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Legislative Summary

BILL C-35: AN ACT RESPECTING THE PROHIBITION OF THE IMPORTATION OF GOODS PRODUCED BY FORCED LABOUR

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Legislative Summary of Bill C-35
(Preliminary version)

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LEGISLATIVE SUMMARY OF BILL C-35: AN ACT RESPECTING THE PROHIBITION OF THE IMPORTATION OF GOODS PRODUCED BY FORCED LABOUR

1 BACKGROUND

On 12 June 2026, Bill C-35, An Act respecting the prohibition of the importation of goods produced by forced labour (alternative title: Ban on Importing Goods Made with Forced Labour Act), was introduced in the House of Commons and read for the first time.[1]

Bill C-35, which is designed to strengthen Canada's ban on imported goods produced using forced labour, amends the *Customs Tariff*[2] to repeal its forced labour provisions. Instead of the current provisions in the *Customs Tariff* that establish an import ban through a prohibited goods tariff classification, notably tariff item no. 9897.00.00, Bill C-35 establishes a stand-alone legislative framework that prohibits goods produced using forced labour from entering Canada.[3] Among other things, the Ban on Importing Goods made with Forced Labour Act enables the Government of Canada to establish a list of goods suspected of being produced using forced labour, creates cost-recovery penalties to be imposed on importers and – if any – the non-importing owners of such goods, and enhances the Canada Border Services Agency's (CBSA) ability to enforce the import ban.

1.1 CURRENT LEGAL FRAMEWORK

Canada currently bans imported goods produced using forced labour or child labour. As part of the 2020 statute implementing the *Canada–United States–Mexico Agreement*,[4] the *Customs Tariff* was amended to ban imported goods if they were mined or produced – wholly or partly – using forced labour.[5]

The 2024 *Fighting Against Forced Labour and Child Labour in Supply Chains Act* (the Supply Chains Act) then further amended the *Customs Tariff* to ban imported goods if they were mined or produced – in whole or in part – using forced labour or child labour.[6]

The Supply Chains Act requires each federal institution that produces, purchases or distributes goods to submit an annual report to the Minister of Public Safety and Emergency Preparedness[7] outlining the steps that the institution has taken to prevent and reduce the possibility of forced labour or child labour being used in relation to goods that it has produced, purchased or distributed in Canada or a foreign jurisdiction.

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It also establishes a reporting obligation for a corporation, trust, partnership or other unincorporated organization that produces, sells or distributes goods domestically or internationally, or that imports goods. Such an entity is subject to this reporting obligation if either of the following situations exists:

- It is listed on a stock exchange in Canada.
- It has a place of business in Canada, does business in Canada or has assets in Canada, and meets at least two of the following conditions in at least one of its two most recent financial years:
  - has at least $20 million in assets;
  - has generated at least $40 million in revenue; or
  - employs an average of at least 250 employees.

Such an entity must submit an annual report to the Minister of Public Safety and Emergency Preparedness, either individually or jointly with other entities,[8] that outlines the steps taken to prevent and reduce the possibility of forced labour or child labour being used at any stage of a good's domestic or foreign production or in relation to goods imported into Canada.

Media reports indicate that under Canada's existing legal framework, the CBSA has intercepted 50 shipments on suspicion of containing goods produced using forced labour since 2020. Of these, only two shipments containing textiles and frozen seafood were found to have been produced using forced labour and denied entry into Canada.[9]

1.2 INTERNATIONAL LEGISLATIVE FRAMEWORKS

Bill C-35 is consistent with efforts in a range of countries to reduce forced labour in supply chains through bans on imported goods produced using such labour in recent years.[10] For example, the United States (U.S.) legislative framework prohibits the importation of goods that are mined, produced, or manufactured wholly or in part with forced labour. This prohibition is reinforced by specific restrictions on the importation of goods produced in the Xinjiang region of China and goods made by North Korean workers.[11]

Forced labour is prohibited by several core international conventions. Canada has ratified the International Labour Organization's (ILO) *Forced Labour Convention, 1930*[12] and *Abolition of Forced Labour Convention, 1957*,[13] each of which commits states parties to suppressing the use of forced or compulsory labour in all its forms. Canada has also ratified international conventions that specifically recognize the rights of persons under the age of 18 to be protected from economic

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exploitation and forced or hazardous labour, such as the United Nations *Convention on the Rights of the Child*,[14] the ILO *Minimum Age Convention, 1973*[15] and the ILO *Worst Forms of Child Labour Convention, 1999*.[16]

1.3 THE USE OF FORCED LABOUR IN GLOBAL SUPPLY CHAINS

Although forced labour occurs in a range of sectors and at every stage of the supply chain, it is frequently concentrated in sectors that rely on low-paid, temporary, informal or migrant labour and in the early stages of the production process, such as raw materials extraction.[17]

