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EXPORTS & EXPLOITATION

US Prison Labour Hidden in
Canadian Supply Chains

This publication is the result of an investigation by the International Human Rights Program (IHRP) at the Henry N. R. Jackman Faculty of Law, University of Toronto.

The IHRP serves as a centre for international human rights work, through which experienced lawyers, faculty, and law students engage in meaningful social change. Drawing upon its unique position within Canada, the IHRP's work aims to encourage the country's adherence to its own international human rights commitments by ensuring accountability of its harms across the globe and those of third parties it is meant to regulate. The IHRP pursues change in the areas of corporate accountability, climate justice, and Indigenous rights.

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EXECUTIVE

Summary

While slavery was ostensibly abolished 160 years ago in the United States, its legacy lives on today in the form of prison labour. This report examines how that legacy pervades modern global supply chains—specifically, how many US-made goods that are imported into Canada and sold to Canadian consumers have links to forced and/or prison labour in the US, despite Canadian laws that prohibit the importation of goods made using forced labour or prison labour.

In recent years, the once-popular conception that slavery was abolished long ago and exists today only in history books has eroded. In its place is a dawning realization that slavery has merely assumed a different form. It is true that traditional ‘chattel slavery’—in which a person can legally be considered the property of another—is a thing of the past. However, there is growing recognition that other devices of coercion, control, and exploitation may be less formalized but just as effective.

Roughly 50 million people globally live in conditions of ‘modern slavery’ today, according to Walk Free’s Global Slavery Index. In our globalized economy, items they produce thousands of miles away can easily find their way to retail consumers in countries like Canada. Tomato products from Xinjiang in China, palm oil from Malaysia, and cotton from Turkmenistan are all examples of products that have been tied to modern slavery in recent years.

Despite growing attention from governments and civil society, modern slavery in global supply chains has stubbornly resisted the various tactics and strategies that have been deployed to eradicate it. In part, this is owing to the often fiendish difficulty of tracing items produced using modern slavery practices through opaque and complex cross-border supply chains in a globalized economy. At other times, modern slavery evades scrutiny simply by hiding in plain sight in places where few bother to look.

In the US, a direct line can be traced through history from slavery to the modern US prison labour system. The Thirteenth Amendment abolished slavery after the Civil War “except as punishment for a crime.” States seized upon this exception to enact laws punishing minor offences such as vagrancy, allowing them to incarcerate large numbers of newly freed Blacks. This led to the infamous “convict leasing” system—instead of being sold as property as before, Black men, women, and children were imprisoned by the state and then leased to the highest bidder, who would assume custody of the prisoner and compel them to work.

Convict leasing in turn eventually gave way to a system where the US today incarcerates more people than any other country in the world (and fourth highest per capita)—a grossly disproportionate number of whom are Black—and forces them to work. As under previous systems, they are often made to work for private businesses, who pay the state for their services, while the prisoners themselves receive pennies on the dollar. In some instances, they even farm crops on the same former plantations where enslaved workers once toiled.

Almost all federal and state prisons in the US have work programs that employ incarcerated workers, often under conditions of coercion and the absence of any worker protections.¹ A state that exemplifies the harsh conditions under which many incarcerated people in the US are made to work is Alabama. There, the prison system requires nearly all incarcerated individuals to work—often for private companies and for long hours, with little or no pay, and poor occupational health and safety standards. Those who refuse can face serious penalties, including loss of privileges, loss of earned time, transfer to a more dangerous institution, denial of parole, or solitary confinement. These work requirements exist within what has been widely described as one of the most violent prison systems in the country, marked by reports of severe overcrowding, frequent assaults, sexual abuse, use of excessive force by correctional officers, and even organ trafficking. Thus, in states such as Alabama, conditions of prison labour may even be in violation of fundamental human rights guaranteed under international law. These include international law rights against forced labour, slavery, and racial discrimination.

Meanwhile, as goods made using prison labour in the US enter the channels of commerce and circulate through the economy, Canada’s uniquely close trade relationship with the US means that its economy is also exposed to these goods. After all, Canada buys more US exports than any other country in the world. In many industries—such as the auto and defense industries—the two countries are highly integrated into a single supply chain, with goods frequently flowing back and forth across the border many times before a final product reaches retail markets. However, the importation into Canada of US goods made by incarcerated workers may contravene Canadian law in multiple ways.

Canada prohibits the importation of all goods made using forced labour.

Canada's *Customs Tariff* law prohibits the importation of goods mined, manufactured or produced wholly or in part by forced labour, as defined under international law. Introduced in July 2020, this ban resulted from the US advocating to include such a ban during the renegotiation of the former *North American Free Trade Agreement*. Having introduced its own forced labour import ban in 2016—focused on preventing the importation of goods made using Uyghur forced labour in Xinjiang, China—the US successfully pushed Canada and Mexico to agree to introduce similar bans. However, Canada has since done very little to enforce the ban, prompting heavy criticism from US politicians. Concerned that goods from Xinjiang being denied entry into the US may be getting in through Canada, they have urged Canada to do more to enforce the ban, so that “North America can truly be a region free of goods produced through forced labor.” However, as set out in this report, it appears there are a plethora of goods entering Canada that may be linked to forced labour from US prisons.

Canadian law also prohibits the commercial importation of goods made using prison labour.

In the late 19th century, Canadian politicians became concerned about the entry into Canada of goods made using prison labour in the US, which they likened to “a virtual system of legalized slavery.” They thus introduced measures to ban the importation of goods made using prison labour. This ban continues to exist today and prohibits goods made using prison labour from entering into Canada for sale or business use, regardless of whether the prison labour used to produce the goods qualifies as forced labour under international law.

Violating the forced labour or prison labour bans can entail serious legal consequences. These include possible criminal penalties not only for importers, but also distributors, wholesalers, retailers, and even consumers, as well as the financial institutions that provide them with financial services.

We have identified a variety of goods linked to US forced and/or prison labour that appear to be entering Canada despite the import bans.

In the auto industry, a number of suppliers that use prison labour have ties to major US auto manufacturers that export vehicles to Canada. In the food industry, raw agricultural products produced using potentially forced and/or prison labour intermingle with similar goods in the highly complex supply chains of major food processors and distributors whose products may enter Canadian markets—making them difficult if not impossible to trace. We have also identified products in a range of other industries that also appear to be entering Canada despite ties to potentially forced and/or prison labour. In some cases, the companies that are using incarcerated workers are themselves Canadian.

This report was compiled relying primarily on publicly available information, such as investigative reporting by journalists, lawsuits, and company websites and statements. In addition, members of the IHRP team also travelled to Alabama, where we interviewed currently and formerly incarcerated workers, as well as journalists, lawyers, academics, and advocates working on issues related to prison labour. Given the limitations of these methods, including the geographic focus on Alabama, the products identified likely only represent a small percentage of US-made goods potentially tied to forced and/or prison labour that are entering Canada.

This report aims to begin pulling back the veil on these potentially unlawful imports and draw attention to how Canada's economy is entangled with one of the most exploitative forms of labour in the modern world. By tracing these links and identifying points of exposure, we hope to catalyze further investigation, accountability, and action by government and business to work towards a Canadian economy that is free of modern slavery and racial injustice.

BACKGROUND

Prison Labour in the United States



Credit: Birmingham Public Library Archives

The history of the US is inextricably rooted in its history of slavery, a past it still struggles to reckon with to this day. Thus, the modern prison labour system cannot properly be understood without understanding the history of slavery and racial discrimination in the US.

I. Slavery's Beginnings: America's Appetite for Profit

Slavery played a central role in transforming America into a global economic power.² Between the end of the 18th century and the beginning of the Civil War, it catalyzed the nation's economic growth.

Many argue that America's first big business was the cotton plantation.³ By 1850, 1.8 million of the 3.2 million enslaved people in the US produced cotton and by 1860, slave labour produced over 2 billion pounds of cotton annually.⁴ The 19th century saw cotton as arguably the most desired commodity in the country. Forced to work for up to 18 hours a day harvesting cotton under a harsh sun and a harsher whip, enslaved workers represented the South's most important asset economically—if the Confederacy had been a separate nation, it would have ranked as the fourth richest in the world at the start of the Civil War.⁵

Ultimately, this overt system of chattel slavery could not be sustained. Centuries of resistance by enslaved people, bolstered by a strong abolitionist movement among free citizens, were met with strong opposition and eventual secession of the Southern states to preserve the institution of slavery. This culminated in war. The victory of the Union led to the near-total abolition of slavery—with one crucial exception.

A. The Thirteenth Amendment Loophole

The Thirteenth Amendment to the US Constitution, ratified on December 6th, 1865, formally abolished slavery throughout the country. However, it left one important loophole, which carved out an exception for slavery and involuntary servitude “as a punishment for crime.”

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

As it turned out, this unassuming loophole provided all the opening needed to preserve the legacy of slavery.

B. Convict Leasing

After the Civil War, many financially-rebuilding states sought ways to replicate the immensely profitable economics of slavery through convict leasing: a form of carceral labour where, in exchange for monthly payments, states would deliver prisoners into the custody of private companies for work. Prisoners were typically housed, fed, and treated abysmally by these corporations, who in turn thrived with the availability of cheap labour through a captive workforce that was unable to organize or demand better wages. Some states derived the majority of their annual revenue from the profitable leasing system.⁶ For instance, in 1898, nearly 73% of Alabama's total state revenue came from convict leasing.⁷

Over 90% of incarcerated workers subjected to convict leasing were Black. In some cases, prisoners worked on the same lands for the same people that previously enslaved them.⁸ A steady supply of this convict labour was ensured by the “Black Codes”—laws aimed at subjecting formerly enslaved Black people to criminal prosecution and incarceration for activities such as loitering, interracial relations, and violating curfew.⁹ Slavery-era practices also seeped into the convict leasing system; contractors commonly whipped prisoners for insubordination or trying to escape, or to enforce labour discipline.¹⁰

Convict leasing was especially relevant to Alabama's coal mining industry, allowing the Sloss Furnace Company to develop into a coal and iron giant.¹¹ Conditions were notoriously terrible at Sloss mines, which had a historically high mortality rate.¹² Today, Sloss Furnaces in Birmingham, Alabama stands tall as a historic landmark of the city. The unmistakable building, with weaving pipes and orange-tinted towers, represents Birmingham's industrial boom, along with the death, exploitation, and systems of subjugation that spring-boarded the state into generating massive profits.

The convict leasing system technically ended after the Jim Crow era, with Alabama being the last state to formally cease the practice. However, many of its key features are preserved in the system of prison labour that remains widespread across America today.¹³



Credit: IHRP Staff in Birmingham, Alabama (Sloss Furnaces)

II. Modern Prison Labour

A. Mass Incarceration and the Prison Labour Economy: A Multibillion-Dollar Empire

At the beginning of 2025, the US had the highest number of incarcerated individuals in the world, with almost 2 million people in prison.¹⁴ Incarceration rates in the US have spiked dramatically over recent decades. The American Civil Liberties Union (ACLU) reported that since 1970, the US's incarcerated population has increased by 500%—far outpacing population growth and crime.¹⁵ Moreover, Black people are significantly overrepresented in state prisons across America, especially in the South, where prison populations are primarily and disproportionately Black.¹⁶ Recent estimates find that 1 in every 81 Black adults is serving time in state prison in the US.¹⁷

Today, mass incarceration in the US fuels sprawling prison labour programs; almost all federal and state prisons have work programs that employ incarcerated workers.¹⁸ The prison labour system is a multibillion-dollar industrial empire, with governments as the primary beneficiaries of the programs.¹⁹ A recent ACLU report found that incarcerated workers produce more than \$2 billion a year in goods and over \$9 billion a year in services for the maintenance of prisons.²⁰ The work they perform serves a variety of ends, ranging from public to private.

Work may be performed inside prison walls or outside in the community through so-called “work release” programs. Work release allows incarcerated individuals who are deemed “low risk” to work outside prison during the day, either for public projects or for private companies who have secured partnerships with correctional facilities. Through this program, incarcerated workers earn paychecks and potentially weekend passes home. The coveted positions also allow individuals to support their families and themselves while incarcerated.

Work release is envisioned as a bridge to support incarcerated people in the transition from prison to workforce, equipping them with necessary skills for re-entering their communities post-release. However, as further discussed in this report, these purported benefits often fail to materialize for many incarcerated workers on work release in the US.

i) Public Prison Programs

Prison labour programs for serving public functions include institutional maintenance, public works and services, and state-regulated production of goods for government use.

Institutional Maintenance and Public Works and Services

Over 80% of incarcerated workers in the US are assigned to institutional maintenance roles—work that often pays a few cents an hour. These positions include janitorial services, food preparation, administrative and clerical duties, repair and maintenance, and service jobs.²¹ These prison programs help federal, state, and local governments offset their budget shortfalls.²² The average rates for in-house labour range from 14 to 63 cents per hour across the US;²³ while in some states, including Alabama, these jobs do not pay at all.

Beyond facility maintenance, incarcerated workers fill critical gaps in the public service sphere, such as repairing roads, planting trees, and fighting wildfires, through work release programs under state supervision.²⁴ Unlike other forms of prison labour, public works and institutional maintenance work do not produce goods or services for sale either for private or public buyers.

Production and Supply of Goods for State Use

Other prison labour programs involve the production and supply of prison-made goods for state use. While these goods are not marketed for general sale, they are often critical for government agencies.

UNICOR is a wholly owned corporation of the US federal government that sells products such as clothing and textiles, agribusiness, fleet, optics, recycling, furniture, and electronics,²⁵ made using prison labour.²⁶ These goods may be sold to federal agencies or private companies that have contracts with the federal government to manufacture their products. UNICOR workers are paid between 23 cents and \$1.15 per hour—coveted wages within the public prison labour system, though still significantly below the minimum wage for workers who are not incarcerated.

Spotlight: Louisiana

From Chattel Slavery to Prison Labour

The Louisiana State Penitentiary is an illustrative example of the historical link between plantations and penitentiaries. A former slave plantation, the penitentiary is widely known as Angola, after the home country of the enslaved people who once worked there. In the same fields where they once toiled, incarcerated workers now crop cotton, corn, soybeans, and sugarcane for only two cents an hour.²⁷ With limited access to water, rest, and no restroom facilities, the work conditions mirror those of almost a century prior.

“I went from reading about slaves in the history books to being a slave in the fields of Angola,” says prison reform advocate and former Angola worker Terrance Winn. 74% of incarcerated persons in Angola are Black, and all incarcerated workers at the state penitentiary begin work in the fields.²⁸

“Prisoners were given a daily production quota,” says Mr. Winn, “if they failed to produce it, some were beaten, written up, or sent to solitary confinement.” Mr. Winn states that he was once placed in solitary confinement for 13 months for refusing to work in the fields.

In September 2024, several incarcerated workers at Angola filed a class-action lawsuit accusing the State of Louisiana of cruel and unusual punishment and calling for an end to the “farm line.”²⁹ Plaintiffs shared stories of inhumane conditions at Angola under oppressive heat, often without proper protection or modern farming equipment.³⁰ In May 2025, a federal judge found that the men in Angola “are at substantial risk of suffering serious harm” under current practices.³¹



Credit: Gerald Herbert via AP News

ii) Private Programs

Programs that provide prison labour to private industries are usually based on contracts between private enterprises and government departments, agencies, or government-owned corporations. In one model, incarcerated workers are hired by private companies to work inside the prison providing services (such as working in call centres) or producing goods using raw materials supplied by the company. The company usually pays a fixed rate for finished products, while the hiring and supervision are performed by prison administration.

