

Understanding Labour Trafficking in Canada

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Abstract

Labour trafficking in Canada is understudied in criminology. There is an overrepresentation of sexual exploitation research within human trafficking research and not much is known about labour trafficking. Even less is known about labour trafficking in Canada as labour trafficking is a complex crime with a few different theories explaining it. For my Honours research project, I used an annotated bibliography method to represent the current research available. I searched for articles related to labour trafficking in Canada and I also borrowed some search strategies and terms from the research librarians. I looked for a variety of sources including CanLII and newspaper cases, governmental and NGO reports, and academic research articles to understand labour trafficking. There has been some research calling for legal reform and policy recommendations on labour trafficking (*Canadian Centre to End Human Trafficking*, 2022). There have been a few labour trafficking cases in Canada which were prosecuted by the judicial system and reported to the police. There were some cases in the news about labour trafficking but not found in legal decisions from CanLII. Current Legislation includes the *Criminal Code R.S.C., 1985, c. C-46*, the *Immigration and Refugee Protection Act S.C. 2001, c. 27*. This legislation is included because it outlines human trafficking and the punishments for it and the legislation acknowledges this crime and makes direct references to it. There has been some advocacy work done by non-profit organizations and some suggestions about government intervention, but the data is complex. This study is exploratory, so limitations include low generalizability and more generic descriptions of labour trafficking. More research is needed to understand the specifics of labour trafficking in Canada.

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Introduction

Labour trafficking is defined in Canada as recruiting, holding, and moving victims to locations for forced labour that is not for sex work or sexual exploitation (Public Safety Canada, 2022). More people are aware of human trafficking for migration or sexual exploitation, but fewer people are informed about labour trafficking specifically in the hospitality industries for example. The International Labour Organization (2017, p.5) estimated that “in 2016, 25 million people worldwide were victims of forced labour”. Lemahieu, Me, & Ye (2022) stated that the global pandemic had fewer opportunities for victims to be detected by the police. In 2020 59% fewer victims were detected in the East Asia region, 40% less in the Middle East and North Africa, 12% less in Sub-Saharan Africa, 32% less in South America, and 36% less in the Caribbean and Central America region compared to 2020. This was the first time that the number of human trafficking victims detected decreased globally. Lemahieu, Me, & Ye (2022) suggested that this could push crime “further underground” (p.3). As the statistics show, criminal justice agencies are only starting to begin to understand what labour trafficking is and how crime prevention in Canada must respond to it. Additionally, 3541 human trafficking cases were reported to the police in Canada between 2011-2021 (Conroy, 2022). The average annual rate for human trafficking was 0.9 incidents/100 000 in Canada (Conroy, 2022).

What can be shocking to many is that slavery continues to persist in Canada. Despite abolition movements of the past and human rights movements from social justice advocates, human trafficking still happens in Canada. People must be grateful for the advocacy work in the past that has led to our current progress yet more must be done to eliminate it and eradicate its evils from Canadian society. Just because something is criminalized it does not mean that it does

not happen. Labour trafficking specifically is secretive and less is currently known about it. However, by speaking up based on what research says about labour trafficking progress can be made. If more criminal justice agencies can be aware of this crime and fight against the evils of labour trafficking, then perhaps one day that number can be zero.

Different theories have been proposed to describe labour trafficking and why it happens. However, like most criminological research labour trafficking cannot be explained through one specific theory nor does it rely exclusively on one set of variables. It did not make sense to offer a hypothesis as to why this crime happens as this was designed as an exploratory study. With limited secondary data available, clear predictions cannot be made about specific causes of labour trafficking. Instead, the focus of my project is to understand the criminal justice system process and Canadian legislation.

Based on what was discussed in criminal justice classes, labour rights and how connections to labour trafficking work were not a part of it. In these classes, lots of discussion existed around equality and legal rights yet labour trafficking affects both of those rights. Amongst the CanLII literature, I found that most cases of labour trafficking prosecuted in court involved migrant workers. Migrant workers do not have the same legal protections as citizens and permanent residents of Canada. In the literature I found, legal scholars suggested that the criteria for the temporary foreign worker program change to give equal legal protections to migrants. The worker agreement This would have a significant impact on responses to labour trafficking in Canada. Explanations around labour trafficking have involved economic perspectives including Marxist approaches (Meshelemiah, & Lynch, 2019), some have involved push and pull factors (Ontario Women's Justice Network, n.d.), some involve laws around

