

FREQUENTLY ASKED QUESTIONS

- 1. What is forced labour under the Act?**
- The Act defines forced labour as:
- labour or service provided or offered to be provided by a person under circumstances that
- (a) could reasonably be expected to cause the person to believe their safety or the safety of a person known to them would be threatened if they failed to provide or offer to provide the labour or service; or
 - (b) constitute forced or compulsory labour as defined in article 2 of the Forced Labour Convention, 1930, adopted in Geneva on June 28, 1930.
- The Forced Labour Convention, 1930, defines forced or compulsory labour as:
- (a) any work or service exacted in virtue of compulsory military service laws for work of a purely military character;
 - (b) any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country;
 - (c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations;
 - (d) any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population;
 - (e) minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services.
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2. What is child labour under the Act?

The Act defines child labour as:

labour or services provided or offered to be provided by persons under the age of 18 years and that

- (a) are provided or offered to be provided in Canada under circumstances that are contrary to the laws applicable in Canada;
- (b) are provided or offered to be provided under circumstances that are mentally, physically, socially or morally dangerous to them;
- (c) interfere with their schooling by depriving them of the opportunity to attend school, obliging them to leave school prematurely or requiring them to attempt to combine school attendance with excessively long and heavy work; or
- (d) constitute the worst forms of child labour as defined in article 3 of the Worst Forms of Child Labour Convention, 1999, adopted at Geneva on June 17, 1999.

The Worst Forms of Child Labour Convention, 1999, defines the worst forms of child labour as:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

3. What do I have to do to fulfill my reporting obligation?

Before May 31 on each year, you must (i) complete a questionnaire online and (ii) submit an annual report on the steps you took during the previous financial year to prevent and reduce the risk that forced labour or child labour is used by your business in its activities or supply chains.

4. How do I complete the questionnaire?

You can find the questionnaire on the Minister of Public Safety's [website](#). You must manually enter your responses into the Minister's online questionnaire form. The questionnaire cannot be submitted in PDF format. A best practice is to prepare your responses to the questionnaire in a separate document beforehand and to reproduce your responses into the online questionnaire form when you are ready to submit your annual report.

5. How do I submit my annual report?	To submit your annual report, you need to go the Minister of Public Safety's website . At the end of the online questionnaire form and before submitting it, you must upload your annual report in PDF format. Attaching your annual report to the online questionnaire form is the final step in completing the questionnaire.
6. What format does my annual report have to be in?	<ul style="list-style-type: none"> • It must be in PDF format and should not exceed 100MB in size. • It should not exceed 10 pages in length, or 20 pages for reports provided in both English and French. • It must receive the required approvals and include the signed attestation.
7. Do I have to submit my annual report in both English and French?	No. You must prepare your annual report in either English or French. Although not mandatory, preparing your annual report in both English and French is recommended by the Ministry of Public Safety.
8. Do I have to submit separate reports for my corporation and its subsidiaries?	<p>No. You may choose to submit a joint report covering your own actions and those of any entities you control, such as subsidiaries, or a joint report that covers multiple entities belonging to the same corporate group.</p> <p>In addition, a joint report is only appropriate for your corporation and its subsidiaries if their risk profiles, policies, and actions do not diverge substantially.</p>
9. Do I have to answer the open-ended questions in the questionnaire?	No. The open-ended questions in the questionnaire are not mandatory. You are not required to answer these questions when completing the online questionnaire form. However, your responses to the open-ended questions in the questionnaire will help inform the content of your annual report.
10. What is the relationship between the questionnaire and the annual report?	The questionnaire is a high-level summary of the annual report. Many of your responses to the questionnaire will be included in your annual report. The questionnaire can be used as a template to prepare your annual report. You must ensure that your responses to the questionnaire are consistent with your annual report.
11. Do I have to give a guarantee to the Government that forced labour and child labour do not exist in my corporation or its chain of supply?	No. The purpose of the questionnaire and annual report is to disclose the steps taken by you to identify, to assess and prevent or reduce the risk of forced labour or child labour in your activities and supply chains.
12. Do I have to publish the answers to the questionnaire?	No.

13. Is the annual report a public document?	Yes. Once you have submitted your annual report to the Minister, it will be published in an online catalogue maintained by the Minister. In addition, you must publish your annual report in a prominent place on your website that is visible and readily accessible to members of the public.
14. Do I have to provide the report to the shareholders of my corporation?	Yes, if your corporation is incorporated under <i>Canada Business Corporations Act</i> or any other Act of Parliament. You must provide your annual report to each shareholder, along with your annual financial statements.
15. What would happen if I miss the deadline of May 31?	<p>Failure to file an annual report by May 31 is an offence and may result in summary charges against you. Sentencing can include a fine of up to \$250,000 on summary conviction.</p> <p>While summary charges are possible, guidance from the Minister has indicated that 2024 will be a transition period given that it is the first year that entities are required to report under the Act.</p>
16. Is there any individual liability for breaches under the Act?	Yes. Your corporation's directors and officers could also be subject to fines of not more than \$250,000 on summary conviction for any offences committed by your corporation, including knowingly making any false or misleading statements or providing false or misleading information to the Minister.
17. What would happen if I do not submit the annual report for my corporation?	Failure to file an annual report at all is an offence and may result in summary charges against you. Sentencing can include a fine of up to \$250,000 on summary conviction. Your corporation's directors and officers could also be subject to fines and criminal prosecution.

Note: We have provided this document to enable you to assess and fulfill your regulatory requirements under the Act. We would ask that this document be used only for the intended purpose; keep the information in it confidential and not disclose it to any other person. This document does not constitute legal advice.