In another “work release” model, incarcerated workers are employed by private companies outside the prison at the employer’s facilities but remain under administrative custody. The company usually pays a wage rate to the government for each worker. As further discussed below, these work release programs in the US operate under the Prison Industry Enhancement Certification Program or other permitted mechanisms for public-private partnerships with respect to the use of prison labour.

Prison Industry Enhancement Certification Program

The Prison Industry Enhancement Certification Program (PIECP) is a federal statutory program first authorized by Congress in 1979 permitting private companies to “establish joint ventures with federal, state, local and tribal correctional agencies to produce goods through prison labour.”³² The PIECP exempts certified correctional departments from restrictions on the sale of prison-made goods in interstate commerce.³³ Therefore, goods produced using prison labour under the PIECP are exempt from the Ashurst-Sumners Act, a law that restricts individuals from “knowingly transport[ing] in interstate commerce...any goods, wares, or merchandise manufactured, produced, or mined, wholly or in part by convicts or prisoners.”³⁴ Goods made under the PIECP can therefore be sold across state lines and internationally, subject to additional government trade regulations.

The PIECP has several mandatory requirements. For example, the program authorizes corrections departments to take a series of deductions from wages earned by incarcerated workers,³⁵ as long as they do not exceed more than 80% of gross wages.³⁶ Additionally, companies must pay wages at a rate not less than that paid for similar work in the same locality’s private sector and they must receive written assurances that prisoner participation is voluntary. However, there have been several allegations of PIECP-certified companies violating these requirements—notably the requirement that participation in work be voluntary—through coercion, threats, patterns of abuse, and penalties for refusing to work.³⁷

Though the PIECP represents a small share of the incarcerated workforce, its introduction in 1979 heightened prison industry profits. The PIECP was expanded under the *Justice Assistance Act* of 1984 and authorized to continue indefinitely by the *Crime Control Act* of 1990.³⁸ Workers also contribute to large profits for major national and multinational brands through this program, some of which have operations in Canada.

Private Companies Outside of PIECP

Thousands of incarcerated workers are also employed by private companies in jobs not regulated by PIECP.³⁹ While the restrictions under the Ashurst-Sumners Act would ostensibly limit goods made using prison labour outside the PIECP from entering the Canadian market, the Act contains additional exceptions that effectively permit a number of prison-made goods to be produced and sold to private companies across state lines and internationally. This includes agricultural goods as well as goods produced in conjunction with UNICOR that would otherwise have been produced outside the US (known as the “reshoring” exception). Wages and working conditions outside the PIECP framework are often less transparent, since private use of prison labour outside of the program is not subject to the same regulatory safeguards.

B. Prison Labour Conditions in the US

Prison labour is compulsory in most US prisons. This applies in the federal system, as well as in many state systems. Nationally, according to US government figures, over three-quarters of incarcerated workers report that they are required to work.⁴⁰ Even where prison labour is technically not compulsory, forms of coercion may operate to eliminate any formal choice. Furthermore, incarcerated workers in the US may perform this labour under a system that provides little to no worker protections, leaving them highly vulnerable to abuse and exploitation.

i) Is Prison Labour Forced? The Illusion of Choice

The ACLU identifies two primary forms of coercion in prison labour, even in circumstances where incarcerated people may seek to work. The first is coercion through threat of punishment if workers refuse or challenge their work assignments. The second is coercion through deprivation, where prisons create an environment in which work is the only way for incarcerated people to obtain basic necessities or avoid being confined to their cells.⁴¹

Coercion Through Threat of Punishment

Incarcerated workers who refuse to work face the risk of “solitary confinement, transfer to a more dangerous prison, loss of contact with loved ones, and loss of good time credit that would reduce the time they spend in prison.”⁴² Additionally, declining to work can make it far more difficult for incarcerated people to be considered for parole.⁴³

Chris “Champ” Napier, a vocal advocate for prisoners’ rights described his 15-year experience in the prison system as “forced labour and modern-day slavery”. Mr. Napier faced numerous threats and repercussions for refusing to work. He spent most of his sentence at Fountain Correctional Facility in Atmore, Alabama, after being sentenced to life in prison for murder at 18. Released from prison in 2004, he is the first person in the State of Alabama to be granted a pardon for a murder conviction.

Mr. Napier’s longest stretch in solitary confinement was 18 days: “I was put in solitary for refusing to work on the farm”. Mr. Napier described solitary confinement as a “cell within a cell—4 feet wide, 6 feet long,” where he had to shrink himself to fit inside. “There’s no communication with the general population, no visitation, no phone, and you’re in a dark part of the prison where all you hear is inmates hollering and screaming, and the echo out of the toilet”.

Coercion Through Deprivation

Prisons may also create an environment of artificial scarcity where incarcerated workers need to earn money during their incarceration to pay for necessities. Items including soap, deodorant, toothbrushes, and period products are often seriously overpriced in prisons, which contributes to a reality where many incarcerated workers take ill-paying jobs in dangerous conditions.

Mr. Napier highlighted a complex paradox within the prison system: though prison labour is systemically coercive and exploitative, these jobs are coveted by incarcerated people. They often feel that it is a privilege to get into work release programs.

“75 people are confined to a dormitory, there are 4 showers, and inmates get stabbed and killed while trying to make a phone call,” said Mr. Napier. One of the most brutal fights he witnessed was over one pack of cookies that cost \$0.35, after which 25–30 inmates were placed in solitary confinement. Some incarcerated workers say work programs with private companies are a necessary escape from the violence inside prisons.



**YOU HAVE TO WORK IN
ORDER TO BREATHE
FRESH AIR**

CHRIS ‘CHAMP’ NAPIER



ii) The Lack of Available Worker Protections

Incarcerated workers in the US often work some of the most dangerous jobs in the country while stripped of the worker protections granted to their free colleagues, leading to serious injuries or even being killed on the job.⁴⁴ Employers have almost complete control over incarcerated workers, who are not legally considered employees under the Occupational Safety and Health Administration (OSHA) and excluded from federal statutes, including the National Labor Relations Act and the Fair Labor Standards Act.⁴⁵ As a result of these exclusions, minimum wage standards, protection from discrimination, and the right to collectively bargain do not apply to incarcerated workers.⁴⁶

Alabama, Arkansas, Florida, Georgia, Mississippi, South Carolina, and Texas pay incarcerated workers nothing for the vast majority of their labour,⁴⁷ while states that do compensate workers often strip paychecks down for “room and board” expenses and taxes. Incarcerated workers assigned to maintenance are paid pennies per hour; the ACLU found that the average minimum hourly wage paid to workers for non-industry jobs is 13 cents, and the average maximum hourly wage is 52 cents.⁴⁸

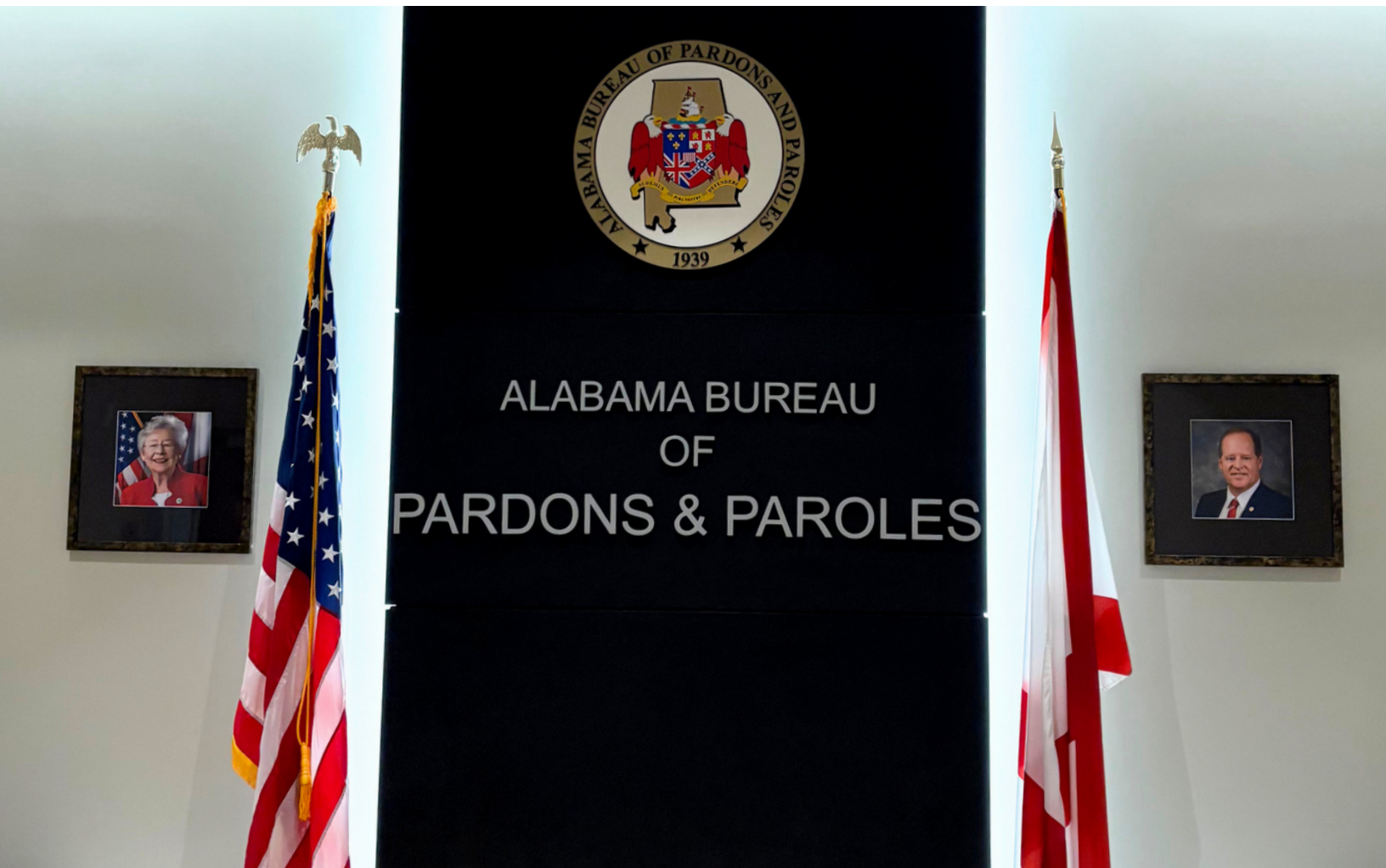
Many incarcerated workers have been fired from their jobs for factors outside of their control, such as being hurt on the job—often due to poor working conditions or improper training.⁴⁹ Employers are significantly less accountable to incarcerated workers than to free employees. Rather than investing in changes to prevent future harm, many employers who utilize the prison labour system continue to keep costs low by treating such incidents as isolated events and removing the incarcerated workers who have been harmed on the job.

The extreme power imbalance between incarcerated workers and their employers can create a breeding ground for sexual violence as well. An AP investigation across all 50 states found cases “where staff allegedly used inmate work assignments to lure women to isolated spots, out of view of security cameras.”⁵⁰ Testimonies depict abuse from correctional officers and abuse in work release programs at private businesses like national fast-food restaurants and hotel chains.⁵¹

Proponents of prison labour programs argue that prison work is positive, providing workers with skills that will prepare them to thrive in society after their release. However, in practice many prison labour programs appear merely exploitative, providing no applicable skills for incarcerated workers that will be relevant post-release, and subjecting workers to blatant human rights violations that would not be tolerated outside the penal system.⁵²

SPOTLIGHT:

Alabama



Credit: IHRP staff in Montgomery, Alabama

Few states illustrate the model of mass incarceration and exploitative labour as starkly as Alabama: one of the only states that still allows unpaid labour for incarcerated workers.⁵³

All people convicted of a crime in Alabama in a medium or high-security facility are required to work, where the majority of incarcerated work occurs within prison walls in public programs.⁵⁴ Incarcerated workers deemed to be ‘low risk’ are often contracted out to private companies outside prison walls, like meat processing plants and car-part manufacturers. Alabama has generated more than \$250 million in the last 25 years through money garnished from prisoner paychecks—leaving workers with wages well below the minimum rate.⁵⁵ Prison labour is also essential to keep facilities running, especially when considering that Alabama prisons operate at over 168% capacity.⁵⁶

Private companies are highly incentivized to participate in prison industries: wages are low, prisoners lack worker protections to advocate or unionize, and businesses can receive up to \$2,400 in tax credits for each worker employed between 120 and 400 hours per year.⁵⁷ Incarcerated workers are spread out across Alabama from fast-food restaurants like Burger King and McDonald’s to hotels such as Holiday Inn and Best Western, and even work in car part factories that supply major auto manufacturers including Honda, Toyota, Hyundai, and others.⁵⁸ However, as described below, these jobs rarely prepare incarcerated workers for release and re-entry into the free world, nor do they in fact lead to release from prison.

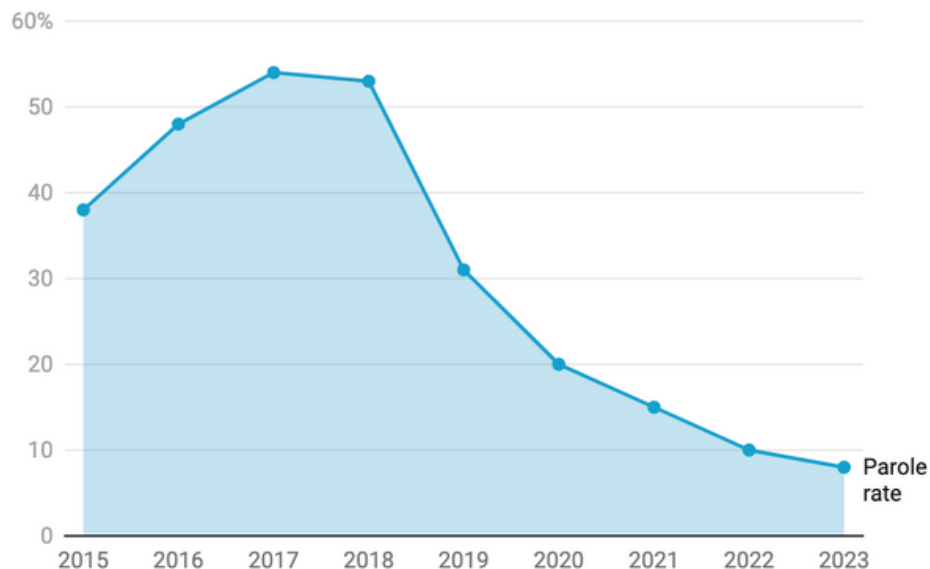
I. Stuck in the System: Work Release and Parole Denial

Alabama’s system of prison labour is sustained by a burgeoning prison population that ensures a steady supply of workers for the state’s prison labour programs. “Most roads here lead to prison,” said Eric Buchannon, a member of a support group for individuals recently released from prison in Birmingham, Alabama. An equally true variation of Mr. Buchannon’s observation is that few roads in Alabama lead out of prison, particularly as parole rates have plummeted in recent years. In 2023, more than 3,700 incarcerated people applied for parole—yet Alabama denied almost all of them, releasing only 312.⁵⁹ In fact, in 2023, more people left Alabama correctional facilities in body bags than through parole.⁶⁰

The ACLU attended 267 parole hearings in the summer of 2023 and found that “a majority of parole applicants assigned to work release facilities were denied parole even though the Alabama Department of Corrections characterized them as people who can safely work in our communities.”⁶¹ The study found that 86.5% of incarcerated people at work release facilities were denied parole over the reported period.⁶² The data also revealed clear racial disparities in parole rates: in Alabama, “white applicants are more than twice as likely to be granted parole than Black applicants, even when Black and white parole applicants are similarly situated.”⁶³

Parole rate in Alabama

Data from the Alabama Bureau of Pardons and Paroles shows the percentage of people granted parole each year since 2015.