getting a prosecution, and some involve supply and demand (Catholic Relief Services, 2016). There was only one “successful” prosecution case in Canada which resulted in the sentencing of the traffickers (Hastie, & Yule, 2014). The original case was not published on CanLII. It was written in a commentary that talked about prosecuting cases of labour trafficking in Canada. From the commentary, it refers to the case but it’s not clear if it is the original case. In the footnotes, it mentions that there was a bail review hearing and a sentencing hearing. This commentary is the only source on the case. There’s no consensus over the “best” approach to combating or preventing labour trafficking. Statistics available do not always have the same data. Some break it down by demographics, some just include it as part of the crime rate. The data is organized differently by each source which makes it challenging to compare and contrast causes and consequences. Furthermore, criticisms of the current legislation suggest that the definition criteria are too narrow which means it is getting more difficult to pursue prosecutions.

What is the context of labour trafficking in Canada? This research aims to answer that question. The method is an annotated bibliography. This method allows me to examine the context of labour trafficking in Canada. This includes statistics, recent case studies, legislation, detection, prosecution, and theories about why this crime happens. Further analysis of the methodology is included in the methodology section.

Methods Section

Annotated Bibliography

My research design was an exploratory study of the topic of labour trafficking. The presentation of my research is an annotated bibliography. Balso & Lewis (2012) describe what an annotated bibliography is (p. 63). Annotated bibliographies contain a list of sources which each offers a brief summary. In annotated bibliographies, the goal is to evaluate and summarize sources (Balso & Lewis, 2012, p. 63). It encourages critical reflection of sources and can be like a compacted version of a literature review. Annotated bibliographies ensure that each source is relevant to the research topic. The benefit of using this methodology is that each source is read critically and this methodology helps determine themes. It is good for exploring the topic and then it helps to understand where the research gaps lie.

Search Strategies For Finding Sources

My search strategies included searching library databases, Google Scholar, and news websites to determine what literature existed on labour trafficking. I used academic journal articles, newspaper articles, statistical reports, CanLII case reports, and government websites. I also used non-profit organizations related to fighting labour trafficking to find reports on statistics as well as examples of labour trafficking, who it targeted, and who was most at risk. I borrowed search terms from librarian recommendations. Some search terms included the words “labour trafficking”, Maslow's hierarchy of needs and labour trafficking, “labour exploitation”, “forced labour”, “conflict theory” and “labour trafficking”. Sometimes I searched directly on websites to see if any reports were listed. I examined Canadian legislation on labour trafficking by examining the Criminal Code and Immigration Refugee Protection Act because those are

currently the main legislation used by law enforcement to press criminal charges and for a case to be prosecuted. That way, I could understand the government's current crime response. I found policy and law journal articles discussing legislation around labour trafficking and how it was prosecuted in Canada. One legal commentary mentioned the *Domotor* case and the response to labour trafficking in Canada. I examined Statistics Canada to understand how crime is reported and the statistical reality of labour trafficking.

Final Sources Included

I surveyed multiple sources and each source had different levels of depth. . For example, on government websites, less information was shown and sometimes would have links to other reports. However, non-profit websites had more information with research reports which led to more data to analyze in non-profit sources compared with governmental sources. This goes to show the limited research existing on labour trafficking and the challenges with finding relevant data on the research topic. Government sites and reports provide research and policy plans but they do not always have the same depth. I also included other sources like journal articles, statistical reports, and non-profit reports. These sources offered insight into the challenges of detecting labour trafficking in Canada, prosecuting and investigating it. Furthermore, they provided insight into why the laws could be narrowed or need to be reformed to meet victims' needs. For this project, I included cases from both CanLII and newspapers to explain labour trafficking in Canada. Cases could serve as examples of what labour trafficking looks like in Canada; the cases could illustrate who was involved, and what the outcome was. Similarly, I included newspapers because they could provide examples. Cases are limited because the specific case examples do not always represent the details of what happened in each case. Each

case has unique circumstances so case examples alone would be too narrow to investigate this topic within enough depth. However, themes can be pulled out to see if the trafficking signs described in the definitions above fit each case. That is why I have also examined cases of labour trafficking in Canada to draw themes from those sources too.

