

THE EXPLOITATION OF FOREIGN WORKERS IN OUR OWN BACKYARDS

AN EXAMINATION OF LABOUR EXPLOITATION AND LABOUR TRAFFICKING | CANADA

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Report prepared for CATHII by
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Executive Summary

Background

- Many employers who engage in the exploitation of foreign workers have experienced impunity due to factors such as lack of interest by law enforcement agencies, ambiguous or non-existent criminal justice legislation, poor labour standards and/or untenable complaint mechanisms, and government programs for foreign workers with inadequate protections in place to safeguard human rights.
- Changes to the Temporary Foreign Worker Program (TFWP) in Canada has resulted in an increase in foreign workers and many of them are quite vulnerable to actual and potential exploitation.
- A lot of reports and advocacy efforts focus on trafficking for the purposes of sexual exploitation so the picture many people have of the nature and scope of trafficking in Canada may be skewed. More research is needed on labour-related abuses, both to better understand this phenomenon and also to assess the merits of the “trafficking” framework
- The current legal definition of labour trafficking has some limitations and may need to be improved so that better protection and justice for victimized foreign workers in Canada can be provided.

Summary of Methodology

Research for the victim case profiles was conducted by consulting a variety of sources - academic, government, legal, and media. We aimed to collect enough cases to highlight both common trends and also variations in the forms that labour abuse takes in Canada.

1 Introduction

1.1 Background

Countless numbers of men, women, and children are exploited around the world by unscrupulous employers. Impunity is all too commonly experienced by these employers, regardless of whether they operate in developing or developed world contexts. This impunity is due to a combination of possible factors such as lack of interest or effort by law enforcement agencies, ambiguous or non-existent criminal justice legislation, poor labour standards and/or untenable complaint mechanisms, and government foreign labour programs designed without adequate worker protections. This report was prepared for CATHII (Comité D'Action Contre La Traite Humaine Interne Et Internationale) during the spring and summer of 2015 to investigate labour exploitation and labour trafficking in the Canadian context.

Recent changes to Canadian immigration programs, specifically the Temporary Foreign Workers Program (TFWP), has resulted in a comparatively greater increase in non-nationals entering the country versus permanent immigrants (Thomas 2010). The potentially mutually beneficial and positive aspects of the TFWP notwithstanding; in practice, these foreign workers lack access to the same rights and privileges as Canadian citizens or permanent residents and this makes them vulnerable (Macovei 2012). Canadian employers who engage in exploitative practices of foreign workers may be the most immediate and easily identifiable cause of these labour abuses, but the policy context should be considered a structural factor that influences how easy it is to carry these abuses out.

According to a government issued pamphlet “Canadian law protects all workers in Canada, including temporary foreign workers...The exploitation of a foreign national may violate Canadian law and human rights” (Temporary Foreign Workers). Nevertheless, Fudge and MacPhail (2009) have argued that the mechanisms designed to monitor and protect the rights of foreign workers are in fact not well developed or monitored and that the actual and potential exploitation of foreign workers “undermines the legitimacy of the program (TFWP) both within and outside of Canada” (p. 43). Thus, one of the objectives of this report - through compiling several documented cases where foreign workers have been exploited - is to shed light on patterns and trends that might point towards problems with the current TFWP system. Case summaries provide vivid testimonies that changes may need to be made to immigration policy to ensure more robust protections of human rights.

A second objective of this report is to join others who are beginning to address a disparity in trafficking research and advocacy work in Canada. Within the community of NGOs in Canada dedicated to issues of human trafficking, the heaviest emphasis of research and

advocacy efforts tends to be placed on trafficking for the purposes of sexual exploitation. Consequently, the victims of trafficking practices are thought primarily to be young women forced into the sex trade, brought into Canada from foreign countries under false pretences. While efforts made on behalf of individuals fitting this general description are laudable and ideally will continue to be strengthened in coming years, an unfortunate side effect of the intense focus on this particular trafficking narrative is that it gives a misleading impression about the nature and scope of trafficking-related abuses in Canada. By expanding the focus of research and advocacy around trafficking issues to include labour exploitation, victims of these activities, increasingly being accepted as the most common form of trafficking globally, will have a better chance at justice and protection. Potential future victims will also hopefully receive better safeguarding of their human rights.

Part of the work of expanding the focus of anti-trafficking efforts is to open up a space for dialogue on the existence of labour exploitation in Canada. The notion of exploited labour is almost inevitably tied to stereotypical images – for instance, a child shackled to a factory machine in a developing country. The fact that labour exploitation occurs in developed countries like Canada appears to challenge popularly accepted beliefs that such morally objectionable and human rights-violating practices must not exist in a society that purports to value equality, fairness, and justice. With sex trafficking, the perpetrators are often thought to be associated with elaborate criminal syndicates, individuals easily constructed as ‘deviant’, immoral, and far outside the mainstream of society. Regardless of the empirical validity of this representation, its appeal may be found in its simplistic carving up of the world into ‘good’, ‘evil’, and ‘victim’ categories, where law enforcement agents and criminal prosecutors are good, traffickers are evil, and the young and vulnerable women who are forced into the sex trade are ‘perfect’ victims.

Labour trafficking presents more of a challenge to generating these kind of simplistic narratives, and this may be partly why it has received less attention. Those who are involved in the exploitation of persons for their labour are often Canadian citizens and are employers who are likely to be engaged in a range of legitimate, socially-endorsed business activities, alongside the exploitation of vulnerable individuals. These employers are potentially recognizable community members. Partly for these reasons, many experience relative ease at escaping detection for their abuses of employees while an even greater number are never charged or prosecuted. Victims of these activities, vulnerable though they are, are often coming to Canada consciously with a motive of bettering their circumstances through economic gain. The fact that they often display this kind of agency may make it more difficult to construct a perfect victim representation of them. The ‘good guy’ role of law enforcement agents and prosecutors in the legal system is also complicated through their dual and contradictory commitments both to human rights protection and immigration control. Though many foreign workers who are forced into exploitative work situations come to Canada

through legal channels initially, their status frequently shifts to ‘undocumented’, ‘irregular’, or ‘illegal’. Some employers force their workers to make refugee claims and then abandon them, for instance, effectively making these workers ‘deportable’. Other workers, those coming through the TFWP, can find themselves with an ‘undocumented’ status very suddenly simply by being fired by their primary employer and seeking to find alternate work. One of the stipulations of the TFWP is that workers are tied to a single employer and that a breach of this condition can jeopardize that person’s legal status in the country. Nakache (2010) claims that foreign workers are more likely to continue suffering through abusive employer practices than risk being out of work where both their legal status and financial livelihood will be threatened. To this effect, a recommendation was made by the Standing Committee on Citizenship and Immigration (House of Commons Canada 2009, p. 25) to scrap employer-tied work permits and substitute sector or province-wide permits. In any case, those individuals operating within these dual, conflicting roles are not always working solely in the best interests of labour abuse victims – for instance, when police get involved in labour abuse cases, victims are sometimes re-victimized by having to face deportation rather than finding protection or justice. This is not to say that police officers have not made many positive contributions or that they have not rescued many labour abuse victims from highly exploitative circumstances. Rather, it is mentioned just to underscore that there are certain contradictions within the current systems that are designed to protect foreign workers from labour abuse.

On this track, a third and final objective of this report is to investigate the limitations of the current legal definition of labour trafficking. There were many cases of labour abuse in Canada discovered during the research phase, and yet very few of the employers involved have been charged or prosecuted. While a criminal justice solution has its limitations, a more effective deterrent than is currently available is needed. Arguably, one of the reasons why there are not more cases of labour trafficking in the news or before the courts is that the current legal definition places an unreasonably high burden on victims to prove, among other things, that their safety was in danger. This requirement has proven difficult in practice for many victimized individuals to meet.

1.2 Objectives

The objectives of this report are to:

- Create a resource for those concerned with labour exploitation and labour trafficking in Canada
- Shed light on patterns and trends that might point towards problems with the current TFWP system
- Join others who are beginning to address a bias in trafficking research and advocacy work in Canada that prioritizes sex trafficking to the exclusion of other types
- Investigate limitations of the current legal definition of labour trafficking

2 Literature Review

2.1 Labour Trafficking versus Sex Trafficking

It is now widely accepted by scholars and international nongovernmental organizations that a large proportion of human trafficking cases involve exploitation of the labour of migrant workers (Sikka 2013; Dandurand & Chin 2014; IOM 2012; UNODC 2012). Nevertheless, compared to human trafficking for the purpose of sexual exploitation, labour trafficking has received far less attention.

Anette Sikka, in her report for Public Safety Canada (2013), points out that cases involving sex trafficking are somewhat clearer, given that there is often criminal activity associated (i.e. the case of prostitution) and “particularly where minors are involved the issue of exploitation is clear, given their inability to consent”. Where labour trafficking is concerned, extremely complex analyses are often required “involving immigration policies, temporary foreign worker programs, employment standards deviations and criminal charges under both the Criminal Code and the Immigration and Refugee Protection Act (IRPA)”.

As noted in the Alliance Against Modern Slavery (AAMS) report on trafficking in Ontario, the disproportionate attention received by trafficking for sexual exploitation cases does not necessarily mean that there are more of these cases on the ground (Gabriele, Sapoznik, Serojitdinov, & Williams 2014). However, it does correspond to the fact that in practice sexual exploitation cases far more often lead to criminal investigations and to being taken up by criminal prosecutors. As recorded in the US State Department’s Trafficking in Persons Report (2014) the Canadian government reported convicting at least 25 trafficking offenders in 2013, which included just one labour trafficker. The line is often blurred between sex trafficking and labour exploitation. Perrin (2010) notes: “many, but not all (victims of labour exploitation), were physically or sexually abused”: for instance, live-in caregivers have come forward who were forced to give massages and have sexual intercourse with recruiters or employers (Ricard-Guay & Hanley 2015). Possibly in these instances charges are being laid for the sexual abuse rather than the labour exploitation. Regardless, more research is needed to determine whether the disparate rates of prosecution for sexual trafficking versus labour trafficking are appropriate or whether the issue is more that labour traffickers are getting away with their acts with relative impunity. The cases collected in this report suggest that there is some substance to the latter.