Credit: Hannah Denham via *AL.com*

The abysmally low parole rates in Alabama give ammunition to critics who charge that despite its name, the objective of the state’s work release program is not to prepare incarcerated people for release. “Being in work release does not increase your likelihood of parole. Some are even serving life without parole. Work release centres are just work camps,” says Will Tucker, Southern Program Director for Jobs to Move America.

While in some states work release functions as a transitional point between prison and the free world, the story is different in Alabama, where incarcerated workers are able to work in restaurants and auto body shops across the state and experience a taste of freedom, but are forced to return to their prison facilities at night, often without hope of being granted parole. High rates of parole denial in Alabama raise serious questions about the purpose of work release programs. If such jobs do not provide an avenue for incarcerated people to re-enter society—despite being assessed and deemed not a risk to themselves or their communities—who, or what, do they benefit instead?

II. Rampant Violence Within Alabama Prisons

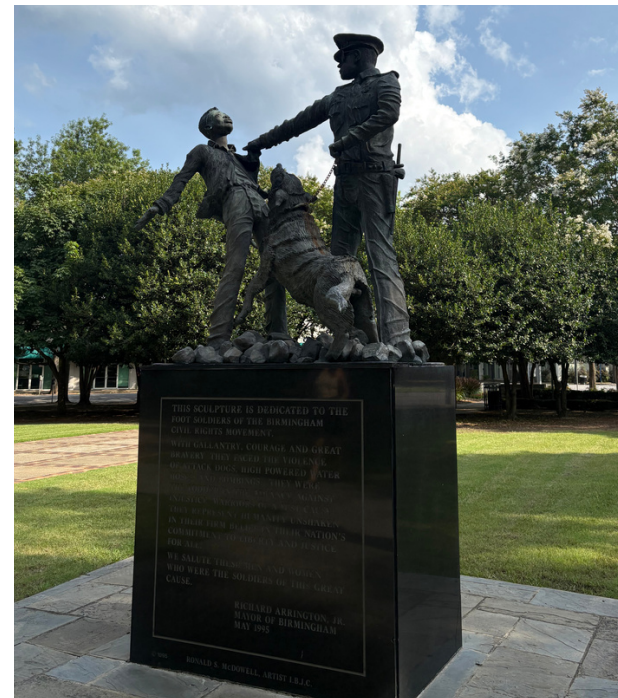
In 2018, Alabama prisons were deemed the “deadliest in the nation” with the highest homicide rate in the country.⁶⁴ In April 2025, AL.com published a report detailing several personal accounts of families who shared stories of loved ones dying in Alabama’s prison system.⁶⁵ Recent shocking allegations suggest that the abuse and exploitation does not end at death; many families have reported receiving bodies with missing organs.⁶⁶

Following an extensive investigation into Alabama prisons for men, in December 2020, the US Department of Justice took the extraordinary step of filing a complaint against the state, alleging that its indifference to systemic issues in Alabama prisons is unconstitutional.⁶⁷ Specifically, the suit alleges that Alabama violates the Eighth and Fourteenth Amendment rights of incarcerated individuals by “failing to prevent prisoner on prisoner violence and sexual abuse, failing to protect prisoners from excessive force by correctional officers, and failing to provide safe conditions of confinement.”⁶⁸ The complaint also alleges that Alabama prisoners endure a high risk of death, physical violence, and sexual abuse.”⁶⁹

An incarcerated person in Alabama is faced with these factors when they are threatened with transfer to a higher-security—and therefore more dangerous—facility for refusing to work (perhaps due to illness or injury), or for other conduct that may attract hostility from those with the power to inflict retribution. In this way, an atmosphere of extreme violence in prisons augments the coercive nature of labour in Alabama prisons.

III. Legal Challenges in Alabama

Prison labour is a multibillion-dollar enterprise, crafted from a racist history of slavery, convict leasing, and discriminatory laws. Incarcerated workers are some of the most vulnerable workers in America. The following two highlighted lawsuits in Alabama detail the abusive reality of prison labour programs in the US. As litigation progresses and prison labour is met with increasing public scrutiny, the US will need to reckon with the human rights abuses taking place in today’s overcrowded prisons.



Credit: IHRP staff in Birmingham, Alabama (Kelly Ingram Park)

A. Federal Lawsuit: Council v. Ivey

Council v. Ivey, a current lawsuit in US federal court, filed by twenty plaintiffs who are or have recently been incarcerated in Alabama's prison system, seeks to "abolish a modern-day form of slavery". Filed against Governor Kay Ivey, the lawsuit characterizes the current prison labor system in Alabama as a "direct descendant of convict leasing," where incarcerated workers face the "constant threat of danger" in a coercive labour scheme.⁷⁰

Notably, Mr. Council, the titular plaintiff, is one of the co-founders of the Free Alabama Movement (FAM), an incarcerated workers' rights group that organized the nationwide 2016 prison strike—the largest in US history.⁷¹ During the strike, tens of thousands of incarcerated workers abandoned their work duties and food to call attention to their national demands, which included ending "prison slavery" and paying incarcerated workers proper wages, revoking life sentences without the possibility of parole, and ending the "racial overcharging, over-sentencing and parole denials" of incarcerated people of colour.⁷² As a result of his protest activity, Mr. Council states that he has been subject to long stretches of solitary confinement and "to physical beatings, harassment, death threats, and psychological abuse from Alabama guards and officials."⁷³

In addition to abuse directly within the prison system, the lawsuit names a handful of implicated private company defendants, with several plaintiffs describing their "employment" by these private companies as forced labour. These companies range from McDonald's and KFC to manufacturing and engineering employers Ju-Young and Progressive Finishes.⁷⁴ One plaintiff, Lanair Pritchett, recounts receiving several work-related disciplinarys issued for conduct as minor as cleaning tables in a manner slightly different than his supervisor preferred or not making it to his shift while he was sick. These infractions allowed Alabama Department of Corrections (ADOC) officials to revoke good-time credits and deny Mr. Pritchett the opportunity to see his loved ones.

B. State Lawsuit: Stanley v. Ivey

On May 1, 2024, six imprisoned workers brought a lawsuit in Alabama state court to abolish involuntary servitude in reality, with no exceptions, in Alabama’s prisons.⁷⁵ This lawsuit was launched partly in response to legal developments related to the 2022 amendment to Alabama’s state constitution to close the Thirteenth Amendment loophole—specifically to prohibit slavery and involuntary servitude as punishment for a crime. In spite of these changes to the constitution, the State enacted three new measures that effectively undermined the amendments. Alabama Executive Order No. 725 authorized the revocation of good-time credits for “refusing to work” and related conduct. ADOC Administrative Regulation 403 incorporated Executive Order No. 725 and imposed a further range of additional punishments for similar conduct. Finally, Section 14-9-41(c) (4) of the Alabama Code was revised to increase punishments for incarcerated people who refused to work.⁷⁶

The lawsuit against Alabama Governor Kay Ivey and ADOC Commissioner John Hamm contends that an environment of forced labour persists—one in which incarcerated people are compelled to work under threat of punishment. According to the plaintiffs, those who refuse to work face serious consequences, including transfer to a more dangerous prison, solitary confinement, loss of good time credit that would reduce their sentence, and loss of contact with loved ones.⁷⁷

PRISON LABOUR

in Canada

Prison labour takes place within Canada's own borders with glaring similarities to our southern neighbour. Labour in Canadian federal penitentiaries typically falls under two categories: 1) maintenance labour intended to support prison functions, such as cleaning, and 2) Correctional Service of Canada's rehabilitation program, known as CORCAN. The Government of Canada describes CORCAN as a rehabilitation program that provides vocational training focusing on five business lines: manufacturing, textiles, construction, services, and agriculture. CORCAN operates shops within federal institutions.⁷⁸ Anyone can purchase CORCAN's products and services,⁷⁹ although goods are sold primarily to federal government agencies and departments.⁸⁰ Those in federal penitentiaries may, at least formally, choose not to work without sanction. These non-working prisoners receive an allowance of C\$1 per day.⁸¹ Working prisoners can expect a daily rate between C\$5.25–C\$6.90 but can face deductions of up to 30% for food, accommodation, and other items.⁸² This means that their daily take home pay could be C\$1.95 or less.⁸³

Despite the formal right to refuse work, there are factors suggesting that federal prisoners may be coerced into participating. Under the *Corrections and Conditional Release Act*, an inmate commits an offence and is subject to disciplinary action if they refuse to work or leave work without a reasonable excuse.⁸⁴ Such disciplinary action can include solitary confinement,⁸⁵ or a loss of privileges, such as the granting of parole.⁸⁶ This is the case even where working conditions are unsafe, as—like in the US—prisoners are excluded from many health and safety protections.⁸⁷ Additionally, while incarcerated workers receive some basic essentials for free,⁸⁸ they will often need to work to afford necessary supplemental food, hygiene, and clothing products from prison canteens, which sell such goods at inflated prices.⁸⁹

Provincially, many sentenced prisoners are required to work barring a medical exemption.⁹⁰ As with federal prisoners, this may consist of institutional maintenance⁹¹ or working for “prison industries”⁹² providing services and producing goods, such as license plates in Ontario.⁹³ A prisoner's refusal to work can result in disciplinary measures such as the imposition of additional duties,⁹⁴ and segregation from other prisoners.

CANADA'S BAN

on Forced and Prison Labour



Credit: Getty Images

Several Canadian laws are relevant to goods imported into Canada that are alleged to be made through prison labour in the US. Chief among these are Canada's bans on the importation of goods made using forced labour and prison labour. Supplementing these bans are various laws that may impose criminal sanctions on those who violate the bans by importing such goods, and those who may come to possess, purchase, or otherwise acquire or dispose of these goods, or deal with their proceeds.

I. Forced Labour Import Ban

Under Canadian law, it is illegal to import goods mined, manufactured or produced wholly or in part by forced labour.⁹⁵ The origins of this forced labour import ban lie in Canada's commitments under the *Canada-United States-Mexico Agreement (CUSMA)*—the free trade agreement that came into effect in July 2020, replacing the *North American Free Trade Agreement (NAFTA)* between Canada, the US, and Mexico.⁹⁶

Article 23.6 of *CUSMA* requires all parties to prohibit the importation of goods produced using forced labour.⁹⁷ It also requires the three countries to cooperate to identify such goods.⁹⁸ This article was intended to “raise and improve labour standards and working conditions in all three countries by building on international labour principles and rights.”⁹⁹ More specifically, the *CUSMA* preamble notes that Canada, the US, and Mexico aim to “promote the protection and enforcement of labor rights, the improvement of working conditions, the strengthening of cooperation and the Parties’ capacity on labor issues.”¹⁰⁰ The ban follows a larger global trend of increasing international supply chain regulation, especially related to forced labour.¹⁰¹

A. Implementation

After *CUSMA* came into effect, Canada amended tariff item No. 9897.00.00 of the *Customs Tariff* to prohibit the importation of goods mined, manufactured, or produced wholly or in part by forced labour.¹⁰² In 2023, Canada expanded this prohibition to include goods mined or manufactured using child labour.¹⁰³ For the purposes of this ban, forced labour is defined 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, No. 29, adopted in Geneva on June 28, 1930" (*Forced Labour Convention*).¹⁰

As such, the definition of forced labour under the *Customs Tariff* import ban relies in part on the international law definition under the International Labour Organization (ILO) *Forced Labour Convention*.

B. Enforcement

The Canadian government delegated authority to enforce the forced labour import ban to the Canada Border Services Agency (CBSA). However, action by the agency so far has been limited.

When the CBSA has a reasonable suspicion that goods are mined, manufactured, or produced with forced or child labour, it can detain those goods on a case-by-case basis and require an importer to provide documentation on its complete supply chain.¹⁰⁵ While the CBSA has not released statistics regarding its enforcement measures, the limited information divulged by the CBSA suggests that it has detained and investigated very few imports for suspected involvement in the use of forced or child labour—only finding a single shipment in violation of the import prohibition to date.¹⁰⁶

The agency seemingly suffers from a lack of guidance on effective enforcement and, in turn, has provided minimal guidance to importers.¹⁰⁷ Canada launched public consultations in October 2024 to collect feedback on ways to strengthen Canada's enforcement capacity, the results of which remain to be seen.¹⁰⁸

US lawmakers have publicly criticized Canada for its weak enforcement of its own forced labour import ban.¹⁰⁹ In 2024, four US members of Congress—including now-Secretary of State Marco Rubio—wrote a letter to the Canadian Minister of International Trade, as well as her American and Mexican counterparts, calling on Canada to take measures to improve enforcement of the ban. Expressing concern that Canada could otherwise serve as a backdoor for imports denied entry into the US, the American lawmakers urged action so that “North America can truly be a region free of goods produced through forced labor.”¹¹⁰

In December 2024, the Canadian Minister of International Trade announced that Canada intends to introduce legislation that will require government entities and businesses to assess and take action to resolve risks to labour rights in their supply chains.¹¹¹ Canada also intends to create a new oversight agency to ensure ongoing compliance.¹¹² As of time of publication, no such law has yet been introduced, nor has an oversight agency been created.