Limitations of Exploratory Research

A book author on research methods warns that a descriptive research design could result in biased results (Walliman, 2006, p.38). Since my research design is exploratory, it would qualify as descriptive rather than explanatory. I am not testing theories of labour trafficking, nor am I using primary data to do so. Instead, I am relying on interpretations from scholars who describe laws and policies around labour trafficking. I am also relying on secondary statistics so I do not have control over which variables are measured in the research. The focus is more on understanding the current research gaps and what scholars are saying about them. Walliman (2006) says that quantitative data focuses on measuring concepts which can include economics and population counts. Including statistics allows for that.

However, a limitation of this study is that the secondary data from sources that I found were designed with different research methods and purposes than my design. The criteria used by other researchers could be different from mine. Therefore, secondary data might not always include relevant aspects that I look for. For example, the statistics section discusses different ways that sources organized their data on human trafficking. Since I did not include primary data I could not control for specific variables or data to fit my research design. However, there was a way to work around it. One way to limit this as outlined by this Walliman (2006) is to compare the data from different sources for the discussion around it (p. 54). I have done that in this

research as I surveyed multiple sources. In addition, criminology research is interdisciplinary so multiple scholars write bringing together different approaches but invested in the same topic. In descriptive research, design data is selected purposefully by the researcher who could hold bias. The research design does not have a quantitative focus so the data can be criticized more easily for bias. Walliman (2006) describes this from a primary research design being interviews or questionnaires or selective observation. However, this could happen in secondary research where the researcher selects sources that could bias the data. This is a possibility in my research.

However, I limited that by consulting with librarians and also when I brainstormed research strategies with my peers in the seminar part of honours. My source choices also were influenced by external sources who understand this topic differently than me. These people can notice that I cannot. A benefit to using an exploratory design through an annotated bibliography is that it has flexibility. There is no specific type of research I am trying to find since I am doing an exploratory study. Specifically, interviews, experiments, and ethnography to name a few. It is similar to a literature review but also includes a brief summary of each source. It does not cover the depth for this reason but does cover the breadth. The scope of the research is larger than if I did a case study or one method such as experimental design or interview or survey.

Wooldredge (2007) begins by discussing the different purposes that research methodologies can be used for. Some examples include testing theories and explanations of concepts, testing policies for effectiveness, and if theories can be applied. Criminologists and researchers use the same research methods as social scientists and behavioural scientists. Within criminology, this entry suggests that criminologists testing policies and programs favour a quantitative approach whereas qualitative research focuses on developing theories. Observations are qualitative, then become tested with a quantitative method (Woolredge, 2007).

Conceptualization

Public Safety Canada. *Labour trafficking*. (2022).

<https://www.canada.ca/en/public-safety-canada/campaigns/human-trafficking/labour-trafficking.html>

Labour trafficking is defined by the Canadian government as recruiting, holding, and moving victims to locations for forced labour that is not for sex work or sexual exploitation. Movement can be within borders or across borders. It includes signs of labour trafficking: relocation without enough details and no upfront payment, living and working in unsafe and unhealthy conditions, employers who threatened employees with deportation or reporting of immigration status to the police, job offers that are perceived too good to be true, endangered life if the victim left the job.

This webpage specifically talks about labour trafficking and also lists who is at risk for it.

Language barriers can make immigrants and newcomers vulnerable to labour trafficking.

Traffickers may pressure their victims through deception and force. A limitation of this source is that it does not give specific examples of labour trafficking. It does not describe a situation where labour trafficking is happening through any kind of case study. So the information on the website cannot be compared to specific cases without going to external sources.

International Labour Organization. (n.d.). *What is forced labour, modern slavery and human*

trafficking? <https://www.ilo.org/global/topics/forced-labour/definition/lang--en/index.htm>

The International Labour Organization website gives a definition of forced labour. It is non-voluntary work done by intimidation or violence and can include public humiliation of immigration officials or debt manipulation. They further acknowledge that this can happen to

children and adults by individuals, private companies or governmental officials. This source also acknowledges that mandatory military service, communal services, jail labour, emergency work, and civic obligations do not count as forced. The work can include the construction, agriculture industry, domestic work and forced begging. Forced labour includes violence, threats, withholding of personal identification documents and wages, and restrictions of workers' mobility freedoms. This webpage does not list specific groups of people who are more at risk than others. Nor does the webpage describe how victims are trafficked. The limitation of web pages is that they are not exhaustive descriptions or explanations of all the factors and how they work. They only provide highlights of information. Compared with research reports I found on labour trafficking, webpages are starting points for research.

