

**Bill S-211 : Fighting Against Forced Labour and
Child Labour in Supply Chains Act**

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Fighting Against Forced Labour and Child Labour in Supply Chains Act

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Third Reading

The House proceeded to the consideration of Bill S-211, An Act to enact the Fighting Against Forced Labour and Child Labour in Supply Chains Act and to amend the Customs Tariff, as reported (without amendment) from the committee.

Mr. Arnold Viersen :

I want to share a story from the International Justice Mission about the real impact of forced labour and slavery.

“Like most ten-year-old boys, Suriya was a dreamer. If you asked him what he wanted to be when he grew up, his answer might change depending on the day. A famous singer, an artist, a policeman, a pilot, a cricket player.”

One day, a cyclone hit southern India and destroyed Suriya's village. Suriya, his mother and his siblings all survived, but his father did not. Due to their desperate situation, Suriya's mother was pressured into taking a loan from a neighbouring farmer that required Suriya to work for the farmer.

“At only ten years old, Suriya's dreams, childhood and freedom were taken. Instead of the loving embrace of his mother, Suriya was beaten repeatedly with a stick. Instead of walking to school in the morning, he was forced to herd over 200 goats alone for miles.”

Thanks to the partnership of a local organization in India, IJM was able to find Suriya, bring him home safely and “fight for justice against the man who exploited his family.”

While Suriya was freed, millions more men, women and children remain in slavery today. In fact, it is estimated that today there are over 50 million people in slavery.

That is why this issue is so important, and I am glad we are debating Bill S-211 here today. As one of the co-chairs of the All-Party Parliamentary Group to End Modern Slavery and Human Trafficking, it has been my honour to help advance this bill and work across party lines with my colleagues.

I want to thank in particular the sponsor in the House of this bill, the member for Scarborough—Guildwood, who has relentlessly championed this issue for years in this place, and our colleague Senator Miville-Dechéne, who brilliantly steered it through the Senate. I thank both other co-chairs of the APPG, along with the member for Shefford, and their offices for all they have done. I also want to recognize the hard work of their staff, people like Shawn Boyle, Jérôme Lussier and Joel Oosterman, who have been integral to assisting us with getting this bill done.

The APPG has been doing great work over the last few years, and I just want to take the opportunity to let members know that our AGM is coming up on May 8. We welcome anyone else who wants to join the All-Party Parliamentary Group to End Modern Slavery and Human

Trafficking at the AGM. Come and join us to strengthen Canada's efforts to combat human trafficking.

Human trafficking and modern-day slavery turn people into objects to be used and exploited. It is a vicious, growing and profitable crime here in Canada and around the world.

Earlier this spring, the York Regional Police announced that 64 men and women from Mexico were trafficked to work here in Ontario. I want to thank the officers for their hard work to apprehend the traffickers and rescue the victims. This vicious crime robs people of their God-given dignity and freedom. Over the past few years, due to the pandemic, the estimated number of people enslaved or trafficked has risen from 40 million to over 50 million.

These people are harvesting our coffee or the sugar we eat or making the clothes we wear, and while we finally will be updating our laws to prohibit imports made from slavery, **our enforcement to this point has been terrible. In fiscal year 2021-22, the U.S. intercepted 2,300 shipments suspected of being tied to forced labour or slavery. Canada intercepted one, and that shipment was ultimately appealed and let through.**

Canada does not yet require any companies to ensure their supply chains are free of slavery. That is why Bill S-211 is so important. **This bill would require federal departments and large companies that do business in Canada to produce an annual report detailing the measures taken to prevent or mitigate the risks of forced labour or child labour in their supply chains. These reports would be made public, and there would be penalties for making false or misleading statements.**

It is not necessary to get too much into the details of the bill at this stage. The bill has already gone through the Senate stages and has been at committee. In this House, it has gone through second reading and committee study, and we do not have to debate the bill to pass it. We know how long it takes for the government to simply implement legislation. With any further debate, this bill will be delayed, as will the ability for Canada to increase transparency and help stop slavery in our supply chains.

I want to draw members' attention to the former British member of Parliament and abolitionist William Wilberforce, who, motivated by his Christian faith, spent decades fighting against the transatlantic slave trade, every year reintroducing a bill to end it, only to see the bill defeated or delayed. He was eventually successful, but often impeding his efforts were the attempts by other MPs to change or amend the bill, or calls to delay or take a different approach. Those delays resulted in prolonged suffering and enslavement of countless Africans. That is why it is deeply disappointing to see that there are parties in the House who plan to vote against this bill. That is shocking. These parties make up similar excuses to those of Wilberforce's opponents as to why they cannot support the bill.

No one is suggesting this bill is the only step Canada needs to take, but it is an important step nonetheless. There are other approaches we can and must take. For example, Canada should adopt a zero-tolerance approach to modern-day slavery and human trafficking.

Three weeks ago, I was in Winnipeg at the Canadian Museum for Human Rights, and we brought together survivors and leaders in the fight against human trafficking. The symposium was organized by Paul Brandt and #NotInMyCity, the Rotary Action Group Against Slavery, the Mekong Club and the International Justice Mission. The focus of that conference was to galvanize support for "The Canada Declaration", a document that outlines the reality of

humanity trafficking in our country and around the world, and looks for Canada to take a zero-tolerance approach that was informed by the voices of survivors. The co-chairs of the All-Party Parliamentary Group to End Modern Slavery and Human Trafficking had the honour of addressing the leaders in that room, and we are committed to bringing this declaration back to Parliament and urging our colleagues in the government to implement these calls to action.

Part of the declaration states:

We acknowledge that reconciliation with Indigenous peoples requires Canada to take a concerted effort to end the factors that lead to their over-representation as Victims of Human Trafficking.

We also recognize the resilience and courage of Survivors who have spoken out and raised their voices and lament that far too often, their voices have not been centered or heard....

We recognize that the maintenance of freedom requires diligence and sacrifice.

We recognize that Human Trafficking is a multi-faceted crime and requires a comprehensive, holistic and country wide effort to fight it on every front....

That is why we are calling on the Government of Canada and all Canadians to adopt a Zero Tolerance approach to end Human Trafficking.

One of the calls to action in “The Canada Declaration” is for Canada to implement robust measures that require supply chain reporting of Canadian companies. That is what this bill would do. It would help Canada move forward to a zero-tolerance approach, and that is why I believe that this bill should not be delayed any further. If it is in our power to help end slavery and bring freedom to men, women and children around the globe by passing this bill, why would we delay its adoption one moment longer?

Just yesterday, all members of Parliament received a letter from Peter Talibart, a Canadian and an international employment lawyer based in the U.K. Peter appealed to parliamentarians to adopt Bill S-211 and pointed to its strengths as it compares to existing international approaches. For example, **unlike the U.K. and Australian laws, Bill S-211 proposes serious penalties, including fines and direct criminal liability. In fact, those countries are looking to adopt an approach that is reflected in this bill.**

Peter ends his letter by saying that we know more about the wood in our chair, the coffee in our cup and the tobacco we smoke than we do about the welfare of the millions of men, women and children that produced them, and that that is wrong.

I urge all members to support the immediate adoption of Bill S-211.

Again, I want to thank the MP for Scarborough—Guildwood, our colleagues in the Senate and all who have worked so hard to get this bill to where it is today.

