



## Memorandum D9-1-6

Ottawa, May 28, 2021

### Goods Manufactured or Produced by Prison or Forced Labour

#### In Brief

1. This Memorandum has been updated to include information on Canada's import prohibition on goods mined, manufactured or produced wholly or in part by forced labour as established by the *Canada–United States–Mexico Agreement Implementation Act*.
2. Information on the Labour Program of Employment and Social Development Canada (ESDC)'s role in assisting the Canada Border Services Agency (CBSA) with the identification of goods the importation of which is prohibited under tariff item 9897.00.00 – manufactured or produced by prison labour or mined, manufactured or produced by forced labour (hereafter produced by prison or forced labour) – has been added.
3. This Memorandum incorporates the information from CBSA *Customs Notice 20-23 - Import prohibition on goods produced wholly or in part by forced labour*.

#### Legislation

##### Customs Tariff

Tariff item No. 9897.00.00 reads, in part: "Goods manufactured or produced wholly or in part by prison labour; Goods mined, manufactured or produced wholly or in part by forced labour;"

Section 132 (1) of the *Customs Tariff* provides that:

"The Governor in Council may, on the recommendation of the Minister, make regulations

(m) for the purposes of tariff item No. 9897.00.00

(i.) amending that tariff item to exclude goods manufactured or produced wholly or in part by prison labour from that tariff item, or prescribing the conditions under which such goods may be excluded from that tariff item,

(i.1) amending that tariff item to exclude goods that are mined, manufactured or produced wholly or in part by forced labour from that tariff item, or prescribing the conditions under which such goods may be excluded from that tariff item. Section 136. (1) The importation of goods of tariff item No. 9897.00.00, 9898.00.00 or 9899.00.00 is prohibited.

(2) Subsection 10 (1) does not apply in respect of goods referred to in subsection (1).

**Prison Manufactured or Produced Goods Regulations, 1998**

1. Tariff item 9897.00.00 of the *Customs Tariff* is amended to exclude goods manufactured or produced wholly or in part by prison labour, on the condition that the goods are imported solely for personal use and not for sale or for any business or occupational use, by:
  - (a) a non-resident of Canada; or
  - (b) a resident of Canada, reporting the goods at the time of his or her return to Canada.

## **Guidelines and General Information**

1. Goods that are mined, manufactured or produced wholly or in part by forced labour are prohibited from entering Canada pursuant to tariff item No. 9897.00.00 of the *Customs Tariff*.
2. Goods manufactured or produced wholly or in part by prison labour are prohibited from entering Canada pursuant to tariff item No. 9897.00.00 of the *Customs Tariff*.
3. Goods manufactured or produced wholly or in part by prison labour are exempted from the provisions of tariff item No. 9897.00.00 when imported by solely for personal use and not for sale or for any business or occupational use.
4. A person who receives a notice under subsection 59(2) of the *Customs Act* may seek review of the determination or re-determination of tariff classification under section 60 of the *Customs Act*. Goods classified under tariff item No. 9897.00.00 may also be exported in accordance with applicable export law, or abandoned in accordance with section 36 of the *Customs Act*. For additional information on review of a tariff classification decision, please refer to CBSA Memorandum [D11-6-7 - Request under Section 60 of the Customs Act for a Re-determination, a further Re-determination or a Review by the President of the Canada Border Services Agency](#).
5. The attention of importers/owners is drawn to sections 36, 99, 101, 102, and 142 of the *Customs Act*, respecting abandonment, detention, and exportation of goods the importation of which is prohibited under section 136 of the *Customs Tariff*.
6. The Labour Program of ESDC is the Government of Canada's lead department for labour-related programs. The CBSA works closely with ESDC to identify goods that have been produced by prison or forced labour in order to prevent their entry into Canada. The Labour Program of ESDC researches relevant facts related to problematic supply chains and prepares reports signalling when goods are likely mined, manufactured or produced by forced labour. These reports are shared with the CBSA. The CBSA may use this information to identify and detain, upon importation, suspected goods produced by prison or forced labour, the importation of which is prohibited under tariff item No. 9897.00.00.
7. Anyone wishing to share relevant information on prison or forced labour practices, including problematic global supply chains, that can support the Labour Program of ESDC in conducting its research and analysis can communicate at the following address: [EDSC.AIT.TravailForce-ForcedLabour.IILA.ESDC@labour-travail.gc.ca](mailto:EDSC.AIT.TravailForce-ForcedLabour.IILA.ESDC@labour-travail.gc.ca).

8. Additional information on the role of the Labour Program of ESDC in supporting the prohibition on importing goods produced by prison or forced labour can be found at <https://www.canada.ca/en/employment-social-development/services/labour-relations/international/support.html>.
9. Persons seeking to report suspected cases of prohibited goods being imported into Canada, including goods produced by prison or forced labour, may contact the [CBSA's Border Watch Tip Line](#).

## **ADDITIONAL RESOURCES**

10. Importers are responsible for ensuring that any goods that they are importing into Canada are compliant with Canadian law. It is the responsibility of the importer to conduct due diligence on its supply chains to ensure that goods it imports into Canada are not mined, manufactured or produced wholly or in part by forced labour.
11. A number of resources are available to assist companies, including importers, in conducting their due diligence. Canadian companies can contact the National Contact Point (NCP), or the Canadian Ombudsperson for Responsible Enterprises (CORE), whose mandate includes advising Canadian companies on meeting high standards of responsible business conduct. The Trade Commissioner Service (TCS), including through its offices in China, can also provide information as well as references to third-party entities with specialization in supply chain risks.

## **ADDITIONAL INFORMATION**

12. For more information on this memorandum, within Canada call the Border Information Service at 1-800-461-9999. From outside Canada call 204-983-3500 or 506-636-5064. Long distance charges will apply. Agents are available Monday to Friday (08:00 – 16:00 local time/except holidays). TTY is also available within Canada: 1-866-335-3237.

<b>References</b>	
<b>Issuing Office</b>	Commercial Border Programs Division Other Government Department Programs Unit
<b>Headquarters File</b>	Tariff code 9960 and tariff item No. 9897.00.00
<b>Legislative References</b>	<a href="#"><u>Customs Act</u></a> <a href="#"><u>Customs Tariff</u></a> <a href="#"><u>Prison Manufactured or Produced Goods Regulations, 1998</u></a>
<b>Other References</b>	
<b>Superseded Memorandum D</b>	D9-1-6, June 5, 2012