, reproduced at Exhibit N to the November 29, 2024 Affidavit of Guillaume Charbonneau Quintal [Charbonneau Affidavit], includes the Applicants' commentary on the report as an Appendix. In oral submissions, the Parties agreed that Exhibit N to the Charbonneau Affidavit is the version of the Final Report under review, and it is that version that has been considered in this Application.

[19] On December 23, 2024, the Initial Assessment Report and the Final Report were published on the CORE's website.

III. Decision under review

[20] In the Final Report, the CORE detailed its fact-finding activities, addressed the issues identified in the Initial Assessment Report, and made a series of recommendations. The CORE

further determined that upon the publication of the Final Report, the review process was to be concluded.

[21] The CORE acknowledged that international human rights instruments provide guidance on the issue of living wage, but found what constitutes a living wage and how the right is to be operationalized lacks international consensus and remains unsettled. The CORE further found that companies in Canada are not obligated to pay their workers a living wage, but rather a mandatory minimum wage, and that the Government of Canada does not provide advice on the issue of living wage standards.

[22] The CORE acknowledged that the Initial Assessment Report indicated it may be appropriate for the CORE to “develop a list of criteria to define a living wage in Bangladesh” as part of the review. However, in the Final Report, the CORE found the International Labour Organization [ILO] – which the CORE described as the premier international body for establishing labour standards – to be the appropriate body to determine the content of the right to a living wage and to develop the criteria to be applied where assessing whether a human rights abuse arises. The CORE held it should not make these determinations because this would be duplicative of the ILO’s work, interfere with the ILO’s tripartite structure (government, employer, and worker), and contravene the 2019 OIC which specifically states that the CORE is not to create new standards concerning business conduct (2019 OIC, s 6).

[23] The CORE concluded that, pending the outcome of the ILO’s work, it was not in a position to assess the conduct of an individual Canadian company and determine whether an

alleged failure to ensure its foreign suppliers pay an unspecified wage constituted a human rights abuse.

[24] The CORE also outlined the actions and commitments undertaken by the Respondents to address the transparency issues raised by the Applicants in the Complaint. Relying on these, the CORE concluded no further follow-up from the Respondents was required.

[25] Finally, the CORE made seven recommendations, three directed to the Minister of International Trade [Minister] and four to Canadian Companies sourcing abroad. The recommendations issued to the Minister concerned the review of best practices with respect to the concept of living wage, while those directed to Canadian Companies related to Canada's responsible business conduct standards and policies.

IV. Issues

[26] The Applicants argue that the Final Report is justiciable, that they meet the test established by the Supreme Court of Canada in *Canada (Attorney General) v Downtown Eastside Sex Workers United Against Violence Society*, 2012 SCC 45 for public interest standing, and that the Final Report is unreasonable – the CORE having erred by narrowly interpreting its mandate, by improperly relying on irrelevant information relating to the work of the ILO, and by failing to provide reasons in support of its key findings.

[27] The Respondents first take the position that the Final Report is not a decision that is subject to judicial review. In the alternative, the Respondents argue that the decision is

reasonable and that in any event the relief sought is beyond that available to the Applicants on judicial review.

[28] For the reasons set out in the section that follows, the sole issue I need to address is that of justiciability.

V. Analysis

A. *The Final Report is not a decision that is subject to judicial review*

[29] When undertaking judicial review, the first matter a Court must address is whether the administrative action or decision in issue is one that is subject to judicial review.

[30] Section 18.1 of the *Federal Courts Act* provides that an application for judicial review may be made by anyone directly affected by a decision or order of a federal board, commission, or other tribunal. However, as was noted by Justice Donald Rennie in *Canada (Attorney General) v Democracy Watch*, 2020 FCA 69 [DW FCA 2020] at para 19, “[n]ot all administrative action gives rise to a right of review. There are many circumstances where an administrative body’s conduct will not trigger a right to judicial review.”

[31] To argue that the public nature of the CORE’s Final Report renders the matter reviewable, the Applicants rely on *Highwood Congregation of Jehovah’s Witnesses (Judicial Committee) v Wall*, 2018 SCC 26 [Highwood Congregation] where the Supreme Court of Canada identifies the public nature of a decision as relevant consideration in determining whether the decisions of voluntary associations, including religious groups, may be amenable to

judicial review. This argument does not respond to the issue raised by the Respondents and does not assist the Applicants.