I want to leave members with the words of William Wilberforce as he challenged his parliamentary colleagues to action over 200 years ago. He said, “Having heard all this you may choose to look the other way but you can never again say that you did not know.”

Mr. Simon-Pierre Savard-Tremblay (Saint-Hyacinthe—Bagot, BQ):

Madam Speaker, **I rise to speak this evening as the Bloc Québécois critic for international trade. The themes we are discussing are definitely linked to this issue. Of course, we are all in**

favour of trade, but not at any environmental, human or social cost. I believe that this means that we should study this bill very diligently.

Before dealing with the substance of the bill, I would like to salute the absolute sincerity of the member for Scarborough—Guildwood and also of Senator Miville-Dechéne. Since 2018, they have tried three times to pass a bill about this issue. Therefore, I want to say that I admire their efforts.

We know that the member for Scarborough—Guildwood has been looking at potential corporate abuses abroad for a long time. Back in 2010, he introduced a bill to make Canadian mining companies abroad accountable. It was defeated. We had a minority Conservative government at the time. With support from the opposition parties, it could have passed, but it was defeated because too many members of his own party had fallen ill at the same time. Consequently, he did not have enough votes to get it passed. It is a shame, because it would have been a bit of a step forward at the time.

I also have to say that this is an issue that is very important to me, both personally and in my capacity as critic. I recall moving a motion for unanimous consent that set out what a true due diligence policy could look like. I think that is the right term. Unfortunately, I could hear shouts of “no” off to my right, in every sense. The Conservatives yelled “no” so it did not pass.

I also tabled a petition in favour of such a law, such a policy, last June, if I am not mistaken, signed by nearly 2,000 Quebecers who were calling for due diligence legislation.

I also have here the report of the Standing Committee on International Trade that was tabled in the House not that long ago, regarding the study it did on the activities of Canadian mining companies abroad. We heard a lot of testimony on that subject, some of which made my blood run cold. We are talking about mining companies, of course, because we have often heard about the abuses committed by Canadian mining companies abroad. However, we could also talk about the textile industry, which, as members know, is hardly above reproach. Then there are the coffee, cocoa and palm oil industries. There are tons of industries like those, where we know that their activities and ways of doing things are having real consequences. Even if we like to have these sorts of products on our store shelves, there is an ethical and humane way of doing things.

It should be noted that Canada is a paradise for mining companies. Because Canada is a flag of convenience, a lot of companies that are not actually Canadian will come register here, incorporate here, because of the legal, tax and speculative advantages that the Canadian framework provides. After that, there is no real mechanism, except for this puppet ombudsman that was created by Ottawa a few years ago and that ultimately just gives this or that excuse, giving the government the right to say that it has taken action.

Taking action can be dangerous. Empty shells can be dangerous. Even certain policies can be dangerous, when they start out with laudable intentions but ultimately cause us to sit back and do nothing, unfortunately.

I would of course also like to talk about Bill C-226, which was proposed by my NDP colleagues and which I am co-sponsoring. I gladly put my name on it. A cause like that should not be partisan. It is too important. Lives are at stake; human dignity is at stake. That is why I am co-sponsoring the bill.

Unfortunately, I am going to have to make a comparison that is not very flattering for Bill S-211 and compare it to Bill C-262. The Canadian Network on Corporate Accountability produced an excellent document entitled “Don't Mistake Reporting for Accountability”.

The subtitle states, “Canada must require Canadian companies to respect human rights throughout their supply chains.”

This document contains a wonderfully clear, concise chart that compares the two bills. I would like to read it for all our colleagues who are present. This chart compares the features of Bill S-211 and Bill C-262, the bill I co-sponsored that was introduced by our NDP colleagues.

The first question is, “Does it require companies to respect human rights?”

In the case of Bill S-211, unfortunately the answer is no. The chart states that the bill requires companies “to report annually on whether they took steps to identify and prevent the use of forced labour, and what they found. It does not require companies to respect human rights.” In the case of Bill C-262, the answer is yes. The chart states that the bill “recognizes that companies have a responsibility to respect human rights, and must proactively take steps to prevent human rights violations throughout their supply chains and global operations.”

Here is the second question: “Does it require companies to prevent harm?”

In the case of Bill S-211, the answer is no. The chart states that the bill “requires an annual report” but that it “does not require companies to prevent harm.” In the case of Bill C-262, the answer is yes. The chart states that the bill “creates an explicit obligation for companies to prevent serious adverse impacts throughout their supply chains and global operations.”

Here is the third question: “Does it require companies to take steps to identify, mitigate, prevent and account for human rights and environmental harm in their supply chains?” We are talking about due diligence here.

In the case of Bill S-211, unfortunately, the answer is no. The chart states that “companies are not required to take any due diligence measures. A company may report that it has not taken measures and be in compliance with the law.” In the case of Bill C-262, the answer is yes because there is “an explicit obligation for companies to put in place adequate due diligence procedures.”

The fourth question is, “Are there meaningful consequences if companies cause harm or fail to implement adequate due diligence procedures?”

In the case of Bill S-211, the answer is no, because “[t]here are no consequences for failure to prevent harm or for failure to implement due diligence procedures.” In the case of Bill C-262, the answer is yes because the bill “provides people with a statutory right to sue a company”. That is the important part. That is what is missing from the role of the ombudsman, which basically serves as an online complaints office. It is a nice website the government created a few years ago.

The fifth question is, “Does it help affected people to access justice or remedy?”

In the case of Bill S-211, the answer is no. The bill does not address this. In the case of Bill C-262, the answer is yes, because “[t]here are several ways in which the legislation helps address existing barriers to accessing Canadian courts.”

The sixth question is, “Does it provide agency to impacted communities / workers?”

In the case of Bill S-211, the answer is “no”, because “[t]here is no role for impacted community human rights defenders and workers.” In Bill C-262, however, “consultation with rights holders is required in a company’s due diligence procedures.”

Here is the seventh question: “Does it apply to companies of all sectors and all sizes, down the entire chain?”

Bill S-211 applies only to “companies with 250+ employees, with significant revenue or assets.” However, Bill C-262 “applies to companies of all sizes, from all sectors, down the entire value chain.” Human rights abuses need to be called out, no matter how big the business is or how much money it makes.

Here is the eighth question: “Does it apply to all human rights?”

Bill S-211 applies to forced labour and child labour. We applaud that and are quite pleased. However, “[t]his ignores the internationally accepted principle that human rights are indivisible, interrelated and interdependent, a principle upheld by successive Canadian governments.” In contrast, Bill C-262 “upholds the principle that companies must respect all human rights. It makes reference to the core international human rights conventions, the fundamental ILO conventions...” and even “makes specific reference to the right to a safe, healthy and sustainable environment.” Now that is real legislation with teeth.

Now, what do we do with Bill S-211? Of course we know that it could be a step in the right direction. We know that an obligation to report cannot be a bad thing in and of itself. However, as with the ombudsman created by the government, these situations have extremely serious consequences, particularly at a time when we are thinking about a new world order post-COVID-19. In this new world order, trade would not be an absolute, and we could show more respect for sovereign states, the environment and peoples. Unfortunately—

The Assistant Deputy Speaker (Mrs. Carol Hughes):

The hon. member is out of time. I signalled to him several times. His time is up unless he has the consent of the House to finish his thought.