The United Nations. (n.d). *Office of Drugs and Crime. Human trafficking.*

<https://www.unodc.org/unodc/en/human-trafficking/human-trafficking.html>

The United Nations webpage gives a definition for human trafficking but not labour trafficking. It says human trafficking is the transportation, transfer, harbour, and recruitment of people by deception, fraud, and force resulting in exploitation for profit. Violence and fraudulent employment agencies are used to coerce victims. It includes links to the *UN Protocol. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.* and newspaper articles which talk about the United Nations' response to trafficking. This webpage is very short and does not describe any details of human trafficking beyond the definition. It also does not cite any sources so other sources must be consulted to fact-check this source.

Migrant Workers Centre. (n.d). *Labour exploitation & trafficking in BC*.

<https://mwcbc.ca/labour-exploitation-trafficking-in-bc/>

The Migrant Workers Centre in BC defines labour exploitation as employers who break the law which violates legal rights. This includes wage standards, human rights codes involving discrimination, rights laid out by employment contracts, and health and safety standards. It also says that labour trafficking is the transportation, recruitment, or harbouring of people for exploitation. This is done through abuse of power, fraud, and deception forcing employees to work. Force is not limited to the physical aspects, it can include lies and threats. The primary industries also mentioned in this source, are agriculture, restaurants, construction, and domestic work. Some foreign workers might not be eligible for permanent residency so they depend on the employer to work in Canada. Traffickers take advantage of this. The recruitment turns out to be a fraudulent offer. The website also lists signs of labour exploitation and phone numbers to contact them when victims need help.

This source offers a clear definition and it provides contextual information too which is the harbouring, transportation, and recruitment of people for exploitation. It further elaborates as shown above. It does not merely give a definition of labour trafficking but looks at multiple factors. This webpage has links to handbooks and pamphlets to build awareness of labour trafficking in Canada.

Fudge, J. (2019). Reconceptualizing unfree labour: Local labour control regimes and constraints on workers' freedoms. *Global Labour Journal*, 10(2).

<https://doi.org/10.15173/glj.v10i2.3654>

This article mentions challenges with differentiation between voluntary and forced labour. It mentioned a spectrum between exploitation and voluntary labour. The similarities were the focus of researchers who came from a Marxist economic approach. It examined structures as opposed to “individual pathologies.” Free labour meant the worker had the right to choose who to work with whereas a slave would follow where the capital led and work for whichever master he wanted but with limitations. Slavery is also defined as a loss of liberty and controlling movement of a person. Researchers have rejected a “black and white” approach for a continuum.

Unfortunately, this research article focuses mostly on theoretical approaches to forced labour and what other academics think about explaining forced versus voluntary labour. This article does not provide evidence to back up its claims, it merely discusses different theories from the Marxist paradigm and ideas trying to define terms. The best discussion was from the slavery definition mentioned above. In addition, researchers suggest that there is a spectrum of exploitation versus voluntary labour yet they do not back up their claims with data. It does not mention cases of labour trafficking nor does it justify why researchers seem to agree that this is a spectrum. It does not reference statistics as it is merely descriptive.

Davies, J. (2020). Corporate harm and embedded labour exploitation in agri-food supply

networks. *European Journal of Criminology*, 17(1), 70–85.

<https://doi.org/10.1177/1477370819874416>

This researcher did a study examining the effects of corporate crime and its harms on labour trafficking. Part of the reason the researcher argues is from structural factors within food supply networks in response to demands for the product. The article opens by acknowledging that there is not a universal agreement on labour trafficking and what makes it exploitative. Some people

suggest that it is based on a spectrum, while some suggest that it becomes a normalized practice that does not exist in criminal organizations alone. Furthermore, migrant workers and agriculture industry workers are more likely to be victims of this crime as mentioned earlier. Victim Services recommended human trafficking awareness training for staff at Hampton Inn in Bolton, Ontario. It focused on sexual exploitation but confirmed human trafficking as an underreported crime in Canada. The researchers conclude with products within supply networks which are in demand combined with management decisions with multiple layers which encourage secrecy and harmful labour practices.

