

Canada Introduces Bill C-35: The Ban on Importing Goods Made with Forced Labour Act

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On June 12, 2026, the Canadian government introduced Bill C-35, formally titled the *Ban on Importing Goods Made with Forced Labour Act*, in the House of Commons. Sponsored by the Minister of Foreign Affairs, the legislation represents a significant strengthening of Canada's trade enforcement framework by establishing a standalone prohibition on the importation of goods produced through forced labour.

Historical Background

In 2020, Canada introduced a forced labour import ban under the *Customs Tariff* to meet its obligations under the Canadian-United States-Mexico Agreement (CUSMA).

This ban is enforced at the border by the Canada Border Services Agency (CBSA), with support from multiple federal partners. The current framework relies on a risk-based approach to identify shipments of goods that may have been produced by forced labour.

In 2024, the *Fighting Against Forced Labour and Child Labour in Supply Chains Act* ("Supply Chains Act") came into force, which is transparency legislation requiring certain entities and federal institutions to report annually on steps taken to prevent or reduce the risk that forced and child labour are used in their supply chains. This serves as a complementary measure that strengthens Canada's efforts to address forced and child labour in supply chains by promoting transparency and accountability.

The proposed Act under Bill C-35 would establish a standalone legislative framework, replacing the current import prohibition under the *Customs Tariff*.

A Clear Prohibition

At its core, the proposed Act provides that goods produced wholly or in part by forced labour are prohibited from importation into Canada. The legislation defines "forced labour" by adopting the definition in Article 2 of the International Labour Organization's *Forced Labour Convention, 1930 (No. 29)*, namely, "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". The Act adopts a broad definition of "produced" that includes goods that are grown, assembled, manufactured, or mined. The Act binds the Crown in right of Canada and the provinces.

A Regulatory Listing Mechanism

Bill C-35 empowers the Minister of Foreign Affairs to establish, by regulation, a list of goods in respect of which there are reasonable grounds to suspect they are produced wholly or in part by forced labour.

For each listed good, the Minister must specify either the person who produces the goods, the country or region in which they are produced, or both. Several federal ministers and officials are authorized to assist the Minister of Foreign Affairs in developing the list, including the Minister of Public Safety and Emergency Preparedness, the Minister of Labour, the Minister of Transport, the Minister of Agriculture and Agri-Food, and the Minister of Industry.

Enforcement by the Canada Border Services Agency

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The legislation entrusts enforcement to the CBSA. Customs officers designated by the President of the CBSA may determine whether imported goods are produced by forced labour and may detain goods for up to 90 days—or a longer prescribed period—while making that determination. Persons importing goods that appear on the Minister's list must, upon request by a customs officer, provide prescribed information to the CBSA. Failure to do so results in those goods being deemed prohibited from importation.

Importers and goods owners are jointly and severally liable to the Crown for any costs incurred in relation to the detention, storage, transportation, or disposal of prohibited goods.

Limited Appeal Rights

Notably, decisions made under the Act are not subject to appeal, review, re-determination, or further re-determination under the *Customs Act*. However, they remain subject to judicial review under section 18.1 of the *Federal Courts Act*.

Transitional Provisions and Consequential Amendments

The proposed Act includes transitional provisions addressing determinations and decisions made under the existing tariff item No. 9897.00.00 of the *Customs Tariff* prior to Royal Assent. Those prior determinations and decisions are generally not subject to further appeal under the *Customs Act* unless proceedings were already initiated before a prescribed date. Judicial review remains available.

The proposed Act also makes consequential amendments to the *Customs Tariff*, repealing the previous tariff-based mechanism that had classified forced-labour goods under tariff item No. 9897.00.00 and replacing it with this standalone legislative framework.

Coming Into Force

While the prohibition and most provisions take effect upon Royal Assent, the information-disclosure requirements in sections 8 and 9 of the proposed Act, which requires importers of listed goods to provide prescribed information, will come into force on a day or days to be fixed by order of the Governor in Council.

Significance

Bill C-35 marks a shift from Canada's previous approach, which relied on a tariff classification mechanism, to a purpose-built legislative regime with dedicated enforcement powers and a proactive listing tool. The legislation signals Canada's intent to align more closely with international efforts to eradicate forced labour from global supply chains, while providing the CBSA with clearer authority and procedural tools to interdict offending goods at the border.

Commentators have noted that the Bill is an attempt to fix the perceived shortcomings in Canada's enforcement regime which has drawn domestic criticism as well as the scrutiny of the United States. On June 2, 2026, the Office of the United States Trade Representative issued a Report under Section 301 of the *Trade Act of 1974*, which presented findings that Canada is not effectively enforcing its forced labour import prohibition and has thus burdened U.S. commerce. In light of the findings, the Representative proposed a ten percent tariff on a wide range of Canadian products. The proposed tariff would not apply to goods compliant under the CUSMA.

Bill C-35 is likely to advance to a second reading after Parliament resumes after the summer recess and bears close monitoring. A PDF version is available for download [here](#).

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