



International and Intergovernmental Labour Affairs / Labour Program
Employment and Social Development Canada
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Submitted via email to: EDSC.AIIT.CA-SC.IILA.ESDC@labour-travail.gc.ca

Re: Consultation on potential due diligence and civil liability measures to fight labour exploitation in supply chains

August 21, 2026

To Whom It May Concern,

On behalf of Canada's fresh fruit and vegetable industry, we welcome the opportunity to provide comments to Employment and Social Development Canada (ESDC) and other government departments regarding potential due diligence and civil liability measures to fight labour exploitation in supply chains.

Based in Ottawa, the Canadian Produce Marketing Association (CPMA) is a not-for-profit organization representing companies active in the marketing of fresh fruit and vegetables in Canada, from the farm gate to the dinner plate, spanning the entire produce industry. The Association's members include major growers, shippers, packers, and marketers; importers and exporters; transportation and logistics firms; brokers, distributors, and wholesalers, retailers, and foodservice distributors; and fresh cut operators and processors. Founded in 1925, CPMA is proud to represent more than 900 domestic and international members who are responsible for 90% of fresh fruit and vegetable sales in Canada.

The fresh fruit and vegetable supply chain is a significant contributor to Canada's economy and food security, generating \$18 billion in GDP and supporting more than 188,000 jobs in rural and urban communities from coast to coast to coast¹. In addition to our sector's economic contributions, we also provide Canadian families with safe and nutritious food that is crucial to supporting their health and well-being.

CPMA is actively engaged in Canada Border Service Agency (CBSA) stakeholder committees and working groups, including within CBSA's new Commercial and Trade Industry Forum (CTIF), formerly the Border Commercial Consultative Committees (BCCC). We are keen to partner with the government to ensure that the Government's efforts to eradicate forced labour achieve their core objectives in a way that meets the needs of both the Government of Canada and industry stakeholders – and to support the development of resources to enable industry compliance.

¹ Signal49 Research (formerly Conference Board of Canada), 2025

Comments

CPMA and our members across the fresh produce supply chain are committed to working towards the eradication of forced labour. The fresh fruit and vegetable supply chain is one of the most globally integrated in the world, involving a complex network of growers, packers, shippers, wholesalers, retailers, transportation companies and logistics providers. Due to Canada's climate and shorter growing season, approximately \$4 out of every \$5 spent on fresh produce is spent on imported product. In fact, Canadians import fresh produce from more than 150 countries worldwide, and our increasingly diverse population has also spurred a more diverse offering of fruit and vegetable products.

This complex system allows Canadians to have access to a variety of safe, nutritious products year-round, but it also can make supply chain visibility a complicated task. In addition, forced labour looks different in different circumstances and may be more difficult to identify in certain places and circumstances than in others. For example, state-sponsored forced labour may be relatively more straightforward for the government to identify and for industry to avoid, compared to forced labour imposed by cartels or in other less publicly visible cases.

At the outset, CPMA must note our agreement with the view expressed by other industry stakeholders that the timeline for this consultation (less than 30 days, during the summer months) is far too short to allow for thorough input on what is an important and complex topic – and that the government's work on potential due diligence requirements does not need to move at the same pace as stakeholder engagement on the legislation that is already before Parliament, Bill C-35.

Furthermore, while we acknowledge that ESDC has conducted previous consultations on the topic of due diligence in 2019 and 2023, we must also note that the substantial economic and geopolitical volatility currently facing Canadian businesses, along with the more recent experience of the implementation of the *Supply Chains Act*, as well as the expansion of the scope of this consultation document to potentially include other labour rights and civil liability measures, necessitate more time for industry engagement and consultation.

CPMA therefore offers the following initial comments for consideration, with the strong hope that the government will provide additional time and resources for further engagement with industry stakeholders as this work progresses:

General

- As stated in our 2023 submission, CPMA is broadly supportive of the inclusion of the six identified steps in due diligence legislation, noting that in the legislation the government must seek to balance the need for clarity with the necessary flexibility to allow regulated entities to effectively deliver on their obligations in ways that might vary.
- The fresh produce supply chain trades in high volumes of a diverse range of highly perishable commodities, sourced from jurisdictions around the world. This means that the circumstances of forced labour, the mechanisms available to mitigate it, and the documentation available to demonstrate compliance with Canada's import ban might vary depending on the commodity/region/situation. CPMA therefore strongly recommends that the government take a sector-specific approach and consult early and often with industry in the development of any due diligence regime.