This research article focuses on corporate crime and labour trafficking and how they are related to each other. The research article highlights that the exploitation of labour is a part of labour trafficking that remains unclear in the literature. This is important because it is likely related to the reason why labour trafficking is not widely understood amongst the available literature on this research topic. This identifies a specific gap in how labour trafficking is discussed in the literature. Without clarity in the literature about what exploitation is, then it becomes a challenge to understand it. However, there are labour trafficking signs which are discussed on the Government of Canada webpage mentioned below. It highlights the secrecy involved with management decision-making in the labour market which encourages poor labour practices to occur. This same secrecy is consistent in labour trafficking cases and discussions around it in the literature.

Bowersox, Z. (2022). Union density and human trafficking: Can organized labour discourage trafficking? *Journal of Human Trafficking*, 1–14.

<https://doi.org/10.1080/23322705.2022.2073095>

This research article discussed explanations of labour trafficking and will be further discussed in the theoretical section. However, it provides definitions for labour trafficking. These authors suggested that multiple definitions have included poor labour practices and chattel slavery in their definitions. Exploiting someone's efforts for gain by deception or force is the definition these authors refer to. Common industries of labour trafficking listed include factories, harvest, and domestic work and the labour is unseen. People working in these industries that are trafficked are hidden from what everyone else sees in those industries. Forced labour can often be seen as a "bad job" since the working conditions are considered dangerous. Not all poor work conditions are forced labour but all forced labour will have poor working conditions. This article also recognizes that sexual exploitation is also more known than labour trafficking.

This article explains labour trafficking and the context behind it. It is not merely a dictionary entry so this source is better than some other sources used for labour trafficking definitions. It points out that poor working conditions are part of the criteria for labour exploitation to happen. It points out deception and force which is consistent with other definitions. It highlights the core industries where labour trafficking can go unnoticed. It mentions that victims are hidden within these industries which helps illuminate the fact that not much is known about the research area. It highlights exploitation which is essential to understanding what labour trafficking is. Without this article labour trafficking cannot be explained correctly.

Canada Border Services Agency. (2020). *Human trafficking at the border*.

<https://www.cbsa-asfc.gc.ca/security-securite/ht-tp-eng.html>

This website defines labour trafficking as receiving, holding, concealing, recruiting, transporting, transferring, harbouring, influencing, controlling, and directing people for exploitative reasons. It

uses the term forced labour instead of labour trafficking. Labour trafficking is a complex crime. How it happens and who is being targeted must be understood. The Government of Canada states that immigrants and newcomers in Canada are at higher risk than other groups in society for being victims of trafficking. The main industries that recruit victims are agriculture, hospitality, restaurants, construction and more.

This definition explains which industries are targeted for labour trafficking in Canada which is good because that is where the government should focus its resources on preventing this crime. It also explains who is at risk for labour trafficking. This is important because this can help CBSA and law enforcement identify potential victims but also employers in these sectors who can access this website. The limitation of this webpage is that it did not describe methods which law enforcement used to detect and investigate trafficking. It was very vague. There is also no author to specifically contact for more information about how this happens and ways to get involved in crime prevention. This is strange because the government has plenty of resources available and arguably more funds than non-profit organizations yet nonprofits have more data on this.

McQuade, A. (2019). Labour trafficking. In Clark J.B., Poucki S., (Eds.), *The SAGE Handbook of Human Trafficking and Modern-Day Slavery* (1st ed.). SAGE.

<https://doi.org/10.4135/9781526436146>

This source says labour trafficking means service or work which is demanded from anyone under threats of penalties through force. Labour trafficking persists despite laws to combat it. It also considers forced child marriage as a form of non-economic slavery. The article further goes on to discuss labour trafficking policy and law responses in the international context. It uses a few case studies to describe victims' experiences of labour trafficking but does not offer explanations of

why it happens beyond law and policy. It does have a specific theory. It's great for describing what labour trafficking is and what laws exist to combat it along with personal experiences. It focuses on the international context so this cannot be compared to the Canadian context.

Armendariz, B.N., Nsonwu, M., Heffron, L.C., & Mahapatra, N. Human trafficking: Exploiting labour. *Encyclopedia of Social Work*.

