Modern Slavery Legislation: Canada in a Global Context

Canadian Association for Work & Labour Studies (CAWLS)

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GFLC

Website https://gflc.ca/

Timeline https://gflc.ca/visualizing-data/

OVERVIEW

- Canada is on the verge of implementing modern slavery legislation.
- Modern slavery is an umbrella term which includes: forced labour, child labour and human trafficking.
- A modern slavery act would ideally hold Canadian multinational corporations accountable for human rights abuses in their supply chains.
- This presentation details international and domestic developments from 2000-2022 that led to the four models of modern slavery legislation currently before the Canadian Parliament.

INTERNATIONAL COMMITMENTS

ILO'S WORST FORMS OF CHILD LABOUR CONVENTION 1999

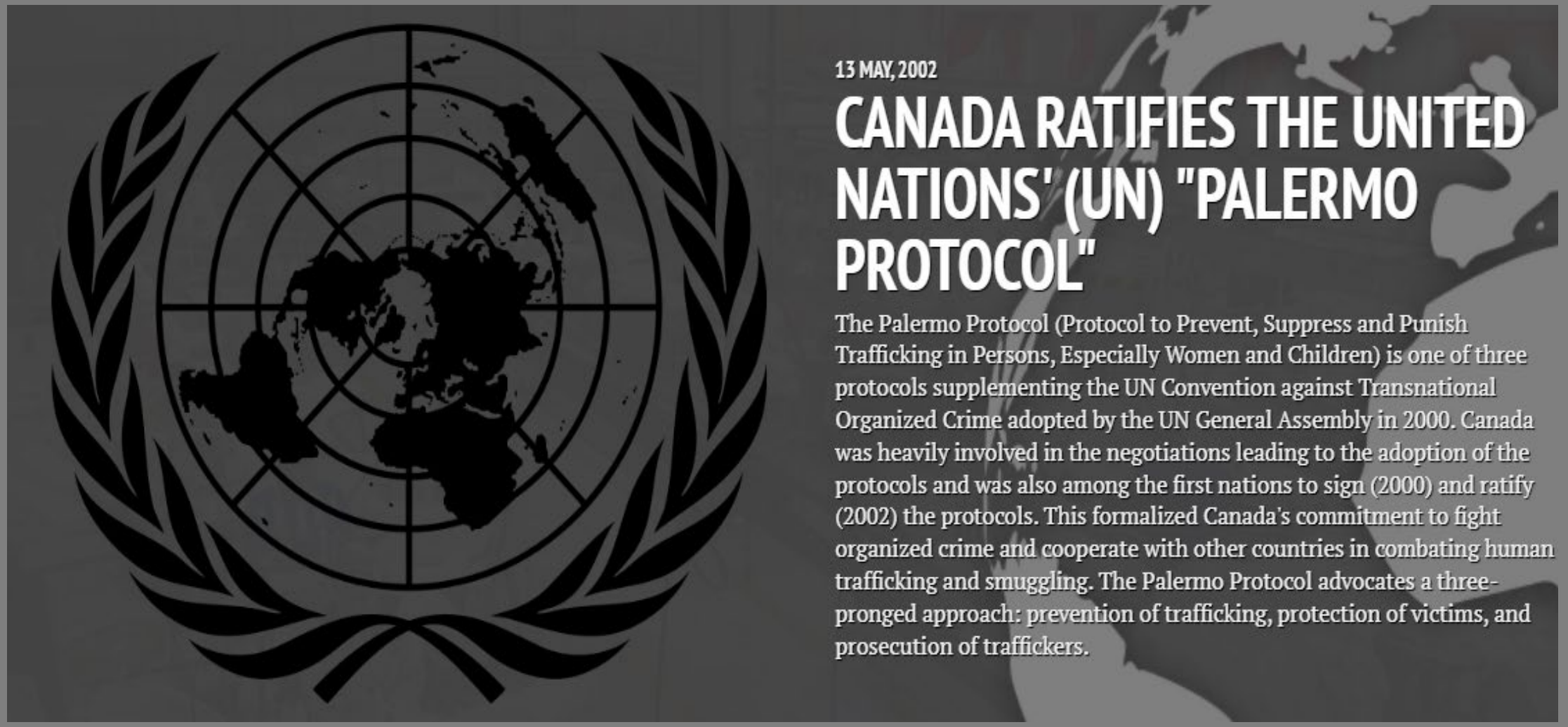
- Canada ratified the Convention on 6th June, 2000.
- Worst forms of child labour include: the sale and trafficking of children, debt bondage, serfdom and forced or compulsory labour.
- Members must take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of **urgency**.

