

Copyright Board of Canada
Report Against Forced Labour and Child Labour
in Supply Chains

2023-2024



Copyright Board
Canada

Commission du droit
d'auteur Canada

Canada

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ⁱ Copyright Board of Canada Website: <https://cb-cda.gc.ca/en>

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PART 1 – Identifying information

The Copyright Board of Canada (“the Board”) is an independent regulatory body and administrative tribunal responsible for setting royalties for the use of copyrighted works when these rights are administered by a collective society. Through its decisions on proposed tariffs, the Board helps define the economic parameters of the use cycle of copyrighted works.

The following report provides measures the COP has taken during the fiscal year 2023-24 (April 1, 2023, to March 31, 2024) to prevent and reduce the risk that forced labour or child labour is used at any step of the production of goods produced, purchased or distributed by the organization.

PART 2 – Report Contents

Information on the government institution’s structure, activities and supply chains

The mandate of the Board is defined in the Copyright Act (the “Act”). It provides that the Board intervene in three areas:

- Approving tariffs for content where rights are managed by collective societies;
- Settling individual cases where parties disagree; and
- Granting licences for the use of content when the right owners are unlocatable.

The Copyright Board of Canada’s fundamental purpose is to establish fair and equitable tariffs and licences through timely processes. These requirements are expressly stated in the Act: “The Board shall fix royalty and levy rates and any related terms and conditions under this Act that are fair and equitable [...]” The timeliness requirement is also stated in the Act: “All matters before the Board shall be dealt with as informally and expeditiously as the circumstances and considerations of fairness permit [...]”

To deliver on its mandate, the Board is required to act fairly, base its work on solid legal and economic principles, and reflect a firm understanding of evolving business models and technologies.

As an administrative tribunal, the Board is constrained by the decisions of the Federal Court of Appeal and the Supreme Court of Canada, which shape the legal framework in which it operates. Finally, the Board’s decisions are subject to judicial review. Cases from previous years can be reversed, in whole or in part, and sent back to the Board for re-examination.

As a micro organization with less than 30 full-time equivalents, the COP has an operating budget of \$4.3M, 71% of which is dedicated for personnel. Over the last fiscal year, the COP has purchased goods for a total of \$56K, representing 1% of its total budget.

The COP’s purchasing needs are mainly common office required goods that are procured through Public Services and Procurement Canada (PSPC) established supply arrangements or standing offers, as well as the Shared Services Canada (SSC) Standing Offers for IT equipment. This represents approximately 82% of the annual value of COP’s purchases that were made through the use of PSPC tools such as Standing Offers and Supply Arrangements and SSC’s Standing Offers.

Since November 2021, PSPC implemented anti-forced labour clauses in all goods contracts to ensure that it can terminate contracts where there is credible information that the goods have been produced in whole or in part by forced labour or human trafficking. Additionally, since November 20, 2023, all PSPC Standing Offers and Supply Arrangements for goods that have been issued, amended, or refreshed include anti-forced labour clauses.

As such, all of COP contracts for goods resulting from the use of these tools include clauses relating to forced labour which set out, among other things, human rights and labour rights requirements. These clauses can be found in the policy notification 150 – Anti-forced labour requirements.

Information on the steps taken to prevent and reduce the risk that forced labour or child labour is used at any step of the production of goods produced, purchased or distributed by the government institution

The COP has integrated PSPC’s updated General Conditions for goods contracts and PSPC’s Code of Conduct for Procurement in our purchasing activities.

In addition, to prevent and reduce the risk of forced labour or child labour in our procurements, the COP has used PSPC’s tools such as standing offers and supply arrangements, as well as SSC’s standing offers.

While PSPC supports government institutions in their daily operations by acting as the central purchasing agent for the Government of Canada, the COP undertakes activities under its own procurement authority, independently of the aforementioned PSPC tools.

During the previous fiscal year, the COP purchased goods and services under its own procurement authority in the following areas: office supply for certain items that were not listed under the established standing offers or supply arrangements, and legal publications.

Information on the policies and due diligence processes in relation to forced labour and child labour

Effective April 1, 2023, amendments to the *Treasury Board Directive on the Management of Procurement* require contracting authorities from all departments listed in Schedules I, I.1 and II of the *Financial Administration Act* (with the exception of the Canada Revenue Agency) and commissions established in accordance with the *Inquiries Act* and designated as a department for the purposes of the *Financial Administration Act* to incorporate the Code of Conduct for Procurement (“the Code”) into their procurements.

Pursuant to the aforementioned amendments, the COP has integrated the Code into its procurement process, with a view to safeguarding federal procurement supply chains from forced labour and child labour. Contracts that were awarded included the Code through the General Conditions for goods.

The Code requires that vendors, providing goods and services to the Government of Canada and their sub-contractors, comply with all applicable laws and regulations. In addition, the Code requires vendors and their sub-contractors to comply with Canada’s prohibition on the importation

of goods produced, in whole or in part, by forced or compulsory labour. This includes forced or compulsory child labour and applies to all goods, regardless of their country of origin.

The prohibition on the importation of goods produced wholly or in part by forced labour came into force under the *Customs Tariff* on July 1, 2020. This amendment implemented a commitment in the Labour Chapter of the Canada-United States-Mexico Agreement (CUSMA) and applies to all imports, regardless of origin.

Information on the parts of its activities and supply chains that carry a risk of forced labour or child labour being used and the steps taken to assess and manage that risk

In May 2021, a risk analysis of PSPC's supply chains was completed by Rights Lab, of the University of Nottingham (U.K.), to determine which goods were at the highest risk of exposure to human trafficking, forced labour, and child labour. The analysis, and subsequent report, elaborated key strategies for PSPC to leverage public spending power to raise awareness about forced labour in supply chains.

The COP will familiarize itself with information on the risk assessment provided by PSPC, and is monitoring related follow-action, including the development of a Policy on Ethical Procurement.

Information on any measures taken to remediate any forced labour or child labour

Not applicable; the COP has not identified any forced labour or child labour in its activities and supply chains. Through the use of the established standing offers and supply arrangements, the COP will continue to rely on PSPC's as well as SSC's process and taken measures to remediate any force labour or child labour in the supply chain.

Information on any measures taken to remediate the loss of income to the most vulnerable families that results from any measure taken to eliminate the use of forced labour or child labour in the institution's activities and supply chains

Not applicable; the COP has not identified any loss of income to vulnerable families resulting from measures taken to eliminate the use of forced labour or child labour in its activities and supply chains.

Information on the training provided to employees on forced labour and child labour

The COP is aware that PSPC is currently developing awareness-raising guidance materials (including risk mitigation strategies) for suppliers, targeted towards high-risk sectors. The COP is monitoring the development of these materials and will leverage these resources upon their publication.

In its mandatory training strategy, the COP has already identified contract courses relevant to various positions in its organization. This strategy will be revised once the PSPC awareness training is available.

Information on how the government institution assesses its effectiveness in ensuring that forced labour and child labour are not being used in its activities and supply chains

While the COP does not currently have policies and procedures in place to assess the effectiveness of ensuring that forced labour and child labour are not being used in its activities and supply chains, it will leverage those determined by PSPC in their established standing offers and supply arrangements.