Canada also plans to introduce legislative amendments to increase the onus on importers to demonstrate that their supply chains are free of forced labour and provide over \$25 million to Global Affairs Canada and the CBSA to implement these changes.¹¹³

C. Enforcement in the US

In contrast, US Customs and Border Protection (CBP) has denied entry to thousands of shipments assessed to be connected to forced labour over the past several years.¹¹⁴

Enforcement in the US has focused most aggressively on goods originating in the Xinjiang Uyghur Autonomous Region of China. Detentions and denials of entry surged following the signature of the Uyghur Forced Labor Prevention Act (UFLPA) in December 2021, which created a rebuttable presumption that goods mined, produced or manufactured in Xinjiang are prohibited from entering the US.¹¹⁵ To date, the US has detained over 16,000 shipments at customs under the UFLPA alone, denying over 9,700 of them.¹¹⁶ Beyond the UFLPA, the CBP enforces the US's forced labour import ban under the Tariff Act of 1930 by issuing Withhold Release Orders and Findings, and stopping shipments under the Countering America's Adversaries Through Sanctions Act.¹¹⁷

D. Other Measures to Combat Forced Labour

i) Canada's Forced Labour Reporting Legislation

In 2023, Canada enacted the *Fighting Against Forced Labour and Child Labour in Supply Chains Act* (the "*Supply Chains Act*").¹¹⁸ The *Supply Chains Act*, which came into effect in January 2024, imposes reporting obligations on government institutions producing, purchasing or distributing goods in Canada or elsewhere, as well as non-governmental entities producing goods in Canada or elsewhere or importing goods produced outside Canada.¹¹⁹

Only certain non-governmental entities are covered under the *Supply Chains Act*. These include corporations or unincorporated organizations that:

- a) are listed on a stock exchange in Canada; or
- b) have a place of business in Canada, do business in Canada or have assets in Canada and meet certain conditions regarding their assets, revenue and number of employees.¹²⁰

Reports under the *Supply Chains Act* must be submitted annually to the Minister of Public Safety and describe steps taken to prevent and reduce the risk of using forced or child labour.¹²¹ In the first annual reporting cycle, 5,650 entities submitted a report under the *Supply Chains Act*.¹²² While over 70% of these entities reported having policies and due diligence processes related to forced and/or child labour, 38% identified parts of their activities and supply chains that carry a risk of forced labour or child labour, 39% started identifying risks but still had gaps in their assessments, and over 22% had not begun identifying risks at all.¹²³ The Minister of Public Safety has not made any orders requiring a specific entity to comply with the *Supply Chains Act*, or laid charges against an entity under it.¹²⁴

While the *Supply Chains Act* represents a step towards supply chain transparency, critics note that the legislation does little to end the use of forced labour. It requires reporting entities to disclose whether they took steps to identify or reduce forced or child labour in their supply chains, but it does not require companies to thoroughly assess the risks of forced labour in their supply chains, act on their findings, or stop buying goods made using forced labour.¹²⁵ Thus, the *Supply Chains Act* provides little incentive to companies to stop procuring goods made using forced labour and prevent human rights abuses in their supply chains.

ii) Forced Labour Laws in Other Jurisdictions

Other jurisdictions have implemented legislation which may serve as a source of inspiration for future legislative improvements by Canada.

In France, a 2017 law on the corporate duty of vigilance requires large French companies to publish an annual vigilance plan.¹²⁶ These plans must establish effective measures to identify risks and prevent severe impacts on human rights and the environment resulting from the company's own activities, the activities of companies it controls directly or indirectly, and subcontractors and suppliers with whom the company has an established commercial relationship.¹²⁷ The law created a formal notice mechanism to order for the company to comply with its obligations.¹²⁸ If a company is not compliant, a court can order the company to comply.¹²⁹

In Germany, the 2023 Act on Corporate Due Diligence Obligations in Supply Chains requires certain companies to fulfill specific human rights and environmental due diligence obligations throughout their supply chains.¹³⁰ The required measures include implementing a risk management system; appointing a human rights officer; undertaking a risk analysis; engaging in remedial actions where appropriate; establishing a complaints procedure; and implementing risk-related due diligence measures regarding indirect suppliers.¹³¹

Elsewhere, the European Union (EU) has enacted *Regulation (EU) 2024/3015*, which prohibits companies from making available any products made with forced labour in the EU's market.¹³² The ban—which will apply beginning in 2027—broadly targets any product that can be valued in money.¹³³ The regulation's operation will be supported by a database, to be established by 2026, with information on forced labour risks and products.¹³⁴ In addition to this regulation, the EU implemented a Corporate Sustainability Due Diligence Directive, which requires certain entities to adopt and implement effective due diligence policies for identifying, preventing, mitigating and ending actual and potential human rights and environmental harms.¹³⁵ This applies not only to the entities' own operations, but also to those of subsidiaries and of their business partners.¹³⁶

II. Prison Labour Import Ban

In addition to banning imports of goods made using forced labour, Canada bans imports of goods manufactured or produced wholly or in part with prison labour.¹³⁷ Thus, goods made using prison labour are prohibited from entering Canada, regardless of whether or not the prison labour used to make them qualifies as forced labour under international law. Goods imported solely for personal use, not for sale or business use, are exempted from the ban.

A. Implementation

First introduced in 1894,¹³⁸ this prohibition was originally intended to “protect Canadian manufacturers from imports of goods produced by cheap prison labour.”¹³⁹ Of primary concern to Canadian parliamentarians were the conditions of “southern [i.e., US] labour”¹⁴⁰ at the time, particularly the system of convict leasing then prevalent in the US. In a passage that evokes haunting parallels to today, one Canadian Member of Parliament explaining the need for the ban to his colleagues in 1897 noted:

“The worst feature of the southern labour conditions, however, is the contract prison labour, which is a virtual system of legalized slavery. All state prisoners are auctioned off to the highest bidder, usually a mining company, and then penned up in a camp near the mines and made to work, the company feeding and housing them, besides paying the stipulated price to the state per man.”¹⁴¹

Although these words were spoken over 125 years ago, they remain alarmingly relevant today. Concerns about a legalized form of modern slavery persist in the US, where incarcerated labour continues to be widely used under exploitative conditions for corporate profit.

C. Enforcement

Almost immediately after the ban was introduced, Canadian lawmakers became attuned to the enforcement challenges of determining whether or not a particular shipment of commodities was produced using prison labour. As a result, in 1897, the prohibition was amended to further ban the importation not just of goods made using prison labour, but also of all similar goods originating from any person, firm, or corporation known to use prison labour.

In 1917, an American exporter tested this provision in court, arguing that it had not been proven that a particular shipment of twine that had been seized by Canadian customs authorities had been manufactured using prison labour. The seizure was upheld under the similar goods provision, the judge adding that “it would be extremely difficult if not impossible to prove that the particular twine brought into Canada had been manufactured by prison labour.”¹⁴²

In 1976, however, the prison labour import ban was re-written to exempt goods imported solely for personal use and not for sale or for business use.¹⁴³ During the course of the re-write, the language about similar goods was dropped.¹⁴⁴

Since then, there is very little to suggest that the prison labour ban—which the CBSA is responsible for enforcing¹⁴⁵—is in fact being effectively enforced. What little information there is suggests that much of this ban’s effectiveness may actually rely on voluntary compliance by companies.

For example, in 2011, the Canadian International Trade Tribunal issued a ruling that goods from the “Prison Blues” line of workwear made by incarcerated workers in Oregon were prohibited goods under the prison labour ban. The issue only came to the Tribunal because the applicant had sought an advance ruling on the matter from the CBSA.¹⁴⁶

Similarly, in 2012, two US companies announced that they had unwittingly been violating Canadian law by shipping wood flooring products made using prison labour to Canada.¹⁴⁷ This announcement came after the CBSA issued a communication to the National Floor Covering Association of Canada, “reminding” the group of the ban.¹⁴⁸ Meanwhile, one of the companies—which used prison labour from South Carolina and Tennessee—had been exporting these goods to Canada for fifteen years, undetected by the CBSA. Both companies voluntarily ceased shipment to Canada after learning of the ban.¹⁴⁹

III. Potential Criminal Sanctions for Forced and Prison Labour

Violation of the Canadian forced labour and prison labour import bans can entail serious consequences. Criminal sanctions can apply to both those who violate the bans directly, and those who are connected in other ways—ranging from the financial institutions who provide financial services to the importers, to potentially even the consumers who purchase illegally imported goods from them.

Under section 159(1) of Canada's *Customs Act*, it is a criminal offence to smuggle or attempt to smuggle goods into Canada that are prohibited from importation, “whether clandestinely or not.”¹⁵⁰ As the importation of goods made using forced and/or prison labour into Canada is prohibited, **anyone who knowingly imports** such goods into Canada may be in violation of this law.

Further, under sections 155 and 160(1) of the *Customs Act*, it is also a criminal offence for a person to “without lawful authority or excuse ... have in his possession, purchase, sell, exchange or otherwise acquire or dispose of” illegally imported goods.¹⁵¹ This much broader provision potentially encompasses not just importers of prohibited goods, but also “distributors, wholesalers, retailers and even consumers” of said goods.¹⁵²

Anyone convicted of violating sections 155, 159(1) or 160(1) of the *Customs Act* could face a fine of up to C\$500,000, imprisonment for up to five years, or both.¹⁵³

Also at risk of criminal liability are **those who deal with the proceeds of the sale of illegally imported goods**, such as financial institutions who provide financial services to importers of such goods. Under Canadian law, the offence of money laundering is essentially defined as dealing by any means with property or proceeds of property obtained or derived as a result of a crime.¹⁵⁴ No intent to conceal the property or proceeds is required; an intent to convert (meaning “change or transform”) the property or proceeds is sufficient.¹⁵⁵

Where goods have been illegally imported into Canada in a way that constitutes a crime—such as under the *Customs Act*—proceeds from any sale of those goods in Canada would qualify as having been obtained or derived as a result of a crime. Thus, dealing with these proceeds in any way may constitute money laundering—an offence punishable by up to ten years’ imprisonment. It is also a separate criminal offence in Canada to possess¹⁵⁶ or traffic¹⁵⁷ in property or proceeds of property obtained by or derived from crime.

Thus, as a result of all these laws, there is a wide range of actors in Canada who could be exposed to criminal liability in connection with the importation of an object made using forced and/or prison labour into Canada, including:

- The person who directly imports the object into Canada, who could face criminal liability for doing so under section 159(1) of the *Customs Act*.
- Actors further downstream in the supply chain such as distributors, wholesalers, retailers, and even consumers of the same object, all of whom could be exposed to potential criminal liability under sections 155 and 160(1) of the *Customs Act*.
- Anyone who deals with the proceeds of the sale of the object, such as a financial institution that provides financial services to the importer (or related distributors, wholesalers, and retailers), who may be guilty of money laundering under Canadian law.



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INTERNATIONAL LAW

Regarding Forced and Prison Labour



Credit: Getty Images

International human rights law prescribes universally applicable standards for the protection, respect, and promotion of fundamental human rights. Its universality means that all countries everywhere in the world, including Canada and the US, are obliged to observe these universal standards as a matter of international law. This makes international law a crucial reference point when interpreting and applying domestic measures related to prison labour.

Moreover, international human rights law is also frequently integrated into domestic legal orders. For example, Canada's *Customs Tariff* defines forced labour by reference to international law standards. Therefore, as further discussed below, understanding the international law standards on forced labour is essential to determining whether a company's importation of goods violates Canada's forced labour import ban.

Beyond forced labour, other rules of international human rights law, such as the international law prohibitions against slavery and racial discrimination, also inform the legal context within which prison labour practices must be evaluated. These laws—whether binding upon Canada pursuant to an international human rights treaty ratified by Canada or customary international law—are relevant to understanding the obligations of both Canada and the US regarding their actions and omissions related to labour standards, trade and investment relations, and compliance with human rights norms.

I. Prohibition Against Forced Labour

As noted above, Canada's *Customs Tariff* prohibits the importation of goods produced using both prison labour and forced labour. While demonstrating that goods made with prison labour violate the prison labour import ban is generally straightforward—provided the goods are imported for commercial use—establishing that these same goods also breach the forced labour import ban requires additional analysis that draws from international law. This section outlines the criteria under which goods produced with prison labour may violate not only the prison labour import ban but also the forced labour import ban.

The leading definition of forced labour under international law derives from the International Labour Organization (ILO)'s *Forced Labour Convention*, which was ratified by Canada on June 13, 2011. It defines forced labour in article 2(1) as “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.”¹⁵⁸

However, article 2(2)(c) of the *Forced Labour Convention* contains an important exception. It excludes from the definition of forced labour “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.”¹⁵⁹ Accordingly, not all prison labour is considered to be forced labour under international law.

Taken together, prison labour will constitute forced labour under international law where the work is **not voluntary**, and one of the following is also true:

1. The work is not being performed under the supervision and control of a public authority; or
2. The worker has been hired to or placed at the disposal of a private actor.

A. Involuntariness

While most prison labour in the US is mandatory, in some instances incarcerated persons are—at least formally—given a choice to work. However, the mere existence of a formal choice is not sufficient to establish that labour is fully voluntary, as coercion may be present through other means. Thus, the question of whether prison labour constitutes forced labour can be a complicated one that relies on a variety of factors. The ILO has identified a series of indicators to help identify when coercion rises to the level of forced labour as defined under the *Forced Labour Convention*:



Abuse of vulnerability: if an employer takes advantage of a worker’s vulnerable position or if there is a high amount of dependency on the employer by the worker, such as for housing and food.¹⁶⁰



Deception: if the worker’s consent has been procured through false promises as to the nature of work or working conditions.¹⁶¹



Restriction of movement: if workers are not free to enter and exit the workplace, subject to reasonable restrictions.¹⁶²



Isolation: if workers are isolated in remote locations or denied contact with the outside world.¹⁶³



Physical and sexual violence: violence in physical and sexual forms is a very strong indicator of forced labour.¹⁶⁴



Intimidation and threats: if workers suffer threats or intimidation from their supervisor(s).¹⁶⁵



Retention of identity documents: if workers do not have access to their personal identity documents or other valuable possessions and cannot leave their jobs without the risk of losing them.¹⁶⁶



Withholding of wages: if wages are regularly withheld as a means to compel workers to remain.¹⁶⁷



Debt bondage: if workers are forced to work in an effort to pay off a debt or loan for an unspecified amount of time or money.¹⁶⁸



Abusive working and living conditions: if working or living conditions are degrading, hazardous, or in severe violation of labour law.¹⁶⁹



Excessive overtime: if workers must work overtime more than is permitted by law, under threat of punishment, or to earn at least the minimum wage.¹⁷⁰

Many of these factors are reportedly prevalent, and in fact inherent, in the prison labour system in the US, such as abuse of vulnerability, physical and sexual violence, intimidation and threats, abusive working and living conditions, and excessive overtime.¹⁷¹

For example, the Alabama prison system requires all convicted people in medium and high-security facilities to work (most often for long hours with little to no pay),¹⁷² enforces a range of punishments for refusal to work such as loss of privileges, loss of time earned, transfer to a more dangerous facility, denial of parole, or solitary confinement, and is the subject of a federal lawsuit for the prisons' unconstitutional conditions, including overcrowding, violence and sexual abuse, and excessive force by correctional officers.¹⁷³ These conditions, taken together with the inherent vulnerability and involuntariness present within the carceral system, raise serious concerns about forced labour within US prisons.

Mr. Napier, for example, reports that he was given no choice but to work in fields, picking cucumbers. When one day he refused, he was sent to solitary confinement and told by a corrections officer that he would “stay there until he rots.” Napier remained in solitary confinement for 18 days, receiving only two meals per day and being permitted to leave for a 45-minute walk every other day. Napier stated that this was the most common form of punishment for refusing to work, but he witnessed other workers being physically abused and forced to work while injured or ill for the same reason.

Similarly, Rodney Clayton, an incarcerated worker at Childersburg Community Work Center, reports that he works every day in the sun for 8–12 hours with only one tomato sandwich and some water that he must purchase for himself as sustenance. When he returns to the work release center where he is housed, he claims that the lights stay on for 20 hours of the day, limiting the ability to rest. These experiences, although likely considered to be under the supervision and control of a public authority, illustrate many of the indicators of involuntariness in prison labour work: abusive working and living conditions through a lack of adequate sustenance and limited time for rest, as well as excessive overtime since Mr. Clayton worked overtime hours in order to earn at least the minimum wage. Mr. Clayton says that his peers who have refused to work are given disciplinary citations that will limit their chances of receiving parole.

