

Human Trafficking for Forced Labour in Canada

*Current Perspectives
and Challenges*

Human trafficking for forced labour in Canada: current knowledge

- Relatively understudied in the Canadian context
- Sampling of known cases:
 - Hamilton 19 (Ontario)
 - Thai agricultural workers in Ontario
 - Polish workers in Alberta
 - Domestic servitude cases in BC
- Growing awareness and concerns of the Temporary Foreign Workers Program as a vehicle for human trafficking

What makes human trafficking for forced labour unique?

- Root causes and motivations for migration similar across human trafficking ‘types’
- Mode of migration under legal channels may create hidden opportunity for exploitation
- Trafficking for forced labour commonly occurs in the formal economy
- *Means* used to induce exploitation are strongly tied to root causes / motivation for migration
- Impact of coercive tactics on persons trafficked for forced labour are often not “visible”

Understanding non-physical *means* and coercion in the context of forced labour

- The prevalence of coercion and related means which are not physically violent in nature
- 3 primary targets / *means* of coercion used in forced labour:
 - Economic penalties
 - Threats against administrative status
 - Isolation tactics
- Strong link between primary targets and root causes / motivation for migration
- Accumulation of tactics create “climate of fear” and control

The importance of understanding and defining coercion

- Shifting the critical element of what constitutes “human trafficking” from purpose to means
 - The *way* in which someone is exploited differentiates human trafficking
 - Means as representing the *mens rea* – or intent – behind the crime
- Defining coercion: constitutive elements
 - Threat or imposition of an external negative consequence for non-compliance with demands
 - Authority to carry out the consequence
 - Intent to undermine the *process* of choice

Temporary Foreign Workers in Canada: a critical mass of persons vulnerable to forced labour?

- Legal migration programs and the hidden nature of human trafficking
 - Growing concern about temporary migrant worker programs world-wide
- Facets of the TFWP that enhance vulnerability:
 - Employer-specific work permits as an imbalanced power dynamic
 - Lack of mandatory inspection schemes as creating opportunities for exploitation and impunity
 - Temporary status as a barrier to substantive access to legal remedies

Moving forward in our response to forced labour practices in Canada

- Critical need for research and education-building on the issue of human trafficking for forced labour
- Areas for further research and advocacy:
 - How does human trafficking for forced labour happen in Canada?
 - How do relevant stakeholders define critical elements of forced labour, such as coercion? How do these definitions match up to what we see on the ground?
 - How do relevant stakeholders view the relationship between consent and agency? What impact does this have on the current approach to forced labour in Canada?