

**Canada's National Contact Point - Final Statement**  
**Bruno Manser Fund (BMF) and Sakto Corporation et. al. (Sakto)**  
**May 11, 2018**

On January 11, 2016, the Canadian National Contact Point (the “NCP”) for the OECD Guidelines for Multinational Enterprises (the “Guidelines”), received a Request for Review (RfR) from the notifier, Bruno Manser Fund (“BMF”), entitled “Complaint against the Sakto Group, Ottawa”.

The RfR alleged that the “Sakto Group”, comprised of a number of corporations operating in Canada and in foreign jurisdictions, did not voluntarily apply the disclosure provisions contained in the Guidelines (Chapter III: Disclosure, paragraphs 2 and 4, pages 27 and 28 of the 2011 Edition).

The NCP assesses requests for review according to the [Canadian NCP Procedures Guide](#) and the [Procedural Guidance provisions of the Guidelines](#). The NCP process is a voluntary, alternative grievance mechanism through which the NCP can offer good offices to the parties if it is deemed appropriate.

Both the Procedural Guidance provisions of the Guidelines (section C, paragraph 3, page 73) and the Canadian NCP Procedures Guide (sections 3.4 and 11.8) require the NCP to make the results of its procedures publicly available. Specifically, these same provisions in both the Procedural Guidance provisions of the Guidelines and the Canadian NCP Procedures Guide require the NCP to issue a public final statement.

The NCP met with the parties and carefully examined their respective submissions. In determining whether the allegations contained in the RfR merited further examination, the NCP considered the following factors in accordance with the Canadian NCP Procedures Guide (section 11.4) and the Procedural Guidance provisions of the Guidelines (paragraph 25, page 83 of the 2011 edition):

- the identity of the party concerned and its interest in the matter;
- whether the issues are material and substantiated;
- whether there seems to be a link between the enterprise’s activities and the issue raised in the specific instance;
- the relevance of applicable law and procedures, including court rulings;
- how similar issues have been, or are being, treated in other domestic or international proceedings; and
- whether the consideration of the specific issue would contribute to the purposes and effectiveness of the Guidelines.

The NCP sought the views of both parties on the first draft of the initial assessment dated October 25, 2016 which was shared with the parties on a confidential basis. That

draft document does not reflect the opinion or contain conclusions of the NCP and it is now superseded by this revised final statement.

While the draft initial assessment was not intended for publication, the notifier released the draft initial assessment through a public press release on April 3, 2017, in breach of the Canadian NCP's confidentiality procedures, prior to completion of the NCP review process.

The NCP has concluded that an offer of good offices to the parties (i.e. dialogue facilitation) would not contribute to the purposes and effectiveness of the Guidelines. With the publication of this revised final statement, the Canadian NCP considers this specific instance to be closed.