



Reporting obligations under the *Fighting Against Forced Labour and Child Labour in Supply Chains Act*

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I. Background

The *Fighting Against Forced Labour and Child Labour in Supply Chains Act* (Act) came into force on January 1, 2024.

The Act stipulates that any **government institution** producing, purchasing or distributing goods in Canada or elsewhere must, on or before May 31 of each year, submit a report to the Minister of Public Safety. The report must detail 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.

The Act's reporting obligations also apply to entities producing goods in Canada or elsewhere or importing goods produced outside Canada.



PART 1 : IDENTIFYING INFORMATION

National Security Intelligence and Review Agency Secretariat

April 1, 2023-March 31, 2024

PART 2: REPORT CONTENTS

2.1 Information on the government institution's structure, activities and supply chains

* Which of the following accurately describes the government institution's activities?

- Purchasing goods
 - in Canada
 - outside Canada

* Provide additional information on the government institution's structure, activities and supply chains.

The National Security and Intelligence Review Agency reviews Government of Canada national security and intelligence activities to assess whether they are lawful, reasonable and necessary. It investigates complaints from members of the public regarding activities of CSIS, CSE or the national security activities of the RCMP, as well as certain other national security-related complaints. The NSIRA Secretariat supports the Agency in the delivery of its mandate. This independent scrutiny contributes to the strengthening of the framework of accountability for national security and intelligence activities undertaken by Government of Canada institutions and supports public confidence in this regard. NSIRA is comprised of up to 100 FTEs. It primarily purchases professional services, office supplies and equipment, and some construction services due to a special project.

2.2 Information on the steps taken 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

- Conducting an internal assessment of risks of forced labour and/or child labour in the organization's activities and supply chains
- Contracting an external assessment of risks of forced labour and/or child labour in the organization's activities and supply chains
- Monitoring suppliers

Note: Given the recent coming-into-force date of the *Supply Chains Act*, government institutions may not have measures to report on for some of the requirements. Government institutions may



indicate in their report that no measures have been taken to remediate forced labour or child labour in their activities and supply chains, or that action plans have not yet been implemented, if that is the case. Doing so is sufficient to meet the government institution's legal obligations.

2.3 Information on the policies and due diligence processes in relation to forced labour and child labour

*** Does the government institution currently have policies and due diligence processes in place related to forced labour and/or child labour? No**

2.4 Information on the parts of its activities and supply chains that carry a risk of forced labour or child labour being used and the steps taken to assess and manage that risk

*** Has the government institution identified the parts of its activities and supply chains that carry a risk of forced labour or child labour being used?**

- No measures have been taken yet.

2.5 Information on any measures taken to remediate any forced labour or child labour

*** Has the government institution taken any measures to remediate any forced labour or child labour in its activities and supply chains?**

- No measures have been taken yet

2.6 Information on 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 the institution's activities and supply chains

*** Has the government institution taken any measures to remediate the loss of income to the most vulnerable families that results from any measure taken to eliminate the use of forced or child labour in its activities and supply chains?**

- No measures have been taken yet.

2.7 Information on the training provided to employees on forced labour and child labour

*** Does the government institution currently provide training to employees on forced labour and/or child labour? No**

2.8 Information on 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



*** Does the government institution currently have policies and procedures in place to assess its effectiveness in ensuring that forced labour and child labour are not being used in its activities and supply chains? No**



II. Key definitions

Definitions from Section 2 of the 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.
- **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;
 - (b) constitute forced or compulsory labour as defined in article 2 of the Forced Labour Convention, 1930, adopted at Geneva on June 28, 1930.
- **Government institution** has the same meaning as in section 3 of the *Access to Information Act*. Section 3 defines government institution as:
 - any department or ministry of state of the Government of Canada, or any body or office, listed in Schedule I; and
 - any parent Crown corporation, and any wholly-owned subsidiary of such a corporation, within the meaning of section 83 of the *Financial Administration Act*.
- **Head** has the same meaning as in section 3 of the *Access to Information Act*:
 - in the case of a department or ministry of state, the member of the Queen's Privy Council for Canada who presides over the department or ministry, or
 - in any other case, either the person designated under subsection 3.2(2) to be the head of the institution for the purposes of this Act or, if no such person is designated, the chief executive officer of the institution, whatever their title



- **Minister** means the Minister of Public Safety and Emergency Preparedness however this role (as of January 1, 2024) is assigned to the Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs.

- **Production of goods** includes the manufacturing, growing, extracting and processing of goods.

- **Due diligence**¹ refers to an ongoing management process to identify, prevent, mitigate and account for how an institution addresses actual and potential adverse human rights impacts in their operations and supply chains. There are four key parts to due diligence:
 - Identifying and assessing actual and potential human rights impacts (for example, screening new suppliers for risks of forced labour and child labour);
 - Integrating your findings across your institution and taking appropriate action to address impacts (for example, introducing internal training on forced labour and child labour, and processes for incident reporting);
 - Tracking your institution's performance to check whether impacts are being addressed (for example, doing an internal audit of your supplier screening); and
 - Publicly communicating what you are doing (for example, by publishing your annual report per the Act or publicly responding to allegations against a supplier).

¹ Adapted from the due diligence definition of the Organization for Economic Co-operation and Development.



III. Tools and resources

International Standards Resources

- United Nations Guiding Principles on Business and Human Rights
(https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)
- OECD Due Diligence Guidance for Responsible Business Conduct
(<http://mneguidelines.oecd.org/due-diligence-guidance-for-responsible-business-conduct.htm>)
- Ending child labour, forced labour and human trafficking in global supply chains
(<http://www.oecd.org/fr/corruption/ending-child-labour-forced-labour-and-human-trafficking-in-global-supply-chains.htm>)
- ISO 20400 – Sustainable procurement
(https://www.iso.org/files/live/sites/isoorg/files/store/en/ISO%2020400_Sustainable_procur.pdf)
- ISO 26000 – Social responsibility
(<https://www.iso.org/iso-26000-social-responsibility.html>)
- SA 8000 – Social accountability certification (<https://sa-intl.org/programs/sa8000/>)
- Ethical Trading Initiative (ETI) Base Code
(<https://www.ethicaltrade.org/eti-base-code>)

Government of Canada's Resources and Frameworks

- Code of Conduct for Procurement
(<https://www.tpsgc-pwgsc.gc.ca/app-acq/cndt-cndct/cca-ccp-eng.html>)
- Canada's Strategy on Responsible Business Conduct Abroad
(<https://www.international.gc.ca/trade-agreements-accords-commerciaux/topics-domaines/other-autre/csr-rse.aspx?lang=eng>)
- Resources and tools for responsible business conduct
(https://www.international.gc.ca/trade-commerce/rbc-cre/resources_tools-ressources_outils.aspx?lang=eng)
- National Strategy To Combat Human Trafficking 2019-2024
(<https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2019-ntnl-strtyg-hmnn-trffc/index-en.aspx>)