2.2 Exploitation of Labour as a 'Hidden' Phenomenon

In Canada, as in other migrant worker receiving nations, it is unfortunately the case that a large majority of instances where migrant workers are exploited never reach authorities and they tend to escape the attention of NGOs and the media. The reality is that victims rarely come forward to authorities. A key informant in a study by Ricard-Guay & Hanley (2015) observed that:

The constant pattern that we see with the international cases is that the survivors don't want any police involvement. They don't want to go the RCMP route. So much of that remains under the radar. That is why I always kind of cringe when I see the statistics around the sexual exploitation and the labour exploitation because I know how much of the labour exploitation that is in our area that is just totally under the radar and it is never going to get on a database. Often the people end up going underground and probably go into worse situation then they came out of.

Further, of those situations that are reported very few are classified and treated as criminal offenses indictable under Canada's trafficking in persons laws (Dandurand & Chin 2014).

It would no doubt be surprising for many Canadians to hear that when migrant workers come to this country to fill jobs across a range of employment fields they risk facing highly degrading and exploitative treatment by employers. This treatment can include being denied basic health and safety standards, being forced to perform dangerous tasks, having their passports and IDs confiscated by employers, failing to receive the national minimum wage or even receive any pay at all, and undergoing a whole range of related coercion and exploitation. Many migrant workers in Canada have positive experiences, enjoying fair and safe working conditions and finding meaningful employment that often enables them to support family members back home. Faraday (2012), in a report for the Metcalf Foundation, claims that the abuse of migrant workers in 'endemic' in Canada "It is systematic... There is a deepening concern that Canada's temporary labour migration programs are entrenching and normalizing a low-wage, low-rights 'guest' workforce."

The present report fills a gap in research by providing an extensive set of cases that shed light on the nature and extent of exploitation faced by migrant workers in Canada. This research is especially needed given the context that migrant workers in Canada have tripled in the past decade, to 300,111 in 2011, approximately one-third of them in low-skilled jobs (Faraday 2012). So long as these practices remain underreported and largely concealed from public view, it is impossible to know how frequently these types of incidents occur. More importantly, without an accurate picture of the problem, it is unlikely that conditions will improve: new policies, laws, and programs based on incomplete data are bound to have inconsistent or even flawed outcomes. Among other things, this report will highlight characteristics of the victims, fields of employment where exploitation is occurring, types of deception, coercion and exploitation that migrant workers are experiencing, and also whether the criminal justice system has gotten involved and if so what were the legal outcomes.

2.3 The Trafficking Frame of Analysis

The terms 'exploitation' or 'abuse' will be used in this report in place of 'trafficking' wherever possible. There are advantages and disadvantages to adopting this terminological stance. The term 'trafficking' will not be excluded entirely, as it has important uses, especially given that it is the term recognized by policing and criminal justice institutions. However, it is for this same reason that it has limitations. As previously mentioned, there are very few instances where police lay charges for trafficking in Canada, especially for labour trafficking. There are even fewer instances where judges try individuals on the basis of trafficking laws. It is important to note that 'trafficking' is both a legal category entailing certain state protections and obligations towards individuals, and a descriptive term applied by NGOs and other civil society actors to people who have certain sets of experiences (Sikka 2013). Often times NGOs will apply this label in situations where police officers and prosecutors have not, though at times they will all agree. For this reason, there is a lot of definitional ambiguity surrounding the term. Using the term 'trafficking' in the stricter legal sense and the terms 'exploitation' or 'abuse' as broader, more descriptive terms that have a much wider application, can partly address this confusion.

In a recent study by Julie Kaye and colleagues (2014), a range of agencies and front line workers providing services to trafficked persons or populations considered vulnerable to human trafficking were interviewed (Kaye, Winterdyk, & Quarterman 2014). Many of these informants cited definitional challenges, "including clear misunderstandings of the existing legal definitions in Canada, as hindrances to identifying and responding to human trafficking". Kaye and colleagues (2014) believe that these definitional challenges are to some extent the product of relying too heavily on a narrow and restrictive criminal justice framework. This framework, as it relates to trafficking in Canada, will now be examined more closely.

2.4 Definition of Human Trafficking and Labour Trafficking

International Law

In the year 2000 the General Assembly of the United Nations (UN) adopted the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. This "Palermo Protocol" was ratified by many states, including Canada, which ratified in 2002. According to the Palermo Protocol, there are three components to the definition of human trafficking.

- A) Act – recruitment, transportation, transfer, harbouring or receiving of persons
- B) Means - threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or a position of vulnerability, or giving or receiving payments or benefits to achieve the consent of a person having control over another person

C) Purpose – exploitation shall include, at minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

In addition to the Palermo Protocol, there are many other relevant international treaties that inform responses to trafficking in persons. Examples include: the UN Convention on the Rights of the Child; the Convention on the Elimination of All Forms of Discrimination Against Women; the International Labour Organization (ILO) Convention Concerning the Abolition of Forced Labour (No. 105) and the ILO Convention on the Worst Forms of Child Labour. The Palermo Protocol, however, is still the most significant international agreement on human trafficking.

Canadian Law

Human trafficking is an offence under two forms of legislation in Canada, immigration and criminal:

Immigration and Refugee Protection Act

The Immigration and Refugee Protection Act (IRPA) has included human trafficking as a federal immigration offence since 2001. Section 118 of IRPA makes it an offence to use abduction, fraud, deception or the use or threat of force or coercion to recruit and/or bring people to Canada. It is also an offence to keep people here against their will or control their movements by using those methods.

Criminal Code of Canada

Human trafficking is also a crime under Canada's Criminal Code. Section 279.01 (1) of the Canadian Criminal Code defines human trafficking as follows: "Every person who recruits, transports, transfers, receives, holds, conceals or harbours a person, or exercises control, direction or influence over the movements of a person, for the purpose of exploiting them or facilitating their exploitation is guilty of an indictable offence."

"Exploitation" is defined in s.279.04 and requires someone to fear for her safety or the safety of someone she knows if she does not perform labour or services. This part of the Canadian Criminal Code definition has been criticized for being too narrow. There have been few prosecutions under s 279.01, possibly due to a narrow focus on the exploitation of victims, but also because there are many other sections of the Criminal Code that may be used to prosecute a trafficker (i.e. prostitution related offences, kidnapping, sexual assault, child abduction etc.). These other offences, however, are not always relevant to labour trafficking cases. This suggests that the gap between the number of prosecutions of sex trafficking and the number of actual instances of labour trafficking may be quite large.

The way the requirement of exploitation is phrased in the Canadian Criminal Code makes this a stricter standard for trafficking than the one used on the international Palermo Protocol. In particular, it is difficult to prove that a victim of trafficking has feared for their

safety. As many of the Canadian cases of labour exploitation will show, employers do not always directly threaten the physical safety of a person or their families, but rather employ the threat of deportation or use debt bondage to force victims to continue working for them. While not meeting the strict criteria for safety threat, these actions are arguably no less exploitative and may threaten safety in less obvious ways.

There have been some efforts to expand the definition of trafficking under the Criminal Code to make it easier for courts to identify where trafficking has occurred. In June 2012, amendments made it criminal for a Canadian citizen to traffic persons outside of Canada. Furthermore, factors such as deception were added that could be considered in assessing whether exploitation occurred. In December 2013, a private members bill, Bill C-561, was introduced to parliament to amend the Criminal Code and IRPA to make receiving an organ or take part in organ removal that results from human trafficking. While these legislative changes may help Canadian courts determine if trafficking has occurred in a wider range of contexts, the “fear for safety” requirement remains a restrictive standards and a difficult condition to prove in court. Where labour trafficking cases are concerned, there are complex ways traffickers can prevent victims from leaving an exploitative workplace that are not currently recognized in government legislation.

3 Methodology

Cases were sought from 2001, the year Canada harmonized its legal definition of organized crime with the Palermo Convention's to incorporate 'trafficking in persons' as a punishable offense.

The way that cases have been documented in this report included all discovered examples of labour exploitation. A continuum of both deception/coercion and exploitation is recognized in order to cast a wide net and to not exclude cases where obvious abuses were present that centred more on the deception/coercion aspects. Collecting cases that entail a range of severities of labour abuses is appropriate for this report, which seeks to address the manifold ways migrant workers are exploited in Canada. CATHII's mission informs this approach: "working in solidarity to build an egalitarian society by eradicating (all forms of) human trafficking". Thus, not only will this report shed needed light on the issue of labour trafficking in the current legalistic sense, it will also go beyond this to include other gradations of foreign worker exploitation – as stated previously, a clear line between trafficking and exploitation is rarely simple to find.

There were certain barriers faced in compiling these Canadian cases, including the clandestine nature of labour abuses and the reticence of victims to come forward due to fear of reprisal from traffickers and sometimes immigration authorities as well. In any event, this study does not purport to be comprehensive. Several avenues of research were pursued in order to generate a list of cases and case descriptions. The following is a list of the sources of information. These were the search terms used: [Canada, trafficking in persons, human trafficking, labour trafficking, labour exploitation, domestic servitude, forced labour]

Academic and Grey Literature (Google Scholar, Worldcat database)

Community Organizations and NGOs

Government (found on the Parliament of Canada and Ontario Legislature websites)

Canadian Legal Databases (CanLii; QuickLaw; WestLaw)

Media Reports (Google News, CBC News, The Globe and Mail, Toronto Star, Huffington Post, Calgary Sun).