Is that agreed?

Some hon. members: Agreed.

Mr. Simon-Pierre Savard-Tremblay:

Madam Speaker, I thank my colleagues for their solidarity.

I just wanted to add that all of this, along with the Bloc Québécois amendments that were rejected in committee, unfortunately mean that we must oppose the bill.

Mr. Peter Julian (New Westminster—Burnaby, NDP):

Madam Speaker, I want to thank members of the community who have stepped up for the Simon Fraser University football team.

As members know, the administration at SFU cut the football program just a few weeks ago. This program has produced some of the best football players in Canada. We have had a remarkable reaction from the public, which put in place a financial plan that ensures the continuity of the program. It is now really up to the SFU administration to reverse its decision and stop the cuts to the program.

I am here to talk about Bill S-211. To avoid the problem that my colleague had, I will start by saying that the NDP will be voting against this bill because it is an empty shell. It does nothing to change the situation of people experiencing systemic human rights violations around the world. I will talk about a few cases later in my speech.

The fact of the matter is that this bill really does nothing to change an extremely difficult situation when it comes to human rights violations.

I just have to speak of three of the many examples of systemic human rights violations that have taken place on the grounds of Canadian companies. We can think about this for just a moment. Canada is standing up for human rights, but when it comes to some of our corporations acting abroad, they have acted in the most nefarious ways and trampled on basic human rights. Bill S-211 would not address any of the three examples I will give, which is why we need robust legislation.

I appreciate my colleague from the Bloc Québécois endorsing NDP bills, which I will speak about in a moment, from me and the member of Parliament for Edmonton Strathcona, the NDP foreign affairs critic.

The first example is about forced labour by Nevsun in Eritrea. Forced labour, or slavery, occurs on the grounds of a Canadian-owned company. This is the most outrageous abuse of human rights, and yet it is connected to Canada. We must all bear the shame of a company that acts in that way and allows systemic slavery on its grounds.

The second example is in El Salvador, and the company involved is Pacific Rim. We are talking about the most egregious, horrific torture and murder of environmental activists who were speaking up against the mine. Again, here is an example of a Canadian company functioning abroad with systemic human rights violations.

The third example is Barrick Gold in Papua New Guinea. We are talking about systemic sexual violence and torture of many women in the area of that mine.

In all these cases, the judicial systems simply do not work. There is no protection from government. We are talking about corrupt judicial systems and police who have been paid off. We are talking about a complete Wild West for human rights violations.

Each one of these examples, most egregiously, involves Canadian companies. Members can imagine the horrific results for the victims, whether we are talking about forced labour and slavery, systemic sexual violence or the torture and murder of environmental activists. This is why we need legislation that will actually do the job to force companies to comply and ensure that those companies are held liable and held to account.

There simply cannot be two fates for Canadian companies, one when they are subject to the rule of law here in Canada and a second in the Wild West, where the most outrageous, atrocious human rights violations can occur with impunity on the grounds of these Canadian

firms, and where these companies can act without any regard for fundamental human rights and values. This is why I brought forward Bill C-262.

I want to state very clearly that this bill that I am presenting on the floor, Bill C-262, comes after incredible work by the Canadian Network on Corporate Accountability. It includes activists from some of the most significant organizations in Canada, such as Oxfam Canada, Amnesty International Canada and Human Rights Watch Canada, along with a number of very important labour organizations, in both the private and the public sectors. They are all standing together to say that Canada's appalling corporate human rights violations abroad need to be treated with the rigour and the type of legislative framework that will force companies to stop these appalling abuses and practices. The Canadian Network on Corporate Accountability did much of the vital groundwork for the bill that I am bringing forward, Bill C-262.

This is a bill that would actually address human rights abuses. It would hold companies to account and force them to do their due diligence before an investment. It would make them liable. These are just three cases among many. If there was systemic sexual violence, torture and murder of activists, or slavery or forced labour, the companies would be held to account. The directors and leaders of those companies would be held to account.

That is why Bill S-211 falls so far short. It is just an empty box that asks a few companies to prepare some kind of report. It does not hold them liable. It does not hold them to account. It does not force them to stop the most egregious human rights violations that are taking place in their operations on their property.

If those companies can be proud of their relationship to Canada, I can say that Canadians are not proud of those companies' relationship with Canada; we have done nothing. The current and previous governments did nothing to address violations that continue to this day. It may be a different country. It may be a different set of appalling human rights violations, but the reality is that what we are seeing is these companies acting with impunity.

That is why Bill C-262 is so very important. It would force an end to slavery, forced labour and systemic sexual violence. It would force an end to companies' security guards torturing and killing activists, who are speaking up for their community, with impunity. These are all things that need to be addressed, and that is why I wanted to thank the Canadian Network on Corporate Accountability and all its member organizations, which worked so assiduously on this for Canada to finally start addressing the elephant in the room. We pay lip service to human rights abroad, but we do nothing to force our companies, as well as their directors and leaders, to be accountable for the actions that they allow to take place on their property and in their operations.

The NDP, as the worker bees in this Parliament, tried to improve Bill S-211. We tried to give it a backbone. We tried to take the empty box that is Bill S-211 and bring some content to it. We offered half a dozen amendments that come from the activist sector, those organizations that are most attuned to the issue of human rights. We saw Liberals and Conservatives systematically rejecting each one of those amendments.

We can just think about that for a moment. Every member of Parliament is aware of the appalling human rights abuses that have taken place through Canadian companies acting abroad. A bill that pays only lip service to that is before a committee. The NDP offered amendments that would actually make the bill meaningful, and the Conservatives and the Liberals voted against them.

We will be voting against this bill, and we will be bringing forward very strong human rights legislation. That is what the world calls for, and that is what Canadians deserve.

Mr. Terry Sheehan (Parliamentary Secretary to the Minister of Labour, Lib.):

Madam Speaker, first I would like to acknowledge that this debate is taking place on the traditional territory of the Algonquin people.

I want to begin by stating that the government will be supporting the bill.

The Minister of Labour has a mandate to introduce government legislation that will eradicate forced labour in our supply chains. This was also part of a platform promise in our last election. In budget 2023, we committed to introducing that legislation by the end of next year. The government's priority is to pass the most effective legislation possible. Bill S-211 represents an important first step, and through government legislation, we will seek not only to improve upon it, but to go further.

How prevalent is this problem? The latest numbers from the International Labour Organization estimate that there are over 27 million victims of forced labour worldwide. This number has increased by 2.7 million people since 2016, in part due to the effects of the COVID-19 pandemic, and we have strong indication that this number still likely underestimates the pandemic's full effects on forced labour. In addition, global estimates indicate that at the beginning of 2020 there were approximately 160 million children who were victims of child labour, including forced child labour, and this number, too, is expected to rise, given increased poverty driven by the pandemic.

These types of practices are deplorable, and our government strongly condemns the use of forced labour and all forms of exploitation in the production of goods.

This issue has garnered attention on a global scale. In fact, many countries have introduced or announced measures to address labour exploitation in supply chains, including different forms of supply chain legislation. Others have import prohibitions on goods produced using forced labour, such as the U.S., Canada and, soon, Mexico. The European Union is considering a regulatory proposal on prohibiting forced labour goods from its market as well.