13 JUNE, 2011
CANADA RATIFIES THE ILO'S FORCED LABOUR CONVENTION 1930 (NO.29)
Each member of the ILO which ratifies this convention committs to suppressing the use of forced or compulsory labour in all its forms within the shortest possible period.

ILO'S FORCED LABOUR CONVENTION 1930 (NO.29)

- Forced labour is all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily (Article 2).

- Members that ratify this Convention commit to suppressing the use of forced or compulsory labour in all its forms **within the shortest possible period**.

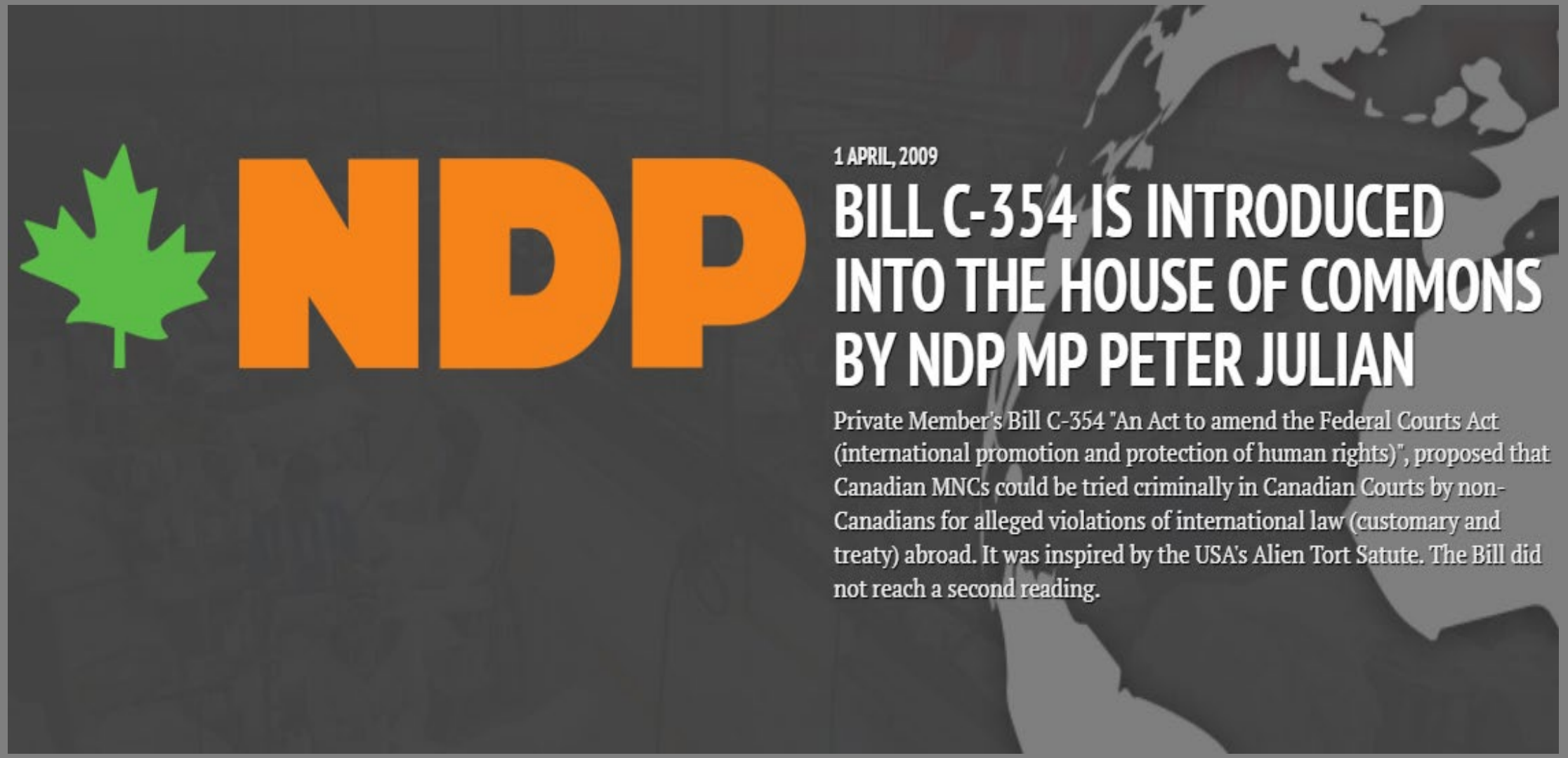


13 MAY, 2002

CANADA RATIFIES THE UNITED NATIONS' (UN) "PALERMO PROTOCOL"