4 Results

A) ACADEMIC & GREY LITERATURE: (Cases 1-16)

Case Number	1
Date	2005
Source of Data	Academic Literature
City	Vancouver
Province	BC
Identified Victims	Two women
Victim(s) Country of Origin	Philippines
Gender	Female
Type of Work	Domestic work
Type of Deception/Coercion	Papers taken away
Type of Exploitation	Forced work, excessive hours, severe mistreatment, possible sexual abuse
Identified Perpetrators/Traffickers	Private individuals
Criminal Investigation	No
Classification/Charges Laid	No
Criminal Prosecution	No
Legal Outcome	N/A (not applicable)
Source Reference/Link	Benjamin Perrin, <i>Invisible Chains</i> (2010), p.172
Summary	
<p>In 2005, two Filipina women experienced forced labour, excessive hours, and severe abuse at the hands of their employer. Furthermore, they lacked a proper place to sleep and feared for their safety. Eventually, they returned to the Philippines.</p>	

Case Number	2
Date	Unknown
Source of Data	Academic Literature
City	Unknown, and Montreal
Province	Unknown, and QC
Identified Victims	Chantale
Victim(s) Country of Origin	Unknown
Gender	Female
Type of Work	Domestic work
Type of Deception/Coercion	Lied to about conditions of work, passport confiscated
Type of Exploitation	Excessive work hours, work unrelated to contract, insufficient pay, repeated sexual assault, moved to another employer, became pregnant and was terminated
Identified Perpetrators/Traffickers	Private individual
Criminal Investigation	No
Classification/Charges Laid	No
Criminal Prosecution	No
Legal Outcome	N/A
Source Reference/Link	Benjamin Perrin, <i>Invisible Chains</i> (2010), p.170-171
<p>Summary</p> <p>When Chantale, a teenager, arrived her passport was seized and she was forced to work long hours on a range of domestic chores. She was isolated in the home and at night the children's father sexually assaulted her again and again. By the time the children had grown older enough to attend school on a full-time basis Chantale was sent to another family living in Montreal. There she endured the same harsh conditions. As a result of repeated rape, she eventually become pregnant, at which point her contract was terminated</p>	

Case Number	3
Date	Sometime between 2002 and 2004
Source of Data	Academic Literature
City	Vancouver
Province	BC
Identified Victims	Aba
Victim(s) Country of Origin	Ghana
Gender	Female
Type of Work	Domestic work
Type of Deception/Coercion	Brought on visitor visa but put to work as domestic servant (illegal worker), papers confiscated
Type of Exploitation	No pay and no medical care, highly restricted movement, possibly physically mistreated, excessive work hours
Identified Perpetrators/Traffickers	Private individuals
Criminal Investigation	No
Classification/Charges Laid	N/A
Criminal Prosecution	No
Legal Outcome	N/A
Source Reference/Link	Benjamin Perrin, <i>Invisible Chains</i> (2010), p.173-174
<p>Summary</p> <p>At some point between 2002 and 2004, Aba was brought from Ghana to Canada on a visitor's visa. She quickly found herself in conditions of domestic servitude for a Vancouver family who did not pay her or allow her to access any medical care. Her papers were confiscated and she may have been physically mistreated as well. She worked an excessive amount of hours and was only permitted to leave the house to attend church for half a day per week. Aba's family suddenly decided to move to the United States and Aba was simply abandoned. Aba contacted immigration officials to try to obtain legal status, however they did not help her. Aba disappeared and no one knows what happened to her.</p>	

Case Number	4
Date	Between 2005 and 2008
Source of Data	Academic Literature
City	Multiple
Province	AB, SK, and MB
Identified Victims	Several foreign workers
Victim(s) Country of Origin	Unknown
Gender	Unknown
Type of Work	Factory work and possibly other types
Type of Deception/Coercion	Lied to about working conditions, bank cards confiscated by employers for "tax purposes"
Type of Exploitation	No private rooms and housing conditions were terrible - sleeping on mattresses in factory storage rooms, have garbage cans as wash basins
Identified Perpetrators/Traffickers	Multiple
Criminal Investigation	Yes
Classification/Charges Laid	Alleged human trafficking
Criminal Prosecution	No
Legal Outcome	N/A
Source Reference/Link	Benjamin Perrin, <i>Invisible Chains</i> (2010), p.172
<p>Summary</p> <p>Between 2005 and 2008 the RCMP's Immigration and Passport Branch Northwest Region received 28 complaints of alleged human trafficking in Alberta, Saskatchewan, and Manitoba, many linked to forced labour practices. Foreign workers reportedly were sleeping on mattresses in factory storage rooms, were using garbage cans as wash basins, and were told to hand over their bank cards to employers, supposedly for "tax purposes".</p>	

Case Number	5
Date	2012 (published in report)
Source of Data	Academic Literature
City	Toronto
Province	ON
Identified Victims	Lilliane
Victim(s) Country of Origin	Uganda
Gender	Female
Type of Work	Domestic work
Type of Deception/Coercion	Lied to about conditions of work, passport confiscated
Type of Exploitation	Isolated, employer falsified records indicating length of time employee worked, excessive working hours, severely underpaid
Identified Perpetrators/Traffickers	Private individual
Criminal Investigation	No
Classification/Charges Laid	No
Criminal Prosecution	No
Legal Outcome	N/A
Source Reference/Link	Fay Faraday, <i>Made in Canada: How the Law Constructs Migrant Workers' Insecurity</i> (2012), p.17 Metcalfe Foundation from http://metcalffoundation.com/wp-content/uploads/2012/09/Made-in-Canada-Full-Report.pdf
Summary	
<p>Lilliane came to Canada from Uganda to work as a live-in caregiver. Her passport and work permit were taken by her employer upon arrival. She had no private space and had to share a room with the youngest child. Contract specified that Lilliane was expected to work 45 hours per week, however she was forced to work from 8am until 11pm. She never had a day off. She had to ask for permission to leave the house just to see a hairdresser, but when she left for her appointment her employer threatened her and said she would call Immigration because Lilliane was not allowed out of the house by herself. Lilliane was paid \$100 in cash each month which was far lower than the amount specified on her contract (she received \$2100 for 2 years' worth of work). Her mother at home got sick and she asked for more pay so she could send money home. Her employer said no. One day at the library Lilliane broke down crying and a concerned woman asked her what was the matter. Lilliane told her everything, to which the woman replied "You are too young to be under slavery" and provided her with the phone number for a shelter. After leaving her employer, Lilliane requested her record of employment (she needed to show the government that she had worked 24month so she could apply for permanent residence). Her employer falsified the record of employment to show that she had worked less.</p>	

Case Number	6
Date	2011 - victim spoke to police
Source of Data	Academic Literature
City	Unknown
Province	ON
Identified Victims	Juma
Victim(s) Country of Origin	Tanzania
Gender	Male
Type of Work	Taxidermy, agriculture, odd jobs
Type of Deception/Coercion	Promised permanent residency, promised being able to bring family to Canada, told if paid money for "taxes" could bring family over
Type of Exploitation	No private accommodation (room in taxidermy shop), had to return bulk of pay cheque in cash each month to employer to cover "taxes", not allowed apply for SIN or OHIP, when after 2 years refused to give up pay cheque was terminated and accused of stealing (police were called), employer kept worker's belongings
Identified Perpetrators/Traffickers	Private individual
Criminal Investigation	Yes
Classification/Charges Laid	No
Criminal Prosecution	No
Legal Outcome	N/A
Source Reference/Link	Fay Faraday, <i>Made in Canada: How the Law Constructs Migrant Workers' Insecurity</i> (2012), p.59 Metcalfe Foundation from http://metcalffoundation.com/wp-content/uploads/2012/09/Made-in-Canada-Full-Report.pdf
Summary	
<p>Juma came to Canada from Tanzania in 2009. In Tanzania, he met a Canadian hunter and taxidermist who had asked Juma to come work for him in Canada. Juma was promised \$16.08 per hour. The employer prepared all the immigration papers. Upon arrival in Canada, Juma discovered that he had no private room and was instead expected to sleep in the taxidermy workshop which did not have a lock on the door. The employer would come in unannounced and sometimes went through Juma's belongings. Juma was the only employee and worked seven days a week, 12-14 hours a day except Sunday when he worked 7-8 hours. He was asked to do odd jobs. The employer's business was in a rural farm house so Juma was very isolated. Juma went without pay for the first month and had to ask to be paid. He was given \$550 which is what he would have been paid back home. When Juma asked about his salary, the employer told him that he could either accept it or go back home. After a few months, the employer raised Juma's pay to \$700 and then \$800 per month. Juma would actually receive a cheque for \$3,168 but was not allowed to keep it. He would go with the employer to the bank, deposit the cheque, and withdraw most of it to hand over to the employer for "taxes". Juma was told that if he paid the taxes he could bring his family over, however he was never shown any receipt or proof that this money was being used in this way. The employer also discouraged Juma from applying for a SIN and an OHIP card. When the employer was out of town one day, Juma got a ride into town and applied for the SIN and OHIP cards and had these sent to an alternate address. After 10</p>	

months of work, the employer hired a Canadian worker who told Juma that his low wages and the excessive hours he was working were not right. Juma looked for other employers but his work permit tied him to a single employer. Finally, after two years of working for the same employer, he confronted him one day at the bank. Juma did not withdraw the money and demanded to see proof that the money was being used to pay taxes. The employer threatened to cancel his work permit and to have him deported. The employer then called the police and told them Juma had stolen from him. The police heard Juma's story and were sympathetic, taking him to a Salvation Army where he stayed. The employer kept one of Juma's suitcases and refused to return it - it contained precious keepsakes such as wedding clothes, his wedding DVD, his only picture of his dead mother, an anniversary gift from his wife, and birthday gifts from his cousins. Juma thought about trying to enforce his rights by working through the legal process, but realized that his work permit would expire before anything could be done.

Case Number	7
Date	2013 (published in report)
Source of Data	Community Organization
City	Unknown
Province	Unknown
Identified Victims	Saswati
Victim(s) Country of Origin	Thailand
Gender	Female
Type of Work	Unknown
Type of Deception/Coercion	Workplace and work permit did not match, charged \$10,000 initially by recruiters and then an additional \$5000 later on, passport confiscated and only returned after victim was forced to pay \$1500
Type of Exploitation	Denied wages, after renewing work permit but having no work available was required to work illegally to pay off debts, charged hundreds of dollars to cover a workplace injury
Identified Perpetrators/Traffickers	Employer
Criminal Investigation	No
Classification/Charges Laid	No
Criminal Prosecution	No
Legal Outcome	N/A
Source Reference/Link	Sikka (2013) <i>Labour Trafficking in Canada: Indicators, Stakeholders, and Investigative Methods</i> https://www.publicsafety.gc.ca/lbrr/archives/cn63310954-eng.pdf
Summary	
<p>Saswati paid \$10,000 plus interest to a recruiter in Thailand to work in Canada. Her passport was confiscated upon arrival. She noticed that her work permit and her workplace did not match up and her workplace changed frequently. She was injured on the job one day and the recruiter charged her several hundred dollars to take her to the hospital. Her recruiter also charged her \$1,500 to return her passport when her work permit was about to expire. Saswati returned home when her work permit had expired, knowing that she had return home for 4 months before coming back to Canada to work. After this time had passed, she was charged \$5000 plus interest by her recruiter to return to Canada. However, when she arrived there was not enough work for her. After some time and out of necessity, she took on work at a neighbouring farm. She was deported and barred from Canada when immigration officials raided her work.</p>	