Fighting forced labour and child labour is a complex problem that demands a comprehensive solution. Supply chains are becoming increasingly multi-faceted, with multiple tiers that could involve a parent company, a subsidiary company, suppliers and subcontractors spread across the world. This makes it difficult to pinpoint at which stage forced labour, child labour or other forms of exploitation may occur.

Despite this, our government is taking action. Over the past few years, the government has introduced a number of initiatives to help tackle labour exploitation in global supply chains. For example, when it comes to negotiating trade agreements with other countries, we include comprehensive and enforceable labour provisions to protect workers, and we help uphold those protections, including by providing assistance to partner countries in meeting these obligations. For example, we are providing funding through World Vision Canada to increase protections against child and forced labour in several agricultural sectors in Mexico.

In addition, in July 2020, we included a ban in the Customs Tariff to prohibit the importation into Canada of goods that are mined, manufactured or produced by forced labour. This is a

relatively novel mechanism to address the issue, with the United States being the only other country with such a ban in place, which has evolved over the last 90 years. Departments are in regular contact with American counterparts to learn from the expertise they have built up over decades.

We have also taken steps toward strengthening federal procurement. Its entire contracting regime has changed, including updating the government's code of conduct for procurement to include clear expectations for suppliers and their subcontractors when it comes to human and labour rights.

In 2022, our government introduced a new responsible business conduct strategy. The strategy focuses on ways to build awareness and increase company-led due diligence and accountability. We know that government action alone is not enough. We need all hands on deck: government, industry and civil society.

As I have mentioned, the COVID-19 pandemic has widened social inequalities and increased the risk of fundamental labour and other human rights violations for the most vulnerable around the world. If we want to make Canadian supply chains more resilient and sustainable for years to come, we must eliminate forced labour and employ a range of measures to address exploitation in supply chains.

This is a priority for the government and a key mandate commitment for the Minister of Labour and the Minister of Public Safety, as well as the Minister of Public Services and Procurement and the Minister of International Trade, Export Promotion, Small Business and Economic Development.

While labour exploitation is a global problem, we must also take an approach that fits the Canadian context. In 2019, the government held extensive consultations on this issue with more than 55 stakeholders in Ottawa, Toronto and Vancouver. We also held online consultations and garnered more than 100 responses.

Last spring, the Government of Canada released a report entitled, "Labour Exploitation in Global Supply Chains: What We Heard Report". This report captures everything our stakeholders shared through those consultations. They told us loud and clear that labour exploitation, including forced labour, is unacceptable and that the Government of Canada should take further action to address it.

Since then, our government has continued to engage with numerous stakeholders on the issue of forced labour in supply chains, including civil society organizations, advocacy groups, industry, foreign governments and international organizations. In recognition of what we heard from stakeholders and international developments on this issue, we have been gathering information on global best practices from international partners and organizations, including further input received from stakeholders on key elements that often form part of supply chain legislation.

These include the scope of potential legislation, the type of requirements that should be imposed on businesses, the entities that should be captured by the legislation and other potential flexibilities that could be considered, the approach to enforcement and governance, as well as non-legislative tools and other measures that are needed to support entities in meeting their obligations under supply chain legislation.

There is no doubt that the sponsor of this bill has done a tremendous amount of work and has worked on this for many years. Many members from many parties have also undertaken this work. I also want to thank those in the other place for the work they have done, including the other sponsor of this bill. This is an extremely important issue, and for that we continue to applaud the tireless efforts of our esteemed colleagues.

We must act, but also, as has been said in this chamber, legislation cannot just be words on paper. The legislative framework needs to be on strong legal and operational footings.

It should be in line with the latest approaches being undertaken by like-minded countries, with whom we must collaborate to end this scourge. We need to equip businesses and other regulated parties to comply, and ensure that expertise and capacity exist for the regulator to monitor and enforce, so the legislation has the desired impact, and so it is a strong legislative framework that will be effectively enforced.

Ultimately, while this is a complex endeavour, we are committed to doing this work, and we will get it done. In closing, I want to once more make it clear that forced labour is unacceptable in Canada or any place in this world. This bill represents an important first step, but it will not be the last one.

Working with parliamentarians, industry and civil society, the government has committed to developing and introducing legislation that will go further. Everyone has the same goal here, which is eradicating forced labour from Canada's supply chains.

The Government of Canada is committed to that work, and to employing a range of measures so that Canadian businesses do not contribute to this or other forms of human rights abuses.

We will do everything in our power to ensure that goods coming into the country, our stores and our homes, and that the practices companies are engaging in abroad, are free from the stain of forced labour.

Mr. Ted Falk (Provencher, CPC):

Madam Speaker, it is nice to rise in the House to speak to a bill that comes to us from our colleagues in the Senate, where there is general agreement among the parties that there needs to be action taken on this issue. After listening to some of the speeches earlier today, it does not sound as though there is going to be unanimous support in the House for this bill, but I think there will be enough to get it across the finish line.

I am a father of three and a grandfather of 10 children, some of whom may even be watching today. The issues related to children are very important to me today, as I think they are to all of us in the House. I am pleased to have the opportunity to share my thoughts on this bill, which our friends in the Senate have put before us.

I want to thank Senator Miville-Dechéne for presenting this bill, as well as Bill S-210, which I am also very strongly in favour of. The latter is a bill that calls for age-verification methods to be implemented to protect children from online pornography, another type of exploitation. It passed the Senate last week and I hope we will be debating it in the House very soon.

UNICEF, in its 2021 report, showed that the number of children involved in child labour had risen to 160 million worldwide, an increase of 8.4 million over the preceding four years, the first

significant increase in this generation. The most significant jump was for kids aged five to 11, and the number of children doing hazardous work rose from 6.5 million to 79 million between 2016 and 2020. Again, those numbers are from UNICEF.

We know who the culprits are. We know which corporate entities are utilizing child labour, and we know about the children in Congo getting sent down mines to bring up the cobalt so that we here in Canada can have the latest device or drive an electric car. However, it goes even deeper than that, with many layers to consider.

Canadians are great people. We are kind, generous and compassionate. We can ask any Canadian if they think that child or forced labour is a bad thing and every one of them would say yes. If we ask them if the Government of Canada should do something about it, they will say, "Yes, we must." Should we ban products produced with forced labour or child labour? Absolutely. That is good, but what are they willing to give up in order for that to happen? I realize that it is hardly that simple, but, really, that is the question. To be honest, most Canadians would be shocked to discover what products we use and enjoy on a daily basis that, in fact, contribute to robbing children of their freedoms.

While I may not always see eye to eye with my colleague from Vancouver East, I would like to reference some statistics from her speech in March. According to a 2016 report from World Vision, it is estimated that 1,200 companies operating in Canada are importing over 34 billion dollars' worth of goods produced by child or forced labour every single year, and that is right here in Canada.

I serve a rural riding and I am an agriculture kind of guy. Canada's farmers are the best in the world, but internationally, the agriculture and grocery industries are among the worst offenders for forced labour and child labour. Seventy-one per cent of all child labour takes place in the agriculture sector, and many of its items end up on Canadian grocery store shelves. In 2019, more than 3.7 billion dollars' worth of these food products were imported into Canada, a 63% increase from 10 years ago.