B. Absence of Government Supervision and Contracts with Private Entities

A key feature of the US prison labour system is the convergence between state carceral functions and private sector interests. This is evident in the range of programs that place incarcerated workers outside the direct supervision of corrections departments and/or contract them out to private companies, such as:

- Programs that permit private companies to hire incarcerated workers to produce goods within prisons. For example, the *Code of Alabama* permits contracts between private companies and the Department of Corrections allowing a company to operate a facility within the prison and hire incarcerated workers to produce and manufacture goods that are then sold by the company.¹⁷⁴
- Programs that permit private companies to hire incarcerated workers to work on company premises under the supervision of the corporation, such as McDonald's and Burger King workers who are transported in from state prison facilities. These programs typically operate under the PIECP program, as previously discussed, and are often referred to as 'work release' programs.

Notably, without state supervision, these forms of prison labour risk being classified as forced labour under the *Forced Labour Convention*.

Arthur Ptomey, a plaintiff in the *Council v. Ivey* federal class-action lawsuit, provides an example of incarcerated labour carried out without state supervision—therefore unlikely to be exempt under the international definition of forced labour.¹⁷⁵ While serving his sentence, Mr. Ptomey states that he worked at a company called Progressive Finishes which makes parts for numerous automotive companies.¹⁷⁶ During his time at Progressive Finishes, he reported being placed under the supervision of an individual employed at the company.¹⁷⁷ Mr. Ptomey was participating in the work release program at the time and claims he was not supervised by a public authority or an employee at the Alabama Department of Corrections.¹⁷⁸ Instead, he was placed at the disposal of a private company, where he states the supervisors regularly threatened incarcerated workers of reporting them for insubordination or disorderly conduct if they complained about working conditions.¹⁷⁹

C. Application to Alabama's Work Release Program

Many features of the prison labour system in the US give rise to serious concerns that carceral labour in the US is in violation of international human rights standards prohibiting forced labour. Once again, Alabama provides an instructive example of how the international law prohibition on forced labour applies in the US prison labour context. There, incarcerated workers are regularly placed at the disposal of private companies through the state's work release program. For refusing to work, these workers may face consequences such as solitary confinement, transfer to a more dangerous facility, and/or denial of parole. All of these are serious consequences sufficient on their own to invalidate the voluntariness of an incarcerated worker's labour.

Rule 43 of the *United Nations Standard Minimum Rules for the Treatment of Prisoners* (the *Nelson Mandela Rules*) prohibits indefinite solitary confinement and prolonged solitary confinement, defined as confinement for more than 15 days.¹⁸⁰ The imposition or threat of imposition of solitary confinement indefinitely or for a prolonged period of time as a punishment for unwillingness to work violates international law and indicates that work is coerced through threats and punishment.¹⁸¹ The threat of transfer to a more dangerous facility also carries enormous coercive power, given the environment of chronic overcrowding and extreme violence that Alabama maintains in its prisons, prompting even the federal government to intervene in court. Additionally, an incarcerated person's very freedom through parole can be conditioned on their willingness to work, as incarcerated workers can receive disciplinary citations for missing work which often negatively impact their ability to receive parole.¹⁸²

In conjunction with a consideration of the ILO factors, the consequences of refusal or failure to work are more than enough to establish that prison labour in Alabama's work release program is involuntary, fails to meet the requirement for government supervision, involves the contracting out of labour to private companies, and hence likely constitutes forced labour under international law.

II. Prohibition Against Slavery

We have seen that the history of prison labour in the US is directly connected to that of slavery. In light of these strong parallels, many argue that the system of prison labour in the US still constitutes slavery, just in an evolved form. For instance, the UN International Independent Expert Mechanism to Advance Racial Justice and Equality in the Context of Law Enforcement has observed that “access to free or almost free Black work force, through free or poorly paid prison forced labour, exists to this day in the United States, constituting a contemporary form of slavery.”¹⁸³

The *Slavery Convention* of 1926—ratified by Canada on August 6, 1928—defines slavery as “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.”¹⁸⁴

The way this definition is understood has shifted measurably over the century since the *Slavery Convention* came into force. Now, as the Appeals Chamber for the International Criminal Tribunal for the former Yugoslavia has observed:

“The traditional concept of slavery, as defined in the 1926 *Slavery Convention* and often referred to as “chattel slavery”, has evolved to encompass various contemporary forms of slavery which are also based on the exercise of any or all of the powers attaching to the right of ownership. In the case of these various contemporary forms of slavery, the victim is not subject to the exercise of the more extreme rights of ownership associated with “chattel slavery”, but in all cases, as a result of the exercise of any or all of the powers attaching to the right of ownership, there is some destruction of the juridical personality; the destruction is greater in the case of “chattel slavery” but the difference is one of degree.”¹⁸⁵

The Appeals Chamber went on to identify the indicia of slavery: control of someone’s movement; control of physical environment; psychological control; measures taken to prevent or deter escape; force, threat of force or coercion; duration; assertion of exclusivity; subjection to cruel treatment and abuse; control of sexuality; and forced labour.¹⁸⁶ The control of movement, physical environment, and measures taken to deter escape are inherent to the carceral system. However, there are other indicia of slavery present in US prisons.

For example, in the Louisiana State Penitentiary, labouring in cotton and soybean fields for only 2 cents per hour is mandatory for incarcerated workers.¹⁸⁷ This work requires them to meet specific harvesting quotas with threat of punishment ranging from solitary confinement to physical violence.¹⁸⁸ **The systematic use of force, threat of force, and subjection to cruel treatment, combined with workers' complete lack of control** over their own actions and decisions, demonstrates not only coercion, but a prison labour system that treats incarcerated workers as an owned resource. Since incarcerated workers in these situations have no choice but to work under abusive conditions to protect their physical and mental security, the carceral system effectively holds a power over these workers that may be likened to ownership.

The prison labour system also contributes to the destruction of juridical personality, further demonstrating a system similar to slavery. In many states, such as Alabama, Florida, and Tennessee, individuals who have been convicted of a felony, have their voting rights removed until they are granted a pardon for their conviction.¹⁸⁹ This criminal disenfranchisement removes a fundamental right commonly associated with citizenship and personhood.¹⁹⁰ While voting rights are not determinative of citizenship, they play a significant role in self-determination and personality in society.¹⁹¹ Thus, disenfranchisement leads to the marginalization of formerly incarcerated individuals from political and civic engagement, sometimes permanently, if they are not granted a pardon.¹⁹² **This disenfranchisement raises striking parallels to the era of chattel slavery, where enslaved persons did not have the right to vote,** even though they counted for the purpose of determining a state's representation in the House of Representatives. In Alabama, the trafficking of deceased inmates' organs provides further evidence that they have the status of mere objects at the disposal of the state.

The prohibition against slavery is a rule of what is known as customary international law, a body of unwritten international law rules developed from customs and practices of states that are so universally accepted and adhered to that they gain the force of law. Further, it is a rule of *jus cogens*—a core set of norms of customary international law that are considered so central to the international legal order that no derogation from them is permitted—meaning that no state can make a reservation to it by treaty, or otherwise choose not to recognize or be bound by it.¹⁹³ The international law prohibition against slavery also applies *erga omnes*, which means that it is an obligation that all states owe to the international community as a whole.

III. Prohibition Against Racial Discrimination

Given the historical connections to slavery as well as the disproportionately high incarceration rates of Black Americans to this day, many have also argued that the US system of prison labour constitutes racial discrimination under international law.

Both Canada and the US are State Parties to the *Convention on the Elimination of Racial Discrimination (CERD)* and have binding international legal obligations to refrain from engaging in racial discrimination.¹⁹⁴ As with the rule against slavery, it is also a customary international law of *jus cogens* from which no derogation is permitted.¹⁹⁵

The rates of incarceration of people of colour and of minority racial groups in the US are significantly higher than of white populations.¹⁹⁶ Black people are significantly overrepresented in state prisons across the US, especially in the South, where prison populations are primarily and disproportionately Black.¹⁹⁷ Recent estimates find that 1 in every 81 Black adults are serving time in state prison.¹⁹⁸ Black Americans are incarcerated in state prisons at nearly 5 times the rate of white Americans, and in 12 states, including Alabama, Mississippi, South Carolina, and Virginia, more than half the prison population is Black.¹⁹⁹

In a recent report, the UN International Independent Expert Mechanism to Advance Racial Justice and Equality in the Context of Law Enforcement noted that:

“[...] unpaid or poorly unpaid forced prison labour in the United States perpetuates slavery to the present day. It represents the worst version of a racist criminal legal system and erodes efforts towards addressing systemic racism.”²⁰⁰

The UN Committee on the Elimination of Racial Discrimination has also called for reform within US domestic legislation to better protect incarcerated workers.²⁰¹ The Committee found that racial and ethnic minorities within the prison system are often subject to more severe penalties and punishments, which could perpetuate or create new forms of racial discrimination.²⁰² They also found that youth belonging to racial or ethnic minorities received disproportionately harsher sentences for offences and were arrested for minor non-violent offences at a much higher rate than white youth.²⁰³ The Committee stated that this discrimination created a “school-to-prison pipeline” amongst youth from racial and ethnic minorities which perpetuated a cycle of racial discrimination.²⁰⁴

The system of historically higher incarceration rates for Black people and members of racial and ethnic minorities in the US prison system, combined with the harsher sentences and punishments within the prison system for these communities could amount to racial discrimination that violates obligations under *CERD* and customary international law.

IV. Canada's Obligations Under International Law

While Canada has no direct responsibility under international law with respect to prison labour in the US, it may have international law obligations to take certain measures to avoid doing anything that contributes to maintaining the situation. This stems from the *erga omnes* character of the international law rules against slavery and racial discrimination discussed above.

As mentioned previously, *erga omnes* obligations under international law are obligations that are so fundamental in character that they are owed to all states. As the International Court of Justice (ICJ) has explained:



Credit: International Court of Justice

“By their very nature the former are the concern of all States. In view of the importance of the rights involved, all States can be held to have a legal interest in their protection; they are obligations *erga omnes*. Such obligations derive, for example, in contemporary international law, from the outlawing of acts of aggression, and of genocide, as also from the principles and rules concerning the basic rights of the human person, including protection from slavery and racial discrimination.”²⁰⁵

The ICJ recently elaborated on the obligations of third states with respect to another state's violations of *erga omnes* obligations. In its Advisory Opinion of 19 July 2024, the Court ruled that Israel's legislation and measures in the West Bank and East Jerusalem constitute a breach of Article 3 of *CERD*, which prohibits racial segregation and apartheid.²⁰⁶ The Court further ruled that this gave rise to an obligation on all other states with respect to their economic relations with Israel. Specifically, the Court ruled that third states must “abstain from entering into economic or trade dealings with Israel concerning the Occupied Palestinian Territory or parts thereof which may entrench its unlawful presence in the territory,” and also “prevent trade or investment relations that assist in the maintenance of the illegal situation created by Israel.”²⁰⁷ Similarly, Canada may be under an obligation not to enter economic or trade relations with the US that could assist in the maintenance of violations of the US's *erga omnes* obligations.

CANADIAN IMPORTS

Linked to Prison Labour



Credit: Yehan Wang (Pexels)

No country in the world buys more goods from the US than Canada. In 2022, it was the destination for 17.3% of total US goods exports, or US\$356.5 billion.²⁰⁸ This volume of trade reflects a close economic relationship anchored in deep historical ties and formal arrangements, such as *CUSMA* and other special agreements, that facilitate the flow of goods and the integration of many industries across the border.

At the same time, this special trade relationship may also be facilitating the entry of goods linked to prison labour into Canada. The prevalence of prison labour in private industries in the US, coupled with the high volume of US exports to Canada, suggests that there is a high risk that goods produced using prison labour in the US are making their way into cross-border trade between the two countries. Canada's poor enforcement of its import ban on goods made using forced labour and prison labour magnifies that concern.

Verifying the entry of goods made using prison labour into Canada is challenging. Some prison labour in the US is public, such as the workwear brand Prison Blues, mentioned earlier, that “makes rigid, affordable jeans and jackets beloved by American carpenters and Japanese trendsetters. And inmates in Oregon craft every item.”²⁰⁹ In most instances, however, prison labour enters and moves through supply chains much more stealthily and can be very difficult to detect and trace. An item produced using prison labour can be purchased by a business and incorporated into another product, and this process can be repeated several times before an end product intended for retail consumption is produced. The challenges of tracing the original item made using prison labour through such an intricate supply chain are apparent.

Nevertheless, using only publicly available information, **we have uncovered substantial evidence of goods linked to prison labour entering Canada despite the import bans.** This includes several instances of individual US companies tied to the use of prison labour—or to suppliers who use prison labour—exporting goods to Canada in the regular course of business.

Many sources were consulted for the research in this report. However, the richest and most comprehensive source of publicly available data on individual US companies using prison labour comes from reporting by the Associated Press (AP) on its two-year investigation into US prison labour. The investigation focused primarily on Alabama, and the vast majority of individual companies identified in the AP investigation are based there.²¹⁰ Indeed, Canada is Alabama's largest export market, and the destination of US\$4.3 billion or 16% of the state's total goods exports in 2024.²¹¹ As a result, most of the companies identified in this section are based in Alabama, where our team also travelled to learn firsthand about the Alabama prison system and the experiences of incarcerated workers.

In this section, we begin by profiling two industries that are emblematic of the risks of prison labour in Canadian imports from the US. First, the auto industry, with its complex supply chains and deep cross-border integration, illustrates how easily US goods linked to prison labour can slip into Canadian imports. Next, the food industry, in which raw agricultural products are intermingled and processed in several stages, showcases how these goods can become extremely difficult to trace through the supply chain. A third section features a selection of goods from other industries, demonstrating the wide range of Canada's exposure to prison labour in imports from the US. Finally, we profile a number of Canadian companies with US operations that are themselves implicated in the use of prison labour south of the border. The companies profiled in this section were contacted by the IHRP for comment on their potential links to US prison labour identified in this report. Where a company provided a response, its comments are included below. If no response is included, it is because the company did not reply to our request for comment.