[32] It is not disputed that the CORE falls within the meaning of a “federal board, commission or tribunal” as defined at section 2 of the *Federal Courts Act*. The public nature of the Final Report is not in issue.

[33] Rather, the Respondents argue the Final Report is not reviewable because it does not impact legal rights, impose legal obligations, or cause prejudicial effects. Relying on *Democracy Watch v Canada (Attorney General)*, 2021 FCA 133, the 2019 OIC and the Final Report, the Respondents submit the CORE fulfills an advisory function only – the CORE’s activities do not directly affect anyone, and the Final Report does not impact legal rights, impose legal obligations, or cause prejudicial effects.

[34] The Applicants rely on the decision of this Court in *Democracy Watch v Canada (Attorney General)*, 2019 FC 388 [DW FC 2019] at paras 94-107 – a case where I concluded a decision of the Commissioner of Lobbying [Commissioner] not to investigate was justiciable on the basis that the right to initiate a complaint coupled with the Commissioner’s duty to determine whether an investigation is necessary to ensure compliance with the *Lobbying Act* engages legal rights (para 106). However, my conclusions on the issue of justiciability were reversed in DW FCA 2020 where the Court of Appeal held that a mandate to receive a complaint, in the absence of an obligation to investigate, is insufficient to render a decision not to investigate justiciable – “[t]he solicitation of information from the general public, does not, in and of itself, create rights

for those who provide information where they are not directly affected by the outcome” (para 38).

[35] The Applicants submit that contrary to the legislative scheme considered in *DW FCA 2020*, a scheme the Court of Appeal found only provided for the solicitation of information from the public, the 2019 OIC expressly makes provision for a public complaints mechanism. This right to complain, the Applicants argue, is sufficient to render the CORE’s Final Report reviewable for the reasons set out in *DW FC 2019*.

[36] It was in the context of a refusal to investigate decision that the Court of Appeal highlighted the distinction between a statutorily authorized public complaints mechanism and the ability of a decision-maker to solicit information from the public. It concluded the latter to be insufficient to create rights for those who provide information, yet nevertheless opened the door to the argument that a right to complain, provided for in the statutory instrument establishing an administrative decision-maker, may be sufficient to render a refusal to investigate decision justiciable. However, that is not the issue here; the Final Report is not a refusal to investigate.

[37] The Final Report concerns the conclusion of a review process, which followed the CORE’s decision to initially consider the Applicants’ Complaint, to conduct a review, and engage in independent fact-finding. In this case, the Complaint was received and acted upon.

[38] The right for the Applicants to complain in this context is not sufficient to render the Final Report justiciable. Instead, the Final Report is only justiciable if the CORE in issuing the

report has impacted legal rights, imposed legal obligations, or caused prejudicial effects.

Considering both the CORE mandate and the Final Report, I conclude it has not.

[39] The 2019 OIC establishes the CORE as a means of promoting responsible conduct for Canadian Companies conducting business abroad. To accomplish this goal, the CORE is mandated to:

- A. promote the implementation of identified international human rights guidelines and principles;
- B. advise Canadian Companies on their practices and policies;
- C. review alleged human rights abuses arising from the operation of Canadian Companies abroad, offer informal mediation services and provide advice to the Minister.

[40] The 2019 OIC does not provide a complainant with a right to have their complaint reviewed. Instead, the CORE, in its sole discretion, may refuse to review any complaint (2019 OIC, s 8).

[41] Where a complaint is reviewed, as has occurred here, the CORE is limited to making recommendations. Finally, the CORE is expressly precluded from creating “new standards concerning responsible business conduct” (2019 OIC, s 6).

[42] The CORE’s mandate allows alleged human rights issues involving Canadian Companies operating abroad to be identified and considered. It also contemplates the possible amelioration

of any alleged abuse by way of cooperative engagement or informal mediation. However, the CORE has no authority to compel participation in a review or to impose consequences that will impact upon any individual, organization, or community. The CORE is essentially an advisor, a role that is expressly acknowledged in the April 30, 2024 OIC (PC Number 024-0424) appointing the interim CORE and describing the incumbent as “a special adviser to the Minister of International Trade.”