Case Number	8
Date	2014 (described by key informant)
Source of Data	Community Organization
City	Calgary
Province	Alberta
Identified Victims	Jamaican woman
Victim(s) Country of Origin	Jamaica
Gender	Female
Type of Work	Domestic work; residence for adults with disabilities
Type of Deception/Coercion	Promised job not available upon arrival, no lock on door
Type of Exploitation	Did not receive full wages, employer threatened to kill her
Identified Perpetrators/Traffickers	Live-in caregiver program employer
Criminal Investigation	No
Classification/Charges Laid	No
Criminal Prosecution	No
Legal Outcome	N/A
Source Reference/Link	Ricard-Guay & Hanley (2015). <i>Responding to Trafficking: The coordination of services for victims of human trafficking in Canada.</i> www.cathii.org
<p>Summary</p> <p>A woman from Jamaica in her 50s or 60s came to Canada through the live-in caregiver program. In Jamaica, a friend of a friend recruited her. She paid a recruiter fee (unknown amount). She came to Canada with the promise of one job but when she arrived she got a different job, working in a residence for adults who had disabilities. She did not mind working with these clients, but her employers were quite abusive. She did not get a room with a lock on it as per the stipulations of the live-in caregiver program and also did not receive her full wages. The victim claims that her employer threatened to kill her. The case came to the attention of this community organization through a homeless shelter where the victim ended up staying. She had left her abusive employer because she felt threatened and did not feel safe. In the process she lost her Temporary Resident Permit and so her status changed to illegal. She wanted to go to the police but expressed that she was fearful that if she did she would get deported. The community organization was planning to reach out to her but she was no longer at the homeless shelter and nobody knew where she went.</p>	

Case Number	9
Date	2014 (described by key informant)
Source of Data	Community Organization
City	Toronto
Province	Ontario
Identified Victims	South Asian woman
Victim(s) Country of Origin	South Asia
Gender	Female
Type of Work	Domestic
Type of Deception/Coercion	Forced marriage.
Type of Exploitation	Not paid for 2 years, threatened to be killed.
Identified Perpetrators/Traffickers	Private individuals
Criminal Investigation	No
Classification/Charges Laid	No
Criminal Prosecution	No
Legal Outcome	N/A
Source Reference/Link	Ricard-Guay & Hanley (2015). <i>Responding to Trafficking: The coordination of services for victims of human trafficking in Canada</i>
<p>Summary</p> <p>A South Asian woman was brought to Canada as a live-in caregiver but was forced to marry someone from the family of the employer. She was confined and was not paid anything for two years and she was beaten up so badly that she now has a permanent injury. She was told at one point that if she spoke out against anyone, they would kill her and bury her in the backyard. Out of fear for her life she fled but did not know English so it was difficult to get anywhere. She was somehow able to communicate to a bus driver that she was in danger and was told to contact 911. She was brought to a police station and was taken to a shelter where she got in contact with a social worker. The social worker put her in touch with the community organization. Case in progress at time of research</p>	

Case Number	10
Date	2014 (described by key informant)
Source of Data	Community Organization
City	Sudbury
Province	ON
Identified Victims	Woman from Indonesia
Victim(s) Country of Origin	Indonesia
Gender	Female
Type of Work	Domestic work
Type of Deception/Coercion	Passport confiscated
Type of Exploitation	Not paid at all for two years
Identified Perpetrators/Traffickers	Private individual
Criminal Investigation	Yes
Classification/Charges Laid	No
Criminal Prosecution	No
Legal Outcome	N/A
Source Reference/Link	Ricard-Guay & Hanley (2015) <i>Responding to Trafficking: The coordination of services for victims of human trafficking in Canada</i>
<p>Summary</p> <p>A woman from Indonesia was brought to Sudbury and her employers were themselves immigrants. She was forced to sleep on the kitchen floor and could not call her employer ‘boss’ but instead had to say ‘master’. Her first year’s salary went to paying off the plane ticket and the second year she simply wasn’t paid. She didn’t call the police because she didn’t speak English and also didn’t know about 911. Furthermore, she didn’t have an ID and was afraid she was committing a crime. One day she found a photocopy of the passport that her employer had kept from her and went to the police. The police officer told her while the investigation proceeds to return to the employer’s house. At that point she started crying and said she couldn’t go back to her employers, so the police officer put her in a Salvation Army homeless shelter. One night from the shelter she called the police and asked to be put in jail because she was afraid that the employer would come and find her and take her back to the house. The police found out that she had immigration status issues as she had come initially as a visitor so referred her case to CBSA. The woman was taken to an immigration holding center. The Crown Prosecutor eventually dropped the charges in this case because, although they believed that the worker was abused, they felt that it could not be proven that the worker feared for her safety or that of others. The conditions for dropping the charges included a one-year peace bond against the employer, prohibiting this person from contacting the worker and from hiring any other foreign workers.</p>	

Case Number	11
Date	2014 (described by key informant)
Source of Data	Community Organization
City	Vancouver
Province	BC
Identified Victims	Young woman from South Korea
Victim(s) Country of Origin	South Korea
Gender	Female
Type of Work	Store clerk
Type of Deception/Coercion	Falsely promised by employer to get paper work processed for permanent residency
Type of Exploitation	Sexual exploitation
Identified Perpetrators/Traffickers	Store owner
Criminal Investigation	No
Classification/Charges Laid	No
Criminal Prosecution	No
Legal Outcome	N/A
Source Reference/Link	Ricard-Guay & Hanley (2015) <i>Responding to Trafficking: The coordination of services for victims of human trafficking in Canada</i>
Summary	
A young woman from South Korea was recruited through a program to study for five months at a Canadian college and work five months. She came and did her study period and ended up working for a store owner. Her employer promised her that he would help her stay in Canada and so she stayed working for him even after the program was over. He ended up sexually assaulting her.	

Case Number	12
Date	2014 (described by key informant)
Source of Data	Community Organization
City	Edmonton
Province	AB
Identified Victims	Youth from South America
Victim(s) Country of Origin	South America (specific country unknown)
Gender	Male
Type of Work	General Labour
Type of Deception/Coercion	Promised work that did not materialize, identification confiscated
Type of Exploitation	Unclear
Identified Perpetrators/Traffickers	Unknown
Criminal Investigation	No
Classification/Charges Laid	No
Criminal Prosecution	No
Legal Outcome	N/A
Source Reference/Link	Ricard-Guay & Hanley (2015) <i>Responding to Trafficking: The coordination of services for victims of human trafficking in Canada</i>
Summary	
<p>A youth from South America came to a youth shelter seeking support. He spoke no English, only Spanish, so could only communicate through a translator. Since the translator was not always on site, the community workers felt unclear about his situation. He came to Canada promised a job by an employer, but when he arrived, there was no job and the employer confiscated his identification. The youth left the employer to come to the youth shelter, but did not stay long enough for the workers to be able to help him proceed with his case.</p>	

Case Number	13
Date	Reported 2013
Source of Data	Academic literature
City	Edmonton
Province	Alberta
Identified Victims	6 workers who complained, more involved
Victim(s) Country of Origin	Philippines
Gender	Men and Women
Type of Work	Agriculture
Type of Deception/Coercion	Sequestration (locked in a warehouse), documents removed
Type of Exploitation	Extremely poor living conditions, extremely low pay, informal payments, working 18-20 hours a day
Identified Perpetrators/Traffickers	Agricultural employer
Criminal Investigation	No
Classification/Charges Laid	No
Criminal Prosecution	No
Legal Outcome	N/A
Source Reference/Link	Ricard-Guay & Hanley (2015) <i>Responding to Trafficking: The coordination of services for victims of human trafficking in Canada</i>
Summary	
<p>Originally hired to work in another province, the workers exploited in this example found their way to Edmonton, Alberta, where they met the frontline worker who describes their story below:</p> <p>“Six workers came forward that I’m aware of but it was a larger group... Male and female but it was a much larger group but many of them were not coming forward. They were paid under the table very, very little and they were working upwards of like eighteen, twenty hours a day. So a lot of indicators of trafficking and when I talked to these individuals they didn’t think they were victims of anything. They certainly didn’t think that human trafficking was a phrase that applied to them. So that was another real concrete example for me of how the language we use is so important. You use words like victim and that doesn’t mean anything to a person then we’re using words like slave. ... I could describe to you this was like modern day slavery. I could never use those words to those individuals it wouldn’t mean anything to them. They actually, when I asked you know do you want to pursue criminal charges or would you like to report this to law enforcement to pursue criminal charges against this individual that kept you in this warehouse they said to me, their words were “we didn’t think he was that bad of a guy”... They didn’t see it as a human rights abuse, they didn’t see it as abuse. It’s just the work ran out. That’s why they left. They didn’t see that they had been abused like that.”</p>	

Case Number	14
Date	Reported in 2013
Source of Data	Academic literature
City	Peel Region
Province	Ontario
Identified Victims	3-4 workers
Victim(s) Country of Origin	South Asian
Gender	Men
Type of Work	Kitchen of fancy restaurant
Type of Deception/Coercion	Movements tightly controlled, physical and psychological violence
Type of Exploitation	Unpaid wages, long hours, psychological harassment and intimidation
Identified Perpetrators/Traffickers	Restaurant owners
Criminal Investigation	Yes
Classification/Charges Laid	Unclear
Criminal Prosecution	Unclear
Legal Outcome	Unclear
Source Reference/Link	Ricard-Guay & Hanley (2015) <i>Responding to Trafficking: The coordination of services for victims of human trafficking in Canada</i>

Summary

A lawyer involved with this case shared this description of their story:

“It was a group of three or four people who used to cook in a very fancy restaurant. But they used to take them to the restaurant at four o’clock in the morning in a vehicle... They would be kept there all day and then brought back around let’s say, midnight... So they were not given any time to go, step outside other than that kitchen. And, again, they were brought here on work permit and were not being paid appropriately, were not being given enough remuneration for the work they were doing or not being paid at all, being told that, oh, we are putting that money in the bank account for you. Or this money, oh, we have already paid your family back home. You don’t need this money. Why do you need money?... And any time anyone would try to exert themselves, they would either beat them up or yell at them... Three or four of the employers would sit together in a room and yell at them so much that they would start shitting in their pants basically and be so scared. And then finally one of them came out...”