I look at that number and think about the fact that, as Canadians, we waste somewhere around 58% of the food we produce here in Canada. According to research done by Toronto-based Second Harvest, some 4.8 million tonnes of food is lost or wasted during processing and manufacturing and some 2.38 million tonnes is lost at the consumer level.

In short, the abundance of food we produce here in Canada has led us to dismiss its intrinsic value and we actually waste more than we consume. In a world struggling to feed itself and in a country where one in five families is struggling to feed itself, it is hard to fathom those numbers. Then we turn a blind eye and import billions of dollars' worth of food from countries and companies where we know it is kids slaving to produce it. It is mind-boggling. It is so wrong.

I am glad we are having this conversation. I am glad we have this bill, and there are positive aspects of this legislation. However, I just wish this bill had more teeth. The legislation is great in principle, but there are still some problems with this bill. Given that this will likely be the last chance we have to address these issues, I am going to raise a few of them here.

First, the bill does not prescribe what specific measures a company must take to be in compliance. Yes, it includes general guidance as to what information should be provided, but it is the reporting entities themselves that will retain discretion over the design and implementation of compliance systems.

The Canadian Network on Corporate Accountability, which includes such members as Amnesty International and Human Rights Watch Canada, puts it more bluntly. It states that Bill S-211 would only apply to a small minority of companies and it “does not require companies to stop using child or forced labour....or to conduct human rights due diligence.”

If that is the case, or even if we are just leaving it up to the individual companies to police themselves, which in some cases is the very reason why this type of legislation is necessary and has been brought forward, then this legislation may really not have the teeth we all want it to have.

I think this is a situation where it is appropriate for the government to give specific and binding measures and standards to remediate forced labour or child labour in order to be in compliance; otherwise, this is what I see happening.

We will pass this bill. Let us pick a corporation. We will call it the Orange Company. For years, it has used child labour to source its material and build its products. When this legislation comes into effect, Orange Company needs to send its report to the minister's office, so it looks at the guidelines, creates its own reporting system and prepares a report. Who needs to approve this report? If we look at part 2, subsection 4(a), it is the entity's governing body. What other verification is required? One signature. It states in subsection 5(b), “the signature of one or more members of the governing body.”

Without me needing to stretch out this illustration, we can foresee how this does not provide sufficient accountability. Not only that, the systemic concerns run deep, far deeper than what I have time to discuss here.

Let me affirm the efforts identifying, in part 2, subsection 12(1), the minister's prerogative of asking for a revised report in the event of skepticism. I can imagine how this step would force companies to dig deeper and divulge more. However, the consequence for non-compliance is only a fine, really a small fine compared to the revenue that many of these companies will actually generate.

I recognize this legislation is a starting point and we do need to start somewhere, but like so many other topics, this requires a much broader national conversation, one that considers all different layers, including those of the victims. We can slap on band-aids and promise the world, then pat ourselves on the back, but real change always comes with a cost, a cost that would probably infringe on some of the many treasured items that we use daily. That is true of the economy and it is true of our society.

Author Rosie Danan wrote:

Change always comes with a closing cost. But it's still worth trying. Not because the odds are particularly good, mind you, but considering the alternative. There's value in the struggle. Value in touching the raw and bloody parts of our souls, opening them up to the sunlight, and hoping they heal.

As parliamentarians, we have the ability to pass a child and forced labour law that has teeth. We have the ability to ensure that no products made with forced or child labour enter Canada. We can levy severe financial or criminal penalties on those entities that use forced labour, and that do or want to do business here in Canada. We can do all that. The question is this: As Canadians, is that really something that we are willing to do?

Ms. Kristina Michaud (Avignon—La Mitis—Matane—Matapédia, BQ):

Madam Speaker, I am very pleased to be one of the last people to speak to this bill. My colleague opposite and I worked together on the Standing Committee on Public Safety and National Security when he was chair, and I know that he worked hard on this. I therefore commend him for his work. I also want to commend Senator Miville-Dechêne for her work.

I know that almost everything has already been said about this bill in the House, but I think it is important to put things into context. In order to do so, I referenced the open letter that Senator Miville-Dechêne wrote in *La Presse* last November. The letter had to do with a subject or a reality that we know very little about or that we are aware of but would prefer to cravenly ignore. I am talking about forced labour and child labour.

Like many of my colleagues mentioned, these types of labour help provide consumers in wealthy countries like Canada with all sorts of products at low prices. This is not a new concept. The International Labour Organization's Forced Labour Convention defines forced labour as “all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily”.

The International Labour Organization estimates that in 2019, 25 million children and adults were in forced labour. World Vision Canada estimates that Canadian imports worth \$43 billion may have been produced through the work of children and forced labour in 2020. That is nearly 7% of Canadian imports that come from forced labour.

It is likely that the pandemic brought this sad phenomenon into sharper focus. The race to procure personal protective equipment exacerbated the exploitation of the most vulnerable. For example, in October 2021, the United States seized at its border a shipment of medical gloves from a Malaysian company alleged to rely on forced labour. It was the fourth Malaysian business to be hit with this type of sanction in 15 months alone.

Our own country bought and used millions of gloves from two of these tainted suppliers, even though a law has been in place for more than a year at the border to ban the entry of such shipments. As you can see, this is not enough to prevent the phenomenon from spreading to our borders.

This forced labour or child labour—which is sometimes referred to as modern slavery—has infiltrated our everyday consumption for a very long time, especially in the western world. Unfortunately, on this issue, Canada has just sat idly by, unlike many European parliaments. The UK, France and Germany have already passed laws that require companies to investigate and report on the risks of forced labour in their supply chains.

While reading up on the topic yesterday, I came across a news report on Radio-Canada's RAD platform about fast fashion. It is a phenomenon that led to the 2013 factory collapse in Bangladesh that killed over 1,000 people. Ten years later, there are questions about whether working conditions in the textile industry have improved. This is an industry that produces clothes that we wear here—brands like Mango and Joe Fresh. The answer, unfortunately, is quite definite. The rights of the workers in this industry are still being violated and their working conditions are still poor. People even said they had concerns about their health.

As long as we do not change our economic model, then forced labour is here to stay. What is being done to prevent this, to ensure that Canada is not contributing to forced labour? We need

to require companies to be more transparent about their practices in order to eradicate the risks of forced labour and child labour in their supply chains. That is a good place to start.

Is that enough? Unfortunately, the answer is no. That is where we see that Bill S-211, although it is a very good bill, may not go far enough. I was given a comparative chart on the difference between Bill S-211 and Bill C-262. My colleague from Saint-Hyacinthe—Bagot spoke earlier to Bill C-262, which he co-sponsored.

When we ask the basic question of whether the bill ensures respect for human rights, the chart tells us that for Bill S-211, the answer is no. That is because the entire responsibility for reporting and investigating is placed on the companies, but they are not asked to take action.

Conversely, Bill C-262 “recognizes that companies have a responsibility to respect human rights, and must proactively take steps to prevent human rights violations throughout their supply chains and global operations.”

When we ask ourselves this basic question, we already know that if we have to choose one of these bills, we will choose the more binding bill.

We voted in favour of Bill S-211 at second reading because, as I mentioned, it would require Canadian companies to be more transparent about the measures they are taking to prevent and reduce the risk that forced labour or child labour is used in their supply chains.