[43] The Applicants disagree with the CORE’s conclusion relating to the “content” of the right to a living wage. However, this finding does not impact upon legal rights. No legally relevant consequence flows from the Final Report, and this would remain so were the CORE to have taken a different approach in addressing the issue.

[44] The CORE’s Final Report is advisory only. It does not impact legal rights, impose legal obligations, or cause prejudicial effects, and therefore no right of review arises (*DW FCA 2020* at para 19, citing *Sganos v Canada (Attorney General)*, 2018 FCA 84 at para 6; *Air Canada v Toronto Port Authority*, 2011 FCA 347 at para 29; *Irving Shipbuilding Inc v Canada (Attorney General)*, 2009 FCA 116; and *Democracy Watch v Conflict of Interest and Ethics Commissioner*, 2009 FCA 15).

[45] Having concluded the Final Report is not justiciable, I need not consider the issues of public interest standing (*British Columbia (Attorney General) v Council of Canadians with Disabilities*, 2022 SCC 27 at para 50) or the reasonableness of the decision (*DW FCA 2020* at para 41).

[46] As the successful party, the Respondents shall be awarded costs.

JUDGMENT IN T-2990-24

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is dismissed.
2. Costs to the Respondents.

“Patrick Gleeson”

Judge

SCHEDULE**ANNEXE**

Canadian Ombudsperson for
Responsible Enterprise

Ombudsman canadien pour la
responsabilité des entreprises

Interpretation

Définitions

1 (1) The following
definitions apply in this
schedule.

1 (1) Les définitions qui
suivent s'appliquent à la
présente annexe.

Canadian NCP means the
Canadian National Contact
Point, an interdepartmental
committee created in
accordance with the OECD
Guidelines and the primary
authority in Canada
concerning those Guidelines.
(*PCN canadien*)

***atteinte aux droits de la
personne*** Répercussions
négatives sur les droits de la
personne reconnus
internationalement et contenus
notamment dans la
Déclaration universelle des
droits de l'homme, le Pacte
international relatif aux droits
civils et politiques et le Pacte
international relatif aux droits
économiques, sociaux et
culturels qui découlent des
activités d'une entreprise
canadienne à l'étranger.
(*human rights abuse*)

human rights abuse means
an adverse impact on an
internationally recognized
human right — including any
of the human rights that are
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 — arising

ministre Le ministre du
Commerce international.
(*Minister*)

from a Canadian company's operations abroad. (*atteinte aux droits de la personne*)

independent fact-finding means the process by which the Ombudsperson determines on their own the relevant facts and questions that will form the basis of a review. (*recherche indépendante des faits*)

joint fact-finding means the process by which the Ombudsperson and the persons concerned determine the relevant facts and questions that will form the basis of a review. (*recherche conjointe des faits*)

Minister means the Minister for International Trade. (*ministre*)

OECD Guidelines means the Organisation for Economic Co-operation and Development's Guidelines for Multinational Enterprises. (*Principes directeurs de l'OCDE*)

UN Guiding Principles means the United Nations

PCN canadien Comité interministériel créé conformément aux Principes directeurs de l'OCDE, agissant comme point de contact national et comme principale autorité au Canada pour l'application de ces principes. (*Canadian NCP*)

Principes directeurs de l'OCDE Les Principes directeurs à l'intention des entreprises multinationales de l'Organisation de coopération et de développement économiques. (*OECD Guidelines*)

Principes directeurs des Nations Unies Les Principes directeurs relatifs aux entreprises et aux droits de l'homme de l'Organisation des Nations Unies. (*UN Guiding Principles*)

recherche conjointe des faits Processus selon lequel l'ombudsman et les personnes concernées déterminent les faits et les questions pertinents qui seront examinés. (*joint fact-finding*)

recherche indépendante des faits Processus selon lequel

Guiding Principles on
Business and Human Rights.
(*Principes directeurs des
Nations Unies*)

l'ombudsman détermine lui
même les faits et les questions
pertinents qui seront
examinés. (independent fact-
finding)

(2) For the purposes of this
Schedule, **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.