<https://doi-org.libproxy.mtroyal.ca/10.1093/acrefore/9780199975839.013.1124>

This article includes a general human trafficking definition but focuses on labour trafficking in its research. The definition says human trafficking is the harbouring, recruitment, provision, transporting or collecting of a person for labour or services, through force, coercion, or fraud for the subjection to forced debt bondage, peonage, servitude, slavery, or forced commercial sex acts. It also says that movement within or across borders is not required for this definition (p.2). Some of these victims may get assaulted or sexually assaulted. Threats of violence against their families, physical or psychological forced through debt bondage could be present in cases involving labour trafficking. Not much is known about labour trafficking is confirmed by these authors. Trafficking and smuggling can get misused but not all forms of smuggling are trafficking. Force and fraud must be present for human smuggling to be considered also labour trafficking. Smuggling involves illegal crossing of borders between countries.

This research article lays out a broad definition of labour trafficking but also says that forced labour must be present. Human smuggling does not always qualify as a form of labour trafficking. Human smuggling is a crime too but it has separate criteria from labour trafficking. It separates sexual trafficking from labour trafficking in that not all cases will include sexual assault. It includes psychological factors and threats of violence as part of it. Movement across

borders or within is not required which broadens the criteria. People moving within small regions might qualify as labour trafficking under this definition. For example, if someone is being moved between cities but within one province within borders does not count. But it's not required so the case could still be considered labour trafficking. The research article aims to equip social workers to get involved in crime prevention and help survivor needs plus contextualizes the issue. Although not aimed at criminal justice agencies it still aims to equip workers who may witness cases of labour trafficking. The researchers are American so this source might not reach Canadian social workers but having these types of articles is a starting point.

Public Safety Canada. (2022). *National Strategy to Combat Human Trafficking. Annual Reports. 2019-2024.*

<https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2019-ntnl-strtg-y-hmn-trffc/index-en.aspx>

This report mentions the Canadian government's action plan to combat human trafficking. It said an advisory committee would be formed involving survivors and victims to give recommendations to the government for policies. It also stated that it would increase funding for community services which provide recovery for survivors. It also said it would target supply chains and highlight labour rights to employers in those supply chains. This involves private industries and international organizations. The five-year strategy includes addressing research gaps used for programs and policies. Training in law enforcement and more public awareness is the goal too. It said new projects will be aimed to reduce youth exploitation who "live in care" (p.10). Another action includes hosting an international conference to discuss progress since the CCC added human trafficking in 2005. Experts from front-line workers, law enforcement, academics, Indigenous organizations, NGOs, survivors, and government workers with the goal

of improving the response. It says there will be an advisor for human trafficking response for the Canadian government.

Statistics about Labour Trafficking Globally and in Canada

International Labor Organization. (2017). Global Estimates of Modern Slavery.

<http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms575479.pdf>.

The International Labor Organization estimated that “in 2016, 25 million people worldwide were victims of forced labour (p.5). 15 million people were in forced marriages and 25 million people were in forced labour. The human trafficking victimization rate was 5.4 victims per 1000 people in the world. Girls and women accounted for 71% of the victims. ¼ of the victims were children (p.10). The private sector had 16 million people in forced labour in 2016. 57.6% of victims were women compared to 42.4% were men victims. 51% of the victims of forced labour were from debt bondage. Debt bondage referred to forced labour for personal debt. 70% of adults were coming from the domestic work, manufacturing, and agriculture industries. The largest categories were domestic workers at 24%, construction at 18%, manufacturing at 15%, and fishing and agriculture at 11%. 24% of victims were threatened to have their wages taken away by their traffickers if they left their jobs (p.11). The statistics in this source are organized very clearly, it lays out labour trafficking statistics in depth compared to the source below. It talks about the victimization rate and compares it to different sectors, gender, and age. It is also included in a report which talks about policy initiatives.

Canadian Women's Foundation. (2014). *No more: Ending sex-trafficking in Canada report of the national task force on sex trafficking of women and girls in Canada.*

<https://www.mamawi.com/wp-content/uploads/2016/02/National-Task-Force-FINAL-Report-NO-MORE.pdf>.

Human trafficking has a large impact on Indigenous people. The following reports brought to light what is happening. The Canadian Women's Foundation made a task force designed to respond to human trafficking and found that 51% of trafficked women were Indigenous.

Indigenous children are also overrepresented in the welfare system for children. Over half of the welfare system is Indigenous (p.32). This statistic identifies who is more likely to be a victim of human trafficking as this example is evidence. The Canadian Women's Foundation found that from cases of reported trafficking which involved Indigenous survivors, 71% of trafficked survivors reported rape from doctors, 80% from the police, 40% from social workers 60% from judges.

