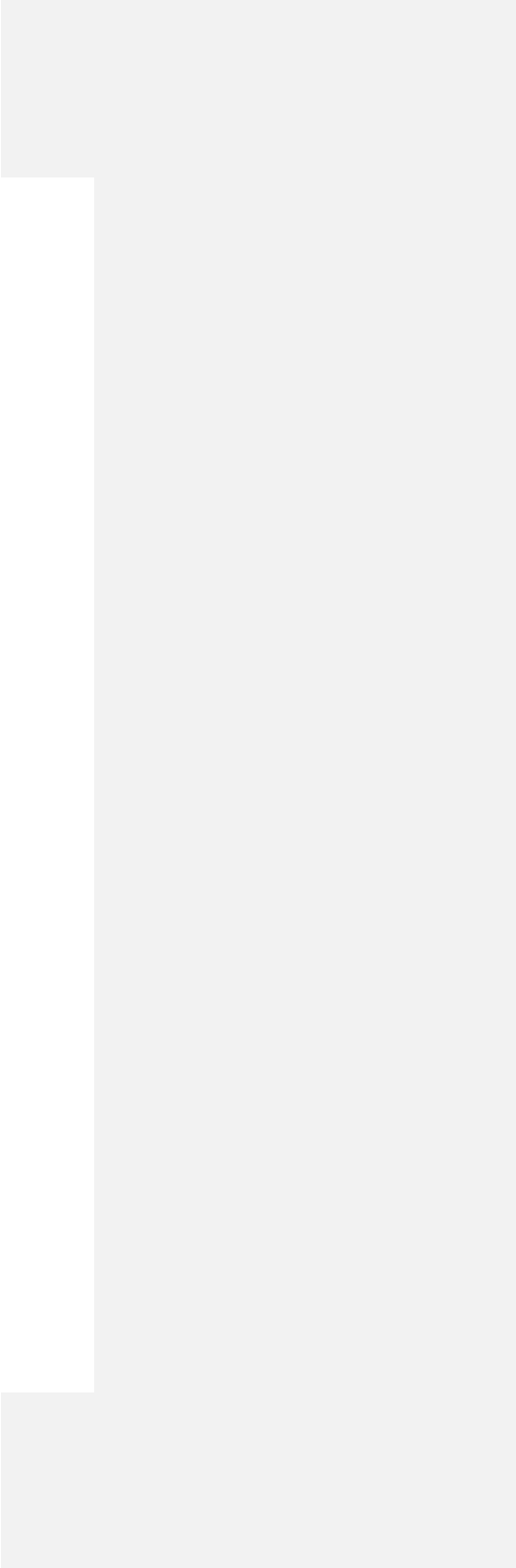


OPC ETHICAL PROCUREMENT
AND FORCED LABOUR
REPORT

2024



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Identifying information

Office of the Privacy Commissioner of Canada (OPC):

April 1, 2023, March 31, 2024

Report contents

Structure, Activities, and Supply Chains

The Office of the Privacy Commissioner of Canada (OPC) is an agent of Parliament whose mission is to protect and promote privacy rights. The OPC oversees compliance with the [Privacy Act](#), which covers the personal information-handling practices of federal government departments and agencies, and the [Personal Information Protection and Electronic Documents Act \(PIPEDA\)](#), Canada's federal private-sector privacy law.

The OPC is headquartered in Gatineau, Quebec. It also has an office in Toronto, Ontario, which works to promote compliance with PIPEDA.

The OPC has approximately 220 employees, including, for example, lawyers, investigators, policy analysts, technologists, HR professionals, communicators, and IT specialists.

The OPC's procurement activities are primarily for purchasing of goods within Canada. In the previous fiscal year, we have put in place a total of 13 original contracts over \$10,000 for the procurement of goods. In addition, a significant percentage of the annual value of our purchases were made using 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, OPC's 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.

Steps taken to prevent and reduce the risk of forced labour or child labour

The OPC has taken several steps to prevent and reduce the risk that forced labour or child labour is used in its procurement process:

1- Inclusion of the Code of Conduct for Procurement in our procurement activities:

While the OPC undertakes some procurement activities under its own authority, it relies on PSPC for guidance in its role to support government institutions in their daily operations by acting as the central purchasing agent for the Government of Canada.

As required in the April 1, 2023, amendments to the Treasury Board *Directive on the Management of Procurement*, the OPC has integrated the PSPC Code of Conduct for Procurement into our procurements, with a view to safeguarding federal procurement supply chains from forced labour and child labour. Contracts that our organization has awarded included the Code through the General Conditions for goods.

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.

2- Prohibition on the importation of goods produced wholly or in part by forced labour

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.

3- Internal assessment of potential risks of forced labour and/or child labour in OPC's purchased goods and supply chain:

Given the recent coming into-force date of the Supply Chains Act, we have not identified actual areas of procurement that use forced labour or child labour in the supply chains. But analysis is underway and, if required, the OPC will develop measures or action plans to remediate the use of forced labour or child labour in our activities and supply.

For fiscal year 2023-24, the OPC had a planned spending (voted expenditures) of \$31.8M. Of that amount, \$6.5M were spent on operation and maintenance expenditures. From that \$6.5M, \$960,000 were spent for the acquisition of goods that might potentially fall in the categories identified by The University of Nottingham Rights Lab, 2021¹, as potentially at risk of forced labour and/or child labour. Notably the acquisition of materials, supplies, machinery, equipment, and software. As of the time this report was written, we have completed the review of \$821,000 out of those \$960,000 of purchases (85.5%) and we have no reason to believe that forced and/or child labour was used in the manufacturing of the purchased goods reviewed.

Policies and due diligence processes

The OPC does not yet have independent policies or programs in place related to forced labour and/or child labour. However, we have begun a review of our procurement activities, and our initial assessments indicate that the tools we have in place currently offer limited due diligence. We anticipate reviewing our practices and intend to implement policies for due diligence.

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

The OPC did not identify parts of our activities and supply chains that carry a risk of forced or child labour being used.

¹ Risk Analysis of Human Trafficking, Forced Labour, and Child Labour in Public Works and Government Services Canada's (PWGSC's) Procurement Supply Chains, University of Nottingham Rights Lab, 2021

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Training provided to employees on forced labour and child labour

Given the new reporting responsibilities on Forced labour and child labour in the procurement, the OPC CFO, DCFO and procurement officers have participated in information sessions offered by Public Safety Canada and used reference materials provided for reporting responsibilities.

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

The OPC also ensures that all employees who are responsible for procurement activities are up to date with the mandatory training related to their functions. Relevant forced labour and child labour training will be added to the mandatory training requirements once available through the Canada School of the Public Service.

Conclusion

The OPC understands the importance of the annual report on Fighting Against Forced Labour and Child Labour in Supply Chains Act.

We are committed to continue reviewing our internal practices and awareness of the Supply Chains act. We have begun the process of analysis and are reflecting on what changes may need to be considered in the year ahead.