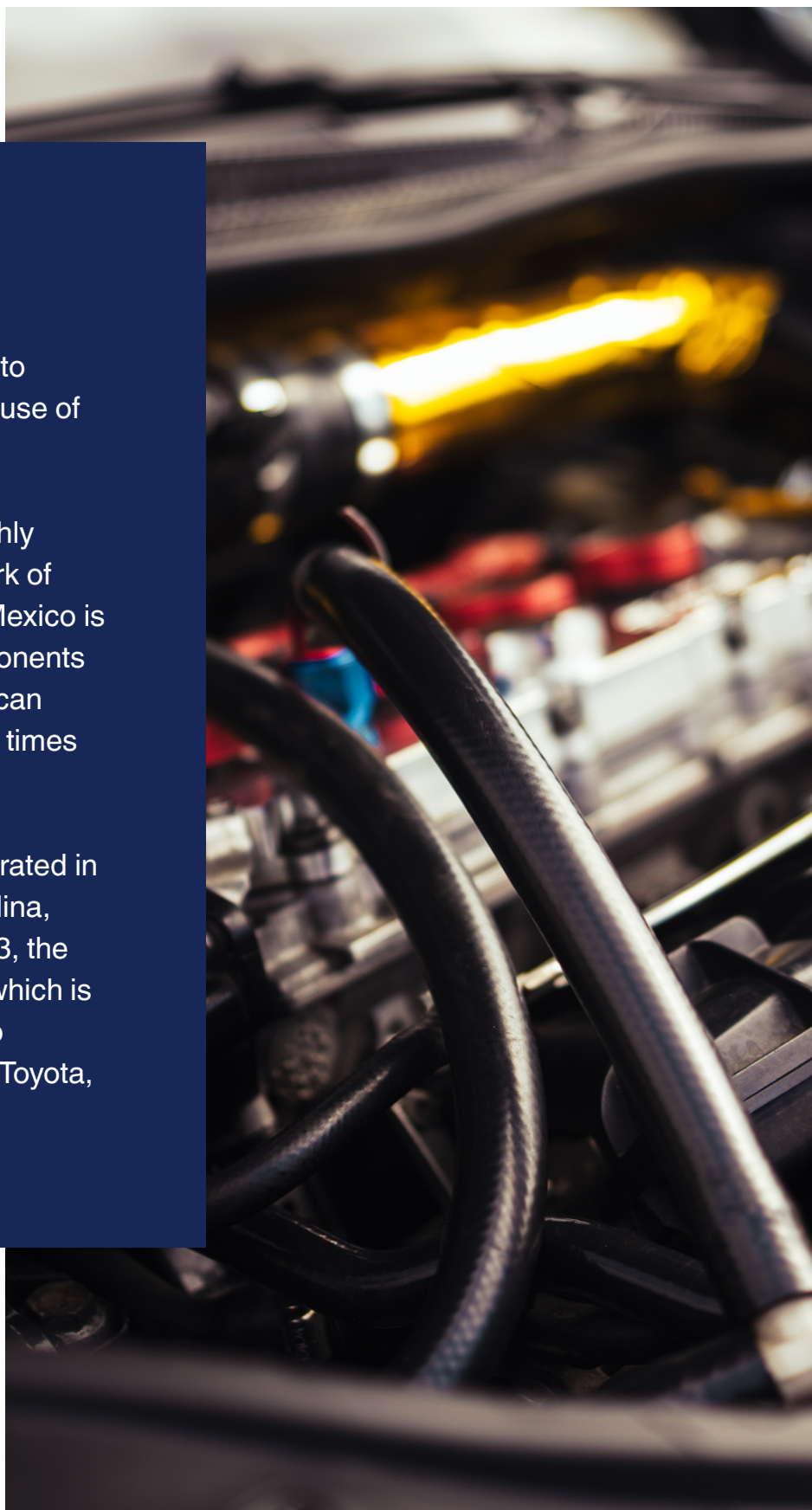
Finally, the items mentioned below likely cover only a small fraction of goods made using prison labour that are entering Canada unlawfully. This report is far from comprehensive and is only intended as an illustration to highlight the scale of the problem, rather than catalogue it systematically.

I. Auto Industry

Our research has uncovered multiple auto manufacturers that may be linked to the use of prison labour in the US.

The North American auto industry is highly integrated across borders. A vast network of suppliers across Canada, the US, and Mexico is required to produce the parts and components that go into these machines. Auto parts can cross the Canada-US border up to eight times before final assembly.²¹²

Much of the US auto industry is concentrated in the southern states, notably South Carolina, Alabama, Texas, and Tennessee. In 2023, the top auto exporting state was Alabama, which is home to assembly plants owned by auto manufacturers Honda, Hyundai, Mazda Toyota, and Mercedes-Benz.²¹³



Credit: Călin Răzvan (Pexels)

A. Hyundai

The auto manufacturer with the strongest apparent ties to the use of prison labour in the US is Hyundai.

Hyundai is the second largest car importer in Canada.²¹⁴ Hyundai Auto Canada Corp (HACC) imports and distributes Hyundai and Genesis-branded vehicles in Canada.²¹⁵ According to its report under the *Fighting Against Forced Labour and Child Labour in Supply Chains Act*, HACC purchases vehicles that it imports and sells in Canada through the following supply chains: vehicles manufactured by Hyundai Motor Company—the parent company—in the Republic of Korea, and vehicles manufactured by Hyundai Motor Manufacturing Alabama, LLC (HMMA) in the US.²¹⁶

HMMA is headquartered in Montgomery, Alabama where it produces vehicles that “are distributed throughout North America, Canada, United States and Puerto Rico.”²¹⁷

Since its opening in 2002, HMMA has produced several models:

- Since 2018, it has produced the Hyundai Santa Fe.²¹⁸ In Canada, the Santa Fe is imported from Alabama, as well as South Korea.²¹⁹
- Since February 2021, it has produced the Hyundai Tucson.²²⁰ In Canada, most Tucsons come from Alabama, although plans are underway to start sourcing more from elsewhere due to tariff threats. In the first quarter of 2025, Hyundai imported 3,598 Tucsons into Canada from the US, and 4,636 from elsewhere.²²¹
- Since June 2021, it has produced the Hyundai Santa Cruz.²²² The Santa Cruz is exclusively made at Hyundai’s facility in Alabama.²²³
- It has produced the Genesis Electrified GV70 since February 2023 and the Genesis GV70 since May 2023.²²⁴ However, neither of these models are imported into Canada from the US.²²⁵
- Until February 2022, it produced the Hyundai Sonata,²²⁶ including for the Canadian market.²²⁷ Before production shifted to Alabama, the Sonata was built in Canada.²²⁸
- Until May 2023, it produced the Hyundai Elantra.²²⁹

In 2024, Hyundai acknowledged to the AP that it knew some of the suppliers to its plant in Alabama used incarcerated workers.²³⁰ In January 2025, a group of institutional investors representing over US\$815 billion in assets under management or advisement wrote to Hyundai concerning “a troubling pattern of lax human rights oversight at Hyundai.” Among other things, the investors noted the allegations of prison labour in Hyundai’s supply chains.²³¹ Despite this, Hyundai’s report under the *Fighting Against Forced Labour and Child Labour in Supply Chains Act* does not identify any concerns with prison labour within HMMA’s operations.²³²

Hyundai suppliers alleged to have used prison labour in the US include SL Alabama LLC, Hwaseung Automotive Alabama Inc., Ju-Young Manufacturing America, Inc., Progressive Finishes, Inc., and Inzi Controls Alabama Inc, with the first four named as defendants in the *Council v. Ivey* class action lawsuit challenging forced labour in Alabama’s prison system.

In light of the foregoing, it is highly likely that any Santa Cruz model of Hyundai being imported into Canada is exclusively coming from Hyundai’s Alabama facility and potentially linked to the use of prison labour (as further detailed below). Other models imported into Canada, such as the Santa Fe, Sonata, and Tucson carry some possible risk of links to prison labour because at least some of these imports are made in Alabama. Similarly, at least some Hyundai Elantras imported into Canada prior to May 2023 were manufactured in the Alabama facility and therefore also carry possible risks of prison labour in the supply chain.



Credit: IHRP staff in Montgomery, Alabama

i) SL Alabama LLC

SL Alabama LL (SL)—also known as Samlip Alabama—is an auto parts manufacturer based in Alexander City, Alabama. It is a supplier of Hyundai’s assembly plant in Alabama.²³³ It produces headlights, rear combination lights, and side mirrors.

As reported by the AP, from 2018 to mid-2024, SL employed 79 incarcerated workers in Alabama for a total of 146,315 hours of labour.²³⁴ Among them are Eric Prewitt, a plaintiff in the *Council v. Ivey* lawsuit, who alleges that he was forced to work at SL between 2022 and 2024. He claims that he worked 12-hour shifts, five to six days per week, and was on his feet for the entire shift.²³⁵

According to Mr. Prewitt, SL supervisors regularly threatened him and other incarcerated workers with violence, loss of privileges, extension of sentences, and solitary confinement. At least one SL supervisor required incarcerated workers to stay late, insisting that if they were in the parking lot when the Alabama Department of Corrections (ADOC) van arrived to pick them up, they would be written up for escape.²³⁶

SL has also been found to use illegal child labour: in August 2022, federal US officials found seven workers between the ages of 13 and 16 on the SL factory floor. The company was fined by state and federal agencies.²³⁷

ii) Hwaseung Automotive Alabama Inc.

Hwaseung Automotive Alabama Inc. (Hwaseung) is an auto parts manufacturer located in Enterprise, Alabama. It is part of Hwaseung Group, a company headquartered in South Korea. It is a supplier of Hyundai’s assembly plant in Alabama.²³⁸

From 2018 to mid-2024, Hwaseung employed 86 incarcerated workers in Alabama for a total of 91,545 hours of labour.²³⁹ Trevion Clark, another plaintiff in *Council v. Ivey*, alleges that he was forced to work at a Hwaseung facility in Elba and that working conditions were “abysmal, hazardous, and included gas leaks and helium machine malfunctions.” According to Mr. Clark, the work aggravated his chronic bronchitis and his requests for health accommodations were ignored by the employer.²⁴⁰ He also states that he worked alongside undocumented and underage workers.²⁴¹

iii) Ju-Young Manufacturing America, Inc.

Ju-Young Manufacturing America, Inc. (Ju-Young) is an auto parts manufacturer based in Enterprise, Alabama that is part of a multinational company headquartered in South Korea. It is a supplier of Hyundai's assembly plant in Alabama.²⁴²

According to the AP, from 2018 to mid-2024, Ju-Young employed 121 incarcerated workers in Alabama for a total of 156,555 hours of labour.²⁴³ As alleged in the *Council v. Ivey* lawsuit, Ju-Young supervisors repeatedly invoked the consequences incarcerated workers could suffer if they refused to work or were insubordinate, issuing such threats as "you know I can mess your parole up," "I can call the camp and get you written up," and "I go to church with some of the captains."²⁴⁴

In December 2024, the New York Times reported that Ju-Young ended their prison labour contract with the state following intense public scrutiny. However, the company left the door open to resuming. A Ju-Young official, Eunjung Lee, said in an email to the Times, "We are not sure yet if we will be resuming work with ADOC."²⁴⁵

The New York Times article details the mixed feelings inmates had towards working at Ju-Young. Some men "felt that they had no choice but to agree to take and stay on jobs that might be dangerous or hard. But most were also relieved to be working and earning a paycheck outside prison walls, often alongside free citizens."²⁴⁶

iv) Inzi Controls Alabama Inc.

Inzi Controls Alabama Inc. (Inzi Controls) is part of a multinational automotive parts company of the same name that is headquartered in South Korea. The company has 8 global manufacturing facilities, including one in Elba, Alabama. It is a reported supplier of Hyundai's assembly plant in Alabama.²⁴⁷ Inzi Control's Alabama operation manufactures cylinder head covers, valve body covers, and interior/exterior components that are used for vehicle manufacturing. According to the AP, from 2018 to mid-2024, Inzi Controls employed 190 incarcerated workers in Alabama for a total of 130,810 hours of labour.²⁴⁸

v) Progressive Finishes, Inc.

Progressive Finishes, Inc. (Progressive Finishes) is a company based in Alabaster, Alabama, that performs protective e-coating or powder coating of metal surfaces. According to its Facebook page, it is or was a Tier II supplier to Volvo, Nissan, Ford, General Motors, Honda, Kia, Hyundai, and Toyota.²⁴⁹

According to AP, from 2018 to mid-2024, Progressive Finishes employed 156 incarcerated workers in Alabama for a total of 212,898 labour hours.²⁵⁰ According to the *Council v. Ivey* lawsuit, Progressive Finishes supervisors regularly threatened its incarcerated workforce with adverse consequences from ADOC, including likely violence, in the event that Progressive Finishes reported to ADOC that workers had questioned working conditions, or engaged in conduct Progressive Finishes considered disorderly or insubordinate.²⁵¹

B. Kia

Kia is a subsidiary of Hyundai. Although the two auto manufacturers maintain distinct brands, their operations overlap in many aspects, including with respect to their supply chains. Hyundai suppliers Hwaseung and SL are also listed among suppliers of Kia located in Alabama.²⁵² Progressive Finishes also claims to be a Tier II supplier of Kia, while Inzi Controls' global business website lists Kia as a customer.²⁵³

Like Hyundai, Kia has no assembly plant in Canada. 19% of Kia vehicles imported into Canada are built in the US—which serves the North American market.²⁵⁴ Kia also has manufacturing plants in South Korea (which ships to markets around the globe), Slovakia, China, and India, and satellite factories in Mexico, Pakistan, and Vietnam.²⁵⁵

Kia only has one assembly plant in the US, located in Westpoint, Georgia—just across the state line from Alabama.²⁵⁶ Therefore, any Kia vehicle imported into Canada from the US likely originates from Kia's assembly plant in West Point, Georgia. According to the Georgia plant's website, they "ship vehicles to sales markets around the globe, including the United States, Canada, Mexico, the Caribbean, Middle East and Pacific nations."²⁵⁷

Models built at Kia's Georgia plant include the Telluride, Sorento, Sportage, K5, EV6, and EV9.²⁵⁸ The Telluride is manufactured exclusively in the US,²⁵⁹ which means that any Telluride imported into Canada was assembled at the Georgia plant. If Hwaseung, SL, and Progressive Finishes supply Kia's Georgia location, Canadian imports of Kia models from the US may have been built in part by the use of prison labour.

C. Other Auto Manufacturers

Aside from Hyundai and Kia, many of the auto parts suppliers listed above may have links to other auto manufacturers that import into Canada. For instance:

- The website of Hwaseung's Alabama business lists Stellantis and General Motors among its customers.²⁶⁰
- The website of Inzi Controls' worldwide business lists Stellantis, Toyota, General Motors, and Volkswagen/Audi among its customers.²⁶¹
- Progressive Finishes claimed to be a Tier II supplier to Volvo, Nissan, Ford, General Motors, Honda, and Toyota.²⁶²

Many of these auto manufacturers have assembly plants in many US states and other parts of North America. None of these auto manufacturers, apart from Honda, have an assembly plant in Alabama. Honda's plant in Lincoln, Alabama produces the Honda Odyssey, Passport, Pilot, and Ridgeline.²⁶³ It is unclear whether Hwaseung, Inzi Controls, and Progressive Finishes are suppliers in the supply chains for the Canadian imports.

In response to the IHRP's request for comment, Honda stated that it is "not aware of any business relationship between Honda and Progressive Finishes" and that "earlier this year, Honda became aware that Progressive Finishes was displaying the Honda logo on their website. As a result, we reached out to Progressive Finishes to direct them to remove our logo from their website as they could not prove that they had worked as a tier 2 or 3 supplier for Honda. As of [July 17, 2025], Honda is not indicated to be an OEM customer on the Progressive Finishes website and the Honda logo no longer appears." Honda's spokesperson further stated, "we respect each individual's fundamental human rights and do not allow forced labor or child labor of any form, including human trafficking."