(2) Dans la présente annexe,
entreprise canadienne
s'entend de l'entité constituée
ou formée sous le régime des
lois du Canada ou d'une
province, ou formée
autrement au Canada,
exerçant des activités à
l'extérieur du Canada dans le
secteur du vêtement ou les
secteurs minier ou pétrolier et
gazier, y compris l'entité
qu'elle contrôle qui exerce des
activités à l'extérieur du
Canada dans le secteur du
vêtement ou les secteurs
minier ou pétrolier et gazier.

(3) For the purposes of
subsection (2),

(3) Pour l'application du
paragraphe (2) :

(a) a Canadian company
controls an entity if it
controls that entity, directly
or indirectly, in any manner;
and

a) une entreprise canadienne
contrôle une entité si elle
contrôle celle-ci directement
ou indirectement, de quelque
manière que ce soit;

(b) a Canadian company that
controls an entity is deemed
to control any entity that is
controlled, or deemed to be
controlled, by the entity.

b) une entreprise canadienne
qui contrôle une entité est
réputée contrôler toute entité
qui est contrôlée, ou réputée
l'être, par celle-ci.

Appointment

Nomination

2 The Canadian Ombudsperson for Responsible Enterprise is to be appointed under the *Public Service Employment Act* and holds office during good behaviour, on a full-time basis, for a term of up to five years, which term may be renewed.

2 L'ombudsman canadien pour la responsabilité des entreprises est nommé en vertu de la *Loi sur l'emploi dans la fonction publique* à titre inamovible, pour un mandat renouvelable d'au plus cinq ans et il exerce sa charge à temps plein.

Staff

Personnel

3 The staff of the Office of the Canadian Ombudsperson for Responsible Enterprise is employed under the *Public Service Employment Act* and is within the Department of Foreign Affairs, Trade and Development.

3 Le personnel du Bureau de l'ombudsman canadien pour la responsabilité des entreprises est embauché conformément à la *Loi sur l'emploi dans la fonction publique* et fait partie du ministère des Affaires étrangères, du Commerce et du Développement.

Mandate

Mandat

4 The mandate of the Ombudsperson is to

4 L'ombudsman a pour mandat :

(a) promote the implementation of the UN Guiding Principles and the OECD Guidelines;

a) de promouvoir la mise en œuvre des Principes directeurs des Nations Unies et des Principes directeurs de l'OCDE;

(b) advise Canadian companies on their practices

b) de conseiller les entreprises canadiennes sur

and policies with regard to responsible business conduct;

leurs pratiques et leurs politiques au regard des principes de conduite responsable des entreprises;

(c) review a complaint that is submitted by or on behalf of an individual, organization or community concerning an alleged human rights abuse where the abuse allegedly occurred after the day on which the first Ombudsperson is appointed or, if it allegedly occurred before that day, is ongoing at the time of the complaint;

c) d'examiner toute plainte déposée par un individu, une organisation ou une collectivité, ou en son nom, comportant une allégation concernant une atteinte aux droits de la personne qui serait survenue après la date de nomination du premier ombudsman ou, dans le cas où elle serait survenue avant cette date, qui se poursuivrait à la date de la plainte;

(d) review, on the Ombudsperson's own initiative, an alleged human rights abuse where the abuse allegedly occurred after the day on which the first Ombudsperson is appointed or, if it allegedly occurred before that day, is ongoing at the time of the review;

d) d'examiner, de sa propre initiative, toute allégation concernant une atteinte aux droits de la personne qui serait survenue après la date de nomination du premier ombudsman ou, dans le cas où elle serait survenue avant cette date, qui se poursuivrait à la date de l'examen;

(e) offer informal mediation services; and

e) d'offrir des services informels de médiation;

(f) provide advice to the Minister on any matter relating to their mandate, including issues related to the responsible business conduct of Canadian companies operating abroad.

f) de fournir des conseils au ministre sur toute question liée à son mandat, notamment les questions liées à la conduite responsable des entreprises canadiennes qui exercent des activités à l'étranger.

5 In discharging the mandate, the Ombudsperson is to be guided by the UN Guiding Principles and the OECD Guidelines.

5 Dans l'accomplissement de son mandat, l'ombudsman est guidé par les Principes directeurs des Nations Unies et les Principes directeurs de l'OCDE.

6 In discharging the mandate, the Ombudsperson is not to create new standards concerning responsible business conduct.

6 Dans l'accomplissement de son mandat, l'ombudsman n'établit aucune nouvelle norme relative à la conduite responsable des entreprises.

