

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

**Office of the Information Commissioner of Canada**

For the financial reporting year April 1, 2023 to March 31, 2024

## **1 - 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.

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

The Information Commissioner is the first level of independent review of government decisions relating to requests for access to information under the control of government institutions. The *Access to Information Act* requires the Commissioner to investigate complaints she receives. The second level of independent review is performed by the Federal Court. The *Access to Information Act* is the legislative authority for the oversight activities of the Information Commissioner which are: to investigate complaints from requesters; to review the performance of government institutions; to report the results of investigations/reviews and recommendations to complainants, government institutions, and Parliament; to pursue judicial enforcement; and to provide advice to Parliament on access to information matters. The Office of the Information Commissioner of Canada (OIC) supports the Commissioner in carrying out these activities.

OIC's procurement activities and supply chains involve the purchase of goods in Canada and outside Canada.

The OIC has an annual budget of \$17 million of which approximately 11-12% (between \$2 to \$3 million) is spent annually on the procurement of goods and services. Approximately 85% of these purchases are related to the acquisition of services. Annual purchases of goods represent about \$375K, with the largest amounts related to computer hardware and office equipment. The vast majority of purchases are made through Canadian companies with a small amount made internationally, mostly with American suppliers. OIC develops a procurement plan for each fiscal year to identify the major purchases that will be made. This allows OIC to consider the risk of child or forced labour before starting the procurement process and to select the best procurement tool available to minimize the risk of child or forced labour.

In most cases, OIC uses procurement tools available through Public Services and Procurement Canada (PSPC) and Shared Services Canada (SSC) such as Standing Offers and Supply Arrangements. Approximately 70% of OIC's purchases of goods were made using these tools.

Since November, 2021, PSPC has implemented anti-forced labour clauses in all goods contracts to ensure that it can terminate contracts where there is credible information that the goods have been produced in whole or in part by forced labour or human trafficking. Additionally, since November 20, 2023, all PSPC Standing Offers and Supply Arrangements for goods that have been issued, amended, or refreshed include anti-forced labour clauses which represent the majority of our procurement vehicles used to procure goods.

For goods purchased under OIC's own procurement authority, the OIC is using PSPC's Standard Acquisition Clauses and Conditions Clause 2029 which adds anti-forced labour clauses in all goods contracts. The OIC has also incorporated an annex in their purchase order for goods template for suppliers to attest and certify this information for each goods' requirement issued.

## **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**

OIC has taken the following steps in the 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:

- Addressing practices in the organization's activities and supply chains that increase the risk of forced labour and/or child labour
- Developing and implementing anti-forced labour and/or -child labour contractual clauses

OIC has performed an analysis of the types and quantities of goods procured along with the procurement tools used. Given the nature and limited size of OIC's procurement activities and the fact that OIC uses PSPC and SSC procurement tools whenever possible, OIC has not currently identified any specific risks related to forced labour and child labour but will continue to monitor for emerging risks and will take steps to respond to any risks identified in the future.

To respond to the risk of child and forced labour OIC has incorporated anti-forced labour clauses in all goods contracts whether the procurement is done through PSPC

procurement tools or through OIC's own procurement authority. In addition, procurement employees have taken training on the risk of child labour in the procurement process.

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

OIC has policies and due diligence processes in place related to forced labour and/or child labour. These include:

- Embedding responsible business conduct into policies and management systems
- Ceasing, preventing or mitigating adverse impacts

As noted above for goods purchased under PSPC's procurement tools, PSPC has implemented anti-forced labour clauses in all goods contracts and for goods purchased under OIC's own procurement authority, clauses will also be added to contracts.

OIC has not currently identified any specific risks related to forced labour and child labour but will continue to monitor for emerging risks and will take steps to cease, prevent or mitigate any adverse impacts that may be identified in the future.

### **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**

OIC has performed an analysis of its activities and supply chains that carry a risk of forced labour.

In May 2021, a risk analysis of PSPC's supply chains was completed by Rights Lab, of the University of Nottingham (U.K.), to determine which goods were at the highest risk of exposure to human trafficking, forced labour, and child labour. The analysis, and subsequent report, elaborated key strategies for PSPC to leverage public spending power to raise awareness about forced labour in supply chains. OIC has reviewed the contents of this report.

Given the limited size and nature of OIC's procurement activities and the fact that OIC uses PSPC and SSC procurement tools whenever possible, OIC has not currently identified any specific risks related to forced labour and child labour but will continue to monitor for emerging risks and will take steps to respond to any risks identified in the future.

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

Not applicable as OIC has not identified any forced labour or child labour in our activities and supply chains.

## **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**

Not applicable as OIC has not identified any loss of income to vulnerable families resulting from measures taken to eliminate the use of forced labour or child labour in our activities and supply chains.

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

All procurement employees have attended mandatory information sessions on the requirements of the Act and how to incorporate the requirements into OIC's procurement process.

## **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**

OIC has performed an analysis of the types and quantities of goods procured along with the procurement tools used. Given the nature and limited size of OIC's procurement activities and the fact that OIC uses PSPC and SSC procurement tools whenever possible, OIC has not currently identified any specific risks related to forced labour and child labour but will continue to monitor for emerging risks and will take steps to respond to any risks identified in the future.