This is a very good thing, but the question is and remains: Can we go even further? The answer is yes. In reading about the subject, I learned that although the United States sometimes lags behind Canada, in this particular area, it is quite the opposite. The rules that apply at the borders are more restrictive in the United States. We would do well to emulate that country or to draw inspiration from it.

The Assistant Deputy Speaker (Mrs. Carol Hughes):

The hon. member for Scarborough—Guildwood has five minutes for his right of reply.

Hon. John McKay (Scarborough—Guildwood, Lib.):

Madam Speaker, I want to thank colleagues for participating in this debate. I am probably a bit more enthusiastic about some colleagues than others. Nevertheless, I thank them.

This is close to the end of a four-year journey for us. We have introduced this bill a couple of times. However, for World Vision, it has been a 10-year journey. I want to commend the work of Martin Fischer, Michael Messenger and Matthew Musgrave for their tireless work over the last 10 years to get this legislation to where it is today.

I also want to recognize my staff, Shawn Boyle; my colleague in the Senate, Senator Julie Miville-Dechéne; and her staff, Jérôme Lussier.

Yesterday, Stop the Traffik, a world-leading, U.K.-based anti-trafficking organization had a press release that began, “The Canadian Parliament Debate World-Leading Bill.” I will repeat that for my colleagues who seem to be a little skeptical. It said, “world-leading bill”.

The press release continues on the “supply chain transparency and the application of company law and then introduced the concept of governing body signing off on the modern slavery statement, to make the law more meaningful by triggering Director duties and other elements of the legal system.” I will note that it is not just anybody signing off on any statement anytime, anyplace.

It continues, “Canada is now proposing to take this legislative approach much further and to add serious penalties – including fines and direct criminal liability for noncompliance.” Those people, who are knowledgeable and working abroad, have noticed the work of Canadians working here at home.

Border controls have been tried with not a lot of success. Trade treaties, again, were tried with not a heck of a lot of success. Criminal prosecutions are spotty. ESG and social responsibility efforts are good and are to be encouraged, but again, they are non-enforceable and somewhat sporadic. We are not debating a phantom bill such as my colleagues in the NDP want to debate. Bill C-262 has little or no chance of getting on the floor. What is on the floor is Bill S-211, and Bill S-211 is a transparency bill which, over time, has morphed into more of a due-diligence bill with due-diligence characteristics.

I want to remind colleagues that Bill S-211 carries fines, and not insignificant fines. The bill would entitle the minister to search and seize computers and other records, entitle the minister to a warrant, create indirect criminal liability for non-compliance and false statements, and have financial consequences for failure to file a report. To be truthful, these have consequences, financial and regulatory, which some of my hon. colleagues may not fully appreciate. The bill would also give the minister the ability to draft regulations that may over time become tougher each year.

I sincerely want to acknowledge the work of the Minister of Labour and his commitment in budget 2023 to introduce legislation in 2024 that would eradicate forced labour from Canadian supply chains and to strengthen the ban on goods produced using forced labour.

I am not pretending that Bill S-211 is the final step. It is a first step, and the first step actually puts us at the head of all nations who have legislation such as this. I encourage my colleagues to vote in favour of the bill, as it is a useful way to move us from laggard to leader.

The Assistant Deputy Speaker (Mrs. Carol Hughes):

The question is on the motion.

If a member of a recognized party present in the House wishes that the motion be carried or carried on division or wishes to request a recorded division, I would invite them to rise and indicate it to the Chair.

AI generated response based on transcript:

Summary:

The key theme of this debate revolves around the urgent need to combat modern slavery and human trafficking, particularly concerning the transparency and accountability of corporate supply chains in Canada. It emphasizes the moral and ethical responsibilities of businesses to prevent forced labor and child labor in their operations and supply chains. The discussion contrasts two legislative approaches: Bill S-211, which aims for corporate reporting on measures taken, and Bill C-262, which calls for more rigorous obligations for companies to ensure human rights are respected throughout their supply chains.

Conservative Policy Suggestions:

1. ****Strengthening Trade Provisions****: Develop trade agreements that incorporate strict labor protections and enforceable clauses that ban imports linked to forced and child labor. This could include increasing tariffs or trade restrictions on goods produced under exploitative conditions.
2. ****Enhanced Penalties for Non-Compliance****: Introduce more severe financial penalties and criminal liabilities for corporations found violating labor standards. This could extend to individual executives to hold decision-makers accountable for their supply chain practices.
3. ****Incentives for Responsible Corporate Behavior****: Create tax incentives or subsidies for companies that demonstrate verifiable adherence to ethical labor practices. This might encourage businesses to develop transparent supply chains by making it economically beneficial to do so.

Liberal Policy Suggestions:

1. ****Comprehensive Supply Chain Due Diligence Law****: Advocate for legislation similar to Bill C-262 that mandates all companies, regardless of size, to conduct comprehensive human rights due diligence in their supply chains, with a clear focus on preventing human rights abuses.
2. ****Support for Victims of Human Trafficking****: Expand funding and resources for NGOs that support survivors of human trafficking, including rehabilitation programs and legal assistance, to ensure that victims have access to comprehensive support and justice.
3. ****Public Awareness Campaigns****: Launch national campaigns that educate consumers about the implications of forced labor and child labor in the products they purchase, thereby promoting ethical consumerism. This could be paired with enforcement of labeling requirements for products verified as free from forced labor.

These policies aim to address the issues raised in the debate while reflecting the respective ideological lenses of conservative and liberal approaches.

Screenshot of AI response on 17/02/2025

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Bill S-211 : Text of the bill

<https://www.parl.ca/DocumentViewer/en/44-1/bill/S-211/royal-assent>

First Session, Forty-fourth Parliament,

70-71 Elizabeth II – 1 Charles III, 2021-2022-2023

STATUTES OF CANADA 2023

CHAPTER 9

An Act to enact the Fighting Against Forced Labour and Child Labour in Supply Chains Act and to amend the Customs Tariff

ASSENTED TO

May 11, 2023

BILL S-211

SUMMARY

This enactment enacts the *Fighting Against Forced Labour and Child Labour in Supply Chains Act*, which imposes an obligation on certain government institutions and private-sector entities to report on the measures taken to prevent and reduce the risk that forced labour or child labour is used by them or in their supply chains. The Act provides for an inspection regime applicable to entities and gives the Minister the power to require an entity to provide certain information.

This enactment also amends the *Customs Tariff* to allow for a prohibition on the importation of goods manufactured or produced, in whole or in part, by forced labour or child labour as those terms are defined in the *Fighting Against Forced Labour and Child Labour in Supply Chains Act*.

