



## Bill S-211 *Fighting Against Forced Labour and Child Labour in Supply Chains Act*

A Brief to the Standing Committee on Foreign Affairs and International Development

November 21, 2022

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We welcome the opportunity to submit a brief to the Standing Committee on Foreign Affairs and International Development for its study of Bill S-211, the *Fighting Against Forced Labour and Child Labour in Supply Chains Act*. We share the opinion expressed by many that Canada should not adopt this bill, as it would allow companies to continue profiting from forced and child labour with impunity. Canada should instead pass legislation requiring companies to take meaningful action against human rights abuse, such as Bill C-262.

### Context

Forced labour is known to be widespread in the production of many goods, and there is broad international consensus that corporate buyers are in part responsible for ending this abuse. According to the UN Guiding Principles on Business and Human Rights, which were endorsed by many countries including Canada over a decade ago, all businesses must take care not to contribute to human rights violations, including through their supply chains.

It is time to make these rules legally enforceable. Some countries have already done so by adopting mandatory human rights due diligence laws. Instead of following their lead, Canada is expected to adopt a law that will merely require companies to say what they are doing, if anything, about the risk of slavery in their supply chains.

### What Bill S-211 would and would not do

The bill, in its current form, would do very little to end modern slavery. It would only require companies to publish reports disclosing whether they took steps to identify or reduce the use of forced or child labour in their supply chains. It does not require companies to thoroughly assess these risks, to act on their findings, to stop buying slave-made goods, or to take any action at all. A company could be fined, but only for failing to publish a report or for making false statements.

Simply put, a law that requires businesses to report but does not require them to stop causing harm is meaningless. Without consequences for their actions, companies have little incentive to prevent human rights abuses and those harmed have no recourse to justice.

### The anti-slavery legislation we need is Bill C-262

We are urging Parliament to say no to Bill S-211. If Canada is serious about fighting slavery, we must enact legislation that would require companies to change what they do, not what they say. We need a law that requires companies to undertake human rights and environmental due diligence. This

means carefully reviewing their business activities to identify actual and potential risks to people and the planet, taking steps to mitigate these risks, and ensuring remedy for those harmed.

Such a law has already been tabled as [Bill C-262](#), the *Corporate Responsibility to Protect Human Rights Act*, and it may come before Parliament in early 2023. Although the law would not exclusively target slavery, it would do far more to fight it than a reporting law would. Unlike Bill S-211, Bill C-262 would

- require companies to respect human rights, including workers' rights;
- require companies to identify, mitigate and prevent human rights harms, including forced labour; and
- ensure meaningful consequences if companies cause or contribute to harm, by helping the people and communities who have been harmed to access justice.

This last point is critical. Under Bill C-262, a company that causes harm could face liability, as the people affected would have the statutory right to bring a civil lawsuit against the company in a Canadian court.

Canada has been called upon to adopt such a law by over 100 [academics and legal experts](#) based in Canada, by over 150 [organizations and unions](#) that work with people affected by the activities of Canadian companies around the world, and by this very [parliamentary committee](#) in March 2021.

This would bring Canada up to par with leaders such as the [EU](#), [France](#), [Germany](#) and [Norway](#), which have put in place or are developing similar laws.

Bill C-262 would also address the many ways Canadian corporations are harming people and the planet aside from their ties to forced labour. Companies relying on tactics such as house demolition and sexual violence to forcibly relocate people, or severely polluting a community's water with one toxic spill after another, should concern us no less than those that are profiting from modern slavery. Canada's duty to act against all of these abuses can best be met by adopting a mandatory due diligence law.

## About us

[Above Ground](#) works to ensure that companies based in Canada or supported by the Canadian state respect human rights and the environment worldwide. We are a project of [MakeWay](#), a registered charity.