- We also agree with the recommendation shared by other stakeholders that the government take a risk-based approach and seek to build its efforts gradually, taking time to assess the effectiveness of existing enforcement measures, before layering additional requirements on Canadian businesses. This approach would allow new measures to be informed by lived industry and government experience and provide time for both parties to obtain the necessary resources and put processes in place for effective implementation.
- CPMA reiterates that the wide variety of commodities and the globally integrated nature of the fresh produce supply chain can make identifying and ensuring eradication of forced labour along that supply chain complex, and that the federal government should support industry efforts by providing clear and up-to-date guidance and advisories to help industry identify bad actors.
- Educational materials to raise awareness, offer guidance and promote best practices for regulated entities on all six steps of the due diligence process, and on the mitigation of forced labour impacts more broadly, would provide valuable resources to support and strengthen industry compliance. For example, guidance would be valuable on topics such as how to manage stakeholder engagement and responsible disengagement in a way that does not add risk for workers, and how and where trade agreement provisions could be leveraged to support compliance. CPMA emphasizes that guidance and resources provided should align with international best practice, and efforts occurring in other jurisdictions as well as the International Labour Organization.
- To effectively address the complexity of the task of eradicating forced labour from globally integrated supply chains, close collaboration between jurisdictions is required. CPMA strongly encourages the Government of Canada to work closely with our trading partners, particularly the United States, on efforts to strengthen the import ban, as well as to identify potential bad actors/items or regions of risk and to make that information available to support industry compliance activities, including regarding due diligence measures.
- CPMA also emphasizes the need for federal government departments to collaborate closely in providing information and resources to regulated entities. We recognize that multiple federal departments, including ESDC, CBSA, Public Safety and Global Affairs are implicated in government efforts to eradicate forced labour from Canadian supply chains. To the greatest extent possible, the Government of Canada should create a “one-stop shop” for industry information, resources, and guidance, including the list and related notifications, to support industry efforts to increase awareness, implement processes and strengthen compliance.
- While outside the scope of this consultation, CPMA also continues to recommend the development of a Trusted Trader program for fresh produce that would allow those with a demonstrable history of compliance with import requirements, (which could include reporting requirements under the *Supply Chains Act*), to expedite product clearance through the border, both improving Canadians’ access to fresh produce and allowing CBSA and other government departments to focus enforcement resources on higher risk entities.

Scope, coverage and reporting obligations

- As noted above, the Canadian fresh fruit and vegetable supply chain is complex and highly integrated across jurisdictions, with many entities operating in multiple countries. CPMA emphasizes that greater clarity is needed on what due diligence requirements will look like, including how far down the supply chain these requirements will extend for regulated entities.
- Wherever possible, CPMA recommends that the Government of Canada align its requirements with those in other jurisdictions and with global best practice, including with regard to applicability thresholds, to avoid unintentionally creating a barrier to Canadian businesses and/or undue burden for entities meeting requirements in multiple jurisdictions. In the Canadian fresh produce sector, there are many SMEs that import inputs/equipment a few times in a year and rely heavily on a customs broker to ensure their compliance with import requirements. For these businesses, extensive due diligence requirements could incur significant administrative costs.
- CPMA reiterates that greater time for consultation is needed regarding the potential expansion of the scope of a potential due diligence regime to include other labour rights, which each require consideration of potential challenges and unintended impacts. For example, some members have previously expressed concern that teens/youth working on their own family farms will be captured under the definition of child/forced labour, which would have significant ramifications not only for the fresh produce sector, but for the broader agriculture sector writ large. To avoid unintentionally creating confusion on this point, the Government of Canada should clearly distinguish definitions of child labour, forced labour, and child work in legislative, policy, guidance and enforcement efforts.

In closing, CPMA emphasizes that a collaborative approach to find workable solutions for industry and government is the backbone to success for regulatory and policy compliance. We share appreciation for the approach taken by Public Safety Canada in the implementation of the *Supply Chains Act*, which has consistently sought to leverage industry expertise through ongoing stakeholder engagement, to better understand the specific needs and challenges of particular sectors and supply chains, and to ensure the continual development of guidance and resources to address questions and better facilitate compliance.

CPMA strongly encourages ESDC and all implicated government departments to take a similar approach and to prioritize ongoing engagement with stakeholders as this work progresses; we suggest that CBSA's Commercial and Trade Industry Forum could provide one such forum to gather industry input.

We thank you for taking the time to review the comments above and would be pleased to answer any questions you may have. CPMA is ready to serve as a resource and to work with all implicated government departments as efforts to eradicate forced labour move forward.

Sincerely,



Ron Lemaire
President
Canadian Produce Marketing Association