The Palermo Protocol (Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children) is one of three protocols supplementing the UN Convention against Transnational Organized Crime adopted by the UN General Assembly in 2000. Canada was heavily involved in the negotiations leading to the adoption of the protocols and was also among the first nations to sign (2000) and ratify (2002) the protocols. This formalized Canada's commitment to fight organized crime and cooperate with other countries in combating human trafficking and smuggling. The Palermo Protocol advocates a three-pronged approach: prevention of trafficking, protection of victims, and prosecution of traffickers.

DOMESTIC POLITICAL INITIATIVES


NDP
1 APRIL, 2009
BILL C-354 IS INTRODUCED INTO THE HOUSE OF COMMONS BY NDP MP PETER JULIAN
Private Member's Bill C-354 "An Act to amend the Federal Courts Act (international promotion and protection of human rights)", proposed that Canadian MNCs could be tried criminally in Canadian Courts by non-Canadians for alleged violations of international law (customary and treaty) abroad. It was inspired by the USA's Alien Tort Satute. The Bill did not reach a second reading.

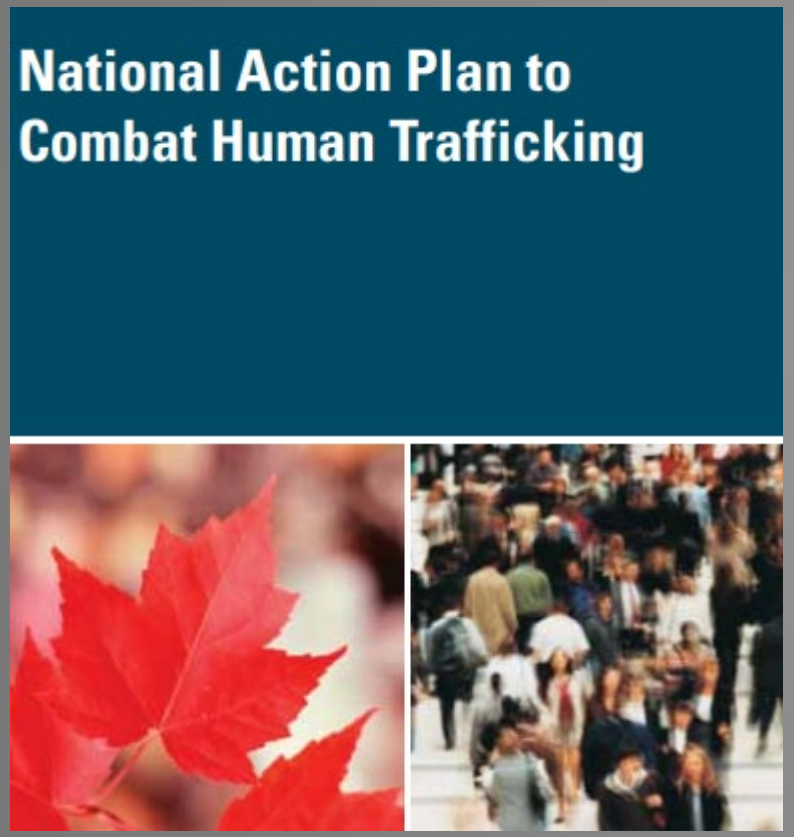
NDP

26 MARCH, 2013

BILL C-486 IS INTRODUCED INTO THE HOUSE OF COMMONS BY NDP MP PAUL DEWAR

Private Member's Bill C-486 "An Act respecting corporate practices relating to the extraction, processing, purchase, trade and use of conflict minerals from the Great Lakes Region of Africa" would have required applicable Canadian companies to conduct due diligence in their supply chains with respect to designated minerals (gold, coltan, tungsten etc.) from conflict affected and high risk areas and report annually on these due diligence measures. It was defeated at the second reading.