Additionally, a representative of General Motors commented that "upon extensive review, we have determined that Progressive Finishes Inc. is not currently a supplier to GM or in our supply chain. Additionally, we have received confirmation from both Hwaseung Automotive Alabama Inc. and Inzi Controls that they do not utilize prison labor in the manufacturing of any GM parts. We recognize the importance of ensuring our suppliers are complying with our supplier code of conduct".

The IHRP also received a response from Stellantis, stating that the company is "reviewing the concerns raised related to Hwaseung Automotive Alabama Inc. and Inzi Controls." Stellantis also provided the information regarding its sustainability policies:

“Commitment to Human Rights and Ethical Sourcing:

Stellantis is firmly committed to upholding human rights and ethical principles across its global operations and supply chain. Our position is embedded in key policies, including our Code of Conduct, Human Rights Policy, and Responsible Purchasing Guidelines, and is reinforced through our status as a signatory to the United Nations Global Compact. We align our practices with internationally recognized standards such as the OECD Guidelines for Multinational Enterprises, the UN Guiding Principles on Business and Human Rights, and the ILO core conventions.

Due Diligence and ESG Oversight:

Our ESG due diligence framework is designed to proactively identify and mitigate human rights risks. It includes:

- Risk-based mapping using data from CAHRAs, the Heidelberg Conflict Barometer, the World Bank, and other sources.
- Third-party-supported ESG audits for many suppliers, with a broad audit scope including human rights-related topics.
- On-site supplier audits performed by independent assessors, focusing on geographic areas and operations with elevated sustainability risks.
- Corrective action plans for suppliers found with deficiencies, with time-bound requirements and ongoing monitoring.
- Contractual safeguards that allow Stellantis to terminate business relationships with suppliers that fail to meet our ESG standards.”

II. Food Industry

Canada and the US share one of the largest agricultural trading relationships in the world, with over half of Canada's agri-food coming from the US.²⁶⁴ In fact, in 2023, the US exported US\$32 billion worth of agricultural products to Canada, and the two countries engaged in nearly US\$73 billion worth of two-way agricultural trade.²⁶⁵

Canada is Alabama's fifth largest agricultural export market, accounting for 4.8% of all agriculture and agri-food exports coming out of the state.²⁶⁶ Alabama exported \$45 million worth of agricultural products to Canada in 2023, including eggs, chicken, peanuts, pet food, and live poultry. Louisiana is another large exporter to Canada, transferring \$176 million worth of agricultural products to Canada in 2023, including palm oil, coffee, sauces and condiments, and chocolate.²⁶⁷

Despite Canada being a significant importer of agri-food from the US, tracing the origins of these products through their complex supply chains remains a challenge.



Credit: alex_ugalek (Getty Images)

A major portion of prison labour in the US occurs at the production stage—in prison farms or through work assignments that place incarcerated people in agricultural jobs outside prison such as harvesting crops or working in poultry plants. While almost every state in the US has some form of prison farming program, this is especially common in the South. In Louisiana, the Angola prison—one of the largest in the US—spans 18,000 acres and has incarcerated workers harvesting crops, such as corn, soy and rice, on a former slave plantation. In Alabama, incarcerated workers are often contracted out to private companies, such as poultry plants.²⁶⁸

What makes the use of prison labour particularly difficult to trace is the structure of the modern food supply chain. Raw agricultural products produced using prison labour may be intermingled with products of the same type from other sources. Already effectively untraceable, they may then undergo several stages of transformation and incorporation into other products through a series of processors and distributors, before being turned into a final product for consumers. For example, corn harvested on a prison farm might be transported to a facility where it is intermingled with corn from other farms and turned into cornmeal, corn syrup, or animal feed. From there, it may be sent to a manufacturer that incorporates it into a final product, which is then handled by a distributor and eventually sold to retailers.

Nevertheless, there are multiple US food producers and processors that import into Canada or have Canadian counterparts, leading to a risk that agricultural products produced using prison labour are finding their way into Canada through these or other companies. Data collected from US correctional facilities trace nearly US\$200 million worth of farmed goods and livestock to businesses between 2018-2023, with the biggest revenues coming from operations in the South.²⁶⁹ The agricultural goods produced through these prison labour programs ultimately make their way into the supply chains of major food companies, including processors and distributors such as Cargill and Tyson Foods, and to widely recognized foodservice retail brands such as McDonald's, as further detailed below.

Meanwhile, the challenges of tracing agricultural commodities produced using prison labour has historical parallels, which offer some possibilities for measures that could help address the problem today. As early as 1897, Canadian lawmakers recognized the difficulty of identifying whether iron was produced using prison labour. In response, the prison labour import ban was strengthened to prohibit not only goods made with prison labour, but also similar goods from entities known to rely on such practices. While the rule enhanced enforcement of the prison labour import ban, it was later dropped. A similar rule may be necessary today to effectively address the difficulties of tracing prison-made agricultural products, as demonstrated by the complex supply chains of the food companies examined below.

A. Cargill, Incorporated

Founded in 1865, Cargill, Incorporated (Cargill) is the largest privately held company in the US.²⁷⁰ While it started as a grain storage facility, today the company is an international producer and distributor of agricultural products, such as sugar, refined oil, chocolate, and poultry.²⁷¹ The company also has a strong presence in global commodity supply chains, including originating and sourcing commodities and storing, processing, and transporting agricultural goods around the world, including North America.²⁷²

Cargill's Canadian subsidiary, Cargill Limited, is headquartered in Winnipeg, Manitoba, and is one of Canada's largest merchandisers and processors of beef, poultry and oilseed.²⁷³ In its 2024 report under the *Fighting Against Forced Labour and Child Labour in Supply Chains Act* ("Forced Labour Report"), the company states that "our Canadian protein supply chain [...] sources from our U.S. facilities."²⁷⁴

Although the company stated in its Forced Labour Report that it "does not tolerate the use of any form of forced labour—including all prison labour, indentured labour, bonded labour, and any forms of modern trafficking",²⁷⁵ Cargill has acknowledged buying goods from prison farms in Tennessee, Arkansas, and Ohio.²⁷⁶ The AP has also tracked cattle from the Angola prison in Louisiana to a Texas slaughterhouse that supplies Cargill.²⁷⁷

In response to the IHRP's request for comment, Cargill stated, "Historically, many US Departments of Corrections implemented a standard practice to provide farming and other skill building programs to inmates as part of their rehabilitation programs. Food and agriculture companies, including Cargill, ultimately purchased commodities from those farms. In 2023, Cargill updated and expanded our Human Rights Policy, to add that, "Cargill does not tolerate the use of any form of forced labor—including prison labor, indentured labor, bonded labor, and any forms of modern slavery or trafficking—anywhere in our operations and supply chains." Cargill added, "we hold ourselves and our suppliers to the same standard, through our Supplier Code of Conduct. We can confirm that we do not employ prison labor directly within Cargill. In the event we learn that a supplier has a connection to prison labor, we will investigate and take appropriate action to address the situation."

B. Tyson Foods, Inc.

Tyson Foods, Inc. (Tyson) is a global meat processing giant based in Springdale, Arkansas.²⁷⁸ The company raises and processes live chicken into fresh, frozen, and value-added chicken products; processes live cattle and hogs into meat cuts and case-ready products; and markets frozen and refrigerated food products.²⁷⁹ A major exporter, in 2019 Tyson generated \$5.9 billion in international sales, which included US export sales.²⁸⁰

Tyson Foods Canada Inc. produces and distributes products such as patties, sliced meats, sausages, and bakery products in Canada.²⁸¹ The company's website states that its plants throughout the US "produce 1 in 5 pounds of all chicken, beef, and pork in the US."²⁸² It supplies multiple fast-food chains with a presence in Canada, including KFC and Taco Bell, McDonald's, and Burger King.²⁸³ The company also owns major food brand Sara Lee,²⁸⁴ whose products can be found on the shelves of Canadian grocery stores.²⁸⁵

In a Global Human Rights & Modern Slavery Statement filed in Australia in 2022, Tyson noted that they "do not tolerate any form of forced or abusive labor, modern forms of slavery, involuntary servitude, human smuggling, or human trafficking in [its] operations or facilities".²⁸⁶ The company added that it does not "tolerate any form of child labor or prison labor in any operations or facilities, **except as permitted by local laws**",²⁸⁷ leaving open the possibility that the company uses prison labour, which remains legal under federal and state laws in the US. This is evidenced by AP reporting, which found that the Texas slaughterhouse identified by the AP as connected to a prison farm in Louisiana also supplies meat to Tyson.²⁸⁸ The investigation further tracked incarcerated workers in Alabama to poultry plants operated by Tyson.²⁸⁹

Tyson's role as a major exporter of meat products—including to Canada, according to the company's CEO²⁹⁰—and its links to prison labour thus suggest a possible risk of prison-produced goods reaching Canadian consumers.

C. Koch Foods, Inc.

Koch Foods, Inc. (Koch Foods) is a food processor and distributor of fresh and frozen poultry products.²⁹¹ A privately-held company based in Park Ridge, Illinois, Koch Foods is among the US's largest integrated poultry processors,²⁹² producing an average of 62.1 million pounds of chicken per year in both 2023 and 2024.²⁹³ The company has manufacturing facilities in Alabama, Georgia, Illinois, Mississippi, Ohio, and Tennessee.²⁹⁴ It sells to large food companies and restaurants including Walmart, Burger King, Aldi, and Kroger.

According to the AP, Koch Foods in Alabama employed 7 incarcerated workers for a total of 3,264 hours between 2018 and mid-March 2024.²⁹⁵ In 2017, one of these workers was killed after being caught in a machine at the Ashland plant. Koch Foods was fined US\$19,500 by the Occupational Safety and Health Administration for failing to provide workers with proper training and for inadequate safety guards for its machines.²⁹⁶

Koch Foods' website claims to sell to "any trade area location that is open to the United States",²⁹⁷ which suggests that the company does sell or is open to selling to Canadian distributors, although it is unclear where in Canada such goods are sold. Given this openness to the Canadian market, the possibility that prison-linked goods from Koch Foods could enter the Canadian market cannot be ruled out.

In response to the IHRP's request for comment, Koch Foods stated, "Koch Foods does not participate in any prison industry work programs. Therefore any products manufactured by Koch and sold to Canada would not utilize such labor."

D. Wayne-Sanderson Farms

Wayne-Sanderson Farms—formed through the 2021 merger of Wayne Farms LLC and Sanderson Farms, Inc.—is a poultry processing company based in Oakwood, Georgia.²⁹⁸ Prior to the merger, Sanderson Farms was the third-largest poultry producer in the US (with a market share of 8%), while Wayne Farms was the seventh largest (with a market share of 3%).²⁹⁹ Wayne-Sanderson Farms currently operates 23 processing plants across the southeast US, with 5 locations in Alabama.³⁰⁰ The company processes approximately 13.325 million chickens every week across 23 processing facilities with over 26,000 team members and 2,000 farmers.³⁰¹

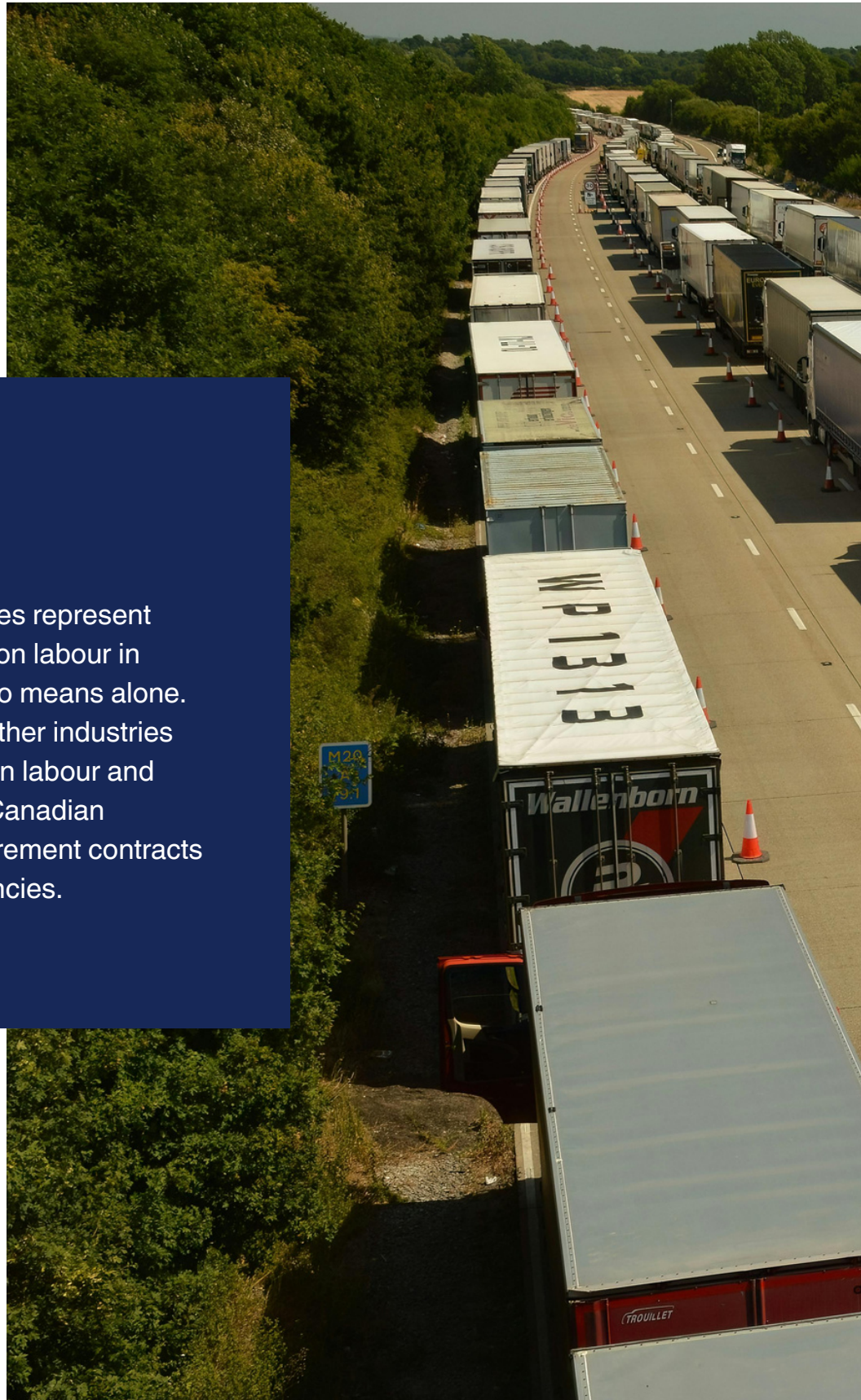
The company is a leading producer of breaded meat products, with Wayne Farms reporting net international sales of US\$2.8 billion in 2020—a considerable portion derived from its export business.³⁰² Wayne-Sanderson Farms chicken products are sold through various brands for retail and foodservice professionals. The subsidiary brands listed on their website are Sanderson Farms, Covington Farms, Naked Truth, Buffaloos, Fly’n Saucers, Crispy Fliers, Platinum Harvest, Chef’s Craft, and Wayne Farms.³⁰³

According to the AP, Wayne-Sanderson Farms employed 64 incarcerated workers for a total of 85,448 labour hours between 2018 and mid-2024.³⁰⁴ Numerous parties in the *Stanley v. Ivey* lawsuit¹ and the *Council v. Ivey* lawsuit² have listed Wayne Farms as a location where the labour practices are exploitative.

