Submission to the UN Special Rapporteur on Contemporary Forms of Slavery
from
the Global Alliance Against Traffic in Women (GAATW) Canada
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Priority issues/concerns that warrant the attention of the Special Rapporteur

In the last five years, the Government of Canada has carried out several studies on human trafficking and related issues - in 2018, 2022 and right now in 2023.

In these studies, the conflation of sex work and human trafficking dominated the discourse. Stymied by an ideological debate about sex work, the studies resulted in little progress on human trafficking, including forced labour, policy, prevention or response. Canada is not moving toward a much-needed, nuanced analysis of forced labour or human trafficking supported by empirical, social-scientific evidence. Exploitative labour practices in industries apart from sex industry do not receive the attention and resources from policymakers that they require.

At the same time, the approach towards the sex industry is one that attempts to eliminate it rather than address the conditions that may be conducive to situations of forced labour and debt bondage in the industry. There are two pieces of legislation that are particularly harmful to individuals working in the sex industry and must be repealed:
The 2014 *Protection of Communities and Exploited Persons Act* (PCEPA) prohibited the purchase of sexual services, advertising sexual services (except one's own), materially benefiting from a sex worker's earnings, and communicating about the sale of sexual services in a public place and/or next to a playground, school, or daycare centre. Since then, numerous academic and community studies, as well as the government's own review of the legislation, have demonstrated that PCEPA has made it more difficult for sex workers to find clients, negotiate the terms and payment of the services they provide, and take measures to ensure their own safety. Given the reduced ability to find clients and work independently, some sex workers have been forced to rely on third parties to arrange their clients and working conditions. While it is unclear to what extent such arrangements may amount to forced labour, it is clear that the provisions in PCEPA create conditions that increase the risks of forced labour and debt bondage.

With respect to migrant women, section 203(2)(a) of the *Immigration and Refugee Protection Regulations* prohibits the employment of temporary residents in any form of sex work (including striptease, erotic massages and dances). This provision forces migrant women who wish to work in the sex industry - which typically offers better pay than other work for women with low education

or qualifications (or education and qualifications that are not recognised by the Canadian government and employers) - to work in illegality and under the control of managers who may use their immigration status as a leverage to impose debt and bad working conditions. This section 203(2)(a) of the *Immigration and Refugee Protection Regulation*s creates conditions for debt bondage and forced labour for migrant women who work in the sex industry. PCEPA must be repealed, as well as the immigration prohibition- as the government's evaluation of PCEPA recommended - in order to significantly reduce the risks of forced labour and debt bondage in the sex industry. GAATW Canada's recommendation aligns with the Special Rapporteur's mandate, which states that slavery often occurs in isolated areas and access can be challenged or compromised when workers are involved in illegal activities.

In regard to employment precarity, forced labour, and debt bondage in industries such as care work, hospitality, agriculture, construction, and transportation, among other industries, Canada has a long history of creating labour migration programs that bring migrant workers from the Global South to work in low-wage jobs with few labour protections. The history of these programs is tied to Canadian citizenship and immigration laws that not only prohibited non-white immigrants from coming to Canada, but also only allowed them to access temporary work but not immigration status. Today, the Temporary Foreign Worker Program and the Seasonal Agricultural Worker Program are two examples of labour migration programs which perpetuate structural inequity and systemic racism in Canada's labour market. Temporary work permits include conditions such as restricting the worker to one employer, to a specific job, at a specific location, and to housing owned or controlled by the employer. Migrant workers may also have to pay fees that can range from six months to two years of their salaries to secure these low-wage jobs. If a worker is found to be working in ways that are inconsistent with the permit's conditions, the worker is considered out of status and at risk of deportation. If a worker resists exploitation, the worker can become homeless or jobless. The power imbalance creates systemic conditions that contribute to forced labour and debt bondage, which speaks to the point in the Special Rapporteur's mandate that fear and the need to survive do not encourage them to speak out. There are few pathways to recourse.

Although migrant workers, advocates, and researchers have spent decades raising concerns about the structural inequity in labour migration programs, the Government of Canada has been slow to act. There has been minimal effort to implement policies that regularize immigration status or improve socio-economic conditions for migrant workers of different economic status. Starting January 30, 2023, family members of most foreign workers can apply for an open work permit, but exceptions may apply to family members of low-skilled workers.

In regard to other issues, on May 11, 2023, the *Fighting Against Forced Labour and Child Labour in Supply Chains Act*, a supply chain transparency law aimed at preventing and reducing the risk of forced labour and child labour in supply chains, received royal assent by the Government of Canada. Critics assert that the legislation does not hold companies accountable and doesn't have the power to end harmful practices since it does not require companies to do anything about human rights

abuses in their supply chains or global operations. Further, the legislation does not provide people who are harmed by Canadian companies, their subsidiaries or their suppliers access to remedy for the abuse they have suffered, such as by bringing their grievances to Canadian courts. While it is still early to predict the impact of this legislation, we hope the Special Rapporteur can highlight these shortcomings to the Government.

The Government of Canada is also currently amending human trafficking legislation. As with other human trafficking legislative amendments since 2010, the evidentiary basis is unclear. For critical analyses of these amendments, please refer to appendix C in *Canadian Human Trafficking Prosecutions and Principles of Fundamental Justice: A Contradiction in Terms?* (Millar & O'Doherty, 2020). The government must ensure that any legislation, implementation regulations, and funding streams related to human trafficking and forced labour are grounded in sound evidence.