In 2021, an estimated 27.6 million people globally were engaged in forced labour. In that year, the number of men engaged in forced labour (11.3 million) was nearly double the number of women (6.0 million, in addition to 4.9 million in forced commercial sexual exploitation), and approximately 3.3 million of those engaged in forced labour were children.[18] The largest number of people in forced labour were found in countries in Asia and the Pacific (15.1 million) followed by Europe and Central Asia (4.1 million), although the Arab States had the highest concentration of forced labour relative to population (5.3 per thousand people).[19]

Compared to women, men were more likely to experience forced labour in such sectors as construction, and mining and quarrying.[20] Women engaged in forced labour were largely concentrated in the domestic work and services, agriculture and low-wage manufacturing sectors, which are sectors that researchers have noted are often informal or unregulated, leading to difficulties in detecting forced labour.[21]

The U.S. Bureau of International Labor Affairs produces a *List of Goods Produced by Child Labor or Forced Labor* to identify goods produced by child or forced labour along with their source countries. Key commodities listed include agricultural goods like cotton, sugarcane, coffee, tobacco, cattle, and fish; mined goods, such as gold and other minerals; and commodities related to manufacturing, including bricks, garments, textiles and polysilicon.[22] The commodities identified are consistent with findings from the non-profit organization Walk Free, which indicate that electronics, garments, palm oil, solar panels, and textiles are among the most valuable imports to G20 countries that are at high risk of being produced using forced labour.[23]

2 DESCRIPTION AND ANALYSIS

Bill C-35 enacts the Ban on Importing Goods made with Forced Labour Act. The bill has 20 clauses, the most consequential of which are discussed below.

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2.1 REPEAL OF REFERENCES TO FORCED LABOUR AND CHILD LABOUR IN THE *CUSTOMS TARIFF* (CLAUSES 18 AND 19)

Clause 18 of Bill C-35 amends the *Customs Tariff* to repeal provisions relating to the import ban on goods produced using forced labour or child labour. Because of this change, clause 19 deletes the reference to "forced labour or child labour" in the description of tariff item no. 9897.00.00.

2.2 DEFINITION OF FORCED LABOUR (CLAUSE 2)

Clause 2 of Bill C-35 defines the term "forced labour" by reference to article 2 of the ILO's *Forced Labour Convention, 1930* (ILO Forced Labour Convention), which defines the term "forced or compulsory labour." In particular, the ILO defines that term as "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."

It is unclear whether child labour is included in this definition – the ILO Forced Labour Convention definition could potentially include child labour within its scope. By contrast, the Supply Chains Act's forced labour definition under section 2 covers the following situations: labour or service provided by a person under circumstances that could reasonably be expected to make the person believe their safety or the safety of a person known to them would be threatened if they refused; and labour that constitute forced or compulsory labour as defined in article 2 of the ILO Forced Labour Convention.

As well, section 2 of the Supply Chains Act explicitly states that "child labour" occurs when a person under the age of 18 years provides labour or services under circumstances: that are mentally, physically, socially or morally dangerous to the child; that interfere with the child's schooling; or that constitute the "worst forms of child labour," as defined in article 3 of the *Worst Forms of Child Labour Convention, 1999*.

2.3 IMPORT BAN (CLAUSE 4)

Clause 4 of Bill C-35 sets out a general ban on the importation of goods that are produced "wholly or in part by forced labour."

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2.4 DETERMINATION AND DETENTION OF GOODS PRODUCED USING FORCED LABOUR (CLAUSE 5)

Clause 5(1) sets out that the *Customs Act*[24] applies to the administration and enforcement of the Ban on Importing Goods made with Forced Labour Act and its regulations.

Clause 5(2) allows a CBSA customs officer to determine whether imported goods are produced "wholly or in part by forced labour." To enable that determination, a customs officer may detain imported goods for a period of up to 90 days, or longer if prescribed by regulation (clause 5(3)).

Furthermore, clause 5(5) indicates that a customs officer's determination about whether imported goods are produced using forced labour are exempt from any appeal, review or redetermination mechanism outlined in the *Customs Act*. That said, such determinations remain subject to judicial review by the Federal Court.

2.5 LIST OF GOODS PRODUCED USING FORCED LABOUR (CLAUSE 6)

Clause 6(1) allows the Minister of Foreign Affairs to establish, by regulation, a list of goods "in respect of which there are reasonable grounds to suspect" that they are produced using forced labour. In relation to such goods, clause 6(2) requires the Minister to specify the entity that produces the goods or the country or region in which they are produced, or both.

2.6 PRESCRIBED INFORMATION AND GOODS DEEMED PROHIBITED (CLAUSES 8 AND 9)

Under clause 8, an importer of goods on the list that the Minister of Foreign Affairs may establish must provide "prescribed information" upon the request of a CBSA customs officer. Failure to provide that information will lead to an import ban in relation to those goods (clause 9).