Case Number	15
Date	Reported in 2013
Source of Data	Academic literature
City	Rural area
Province	Quebec
Identified Victims	4 workers
Victim(s) Country of Origin	Guatemala
Gender	Men
Type of Work	Agriculture
Type of Deception/Coercion	Removal of passports, fear of being black-listed or, at least, not “named back” (named by the employer to work the following year)
Type of Exploitation	Paid \$0.50-\$0.75 an hour. Not provided with a return ticket at the end of their contract and expected to continue working.
Identified Perpetrators/Traffickers	Farmer
Criminal Investigation	Yes.
Classification/Charges Laid	No.
Criminal Prosecution	No.
Legal Outcome	None.
Source Reference/Link	Ricard-Guay & Hanley (2015) <i>Responding to Trafficking: The coordination of services for victims of human trafficking in Canada</i>
Summary	
<p>These workers worked 70 hours a week but their pay amounted to a mere \$0.50-\$0.70/hour. There was no violent coercion and they were free to use the phone and move about. The workers just wanted to finish their contract so that they could go home and hopefully secure a better contract for the following season. They feared that if they complained, they would be blacklisted and not able to return to Canada. When the end of their contract came, the employer did not have return tickets for them, kept their passports, and insisted they continue working. The workers objected and, after 5 days, contacted their Consulate for help. The Consulate called the police. Their return to Guatemala was arranged. A criminal investigation did not lead to charges in large part because there was no evidence that the workers feared for their safety or that of others, although labour standard violations were documented.</p>	

Case Number	16
Date	Reported 2013
Source of Data	Academic literature
City	Montreal
Province	Quebec
Identified Victims	1 worker
Victim(s) Country of Origin	Philippines
Gender	Woman
Type of Work	Domestic work
Type of Deception/Coercion	Sequestration, document confiscation
Type of Exploitation	Very low pay, extreme social isolation, denial of medical care, kept without immigration status
Identified Perpetrators/Traffickers	Series of private households
Criminal Investigation	Yes
Classification/Charges Laid	No
Criminal Prosecution	No
Legal Outcome	None
Source Reference/Link	Ricard-Guay & Hanley (2015) <i>Responding to Trafficking: The coordination of services for victims of human trafficking in Canada</i>
<p>Summary</p> <p>Domestic worker came to Canada accompanying her employers from the Middle East. Entered as a tourist and employers purposefully failed to obtain proper papers for her. She was kept locked in the family apartment, only allowed to go outside to accompany employer. Paid well below minimum wage. When one family left Canada to return to their country of origin, a new family would arrive to take over “the employment” of the worker. After 11 years of this, the worker one morning had a stroke in the family home. When the employers, themselves medical professionals, found her on the floor, they left her there for several hours before finally taking her to the hospital and abandoning her in the emergency room. The worker believes they were hoping she would die so that she would be less of a burden to them or so that she could not share her story. During her months-long hospitalization, she eventually told a Filipino hospital worker her situation and a police investigation ensued. However, they were unable to pursue charges because the worker was unable to provide sufficient details and because a series of employers were involved. The employers from the time of her stroke left the country soon after bringing her to the hospital. She received a TRP during her recovery and her humanitarian & compassionate claim was processed and accepted very quickly.</p>	

B) GOVERNMENT: (Cases 17-18)

Case Number	17
Date	2008
Source of Data	Government
City	Unknown
Province	ON
Identified Victims	Mexican man
Victim(s) Country of Origin	Mexico
Gender	Male
Type of Work	Agriculture
Type of Deception/Coercion	N/A
Type of Exploitation	Accident, no medical attention allowed by employer
Identified Perpetrators/Traffickers	Agricultural employer
Criminal Investigation	No
Classification/Charges Laid	No
Criminal Prosecution	No
Legal Outcome	N/A
Source Reference/Link	Parliament of Canada website http://www.parl.gc.ca/HousePublications/Publication.aspx?DocId=3866154&File=129&Language=E&Mode=1&Parl=40&Ses=2#_ftn114
Summary	
<p>While not a case of labour trafficking as there was no evident coercion involved, this is a clear case of labour exploitation. It was reported by the man's widow. He was part of the seasonal agricultural workers program (SAWP) and had chemicals spill on him while working in an Ontario greenhouse. The employer refused to allow him to even take a shower after the spill and did not take him for needed medical follow-up. He later died from complications based on this chemical spill. Alice, the man's widow, received no compensation from either the Mexican or Canadian government.</p>	

Case Number	18
Date	2009 - (year reported to committee)
Source of Data	Government
City	Toronto
Province	ON
Identified Victims	Hiten and Suresh
Victim(s) Country of Origin	India
Gender	Males
Type of Work	Catering company
Type of Deception/Coercion	Lied to about their being "standard working conditions and living accommodations" and about families being paid \$350 per month and each worker \$67 per month, confiscated passports
Type of Exploitation	Sleeping 8 to a room, excessive work hours, families received only \$700 total
Identified Perpetrators/Traffickers	Catering employer
Criminal Investigation	No
Classification/Charges Laid	No
Criminal Prosecution	No
Legal Outcome	N/A
Source Reference/Link	Ontario Legislative Assembly website http://www.ontla.on.ca/web/committee-proceedings/committee_transcripts_details.do?locale=en&BillID=2229&ParlCommID=8860&Date=2009-12-02&Business=&DocumentID=24590
Summary	
<p>Hiten and Suresh were both offered jobs in Ontario working for a caterer. They were promised standard working conditions and that they would be provided with living quarters. Furthermore, they were told that the employer would pay each of their families in India \$350 per month and that they would personally receive \$67 per month (\$2.60 per hour). When they arrived in Toronto their passports were taken away by the employer. They joined other temporary foreign workers of the caterer, sleeping eight to a room and working over 70 hours a week. The families of both workers received only \$700 each total. Each worker was owed well over the \$10 000 maximum amount recoverable under the Employment Standards Act by the time they could actually leave their jobs.</p>	

C) CANADIAN LEGAL DATABASES: (Cases 19-21)

Case Number	19
Date	2001 (year of judicial ruling)
Source of Data	Legal Database
City	Vancouver
Province	BC
Identified Victims	Chinese (Fujian) youth
Victim(s) Country of Origin	China
Gender	Male
Type of Work	Unknown
Type of Deception/Coercion	Unknown
Type of Exploitation	Unknown
Identified Perpetrators/Traffickers	Snakeheads
Criminal Investigation	Yes
Classification/Charges Laid	Human smuggling
Criminal Prosecution	Yes
Legal Outcome	Not trafficked, victim deported
Source Reference/Link	Quicklaw: Case citation - [2001] C.R.D.D. No. 150
<p>Summary</p> <p>This case concerned a minor from China. His family sent him to North America through payment to “Snakeheads.” The claimant argued he was vulnerable to being preyed upon by snakeheads should he be returned to China. The claimant had arrived by boat off coast of Vancouver with several other migrants in 1999.</p>	

Case Number	20
Date	2001 (year of judicial ruling)
Source of Data	Legal Database
City	Vancouver
Province	BC
Identified Victims	Chinese (Fujian) youth
Victim(s) Country of Origin	China
Gender	Male
Type of Work	Unknown
Type of Deception/Coercion	Unknown
Type of Exploitation	Unknown
Identified Perpetrators/Traffickers	Snakeheads
Criminal Investigation	Yes
Classification/Charges Laid	Human smuggling
Criminal Prosecution	Yes
Legal Outcome	Not trafficked, victim deported
Source Reference/Link	Quicklaw: Case citation - [2001] C.R.D.D. No. 215
<p>Summary</p> <p>This case is identical in all the important respects to the one listed above. Both youths came, assumedly, on the same boat. The judicial decision was the exact same.</p>	

Case Number	21
Date	2006 (year of judicial ruling)
Source of Data	Legal Database
City	Vancouver
Province	BC
Identified Victims	Mexican woman
Victim(s) Country of Origin	Mexico
Gender	Female
Type of Work	Domestic work
Type of Deception/Coercion	Promised a job in hair salon
Type of Exploitation	Forced to do domestic work, "locked in home"
Identified Perpetrators/Traffickers	Private individual
Criminal Investigation	Yes
Classification/Charges Laid	Trafficking in persons
Criminal Prosecution	Yes
Legal Outcome	Not Trafficked
Source Reference/Link	Quicklaw: Case citation - [2006] R.P.D.D. No. 15
<p>Summary</p> <p>The claimant alleged that she was drawn into a fraudulent scheme whereby applicants for a course in makeup artistry were lured to Vancouver from Mexico to be used as domestic help by the owners of the concerned school. The claimant attests that she was kept in service for two-and-a-half months before escaping and reporting her captors to Canadian Immigration authorities. According to testimony from the claimant there was no physical or sexual abuse. The claimant stated that work situation was fraudulently characterized as "home stay", but the claimant was not "locked in home" so technically was free to leave.</p>	

D) MEDIA: (Cases 22 – 36)

Case Number	22
Date	2012 (year reported on in the media)
Source of Data	Media
City	St. Paul
Province	AB
Identified Victims	At least 60 Polish migrants
Victim(s) Country of Origin	Poland
Gender	Male, maybe female.
Type of Work	Welders and machinists
Type of Deception/Coercion	Did not receive promised welding classes, threatened with bogus \$25,000 fine and with deportation if they did not "follow the rules", told not to discuss their wages or how they came to Canada
Type of Exploitation	Severely skimmed wages
Identified Perpetrators/Traffickers	John Lipinski (Ukrainian Orthodox Priest) , others working for Kihew Energy Services Ltd.
Criminal Investigation	Yes
Classification/Charges Laid	Human trafficking (under IRPA)
Criminal Prosecution	Yes (guilty plea was attained)
Legal Outcome	Fine: \$215 000
Source Reference/Link	http://metronews.ca/news/edmonton/398336/company-owned-by-priest-exploited-workers/
Summary	
<p>An Alberta company owned by an Orthodox priest was fined \$215,000 for bringing in foreign workers from Europe and exploiting their labour. Kihew Energy Services Ltd. pleaded guilty to breaching the Immigration and Refugee Protection Act (IRPA). The fine was paid to northern Alberta's Lakeland College, which the court said was unknowingly utilized by Kihew in the commission of the offence. Individual charges against the owners of Kihew, including Father John Lipinski, his wife Angela and Calvin Steinhauer, were dropped in exchange for the guilty plea. The police investigation found that Kihew had placed ads in a Polish newspaper and on a website to recruit European welders and machinists to come to work in Canada. An arrangement was made between Kihew and an employee of Lakeland College, who has since been fired, to pass the workers off as students training in welding and English as a second language (ESL). The first group of 60 workers arrived in December 2005. None attended the welding classes, a requirement of their student visas. The court found that Kihew made approximately 1 million dollars from the scheme of contracting out the foreign workers to several businesses at a high hourly rate while paying them very little. Lipinski lost his job at the church in the wake of the court proceedings.</p>	