Wayne-Sanderson Farms products, such as Buffaloos³⁰⁵ and Crispy Fliers³⁰⁶ products, are available for purchase in Canada. Furthermore, “Wayne Farms” is a registered trademark in Canada.³⁰⁷ While there is no clear evidence that products in Canada are produced using prison labour in Alabama, the company’s presence in Canada and reputation as a significant exporter suggests a potential risk of prison-produced goods reaching Canadian consumers.

III. Other Industries

While the auto and food industries represent some of the highest risks of prison labour in Canadian imports, they are by no means alone. Below is a list of companies in other industries that reportedly have ties to prison labour and may be in the supply chains of Canadian imports. Some even have procurement contracts with Canadian government agencies.



Credit: Canva

A. AM General LLC

Based in Indiana, AM General LLC (AM General) is a manufacturer of military and commercial vehicles, perhaps best known for the ‘Humvee’ line of military vehicles—the civilian ‘Hummer’ version of which is built by General Motors.

In 2020, AM General won a contract with Canada’s Department of National Defence for the supply of Humvee vehicle parts.³⁰⁸ No publicly available information could be found as to whether AM General used prison labour to fulfill this contract. However, AM General is known to have been using prison labour to make some of its products around the same time: public records in the US show that between 2019 and 2021, AM General used prison labour to manufacture parts for vehicles for the US Department of Defense and the Army National Guard.³⁰⁹

B. Anagram, Inc.

Anagram, Inc. (Anagram) is a balloon manufacturing company based in Eden Prairie, Minnesota. It has locations³¹⁰ across the globe, including in Europe, Asia, Africa, and Australia. Anagram sells basic as well as customizable balloons.

It has been reported that in 2018, Anagram had a contract worth nearly US\$9 million with the Minnesota Department of Corrections, with inmates continuing to produce “decorated party balloons” for the company over the following year.³¹¹

According to Anagram’s website, its balloons can be found at retailers throughout Quebec, Ontario, and British Columbia.³¹²



Anagram Balloons at Loblaws in Toronto, Ontario.

Credit: IHRP staff

C. Dorsey Trailer

Dorsey Trailer (Dorsey) is a company manufacturing a wide variety of commercial trailers for hauling goods by truck.³¹³ Between 2018 and mid-March 2024, Dorsey employed 240 incarcerated workers for a total of 260,584 hours at its manufacturing facilities in Elba, Alabama.³¹⁴

Dorsey Trailers are available for sale through two distributors in Canada. In Oakville, KID Truck & Trailer Service claims to be “the Ontario dealer for [Dorsey’s] complete line of steel & aluminum trailers”.³¹⁵ Additionally, Camden Welding & Trailer, based in Truro, Nova Scotia, posted online on April 21, 2025 that “We are excited to announce and welcome Dorsey Trailer as our new exclusive heavy trailer supplier! Within the next few months we will be staring [sic] to roll some Dorsey trailers into Atlantic Canada.”³¹⁶

According to Dorsey’s website, they also “supply trailers to Lowe’s, Home Depot, Ryder, [and] U-Haul”³¹⁷—all of which are companies that have operations in Canada, which suggests a potential risk of prison-made trailers entering Canada for business use.

In response to a request for comment from the IHRP, Home Depot stated that they “have not identified any connection between Home Depot Canada and Dorsey Trailers.”

D. H&H Trailers, LLC

H&H Trailers, LLC (H&H) manufactures steel and aluminum trailer products, including cargo trailers, utility trailers, and car haulers. The company’s headquarters and manufacturing facility are located in Clarinda, Iowa.³¹⁸

According to the ACLU, H&H has used prison labour in the manufacturing of steel trailers in Iowa,³¹⁹ where prisoners are paid between 28 and 95 cents an hour.³²⁰ The company lists four Canadian distributors: UFA Cooperative Ltd in Edmonton, NCCHD in rural Saskatchewan, Factory Outlet Trailers Inc in High River, Alberta, and Kaldeck Trailers Inc in MacGregor, Manitoba.³²¹

E. HB&G Building Products, Inc.

HB&G Building Products, Inc. (HB&G) offers a wide variety of “porch and outdoor living products”³²²—all of which are “proudly crafted” in Troy, Alabama.³²³ The company employed 208 incarcerated workers for a total of 127,886 hours from 2018 to mid-March 2024.³²⁴

Products made by HB&G, such as a Fiberglass Cap³²⁵ and Plain Column,³²⁶ can be found at popular Canadian stores such as Home Hardware, Home Depot, and RONA, as well as some independent distributors.³²⁷

Credit: IHRP staff



HB&G Fiberglass Cap & Base at Home Depot in Toronto, Ontario.



HB&G Plain Column at Home Depot in Toronto, Ontario.

In response to the IHRP’s request for comment, Home Depot stated that it had spoken to suppliers from HB&G, who purportedly advised the company that the products sold at Canadian locations were not produced using prison labour. A spokesperson for HB&G told the IHRP that “HB&G Building Products are produced without any form of forced or prison labor” and that the company “does not utilize any form of forced or prison labor in our business.”

F. Pacific Pine Products, Inc.

Pacific Pine Products, Inc. (Pacific Pine) is an Oregon-based manufacturer of lumber and wood doors.³²⁸ In 2024, the company contracted with Oregon Corrections Enterprises to begin a work release program at the Pacific Pine facility in Oregon for adults in custody at Warner Creek Correctional Facility.³²⁹ According to Pacific Pine’s website, its doors—which are all made at its Oregon facility—are sold “throughout the Western United States and Canada.”³³⁰ As of the time of publication, the IHRP has not been able to identify where Pacific Pine’s products are sold in Canada.

G. Playtime Playground Equipment

Playtime Playground Equipment (Playtime) is a manufacturer and supplier of playground equipment, located in Falkville, Alabama.³³¹ Melvin Pringle, a plaintiff in the *Stanley v. Ivey* lawsuit states that he worked for Playtime during his incarceration. During his employment, he earned below minimum wage, had 40% of his wages garnished by the state, and was punished by ADOC for being fired from his work placement after complaining about not receiving benefits to which he believed he was entitled.³³²

Goods produced by Playtime were found listed for sale on the website of Toys Central, a Canadian online toy retailer that ships products throughout the country.³³³ In response to the IHRP’s request for comment, a spokesperson for Toys Central stated, “the concerned products are no longer available on our website <https://toyscentral.ca/>.” The IHRP has verified that as of time of publication, Playtime Playground Equipment can no longer be found on the Toys Central website.

H. RedBarn Pet Products, LLC

Redbarn Pet Products, LLC (Redbarn) is a pet food and pet products producer with locations in California, Kansas, and Paraguay.³³⁴ Over 25 years Redbarn’s products have grown to over 200 foods, treats, and chews.³³⁵ Redbarn distributes its products through numerous locations in Canada, such as Global Pet Food, Pet Valu, and Bone & Biscuit, amongst others.³³⁶

Redbarn was listed as a Private Industry employer of the Kansas Department of Corrections in 2023,³³⁷ thus confirming that the company produces at least some of its goods using prison labour. Since Redbarn operates multiple locations, it is difficult to ascertain which products are coming from each location. However, with the volume of distributors in Canada, there remains a real risk that some goods supplied by Redbarn in Canada are produced using prison labour.

I. United Plating, Inc.

Located in Huntsville, Alabama, United Plating, Inc. (United Plating) provides metal finishing services such as industrial painting, plating, anodizing, and chemical film. It also offers related services such as sandblasting, part marking, and compliance testing. Between 2018 and mid-March 2024, United Plating employed 54 incarcerated individuals for a total of 66,773 hours.

Its website boasts customers such as Boeing, Lockheed Martin, General Electric, Cessna, and SpaceX. Many of these companies have ties to Canada, and some even do business with the Canadian government. For example, in a C\$19-billion deal described at the time as Canada's largest investment in its air force in three decades, Canada announced in early 2023 that it had agreed to purchase 88 of Lockheed Martin's US-built F-35 fighter aircraft.³³⁸ Later in 2023, Canada also announced plans to purchase up to 16 of Boeing's P-8A Poseidon maritime patrol aircraft in a deal estimated at C\$10.4 billion.³³⁹ Given the potential link between Lockheed Martin and United Plating, these major Canadian defense contracts raise concerns that publicly funded purchases could be connected to prison labour.

In response to the IHRP's request for comment, Boeing stated that it is "committed to complying with global laws and regulations and requires all suppliers to do the same." Lockheed Martin commented that "Lockheed Martin is committed to upholding human rights and ensuring that our business practices align with our values. We comply with all applicable laws and regulations, including those related to the use of prison labor." As mentioned above, comments such as these effectively signal that the use of prison labour—which is legal under federal and state laws in the US—remains acceptable.



IV. Canadian Companies with US Operations

Among the companies confirmed to be using prison labour in the US are a number of Canadian companies with US operations. While it is unclear whether they are actually importing goods to Canada, they add an extra dimension to the involvement of Canadian actors in the US prison labour industry.

Credit: Canva

A. Restaurant Brands International Inc.

Restaurant Brand Internationals Inc. (RBI) is a multinational fast-food holding company, headquartered in Toronto. One of the largest restaurant companies in the world, RBI has 32,000 restaurants in over 120 countries and territories, and owns iconic restaurant brands, such as Tim Hortons, Burger King, Popeyes, and Firehouse Subs.³⁴⁰ The company earns nearly \$45 billion annually.³⁴¹

One of the company's major brands—Burger King—has been identified as using incarcerated labour in the US: the AP's reporting has found that in the last 5 years, over 500 incarcerated workers have worked in local fast-food restaurants in Alabama, including Burger King.³⁴² Burger Kings in Alabama used incarcerated workers for approximately 60,645 hours between 2018 and mid-March 2024.³⁴³ As reported by the AP, many of these incarcerated workers were on work release at these fast-food chains 40 hours per week but were deemed too dangerous for parole.³⁴⁴

B. Masonite International Corporation

Masonite International Corporation (Masonite) is a door manufacturer incorporated in British Columbia, but headquartered in Tampa, Florida. It produces doors made of fiberglass, wood, steel, and glass, for various needs, such as conserving energy or increasing natural light and safety.³⁴⁵

According to the AP, between 2018 and mid-March 2024, a Masonite location in Haleyville, Alabama employed 115 incarcerated workers for a total of 168,229 working hours.³⁴⁶ Masonite is named as a defendant in *Council v. Ivey*. The lawsuit alleges that Masonite participated in unlawful and coercive work release programs, primarily through conspiring with Alabama's Board of Pardons and Parole to reduce the availability of parole in the state.

Masonite door products are available at various distributors in Canada including Rona³⁴⁷ and Home Depot.³⁴⁸ However, there is no publicly available evidence to indicate that Masonite products manufactured in Alabama are being imported into Canada. Masonite has over 60 offices and manufacturing facilities in six different global regions including Asia, South America, and Western Europe.³⁴⁹ Within Canada, Masonite has multiple locations in British Columbia, Quebec, and Ontario.³⁵⁰

As of June 2024, Masonite is owned by Owens Corning, an Ohio-based company that has a policy that they “do not and will not employ forced, slave, child, convict, or bonded labor,” or “knowingly engage a supplier or distributor, or enter into a joint venture with an organization that directly or indirectly employs forced labor...or people who are trafficked into employment.”

C. Canfor Corporation

Canfor Corporation (Canfor) is a Vancouver-based company manufacturing “low-carbon forest products”, including lumber, pulp, and paper for the global market.³⁵¹ Canfor has 20 locations throughout Western Canada, 26 in Sweden, and 19 in the southeastern US.³⁵² Canfor manufactures several products in the US, including Southern Yellow Pine lumber, Appearance Boards, Glulam Beams, Glulam Columns, and Treated Glulam.³⁵³

According to the AP, between 2018 and mid-March 2024, a Canfor lumber yard in Alabama employed 45 incarcerated workers for a total of 61,994 hours.³⁵⁴ Its location in Fulton, Alabama produces only Southern Yellow Pine Structural Lumber,³⁵⁵ which the company markets to “North American customers.”³⁵⁶

In response to the IHRP’s request for comment, Canfor stated, “Canfor does not and has no intention to participate in prison labour programs in the US.” The company added that it is “aware of Canada’s prohibition on the importation of goods produced using forced or prison labour under tariff item No. 9897.00.00 of the *Customs Tariff*” and that the company “reviewed our shipments and can confirm that no Southern Yellow Pine or other products produced at our Alabama mills have entered the Canadian market through Canfor as an importer since the regulation came into effect.”

RECOMMENDATIONS

Federal and Provincial Government in Canada:

1. Canada must strengthen its enforcement of the import ban on goods made using forced labour and prison labour to ensure that Canadian supply chains are not complicit in, nor contribute to sustaining, the exploitative labour practices currently entrenched in US prisons. Effective enforcement should include:

- Raising awareness of the import bans, particularly among Canadian companies, by ensuring they are informed about the existence of the bans, the risks of sourcing from high-risk regions or suppliers, and the consequences of non-compliance.
- Proactive investigation by the CBSA of imports by specific manufacturers or from places of origin that indicate a high risk of the use of forced labour or prison labour.
- Creation of a transparent public complaint and reporting system, requiring the CBSA to regularly report on the number and nature of complaints received, investigations launched, and outcomes from investigations, including shipments stopped, detained, or denied entry, as well as the product and producer's name.
- Inter-agency cooperation and training, including between CBSA, Employment and Social Development Canada, Global Affairs Canada, and other relevant departments, to review and ensure the effective enforcement of the import ban.
- Expanding the bans to include all goods produced by businesses that are known to use forced and/or prison labour or have it in their supply chains, to eliminate the need to prove that a specific item was made using forced and/or prison labour.

Canadian Companies:

2. Companies must implement and abide by internal policies prohibiting the importation of goods made using forced labour and prison labour. Companies should adopt policies prohibiting subcontracting companies that hire incarcerated workers and buying any goods produced using forced and/or prison labour in the US.

3. Companies must adopt robust human rights due diligence policies to identify and eliminate forced and prison labour from the entirety of their supply chain. Companies should have a transparent mechanism for reporting their human rights due diligence efforts, including any findings of forced and prison labour within their supply chain and any actions taken in response. While many companies report they do not use forced and/or prison labour, ongoing findings suggest that existing audit and monitoring processes may need to be reviewed and enhanced to better identify and address potential risks of forced and prison labour in supply chains.

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Laundering proceeds of crime

462.31 (1) Every one commits an offence who uses, transfers the possession of, sends or delivers to any person or place, transports, transmits, alters, disposes of or otherwise deals with, in any manner and by any means, any property or any proceeds of any property with intent to conceal or convert that property or those proceeds, knowing or believing that, or being reckless as to whether, all or a part of that property or of those proceeds was obtained or derived directly or indirectly as a result of

(a) the commission in Canada of a designated offence; or

(b) an act or omission anywhere that, if it had occurred in Canada, would have constituted a designated offence.

Section 462.3(1) of the *Criminal Code* defines “designated offence” as “any offence that may be prosecuted as an indictable offence under this or any other Act of Parliament, other than an indictable offence prescribed by regulation.”

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