THE HARPER CONSERVATIVES PUBLISH THEIR NATIONAL ACTION PLAN TO COMBAT HUMAN TRAFFICKING, 2012-2016



- In line with the Palermo Protocol, the plan focused on four core areas, known as the 4-Pillars (the 4-Ps):
- Prevention of human trafficking;
- Protection of victims;
- Prosecution of offenders; and
- Working in partnership with others both domestically and internationally.

INTERNATIONAL LEGISLATION AND EVENTS

30 SEPTEMBER, 2010

THE CALIFORNIA TRANSPARENCY IN SUPPLY CHAIN ACT OF 2010 IS SIGNED INTO LAW

The Act came into effect on 1 January, 2012 and requires retailers and manufacturers operating in California that gross over $100 million in annual receipts to publicly disclose their efforts to eradicate slavery and human trafficking from their supply chains.

MARCH 2012

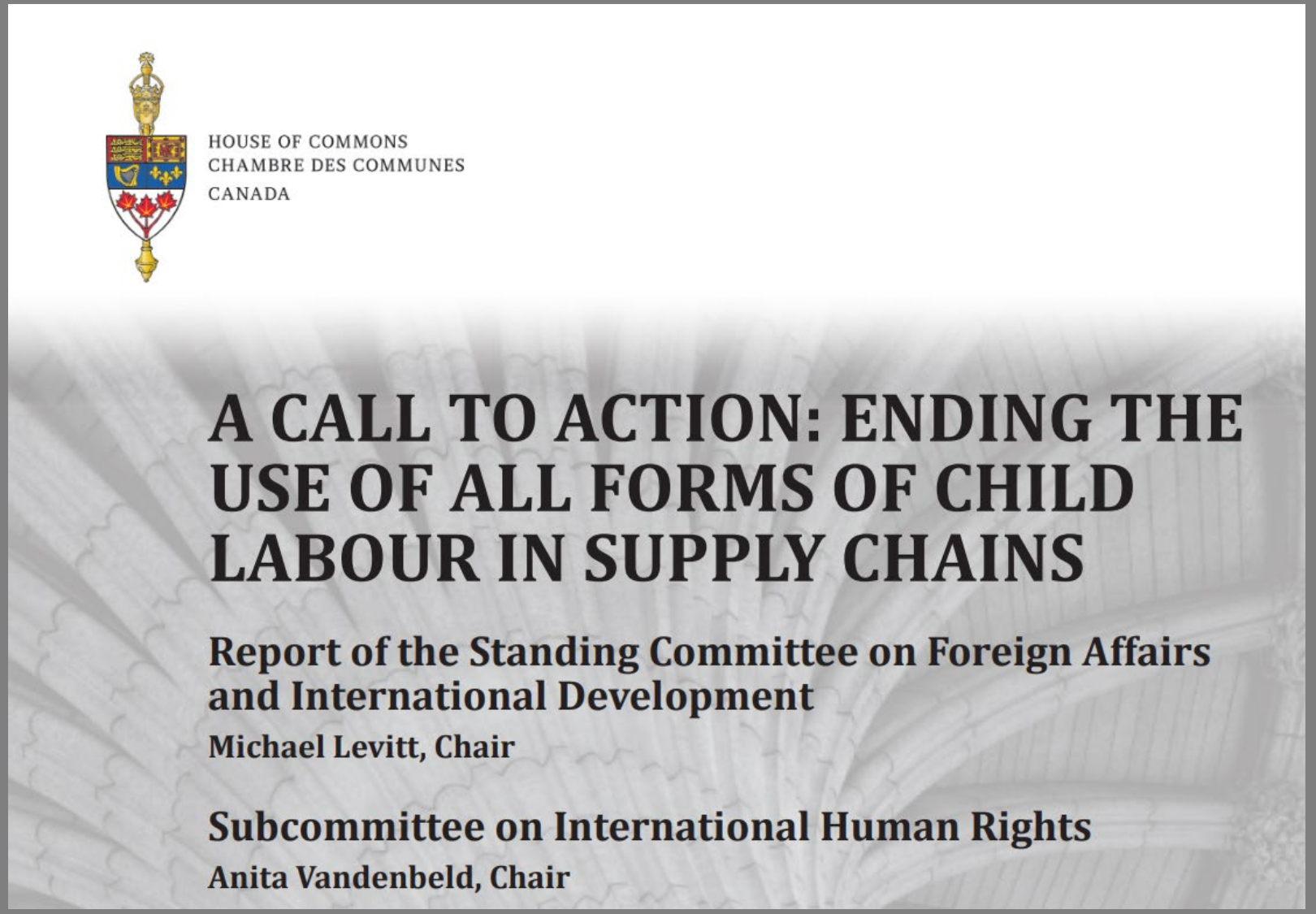
OBAMA CALLS ON THE US CONGRESS TO COMBAT HUMAN TRAFFICKING

This leads to the creation of the President's Interagency Task Force to Monitor and Combat Trafficking in Persons (PITF). The PTIF establishes four main areas of focus: justice, victim services, procurement and supply chains, and public awareness and outreach.