Case Number	23
Date	2011 (year when victim fled to woman's shelter)
Source of Data	Media
City	Vancouver
Province	BC
Identified Victims	Single mother
Victim(s) Country of Origin	Kenya
Gender	Female
Type of Work	Domestic work
Type of Deception/Coercion	Promised a job as a hairdresser, confiscated passport
Type of Exploitation	No pay, excessive hours (18 hours per day, 7 days a week)
Identified Perpetrators/Traffickers	Mumtaz Ladha
Criminal Investigation	Yes
Classification/Charges Laid	Human trafficking
Criminal Prosecution	Yes
Legal Outcome	Acquitted (accused is now suing)
Source Reference/Link	http://www.cbc.ca/news/canada/british-columbia/mumtaz-ladha-suing-rcmp-after-acquittal-of-human-trafficking-charges-1.2967661
Summary	
<p>The RCMP charged Mumtaz Ladha with human trafficking, alleging she lured a young African woman to Canada and then forced her to work up to 18 hours a day as a domestic servant. Allegedly, the victim was promised a job in a hair salon, but upon her arrival in 2008 had her passport taken away and was forced into domestic work without pay. The victim fled to a women's shelter. Ladha has since been acquitted and is suing both the RCMP and the B.C. Civil Forfeitures Office.</p>	

Case Number	24
Date	2012 (year human trafficking ring busted)
Source of Data	Media
City	Hamilton
Province	ON
Identified Victims	Up to 19 Hungarian men
Victim(s) Country of Origin	Hungary
Gender	Male
Type of Work	Construction
Type of Deception/Coercion	Promised jobs and "an easy life", threatened violence against victims and families of victims, passports confiscated
Type of Exploitation	Restricted movement and confined to small spaces, food withheld, excessive work hours, little to no pay, made to apply for refugee status as well as welfare
Identified Perpetrators/Traffickers	Ferenc Domotor and Domotor-Kolompar criminal organization
Criminal Investigation	Yes
Classification/Charges Laid	Human trafficking (under Criminal Code)
Criminal Prosecution	Yes
Legal Outcome	20 members of criminal organization served jail sentences and then deported by CBSA
Source Reference/Link	http://www.cbc.ca/news/canada/hamilton/news/20-hamilton-human-trafficking-ring-members-deported-1.2714261
<p>Summary</p> <p>This is the most significant prosecuted case under human trafficking laws in Canada. The victims were young Hungarian men who were recruited under false pretenses and were forced to work for little to no pay in Hamilton, Ontario for a construction company. They were lied to about the conditions of work, incurred debts to recruiters, had threats made to themselves and to their families. They were also forced to make false refugee claims and made to make claims for social services for which they received no money. Further, bank account documents were confiscated along with passports. Further, victims lived in substandard housing, were fed leftovers and usually only one meal per day. Working hours were excessive, approximately 13-14 hours per day for up to three months. Finally, some victims were not allowed to contact their families and they were not allowed to leave the house without permission.</p> <p>While not directly related to human trafficking, it is instructive to note that a hit man was hired to kill the two investigators on this case. That the criminal ring behind these trafficking cases was willing to try to kill RCMP officers sheds some light on the characters of the people involved in this labour exploitation and the conditions workers faced at their hands.</p> <p>http://www.theglobeandmail.com/news/national/how-canadas-massive-human-trafficking-ring-was-brought-down/article4098695/?page=all</p>	

Case Number	25
Date	2012 (year reported on in the media)
Source of Data	Media
City	Mississauga
Province	ON
Identified Victims	A number of Hungarians
Victim(s) Country of Origin	Hungary
Gender	Male and Female
Type of Work	Restaurant and renovation business
Type of Deception/Coercion	Promised jobs and decent working conditions
Type of Exploitation	Forced labour, forced to sleep on "yoga mats" in the restaurant basement, no pay, in some cases only given 1 meal per day.
Identified Perpetrators/Traffickers	Csilla Yit
Criminal Investigation	Yes
Classification/Charges Laid	Human trafficking, theft over \$5000, withholding or destroying documents, employing foreign nationals
Criminal Prosecution	Yes
Legal Outcome	Unknown, most recently accused was denied bail
Source Reference/Link	http://www.thespec.com/news-story/2263596-alleged-human-trafficker-denied-bail/
<p>Summary</p> <p>Csilla Yit, a woman from Hamilton, ON, was arrested and charged by the Royal Canadian Mounted Police (RCMP) with human trafficking offences. Yit was accused of having promised Hungarian immigrants work and decent pay in Canada and of subsequently denying them their salaries and failing to provide adequate food or decent housing.</p>	

Case Number	26
Date	2013 (charged/sentenced); 2015 (accused granted new trial)
Source of Data	Media
City	Vancouver
Province	BC
Identified Victims	Leticia Sarmiento
Victim(s) Country of Origin	Philippines
Gender	Female
Type of Work	Domestic work
Type of Deception/Coercion	Entered Canada on false pretenses due to employer lying on her behalf
Type of Exploitation	Underpaid
Identified Perpetrators/Traffickers	Franco Orr, Oi Long Nicole Huen
Criminal Investigation	Yes
Classification/Charges Laid	Human trafficking
Criminal Prosecution	Yes
Legal Outcome	18 months jail sentence for Franco Orr (but received a new trial in 2015); Oi Long, Franco Orr's wife, acquitted after couple's jury trial.
Source Reference/Link	https://ca.news.yahoo.com/b-c-man-convicted-human-trafficking-nanny-case-202158611.html
<p>Summary</p> <p>Franco Orr was convicted in 2013 for human trafficking, illegally employing a foreign national, and lying to immigration officials, and was sentenced to 18 months in jail. Orr allegedly lied to get his Filipino nanny, Leticia Sarmiento, into Canada and then treated her like a slave. Sarmiento was paid \$500 per month to take care of three children and claims she was subject to humiliating and degrading treatment (this is contested by the Crown). Orr was charged along with his wife, Oi Long Nicole Huen, who was acquitted after the couple's jury trial. Orr appealed and has received a new trial.</p>	

Case Number	27
Date	2007 - (year victim made complaint to police)
Source of Data	Media
City	Montreal
Province	QC
Identified Victims	Manaya
Victim(s) Country of Origin	Ethiopia
Gender	Female
Type of Work	Domestic work
Type of Deception/Coercion	Lied to about working conditions, identity documents confiscated.
Type of Exploitation	Excessive work hours, confinement within the home
Identified Perpetrators/Traffickers	Nichan Manoukian and Manoudshag Saryboyadjian
Criminal Investigation	Yes
Classification/Charges Laid	Human trafficking
Criminal Prosecution	Yes
Legal Outcome	Not Trafficked
Source Reference/Link	http://www.canada.com/montrealgazette/news/story.html?id=7551a78e-cf3d-4bd7-8872-b1bd9f9a9a96&k=52157
<p>Summary</p> <p>Initially this case was held up by the RCMP as the first instance of charges laid for human trafficking in Canada. However, insufficient evidence of trafficking lead these charges to be dropped. The accused couple attest to their innocence and believe that Manaya, their domestic worker, was forced to make up her story by some unknown party to avoid deportation.</p>	

Case Number	28
Date	2011 - (year law enforcement were called to location on unrelated matter)
Source of Data	Media
City	Vancouver
Province	BC
Identified Victims	Hong Kong woman
Victim(s) Country of Origin	Hong Kong
Gender	Female
Type of Work	Domestic work
Type of Deception/Coercion	Fear of deportation, confiscated passport
Type of Exploitation	Excessive work hours, underpaid
Identified Perpetrators/Traffickers	Vancouver couple
Criminal Investigation	Yes
Classification/Charges Laid	Organizing illegal entry into Canada, organizing entry into Canada by illegal means (under IRPA)
Criminal Prosecution	Yes
Legal Outcome	Unknown
Source Reference/Link	http://www.cbc.ca/news/canada/british-columbia/vancouver-couple-facing-human-smuggling-charges-1.1101747
<p>Summary</p> <p>A Vancouver couple faced human smuggling charges for allegedly bringing a Filipino servant from Hong Kong to Canada illegally and forcing her to work in domestic servitude for several years. This was one of the first human smuggling issues that the Vancouver police have dealt with.</p>	

Case Number	29
Date	2008 - (year reported on in media)
Source of Data	Media
City	Elmvale
Province	ON
Identified Victims	11 Filipino men
Victim(s) Country of Origin	Philippines
Gender	Males
Type of Work	Agriculture/range of other menial jobs
Type of Deception/Coercion	Arranged work not available/other work offered at half pay (or less)
Type of Exploitation	Poor housing conditions, pay withheld
Identified Perpetrators/Traffickers	Susan Teng (recruiter in Canada), Bob De Rosa (employer)
Criminal Investigation	Yes
Classification/Charges Laid	No charges laid. RCMP determined that there was insufficient evidence of trafficking under Criminal Code (case did not meet "fear requirement")
Criminal Prosecution	No
Legal Outcome	N/A
Source Reference/Link	http://www.thestar.com/news/investigations/2008/08/30/exploited_workers_canadas_slave_trade.html
<p>Summary</p> <p>An Oakville labour supply company ComFact responded to a federal contract to supply labour to build two large icebreaker ships. ComFact's owner, Robert McAllister, obtained Labour Market Opinions (LMOs) for more than 100 workers and sent paper work over to the Philippines. Two recruiting agencies in Manila ran job ads and attracted 11 workers who were approved. These men quit their jobs and some sold all of their possessions and took out loans to afford the \$12,000 payment that recruiters requested. The group of men flew to Toronto on June 29, 2007. They were never told, but the Canada government had scrapped the icebreaker contract. As a result, ComFact had no jobs for them at all. McAllister's LMOs were likely used improperly to get these workers into Canada. Upon arriving at Pearson International Airport, the men were met by Susan Teng, who lied about working for ComFact when in fact she worked for the recruiting company (Cete Millenium) in Manila. The 'Elmvale 11' were ordered to hand over their passports and work permits and the telephones in the cramped room they stayed in were removed. After a week of waiting, the workers were told ComFact had backed out but that an alternate employer would take them in Elmvale. In Elmvale they were greeted by their new employer, Bob De Rosa, who put them in a run-down farm house with mud on the floor and no food in the fridge. Food was supplied intermittently. The men eventually fled to a neighbour's place, the home of a farmer and Barrie city cop. They returned to De Rosa and told him they were no longer working for him - De Rosa threatened them with deportation. Two hours later, the men were rescued by Filipino consulate officials. In the wake of this incident, the Filipino government closed down the two recruiting agencies involved (Cete Millenium and Sanlee). However, the men never received justice directly. RCMP Constable Julie Meeks said "The way exploitation is phrased in the Criminal Code, they have to fear for their safety or their lives. They just didn't have that fear".</p>	