Review

Examen

7 In the course of a review, the Ombudsperson

7 Dans le cadre de l'examen, l'ombudsman :

(a) may determine how the review is to be conducted;

a) peut décider des modalités de l'examen;

(b) is to engage in joint fact-finding or, if that is not possible, then in independent fact-finding;

b) procède à une recherche conjointe des faits ou, si ce n'est pas possible, à une recherche indépendante des faits;

(c) may determine when to terminate the review;

c) peut décider du moment où il convient de mettre fin à l'examen;

(d) may recommend referring the matter to the Canadian NCP if the matter falls more within the Canadian NCP's mandate;

d) peut recommander de renvoyer l'affaire au PCN canadien si l'affaire relève davantage du mandat de celui-ci;

(e) may recommend referring the matter to arbitration;

e) peut recommander de soumettre l'affaire à l'arbitrage;

(f) may 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;

f) peut, s'il a des raisons de croire qu'une infraction criminelle a été commise ou est en train d'être commise au Canada ou à l'étranger, recommander au ministre de renvoyer l'affaire aux autorités responsables de l'application de la loi;

(g) may 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

g) peut, s'il a des raisons de croire qu'une infraction administrative a été commise ou est en train d'être commise au Canada ou à l'étranger, recommander au ministre de renvoyer l'affaire à une autorité administrative ou à une autre autorité compétente;

(h) may determine that an allegation of human rights abuse is unfounded.

h) peut décider du bien-fondé d'une allégation concernant une atteinte aux droits de la personne.

8 The Ombudsperson may refuse to review a complaint at their sole discretion for reasons that may include the following:

8 L'ombudsman peut, à son entière discrétion, refuser d'examiner une plainte, notamment pour les raisons suivantes :

- | | |
|--|--|
| <p>(a) the complaint is frivolous or vexatious; or</p> | <p>a) la plainte est frivole ou vexatoire;</p> |
| <p>(b) the complaint is being reviewed, or has been reviewed, in another forum.</p> | <p>b) la plainte fait l'objet d'un examen ou a été examinée par une autre instance.</p> |

Procedure for Review

Procédure d'examen

- | | |
|---|---|
| <p>9 (1) The Ombudsperson is to establish procedures for a fair and transparent review process, and may consider recommendations about procedure made by the Advisory Body on Responsible Business Conduct, which is composed of experts from diverse backgrounds, including civil society and industry.</p> | <p>9 (1) L'ombudsman établit des règles de procédure permettant d'assurer un processus d'examen équitable et transparent; pour ce faire, il peut tenir compte des recommandations formulées à cet égard par le Groupe consultatif sur la conduite responsable des entreprises, lequel est composé d'experts de milieux divers, notamment la société civile et l'industrie.</p> |
| <p>(2) The procedures are to be published and include the following topics:</p> | <p>(2) Les règles de procédure sont publiées et contiennent les éléments suivants :</p> |
| <p>(a) how to submit a complaint;</p> | <p>a) le mode de dépôt des plaintes;</p> |
| <p>(b) the review process;</p> | <p>b) le processus d'examen;</p> |

- | | |
|---|--|
| <p>(c) confidentiality rules applicable to the review process; and</p> <p>(d) the procedure for referral to the Canadian NCP.</p> | <p>c) les règles de confidentialité applicables pendant le processus d'examen;</p> <p>d) la procédure de renvoi au PCN canadien.</p> |
|---|--|

Recommendations

Recommandations

10 If a Canadian company has not acted in good faith during the course of or follow-up to the review process, the Ombudsperson may make recommendations to the Minister on implementing trade measures, including any of the following:

10 Si l'entreprise canadienne n'agit pas de bonne foi au cours de l'examen ou pendant le suivi de celui-ci, l'ombudsman peut recommander au ministre la mise en œuvre de mesures commerciales, notamment :

(a) the withdrawal of trade advocacy support provided to the Canadian company by the Department of Foreign Affairs, Trade and Development;

a) le retrait de l'appui à la défense des intérêts commerciaux de l'entreprise canadienne par le ministère des Affaires étrangères, du Commerce et du Développement;

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

b) le refus par le ministère des Affaires étrangères, du Commerce et du Développement d'appuyer à l'avenir la défense des intérêts commerciaux de l'entreprise canadienne;

(c) the refusal by Export Development Canada to provide future financial

c) le refus par Exportation et développement Canada de soutenir financièrement

support to the Canadian company.

l'entreprise canadienne à l'avenir.