Rana Plaza, which housed five garment factories, was an eight-story commercial building that collapsed due to structural failure. At least 1,132 workers were killed and more than 2,500 were injured.

The Bisha zinc-copper mine in Eritrea where conditions of forced labour were alleged by three former workers.

2016
THE UN ADOPTS TARGET 8.7 OF ITS 2030 SUSTAINABLE DEVELOPMENT GOALS (SDG)
Canada becomes a signatory and is required to take immediate and effective measures to eradicate forced labour, modern slavery, and human trafficking, and secure the prohibition and elimination of the worst forms of child labour.



A Call to Action, the result of the FAAE and the Subcommittee on International Human Rights' stakeholder consultations.

1 AUGUST, 2017

THE CANADA-UKRAINE FREE TRADE AGREEMENT (CUFTA) COMES INTO EFFECT

The Trudeau Liberals negotiate a free trade agreement with Ukraine that upholds the ILO's 1998 Declaration on Fundamental Principles and Rights at Work, which commits signatory countries to eradicating forced and child labour in their supply chains.

21 SEPTEMBER, 2017

THE COMPREHENSIVE AND ECONOMIC TRADE AGREEMENT (CETA) IS APPLIED PROVISIONALLY BETWEEN CANADA AND THE EU.

The federal Liberals negotiate a free trade agreement with the EU that upholds the ILO's 1998 Declaration on Fundamental Principles and Rights at Work, which commits signatory countries to eradicating forced and child labour in their supply chains.

30 DECEMBER, 2018

THE COMPREHENSIVE AND PROGRESSIVE AGREEMENT FOR TRANS-PACIFIC PARTNERSHIP (CPTPP) COMES INTO EFFECT

The Trudeau Liberals negotiate a free trade deal between the countries of the Trans-Pacific Partnership (Australia, Brunei, Chile, Japan, Malaysia, Mexico, Peru, New Zealand, Singapore, and Vietnam) that upholds the ILO's 1998 Declaration on Fundamental Principles and Rights at Work, which commits signatory countries to eradicating forced and child labour in their supply chains.

Sheri Meyerhoffer, the current Canadian Ombudsperson for Responsible Enterprise (CORE).

14 DECEMBER, 2016

THE FIRST READING OF NDP-SPONSORED PRIVATE MEMBER'S BILL C-331 TAKES PLACE IN PARLIAMENT

Introduced by NDP MP Peter Julian, Bill C-331 ("An Act to amend the Federal Courts Act (international promotion and protection of human rights)") proposed that Canadian MNCs could be tried criminally in Canadian courts by non-Canadians if the companies in question were alleged to perpetuate conditions of modern slavery. The Nevsun case is cited as inspiration for the bill.

29 MARCH, 2022

BILL C-262 IS INTRODUCED INTO THE HOUSE OF COMMONS BY NDP MP PETER JULIAN

Private Member's Bill C-262 "An Act respecting the corporate responsibility to prevent, address and remedy adverse impacts on human rights occuring in relation to business activities conducted abroad" mandates Canadian companies to develop and implement due diligence procedures in respect of its activites, its affiliates and its business relationships. It gives victims of human rights violations by Canadian companies abroad recourse in Canadian courts.

29 MARCH, 2022

BILL C-263 IS INTRODUCED INTO THE HOUSE OF COMMONS BY NDP MP HEATHER MCPHERSON

Private Member's Bill C-263 "An Act to establish the Office of the Commissioner for Responsible Business Conduct Abroad and to make consequential amendments to other Acts" mandates the Commissioner to monitor and, when appropriate, investigate the business activities of entities that operate abroad or import goods into Canada for the purpose of reporting on the entities' compliance with international human rights law. The Bill allows the Office to compel witnesses and testimony.