Case Number	30
Date	2012 - (year reported on in media)
Source of Data	Media
City	Abbotsford
Province	BC
Identified Victims	2 Mexican men
Victim(s) Country of Origin	Mexico
Gender	Males
Type of Work	Agriculture
Type of Deception/Coercion	Denied ability to change jobs, not allowed to return home
Type of Exploitation	Employer was verbally abusive
Identified Perpetrators/Traffickers	Agricultural employer
Criminal Investigation	No
Classification/Charges Laid	N/A
Criminal Prosecution	No
Legal Outcome	N/A
Source Reference/Link	http://www.cbc.ca/news/canada/british-columbia/b-c-farm-workers-treated-like-hostages-1.1147277
Summary	
Two Mexican men employed as seasonal workers on an Abbotsford, B.C., farm say they felt trapped after they were denied their contractual rights to either go to work on another farm or be sent back to Mexico.	

Case Number	31
Date	2009 - (year reported on in media)
Source of Data	Media
City	Toronto
Province	ON
Identified Victims	Mac Akela
Victim(s) Country of Origin	India
Gender	Male
Type of Work	Chef
Type of Deception/Coercion	Unknown
Type of Exploitation	Received only half his promised salary, cramped living quarters, fired for asking for full salary
Identified Perpetrators/Traffickers	Unknown
Criminal Investigation	No
Classification/Charges Laid	No
Criminal Prosecution	No
Legal Outcome	N/A
Source Reference/Link	http://www.thestar.com/news/investigations/2009/11/02/part_2_a_temporary_workers_catch22.html
<p>Summary</p> <p>After being fired for asking for his full wages, Akela was kicked out of his apartment that his employer had been paying for. This left him homeless and he ended up in a homeless shelter. He took his case to the Ontario Labour Relations Board in May 2008 and received \$2000 rather than the \$8500 or so he was owed. He was then hired by a new employer and was fired again after asking for a work visa so that he could get OHIP. Immigration Canada did not issue him a work permit so he began to work illegally. His first employer did not pay him at all. A work place injury at a second employer's restaurant landed him in the hospital where he was given a \$150 bill.</p>	

Case Number	32
Date	2014 (year provincial government officials contacted RCMP); 2015 (reported on in the media)
Source of Data	Media
City	Red Deer
Province	AB
Identified Victims	8 temporary foreign workers
Victim(s) Country of Origin	Undisclosed countries
Gender	Male and Female
Type of Work	Hospitality/Maintenance
Type of Deception/Coercion	Brought to Canada under illegally dubious pretenses
Type of Exploitation	Abusive working conditions
Identified Perpetrators/Traffickers	Ravinder Sidhu and his wife Varinder Sidhu
Criminal Investigation	Yes
Classification/Charges Laid	Trafficking in persons.
Criminal Prosecution	TBD (to be determined)
Legal Outcome	TBD
Source Reference/Link	http://www.calgarysun.com/2015/04/17/harsh-treatment-of-workers-by-red-deer-motel-operators-results-in-human-trafficking-charges
<p>Summary</p> <p>The RCMP have charged a couple with human trafficking offences involving foreign labourers allegedly working under abusive conditions at a motel in Red Deer. 8 Temporary workers from undisclosed countries were employed at the Econolodge when provincial government officials contacted RCMP in June 2014 with concerns over their treatment. One of the allegations is that the men and women were brought into Canada through deception or coercion. Further details have not been released regarding the victims.</p>	

Case Number	33
Date	2015 (year BC Human Rights Tribunal made decision)
Source of Data	Media
City	Richmond
Province	BC
Identified Victims	P.N.
Victim(s) Country of Origin	Philippines
Gender	Female
Type of Work	Domestic work
Type of Deception/Coercion	Forced to sign a contract that victim would have to pay \$14,000 if left employer without 1 months' notice, children threatened
Type of Exploitation	Excessive hours, forced to perform sexual acts at insistence of employer, humiliated and degraded by employer and even by the family's children, isolated, underfed
Identified Perpetrators/Traffickers	Family who lived in Hong Kong and then Richmond, BC
Criminal Investigation	Yes
Classification/Charges Laid	Human trafficking, Injury to dignity
Criminal Prosecution	No
Legal Outcome	Victim awarded \$50,000
Source Reference/Link	http://www.employmentlawtoday.com/articleview/24104-virtual-slave-awarded-50000-for-injury-to-dignity
<p>Summary</p> <p>A domestic worker from the Philippines, P.N., was placed with a family as a housekeeper and caregiver to their two children. P.N. had two children of her own, whom she left in the Philippines, and she sent money back to support them. She first worked for the family in Hong Kong and, after about a year, the employers persuaded her to join them when they moved to Canada. P.N. was only in Canada for about 6 weeks before she escaped from the hotel where the family was staying, eventually taking refuge with an organization that assists victims of human trafficking. P.N.'s treatment in both Hong Kong and Richmond, B.C. was horrendous. According to the British Columbia Human Rights Tribunal, P.N. had to perform sexual acts at the whim and insistence of her employer, she was humiliated and degraded by her other employer, and she was even made fun of by the children who were in her care. She was isolated, underfed and treated like she was sub-human. Due to recruiter fees, P.N. started her employment in debt and her employers would remind her that she needed to comply with their demands so that she could repay her debt and support her children. After P.N. escaped, she discovered that the visa obtained by her employers for her was a visitor's visa, so she was unable to work or to access any government benefits. A counselor diagnosed her with post-traumatic stress disorder.</p>	

Case Number	34
Date	2011 (year of Canadian Immigration Board decision)
Source of Data	Media
City	Windsor
Province	ON
Identified Victims	19 Thai people
Victim(s) Country of Origin	Thailand
Gender	Female
Type of Work	Agriculture
Type of Deception/Coercion	Told they would receive \$2,000 per month, passports confiscated
Type of Exploitation	Restricted movement, excessive work hours, abusive employers
Identified Perpetrators/Traffickers	Agricultural employer
Criminal Investigation	Yes
Classification/Charges Laid	Human trafficking
Criminal Prosecution	Unknown
Legal Outcome	Canadian Immigration Board ruled that the Thai farm workers were allowed to stay in Canada for 2 additional years on temporary permits
Source Reference/Link	http://www.cbc.ca/news/canada/windsor/thai-victims-of-human-trafficking-can-stay-in-canada-1.1106525
<p>Summary</p> <p>19 Thai farm workers paid recruiters up to \$10,000 each to come to Canada to work for employers who were in some cases abusive. Workers were promised \$2,000 per month but did not receive this and in fact sometimes worked for nothing at all. The Canadian Immigration Board decided that the workers should not be deported and they were instead granted 2 year temporary permits. The incident has been labeled "human trafficking", at least in the media (possibly also in the decision of the Canadian Immigration Board).</p>	

Case Number	35
Date	2014
Source of Data	Media
City	Victoriaville
Province	QC
Identified Victims	Mario Rodolfo Garcia
Victim(s) Country of Origin	Guatemala
Gender	Male
Type of Work	Agriculture
Type of Deception/Coercion	Forced sign contracts in French (speaks only Spanish) that stipulated his passport could be confiscated and personal mail checked, threatened with dismissal and deportation if refused any aspect of the job
Type of Exploitation	Fired for a workplace injury, inhumane working conditions, sharing cramped quarters, worked excessive hours
Identified Perpetrators/Traffickers	Service Avicole JGL
Criminal Investigation	No
Classification/Charges Laid	No
Criminal Prosecution	No
Legal Outcome	N/A
Source Reference/Link	CBC: http://www.cbc.ca/news/canada/montreal/guatemalan-chicken-catcher-in-quebec-alleges-abusive-work-practices-1.2716985
<p style="text-align: center;">Summary</p> <p>Mario Rodolfo Garcia came to Canada on and off for many years to work 6 – 8 month stretches at Service Avicole JGL in Victoriaville, Quebec. Along with several other workers at this agricultural company, Garcia experienced verbal abuse, excessive work hours (anywhere between 60 and 105), and a work place injury for which he was fired. As he only spoke Spanish it was impossible for him to understand the conditions of the contracts he signed which were exclusively in French. No interpreters were offered and the contracts contained clauses specifying that his passport could be kept under lock and key by the employer and that his personal mail could be read by his employer. He and his co-workers were regularly threatened with dismissal and deportation if they did not perform all of the assigned tasks in the time allotted.</p>	

Case Number	36
Date	July 2012
Source of Data	Media
City	Thompson
Province	Manitoba
Identified Victims	Antonio Laroya, Arnisito Gaviola, Ermie Zotomayor
Victim(s) Country of Origin	Philippines
Gender	Male
Type of Work	Gas station
Type of Deception/Coercion	Told erroneously that their work permit would be updated
Type of Exploitation	Unpaid labour
Identified Perpetrators/Traffickers	Adnan Chaudhary
Criminal Investigation	Yes
Classification/Charges Laid	Illegal hiring of foreign workers
Criminal Prosecution	Yes
Legal Outcome	Fine of \$12,000 for employer, three workers told to leave Canada by IRB Tribunal.
Source Reference/Link	Huffington Post: http://www.huffingtonpost.ca/2012/07/04/adnan-chaudhary-foreign-workers_n_1649956.html
<p>Summary</p> <p>Antonio Laroya, Arnisito Gaviola, and Ermie Zotomayor are middle-aged men from the Philippines who were laid off from jobs in Alberta and offered work at a gas station in northern Manitoba. They were dubbed the ‘three amigos’ by supporters of their case. Their employer was promised to update their work permits but didn’t. The men were surveilled by the RCMP and were eventually arrested and lost the source of income with which they had been supporting their families back home. Their employer was fined \$12,000 for illegally hiring them. The Immigration and Refugee Board Tribunal charged the ‘three amigos’ with working illegally. They were told that regardless of whether their employer was at fault, they were responsible for making sure their work permits hadn’t expired. They were disallowed from entering Canada for an entire year.</p>	

5 Discussion

Based on the literature scan as well as the sample of cases collected here, what can we say about labour exploitation and/or labour trafficking in Canada? Further, how do Canadian policing and legal authorities handle these abuses? While countless numbers of foreign workers are severely mistreated and taken advantage of here in Canada, it is rare that police and/or prosecutors treat these instances as “labour trafficking” offences. In fact, problematically it is far more likely for these cases to be treated as issues of ‘illegal’ immigration than as cases of labour trafficking, reversing the blame and pinning it on the victims of these situations (Dandurand & Chin 2014). The rarity in approaching these cases as labour trafficking matters may be in large part due to the way this offence is defined in the Criminal Code and the Immigration and Refugee Protection Act (IRPA). There were at least a couple cases in this report where no charges were laid because “fear for safety” could not sufficiently be established, despite the presence of other obviously coercive and exploitative factors.