The "prescribed information" will be set out in forthcoming regulations (clause 11(3)). The federal government has indicated that the regulations will require importers to provide the CBSA with "enhanced supply chain tracing information."[25]

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2.7 LIABILITY FOR COSTS (CLAUSE 10)

Clause 10(1) creates a process for recovering costs relating to the detention, storage, transportation or disposal of imported goods produced using forced labour. The importer and – if any – the non-importing owner of such goods are jointly liable for these costs.[26]

2.8 TRANSITIONAL PROVISIONS (CLAUSES 12 TO 17)

Clauses 12 to 17 of Bill C-35 ensure that determinations and decisions initiated under the *Customs Tariff* and *Customs Act* regarding whether imported goods were produced using forced labour or child labour remain valid on the day that Bill C-35 receives Royal Assent. These clauses also provide clarity with respect to when review and appeal of such decisions and determinations may be available.

2.9 COMING INTO FORCE (CLAUSE 20)

Clause 20 of Bill C-35 states that the measures in clauses 8 and 9 of Bill C-35 come into force on the date fixed by an order of the Governor in Council. All other clauses come into force on Royal Assent.

NOTES

1. Bill C-35, An Act respecting the prohibition of the importation of goods produced by forced labour, 45th Parliament, 1st Session.
2. *Customs Tariff*, S.C. 1997, c. 36.
3. Norton Rose Fulbright Canada LLP, *Canada tables Bill C-35 to tighten trade measures on goods produced by forced labour*, June 2026.
4. Bill C-4, An Act to implement the Agreement between Canada, the United States of America and the United Mexican States, 43rd Parliament, 1st Session. Bill C-4 received Royal Assent on 13 March 2020.
5. Article 23.6 of the *Canada–United States–Mexico Agreement* requires each signatory to "prohibit the importation of goods into its territory from other sources produced in whole or in part by forced or compulsory labor, including forced or compulsory child labor."
6. See *Fighting Against Forced Labour and Child Labour in Supply Chains Act*, S.C. 2023, c. 9. For more information, see Robert Mason, *Legislative Summary of Bill S-211: An Act to enact the Fighting Against Forced Labour and Child Labour in Supply Chains Act and to Amend the Customs Tariff*, Publication no. 44-1-S211-E, Library of Parliament, 20 May 2022.
7. The *Fighting Against Forced Labour and Child Labour in Supply Chains Act* references the "Minister of Public Safety and Emergency Preparedness." However, on 13 May 2025, a Minister of Public Safety and a Minister of Emergency Management and Community Resilience were sworn into Cabinet.

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8. An entity may choose to submit a joint report covering its activities and those of its subsidiaries if both the parent firm and its subsidiaries are "entities" under the *Fighting Against Forced Labour and Child Labour in Supply Chains Act*.

9. The Canadian Press, "Ottawa moves to tighten rules barring forced labour products from Canada," *CTV News*, 12 June 2026.

10. For a list of examples, see Freedom United, *Forced labor import bans*.

11. United States (U.S.) Customs and Border Protection, *Forced Labor Laws and Authorities*.

12. International Labour Organization (ILO), *CO29 – Forced Labour Convention, 1930 (No. 29)*.

13. ILO, *C105 – Abolition of Forced Labour Convention, 1957 (No. 105)*.

14. United Nations, Office of the High Commissioner for Human Rights, *Convention on the Rights of the Child*, 20 November 1989.

15. ILO, *C138 – Minimum Age Convention, 1973 (No. 138)*.

16. ILO, *C182 – Worst Forms of Child Labour Convention, 1999 (No. 182)*.

17. ILO, Walk Free and International Organization for Migration, *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage*, September 2022, pp. 30 and 32.

18. ILO, Walk Free and International Organization for Migration, *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage*, September 2022, p. 22; and ILO, *Data and research on forced labour*.

19. ILO, Walk Free and International Organization for Migration, *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage*, September 2022, p. 3.

20. Ibid., p. 22.

21. This data reflects economic sectors outside of forced commercial sexual exploitation. Women and girls compose nearly four out of every five people in situations of forced commercial sexual exploitation.

    Ibid., p. 31; and Indira Boutier and Emmanuel Maganaris, *The Risks of Labour Trafficking for Migrant Workers: A Focus on Human Trafficking and AI*, United Nations Working Group on Business and Human Rights, 2025, p. 3.

22. U.S. Department of Labor, Bureau of International Labor Affairs, *List of Goods Produced by Child Labor or Forced Labor*, 2024, p. 15.

23. Walk Free, *Global Slavery Index: Importing Risk*.

24. *Customs Act*, R.S.C. 1985, c. 1 (2nd Supp.).

25. Global Affairs Canada, *Canada introduces legislation to strengthen the ban on importing goods produced with forced labour*, Backgrounder, 12 June 2026.

26. In addition, section 155 of the *Customs Act* provides that "[n]o person shall … have in his possession, purchase, sell, exchange or otherwise acquire or dispose of any imported goods in respect of which the provisions of this or any other Act of Parliament that prohibits, controls or regulates the importation of goods have been contravened." Penalties for failing to comply with section 155 include fines of up to $500,000, up to five years in jail or both.