



The Fighting Against Forced Labour and Child Labour in Supply Chains Act

Country: Canada

Year passed: 2023



Senator Julie Miville-Dechéne

Member, Senate,
Parliament of
Canada

Hon. John McKay

Member, House of
Commons,
Parliament of
Canada



The first page of the Act, accessed via the Justice Laws Website, Government of Canada

Don't let the perfect be the enemy of the good

Like most people around the world, Canadians oppose modern slavery and say they don't want to buy goods made with forced or child labour. This view holds true across regions and linguistic groups and is largely cross-partisan, although some differences exist between political parties concerning the specific policies to implement. Left-of-centre parties typically favour more stringent regulation and liability for businesses, while right-of-centre parties generally prefer

approaches based on transparency and market mechanisms.

Despite having studied the issue of modern slavery for years, including in a 2018 parliamentary report on child labour in supply chains, Canada had still not legislated on the issue when the Liberal government was re-elected in November 2021. MP John McKay had introduced a bill in 2018, and Senator Miville-Dechéne had introduced bills in 2020, but all had died on the order paper. While there was broad agreement on the need to act, modern slavery was not a political priority for anyone.

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It is in this context that Liberal MP John McKay and Independent Senator Julie Miville-Dechéne decided to team up and force the issue of modern slavery onto the legislative agenda. The objective was to bypass

government distraction and inertia and introduce a bill that might get sufficient support to pass.

Four key strategies were deployed

First, it was determined that a Senate bill sponsored by independent Senator Miville-Dechêne would be the best vehicle for introducing legislation. As an **independent legislator**, Senator Miville-Dechêne could **work collaboratively with members of all parties**, and she could sponsor the bill without generating partisan reactions. **The rules of procedure in the Senate also made it easier for the bill to move quickly, since legislative progress in the Senate is not conditional on a lottery system**, as it is in the Canadian House of Commons.

Second, the bill (Bill S-211) was drafted using existing Canadian legislation on corporate transparency as a basis, using modern slavery statutes in the United Kingdom and Australia as additional sources of inspiration, and with a desire to propose improvements. These improvements included **applying the law to both private and public entities, expanding the definition of child labour by using the International Labour Organisation’s definition,**

ensuring that modern slavery reports are included in companies’ annual reports, and adding enforcement mechanisms targeting misrepresentations and the failure to file a report.

Adopting a resolutely pragmatic approach, Bill S-211 proposed a transparency framework (as opposed to the due diligence model more prevalent in Europe), which was more susceptible of being supported by Canada’s main political parties. However, that transparency framework was enhanced and strengthened by requiring companies to report on their due diligence processes and remedial measures in relation to forced and child labour, and through the other improvements described above. This allowed the bill’s sponsors to claim that Canada would move “from laggard to leader” on the issue of modern slavery.

Third, quickly after the November 2021 election, Senator Miville-Dechêne and MP McKay, working with

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Canada’s *All Party Parliamentary Group to End Modern Slavery and Human Trafficking*, wrote to the **Prime minister and the Leader of the Official Opposition**, reminding them that both the newly elected Liberal government and the opposition Conservatives had committed in their electoral platforms to introduce legislation to fight forced labour in Canadian supply chains. A few weeks later, Prime Minister Trudeau included support for modern slavery legislation in the mandate letter for the new Labour Minister and referenced this commitment in the mandate letters of Ministers responsible for international trade, public safety, and global affairs.

Finally, Senator Miville-Dechêne and MP McKay determined that the only way to ensure that Canada would finally pass a modern slavery bill – that is, that sufficient political support would exist to adopt specific legislation – was to **hold steady and resist attempts to deviate from the pragmatic compromise at the root of Bill S-211**. Specifically, this meant ignoring amendments from both groups advocating for stricter legislation and groups advocating for a weaker bill. Although some suggestions were legitimate, any change –



Senator Julie Miville-Dechéne, Hon. John McKay and Michael Messinger (World Vision) hold a press conference after the passing of their private member's bill. Photo: Senator Julie Miville-Dechéne, via Twitter.

including changes proposed by the government – carried the risk that either the governing Liberal party or the Opposition Conservatives would pull their support for the bill. Amending the bill in the House of Commons, after the Senate had passed it unanimously, also carried the risk that final passage of the bill would be delayed as the two chambers of Parliament traded versions of the legislation.

Bill S-211 received Royal Assent on 11 May 2023. In the final vote in Parliament, the bill was supported by Canada's two main parties, the Liberals, and the Conservatives, while smaller opposition parties who advocated for a due diligence

model voted against. As a result of the work of Senator Miville-Dechéne and MP John McKay, with the support of allied organisations, Canada has finally adopted modern slavery legislation, which can be strengthened over time. The first reports were due in the spring of 2024, and more than 6,100 entities operating in Canada submitted their first reports. It is expected that the quality of these reports will improve over time, and the Canadian government will be reporting annually on the progress achieved

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