11 (1) After a review is completed or terminated, the Ombudsperson is to prepare a final report that may make recommendations to any person, including those who are the subjects of the review, that include any of the following:

11 (1) Après avoir terminé l'examen ou y avoir mis fin, l'ombudsman dresse un rapport final dans lequel il peut recommander à toute personne, notamment les personnes visées par l'examen, la prise de mesures, dont :

(a) financial compensation;

a) l'octroi d'une indemnité financière;

(b) a formal apology; and

b) la présentation d'excuses officielles;

(c) changes to a Canadian company's policies.

c) la modification des politiques de l'entreprise canadienne.

(2) The Ombudsperson may follow up on these recommendations.

(2) L'ombudsman peut faire le suivi de la mise en œuvre de ses recommandations.

12 The Ombudsperson may make recommendations at any time to the Minister that responsible business conduct and due diligence policies, as they relate to funding and services provided to Canadian companies by the Government of Canada, be reviewed.

12 L'ombudsman peut en tout temps recommander au ministre que soient examinées les politiques relatives à la conduite responsable des entreprises et à la diligence raisonnable en ce qui concerne le financement et les services que le gouvernement du Canada fournit aux entreprises canadiennes.

Reports

Rapports

13 (1) The Ombudsperson is to submit an annual report to the Minister on their activities.

13 (1) L'ombudsman soumet au ministre un rapport annuel sur ses activités.

(2) The Minister is to table a copy of the annual report in each House of Parliament.

(2) Le ministre dépose une copie du rapport annuel devant chaque chambre du Parlement.

(3) The Ombudsperson is to publish the annual report after it is tabled in Parliament.

(3) L'ombudsman publie le rapport annuel après son dépôt devant le Parlement.

14 (1) The Ombudsperson is to provide the following reports to the Minister, as applicable:

14 (1) L'ombudsman soumet les rapports ci-après au ministre, le cas échéant :

(a) an initial assessment report relating to a review;

a) le rapport de l'évaluation initiale relatif à un examen;

(b) interim reports relating to a review;

b) les rapports provisoires relatifs à un examen;

(c) a final report relating to a review;

c) le rapport final relatif à un examen;

(d) reports concerning the follow-up of the Ombudsperson's recommendations relating to a review; and

d) les rapports sur le suivi de la mise en œuvre de ses recommandations relatives à un examen;

(e) country visit reports.

e) les rapports sur la visite d'un pays.

(2) The Ombudsperson is to publish the reports after they are provided to the Minister.

(2) L'ombudsman publie les rapports après les avoir soumis au ministre.

15 The Ombudsperson is to provide a copy of any report that deals with the mining or oil and gas sectors to the Minister of Natural Resources at the same time as it is provided to the Minister.

15 L'ombudsman remet au ministre des Ressources naturelles une copie de tout rapport qui traite des secteurs minier ou pétrolier et gazier en même temps qu'il le soumet au ministre.

16 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 the review, the Ombudsperson is to give that person an opportunity to comment on the facts contained in the report and is to include a summary of their comments in the report before it is published.

16 S'il estime que les renseignements contenus dans un rapport peuvent avoir une incidence négative sur une personne, notamment une personne visée par l'examen, l'ombudsman donne à celle-ci l'occasion de présenter ses observations sur les faits contenus dans le rapport et inclut un résumé de ces observations dans le rapport avant sa publication.

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-2990-24

STYLE OF CAUSE: THE UNITED STEEL, PAPER AND FORESTRY,
RUBBER, MANUFACTURING, ENERGY, ALLIED
INDUSTRIAL AND SERVICE WORKERS
INTERNATIONAL UNION (UNITED STEEL
WORKERS), AND CANADIAN LABOUR
CONGRESS v MARK'S WORK WEARHOUSE LTD.
AND CANADIAN TIRE CORPORATION, LIMITED

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: SEPTEMBER 24, 2025

JUDGMENT AND REASONS GLEESON J.

DATED: OCTOBER 6, 2025

APPEARANCES:

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