Available on the Senate of Canada website at the following address:

www.sencanada.ca/en

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CHAPTER 9

An Act to enact the Fighting Against Forced Labour and Child Labour in Supply Chains Act and to amend the Customs Tariff

[Assented to 11th May, 2023]

Preamble

Whereas forced labour and child labour are forms of modern slavery;

Whereas Canada, as a party to the eight fundamental conventions of the International Labour Organization on fundamental labour rights — including the Forced Labour Convention, 1930, adopted in Geneva on June 28, 1930; the Abolition of Forced Labour Convention, 1957, adopted in Geneva on June 25, 1957; and the Worst Forms of Child Labour Convention, 1999, adopted at Geneva on June 17, 1999 — is determined to contribute to the fight against modern slavery;

And whereas Parliament considers that it is essential to contribute to fighting modern slavery, including by imposing reporting obligations on government institutions involved in producing, purchasing or distributing goods in Canada or elsewhere and on entities involved in manufacturing, producing, growing, extracting or processing goods in Canada or elsewhere or in importing goods manufactured, produced, grown, extracted or processed outside Canada;

Now, therefore, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short Title

Short title

1 This Act may be cited as the *Fighting Against Forced Labour and Child Labour in Supply Chains Act*.

Interpretation

Definitions

2 The following definitions apply in this Act.

child labour means labour or services provided or offered to be provided by persons under the age of 18 years and that

- **(a)** are provided or offered to be provided in Canada under circumstances that are contrary to the laws applicable in Canada;
- **(b)** are provided or offered to be provided under circumstances that are mentally, physically, socially or morally dangerous to them;
- **(c)** interfere with their schooling by depriving them of the opportunity to attend school, obliging them to leave school prematurely or requiring them to attempt to combine school attendance with excessively long and heavy work; or
- **(d)** constitute the worst forms of child labour as defined in article 3 of the Worst Forms of Child Labour Convention, 1999, adopted at Geneva on June 17, 1999. (*travail des enfants*)

entity means a corporation or a trust, partnership or other unincorporated organization that

- **(a)** is listed on a stock exchange in Canada;
- **(b)** has a place of business in Canada, does business in Canada or has assets in Canada and that, based on its consolidated financial statements, meets at least two of the following conditions for at least one of its two most recent financial years:
 - **(i)** it has at least \$20 million in assets,
 - **(ii)** it has generated at least \$40 million in revenue, and

- (iii) it employs an average of at least 250 employees; or
- (c) is prescribed by regulations. (*entité*)

forced labour means labour or service provided or offered to be provided by a person under circumstances that

- (a) could reasonably be expected to cause the person to believe their safety or the safety of a person known to them would be threatened if they failed to provide or offer to provide the labour or service; or
- (b) constitute forced or compulsory labour as defined in article 2 of the Forced Labour Convention, 1930, adopted in Geneva on June 28, 1930. (*travail forcé*)

governing body means the body or group of members of the entity with primary responsibility for the governance of the entity. (*corps dirigeant*)

government institution has the same meaning as in section 3 of the *Access to Information Act*. (*institution fédérale*)

head has the same meaning as in section 3 of the *Access to Information Act*. (*responsable d'institution fédérale*)

Minister means the Minister of Public Safety and Emergency Preparedness. (*ministre*)

production of goods includes the manufacturing, growing, extracting and processing of goods. (*production de marchandises*)

Purpose of Act

Purpose

3 The purpose of this Act is to implement Canada's international commitment to contribute to the fight against forced labour and child labour through the imposition of reporting obligations on

- (a) government institutions producing, purchasing or distributing goods in Canada or elsewhere; and
- (b) entities producing goods in Canada or elsewhere or in importing goods produced outside Canada.

His Majesty

Binding on His Majesty

4 This Act is binding on His Majesty in right of Canada or a province.

PART 1

Reporting Obligation — Government Institution

Application

Government institutions

5 This Part applies to any government institution producing, purchasing or distributing goods in Canada or elsewhere.

Annual report

6 (1) The head of every government institution must, on or before May 31 of each year, report to the Minister on the steps the government institution has taken during its previous financial year to prevent and reduce the risk that forced labour or child labour is used at any step of the production of goods produced, purchased or distributed by the government institution.

Supplementary information

(2) The report must also include the following information in respect of the government institution:

- **(a)** its structure, activities and supply chains;
- **(b)** its policies and due diligence processes in relation to forced labour and child labour;
- **(c)** the parts of its activities and supply chains that carry a risk of forced labour or child labour being used and the steps it has taken to assess and manage that risk;
- **(d)** any measures taken to remediate any forced labour or child labour;
- **(e)** any measures taken to remediate the loss of income to the most vulnerable families that results from any measure taken to eliminate the use of forced labour or child labour in its activities and supply chains;
- **(f)** the training provided to employees on forced labour and child labour; and
- **(g)** how the government institution assesses its effectiveness in ensuring that forced labour and child labour are not being used in its activities and supply chains.

Form and manner

(3) The Minister may specify, in writing, the form and manner in which a report is to be provided. The requirements must be made available to the public in the manner that the Minister considers appropriate.

Revised report

7 (1) The head of a government institution may provide the Minister with a revised version of the report provided under section 6.

Content of revised report

(2) The revised version of the report must, in addition to the information required under subsection 6(2), indicate the date of the revision and include a description of the changes made to the original report.

Accessibility of report

8 The head of every government institution must, on providing the Minister with a report under section 6 or a revised report under section 7, make the report available to the public, including by publishing it in a prominent place on the government institution's website.

PART 2

Reporting Obligation — Entities

Application

Entities

9 This Part applies to any entity

- **(a)** producing, selling or distributing goods in Canada or elsewhere;
- **(b)** importing into Canada goods produced outside Canada; or
- **(c)** controlling an entity engaged in any activity described in paragraph (a) or (b).

Control

10 (1) For the purposes of this Part and subject to the regulations, an entity is controlled by another entity if it is directly or indirectly controlled by that other entity in any manner.

Deemed control

(2) An entity that controls another entity is deemed to control any entity that is controlled or deemed to be controlled by the other entity.

Annual Report

Annual report

11 (1) Every entity must, on or before May 31 of each year, report to the Minister on the steps the entity has taken during its previous financial year to prevent and reduce the risk that forced labour or child labour is used at any step of the production of goods in Canada or elsewhere by the entity or of goods imported into Canada by the entity.

Single or joint report

(2) An entity may comply with subsection (1) either

- **(a)** by providing a report in respect of the entity; or
- **(b)** by being party to a joint report in respect of more than one entity.

Supplementary information

(3) The report must also include the following information in respect of each entity subject to the report:

- **(a)** its structure, activities and supply chains;
- **(b)** its policies and its due diligence processes in relation to forced labour and child labour;
- **(c)** the parts of its business and supply chains that carry a risk of forced labour or child labour being used and the steps it has taken to assess and manage that risk;
- **(d)** any measures taken to remediate any forced labour or child labour;

- **(e)** any measures taken to remediate the loss of income to the most vulnerable families that results from any measure taken to eliminate the use of forced labour or child labour in its activities and supply chains;
- **(f)** the training provided to employees on forced labour and child labour; and
- **(g)** how the entity assesses its effectiveness in ensuring that forced labour and child labour are not being used in its business and supply chains.

Approval of report

(4) The report must be approved,

- **(a)** in the case of a report in respect of a single entity, by its governing body; or
- **(b)** in the case of a joint report, either
 - **(i)** by the governing body of each entity included in the report, or
 - **(ii)** by the governing body of the entity, if any, that controls each entity included in the report.

Attestation of the report

(5) The approval of the report must be evidenced by

- **(a)** a statement that sets out whether it was approved pursuant to paragraph (4)(a) or subparagraph (4)(b)(i) or (ii); and
- **(b)** the signature of one or more members of the governing body of each entity that approved the report.

Form and manner

(6) The Minister may specify, in writing, the form and manner in which a report is to be provided. The requirements must be made available to the public in the manner that the Minister considers appropriate.

