



Office of
the Intelligence
Commissioner

Bureau du
commissaire
au renseignement

2023–24

Report *Fighting Against Forced Labour
and Child Labour in Supply Chains Act*

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PART 1 : IDENTIFYING INFORMATION

Office of the Intelligence Commissioner

April 1, 2023 to March 31, 2024

PART 2: REPORT CONTENTS

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

The following accurately describes the government institution's activities?

- Purchasing goods
 - in Canada

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

The Office of the Intelligence Commissioner (ICO) is a separate agency of the federal government. More specifically, the ICO supports the fulfillment of the Intelligence Commissioner's independent oversight mandate which is to approve – or not approve – certain national security and intelligence activities planned by the Communications Security Establishment or the Canadian Security Intelligence Service.

At the ICO, approximately 90% of the annual value of our purchases were made through the use of Public Services and Procurement Canada (PSPC) tools such as Standing Offers and Supply Arrangements.

Since November, 2021, PSPC 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.

As such, all ICO contracts for goods resulting from the use of these tools include clauses relating to forced labour which set out, among other things, human rights and labour rights requirements. These clauses can be found in the policy notification 150 – Anti-forced labour requirements.

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

Indicate steps taken 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.

The ICO has integrated PSPC's updated General Conditions for goods contracts and PSPC's *Code of Conduct for Procurement* in its purchasing activities.

In addition, to prevent and reduce the risk of forced labour or child labour in our procurements, the ICO has used the following list of PSPC's tools:

- Standing Offers
- Supply Arrangements

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?

Effective April 1, 2023, amendments to the Treasury Board *Directive on the Management of Procurement* require contracting authorities from all departments listed in Schedules I, I.1 and II of the *Financial Administration Act* (with the exception of the Canada Revenue Agency) and commissions established in accordance with the *Inquiries Act* and designated as a department for the purposes of the *Financial Administration Act* to incorporate the Code of Conduct for Procurement ("the Code") into their procurements.

Pursuant to the aforementioned amendments, the ICO has integrated the Code into its procurements, with a view to safeguarding federal procurement supply chains from forced labour and child labour.

The Code requires that vendors, providing goods and services to the Government of Canada and their sub-contractors, comply with all applicable laws and regulations. In addition, the Code requires vendors and their sub-contractors to comply with Canada's prohibition on the importation of goods produced, in whole or in part, by forced or compulsory labour. This includes forced or compulsory child labour and applies to all goods, regardless of their country of origin.

The prohibition on the importation of goods produced wholly or in part by forced labour came into force under the *Customs Tariff* on July 1, 2020. This amendment implemented a commitment in the Labour Chapter of the Canada-United States-Mexico Agreement (CUSMA) and applies to all imports, regardless of origin.

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?

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.

Has the government institution identified forced labour or child labour risks in its activities and supply chains related to any of the following sectors and industries?

The ICO has familiarized itself with information on the risk assessment provided by PSPC, and is monitoring related follow-action, including the development of a *Policy on Ethical Procurement*.

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?

Not applicable, the ICO has not identified any forced labour or child labour in its 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

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?

Not applicable, the ICO 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 its activities and supply chains.

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?

The ICO is aware that PSPC is currently developing awareness-raising guidance materials (including risk mitigation strategies) for suppliers, targeted towards high-risk sectors. The ICO is monitoring the development of these materials and will leverage these resources upon their publication.

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, the ICO does not currently have policies and procedures in place to assess the effectiveness of ensuring that forced labour and child labour are not being used in its activities and supply chains.