The main pattern of labour exploitation observed in the 36 cases documented here involves victims from poor economic backgrounds who perceived opportunities for better lives in Canada. Sometimes they sold off possessions or took out loans in their country of origin in order to pay exorbitant recruiter fees so that they could secure what they believed to be jobs with reasonable pay and working conditions. Upon arrival, their employers almost always confiscated identity documents as the first step to their exploitation in Canada. Victims were then forced to work long hours for little pay and are often severely isolated. Employers used a range of tactics to ensure compliance and to prevent victims from leaving or reporting their situation. Victims were threatened with physical violence, but more often with deportation and destitution. Workers who had families back home were often reminded by their employers that they need to feed and support their own families. In particularly egregious cases, labour exploitation was also combined with sexual assault. In at least one of the cases this treatment led to a diagnosis of posttraumatic distress disorder (PTSD). In some cases even when medical attention was desperately needed, employers refused to allow workers to access it. In at least one instance, not receiving medical attention for a workplace injury resulted in a death.

Some victims of trafficking have benefited from the Canadian government’s temporary permit program, which enables individuals without legal status to stay in Canada for 180 days. In one prominent case involving Thai agricultural workers, victims all received temporary resident permits (TRPs). It is important to note that these permits have been more difficult for victims of trafficking to attain in recent years, with far fewer issued. Citizenship and Immigration Canada (CIC) issued on average 32 TRPs each year between 2006 and 2012. Just 14 permits were issued across the country in 2013, the most recent year for which figures are available (Carman 2015). Not having an open police case against their former employer can make it especially difficult for victims to attain TRPs (Ricard-Guay &

Hanley, 2015). Another important note is that while in some cases a judge acquitted the accused, this does not necessarily put into question the veracity of victim's accounts.

Another theme that emerged through the 36 cases collected here was that third party recruitment agencies operating within Canada, as well as outside of it, engage in a variety of questionable business practices that include charging exorbitant recruitment/placement fees. According to the regulations of temporary foreign worker programs, through which many labour trafficking victims arrive, these recruitment fees are illegal. Many victims paid approximately \$10,000 to recruiters in order to work in Canada. Labour recruiting entities also intentionally misfiled application paperwork and lied to workers about which permit they were receiving (a commonly seen scenario is a worker receiving a visitor permit rather than work permit, or receiving a permit that does not match up with place of employment). A falsely recruited live-in-caregiver, for instance, was forced into "illegality" when her abused led her to seek work with another employer.

One particular form of deception identified here involved Labour Market Opinions (LMOs), documents required by employers to show that they have made sufficient efforts to hire Canadians before hiring foreign workers. These LMOs, originally issued by the Canadian government for legitimate contracts, have been used overseas to recruit foreign workers for contracts that have expired and that do not even exist anymore. When workers arrive in Canada, they are taken by recruiters and leased out to alternate employers who are not bound by any employment agreements or contracts. It should be noted that this process, nominally in place to protect both Canadian and foreign workers, was easily exploited by traffickers.

CATHI can continue to make valuable contributions in the areas of human trafficking research and advocacy by engaging with the ways in which the issues are framed and defined. It is obvious from these 36 documented cases of labour exploitation that there is a problematic pattern of people being brought into Canada under false pretenses, where they are exploited for their labour and often abused and dehumanized. These 36 cases are merely a small sample of a much larger problem. It is clearly not useful to focus exclusively on sex trafficking, as many organizations, media outlets, and law enforcement and criminal justice actors have often done. In an expansion of attention to include labour trafficking and labour exploitation, it will be important to recognize the many ways in which the labour of foreign workers can and has been exploited. In doing so, continuums of coercion and exploitation are useful tools to avoid creating blind spots or neglecting victims in cases where current criminal justice thresholds are not met.

Finally, it is significant that the perpetrators of a large majority of labour exploitation cases in Canada are not members of organized crime groups, as one might infer from often sensationalized media stories, but are rather private individuals: farmers, factory managers, restaurant and small business owners, and in the domestic sphere, mothers and fathers. While their specific actions may differ, it seems reasonable to infer that they each have the shared motive of economic opportunism. This pattern of abusing foreigners in order to cynically put profits over people is disturbing indeed, but what is more it is happening in counties, small towns, and large urban centers all across Canada. There is no corner of

Canada that is immune. This is why it is so important to engage relevant stakeholders including government agencies, community organizations, and the broader public in a dialogue about the labour exploitation that is happening in our own backyards. Together, we must decide what kind of communities we want to create and how we can make them safe for all, especially the most vulnerable.

Developing strategies to combat traffickers is one part of this. The impunity experienced by most perpetrators implies that these cruelties will continue unabated unless something changes. Further amendments to existing trafficking legislation are likely needed to make it easier for police to lay charges for labour trafficking and for judges to be able to determine that labour trafficking has occurred in a wider range of cases and situations. Strengthening existing mechanisms that empower victims to come forward will also be an essential component of reducing cases of labour exploitation in Canada; perhaps finding new ways to empower victims will be needed as well. In the policy realm, changes to the temporary foreign worker programs, for instance not limiting a foreign worker to a single employer, will make it easier for victims to leave exploitative workplaces and will reduce the employers ability to apply coercion. As Faraday (2012) states: “[migrant] worker’s insecurity is built by law. The law doesn’t only create vulnerability but it fails to address exploitation and allows it to flourish”. Therefore, a criminal justice, ‘trafficking frame’ approach to labour exploitation is clearly needed but will not be sufficient given the widespread nature of the problem. The ability for employers to exploit migrant workers is currently all too easy given the nature of temporary worker programs themselves. Systemic change will be required to adequately address this moral crisis of labour exploitation in our own backyards.

6 References

An Act respecting immigration to Canada and the granting of refugee protection to persons who are displaced, persecuted or in danger SC 2001, c 27 [*Immigration and Refugee Protection Act*].

Carman, T. (2015). Permits for human trafficking victims becoming harder to get: advocate. *The Vancouver Sun*. Retrieved from <http://www.vancouversun.com/life/Permits+human+trafficking+victims+becoming+harder+advocate/10950113/story.html>

Criminal Code of Canada, s 279.01, RSC 1985, c C-46

Dandurand, Y., & Chin, V. (2014). *Uncovering Labour Trafficking in Canada: Regulators, Investigators, and Prosecutors*. Law Enforcement and Policing Branch of Public Safety Canada.

Fudge, J., & MacPhail, F. (2009). The Temporary Foreign Worker Program in Canada: Low-Skilled Workers as an Extreme Form of Flexible Labour. *Comparative Labor Law and Policy Journal*, 31, 101-139. Retrieved from http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1552054

Gabriele, F., Sapoznik, K., Serojtdinov, A., Williams, E. (2014) *The Incidence of Human Trafficking in Ontario*. Retrieved from <http://www.allianceagainstmodernslavery.org/sites/default/files/AAMS-ResearchData.pdf>

House of Commons Canada. (2009). *Temporary Foreign Workers and Non-status Workers*. Standing Committee on Citizenship and Immigration. Ottawa.

International Organization for Migration. *Counter Trafficking and Assistance to Vulnerable Migrants. Annual Report of Activities 2011*. Geneva: IOM. 2012

Kaye, J., Winterdyk, J., & Quarterman, L. (2014). Beyond Criminal Justice: A Case Study of Responding to Human Trafficking in Canada 1. *Canadian Journal of Criminology and Criminal Justice/La Revue canadienne de criminologie et de justice pénale*, 56(1), 23-48.

Macovei, L. (2012). *Rights of Temporary Foreign Workers in Canada* (Doctoral dissertation, University of Alberta).

Nakache, D. (2010). The Canadian temporary foreign worker program: Regulations, practices and protection gaps. The Research Alliance on Precarious Status Workshop: Producing and Negotiating Precarious Migratory Status in Canada. Toronto: York University (16th September). www.yorku.ca/raps1/events/pdf/D_Nakache.pdf

Sikka, A. (2013). *Labour Trafficking in Canada: Indicators, Stakeholders, and Investigative Methods*. Public Safety Canada. Retrieved from <https://www.publicsafety.gc.ca/lbrr/archives/cn63310954-eng.pdf>

Ricard-Guay, A. & J. Hanley (2015). *Responding to Trafficking: The coordination of services for victims of human trafficking in Canada*. CATHII: Montreal.

Temporary Foreign Workers: Your Rights Are Protected. (n.d.). Retrieved August 18, 2015, from <http://www.cic.gc.ca/english/pdf/pub/tfw-rights-english.pdf>

Thomas, D. (2010, February 1). Foreign nationals working temporarily in Canada. Retrieved from <http://www.statcan.gc.ca/pub/11-008-x/2010002/article/11166-eng.htm>

US State Department *Trafficking in Persons Report: Canada Chapter* (2014). Embassy of the United States. Retrieved from <http://canada.usembassy.gov/key-reports/trafficking-in-persons-report/2014-trafficking-in-persons-report-canada-chapter.html>

United Nations Office on Drugs and Crime. *Global Report on Trafficking in Persons 2012*. New York: United Nations, 2012.