Revised report

12 (1) An entity may provide the Minister with a revised version of the report provided under section 11.

Content of revised report

(2) The revised version of the report must, in addition to the information required under subsection 11(3), indicate the date of the revision and include a description of the changes made to the original report.

Approval and attestation

(3) Subsections 11(4) and (5) apply in respect of a revised report.

Accessibility of report

13 (1) An entity must, on providing the Minister with a report under section 11 or a revised report under section 12, make the report available to the public, including by publishing it in a prominent place on its website.

Federal corporations

(2) Any entity that is incorporated under the *Canada Business Corporations Act* or any other Act of Parliament must provide the report or revised report to each shareholder, along with its annual financial statements.

Administration and Enforcement

Designation

14 The Minister may designate persons or classes of persons for the purposes of the administration and enforcement of this Part.

Designated Person's Powers

Entry into a place

15 (1) A designated person may, for the purpose of verifying compliance with this Part, enter any place where they have reasonable grounds to believe there is anything to which this Part applies or any document relating to the administration of this Part.

Powers on entry

(2) The designated person may, for the purpose referred to in subsection (1),

- (a) examine anything in the place, including any document;
- (b) use any means of communication in the place, or cause it to be used;
- (c) use any computer system in the place — or cause it to be used — to examine data contained in or available to it, or reproduce the data — or cause it to be reproduced — in the form of a printout or other intelligible output and remove any printout or output for examination or copying;
- (d) prepare a document based on the data, or cause one to be prepared;
- (e) use any copying equipment in the place, or cause it to be used;
- (f) take photographs or make recordings or sketches of anything in the place;
- (g) direct any person to put any equipment in the place into operation or to cease operating it;
- (h) prohibit or limit access to all or part of the place or to anything in the place; and
- (i) remove anything from the place for the purpose of examination.

Persons accompanying designated person

(3) The designated person may be accompanied by any person whom the designated person believes is necessary to help them exercise their powers or perform their duties or functions under this section.

Assistance

(4) The owner or person in charge of the place and every person in the place must give all assistance that is reasonably required to enable the designated person to exercise their powers

or perform their duties or functions under this section and is to provide any documents, information or access to any data that is reasonably required for that purpose.

Warrant to enter dwelling-house

16 (1) If the place referred to in subsection 11(1) is a dwelling-house, the designated person may enter it without the occupant's consent only under the authority of a warrant issued under subsection (2).

Authority to issue warrant

(2) On *ex parte* application, a justice of the peace may issue a warrant authorizing the designated person to enter a dwelling-house, subject to any conditions specified in the warrant, if the justice is satisfied by information on oath that

- **(a)** the dwelling-house is a place referred to in subsection 15(1);
- **(b)** entry to the dwelling-house is necessary for a purpose related to verifying compliance with this Part; and
- **(c)** entry was refused by the occupant or there are reasonable grounds to believe that entry will be refused by or that consent to entry cannot be obtained from the occupant.

Obstruction

17 A person must not obstruct or hinder a designated person who is exercising powers or performing duties or functions under this Part.

Order — Corrective Measures

Minister's power

18 If, on the basis of information obtained under section 15, the Minister is of the opinion that an entity is not in compliance with section 11 or 13, the Minister may, by order, require the entity to take any measures that the Minister considers to be necessary to ensure compliance with those provisions.

Offences and Punishment

Offence

19 (1) Every person or entity that fails to comply with section 11 or 13, subsection 15(4) or an order made under section 18, or that contravenes section 17, is guilty of an offence punishable on summary conviction and liable to a fine of not more than \$250,000.

False or misleading statement or information

(2) Every person or entity that knowingly makes any false or misleading statement or knowingly provides false or misleading information to the Minister or a person designated under section 14 is guilty of an offence punishable on summary conviction and liable to a fine of not more than \$250,000.

Liability of directors, officers, etc.

20 If a person or an entity commits an offence under this Part, any director, officer or agent or mandatary of the person or entity who directed, authorized, assented to, acquiesced in or

participated in its commission is a party to and guilty of the offence and liable on conviction to the punishment provided for the offence, whether or not the person or entity has been prosecuted or convicted.

Offence by employee or agent or mandatary

21 In a prosecution for an offence under subsection 19(1), it is sufficient proof of the offence to establish that it was committed by an employee or agent or mandatary of the accused, whether or not the employee or agent or mandatary is identified or has been prosecuted for the offence, unless the accused establishes that they exercised due diligence to prevent its commission.

PART 3

General

Registry

Electronic registry

22 (1) The Minister must maintain an electronic registry containing a copy of every report or revised report provided to the Minister under section 6, 7, 11 or 12.

Accessibility of registry

(2) The registry must be made available to the public on the Department of Public Safety and Emergency Preparedness website.

Regulations

Regulations

23 The Governor in Council may make regulations for carrying out the purposes and provisions of this Act, including regulations

- **(a)** prescribing other entities for the purpose of the definition *entity*;
- **(b)** respecting the circumstances in which an entity is controlled by another entity; and
- **(c)** prescribing anything that may, by this Act, be prescribed.

Report to Parliament

Annual report

24 (1) The Minister must cause to be tabled in each House of Parliament, on or before September 30 of each year or, if a House is not then sitting, on any of the next 30 days on which that House is sitting, a report containing

- **(a)** a general summary of the activities of government institutions and entities that provided a report under this Act for their previous financial year that carry a risk of forced labour or child labour being used;
- **(b)** the steps that government institutions and entities have taken to assess and manage that risk;
- **(c)** if applicable, measures taken by government institutions and entities to remediate any forced labour or child labour;

- (d) a copy of any order made pursuant to section 18; and
- (e) the particulars of any charge laid against a person or entity under section 19.

Publication

(2) The Minister must publish the report in a prominent place on the Department of Public Safety and Emergency Preparedness website within 30 days after it is tabled in both Houses of Parliament.

Review of the Act

Review by committee

25 (1) At the start of the fifth year after the day on which this section comes into force, a comprehensive review of this Act must be undertaken by the committee of the Senate, of the House of Commons or of both Houses of Parliament that may be designated or established for that purpose.

Report to Parliament

(2) The committee referred to in subsection (1) must, within one year after the review is undertaken under that subsection, submit a report to the House or Houses of Parliament of which it is a committee, including a statement setting out any changes to the Act that the committee recommends.

PART 4

Customs Tariff

1997, c. 36

26 Subparagraph 132(1)(m)(i.1) of the *Customs Tariff* is replaced by the following:

- (i.1) amending that tariff item to exclude goods that are mined, manufactured or produced wholly or in part by *forced labour* or *child labour* as those terms are defined in section 2 of the *Fighting Against Forced Labour and Child Labour in Supply Chains Act*, from that tariff item, or prescribing the conditions under which such goods may be excluded from that tariff item,

27 The reference to “Goods mined, manufactured or produced wholly or in part by forced labour” set out in the Description of Goods of tariff item No. 9897.00.00 in the List of Tariff Provisions set out in the schedule to the Act is replaced by the following:

Goods mined, manufactured or produced wholly or in part by forced labour or child labour as those terms are defined in section 2 of the *Fighting Against Forced Labour and Child Labour in Supply Chains Act*;

PART 5

Coming into Force

January 1

28 This Act comes into force on January 1 of the year following the year in which it receives royal assent.