Omele, C (2016). Human Trafficking. The health of men forced into labour trafficking in the United States. *Walden Dissertations and Doctoral Studies.*

<https://scholarworks.waldenu.edu/dissertations/1980>

This researcher did a research study on whether male victims had higher chances of being labour trafficked compared to other methods of human trafficking (p.7). In the study sample, it was found that only 1% of the male victims were sex trafficked. This indicated that there was a significant difference between the amount of male victims labour trafficked compared to those sexually trafficked (p.72). This is important because it means that when law enforcement agencies are looking for signs of labour trafficking, there is a higher chance that the victim will

be male. This adds criteria which are backed up by empirical data. Another question answered in this research study was whether or not male victims have “health conditions” compared to female victims (p.7). This researcher found that 83% of victims had a minor health illness. 81% of males had a minor health illness compared to 89% of women. It was also found that the average amount of health illnesses was not significantly different between males and females at a 95% confidence interval. Females had more health issues (p.75). This is evidence that victims of labour trafficking have health issues.

Lemahieu, Me, & Yee. (2023). *UNODC, Global Report on Trafficking in Persons 2022*.

https://www.unodc.org/documents/data-and-analysis/glotip/2022/GLOTiP_2022_web.pdf

Between 2019-2020 59% fewer victims were detected in the East Asia region, 40% less in the Middle East and North Africa, 12% less in Sub-Saharan Africa, 32% less in South America, 36% less in the Caribbean and Central America region (p.3). Furthermore, the conviction rate during 2020 was 0.28/100 000 people in Central and Eastern Europe, 0.08/100 000 in North America, 0.01/100 000 in South Asia, 0.07/100 000 globally (p.8). There was a previous refugee crisis in Ukraine during 2014 and the data revealed that there was a relationship between countries in conflict and victims’ vulnerability to human trafficking. Between 2014-2016 there was a 4.70% increase in human trafficking detected cases while between 2014-2015 there was an increase from 10833 application cases to 16209 application cases of asylum seekers (p.9). Based on data from UNODC court cases, children were twice as likely as adults to be victims of extreme violence while women were 3 times more likely to be victims of extreme violence (p.12). The same court case data revealed that 12% of victims were from individual traffickers compared to

46% from business-like organized crime types of traffickers (p.13). Of detected exploitation cases in 2020, 10.2% were forced criminal activity, and 38.8% involved forced labour (p.15).

This source provides global statistics about human trafficking which can show how prevalent it is in the world. The court case data above stated that women and children are much more likely to be victims of high levels of violence which means that most human trafficking charges contain violence. This is important because labour trafficking involves violence like threats or intimidation. It suggests that the report accurately measures human trafficking. 38.8% is a significant number of labour-trafficked victims represented in the reported cases of trafficking for 2020. Resources need to be allocated to help survivors of trafficking. In addition, the case count used in the sample is fairly large so it would be more generalizable than sources which have small case counts. A limitation of this source is that it compiles data from different countries with different laws, customs and policies. There could be some factors that affect each country differently. For example, if the economic development differs that means that there are fewer resources available to use to help victims. If law enforcement is corrupt then laws could do little to no effect. However, despite the limitation these statistics are relevant to understanding labour trafficking.

Rico & Drydyk. (n.d.). It happens here. Labour exploitation among migrant workers during the pandemic. *Canadian Centre to End Human Trafficking*.

<https://www.canadiancentretoendhumantrafficking.ca/wp-content/uploads/2023/02/CCTE-HT-%E2%80%93-Labour-Trafficking-Report-ENG-1.pdf>

In this report the foreword section mentions that the Canadian government allows more migrant workers to work in sectors where there are labour shortages. This happened through recent

changes to the Temporary Foreign Worker Program. To name a few these include construction, hospitals and food manufacturing. There is a demand for migrant labour in Canada. The research report included a study on labour trafficking during the global pandemic. The study included migrant workers in Toronto, Greater Toronto, Leamington, London, and Hamilton ON. Workers came from the caregiving, construction, agriculture, and hospitality sectors. Focus groups were conducted by these researchers. Of the 77 migrant workers, the largest category was from Mexico at 31%, followed by Grenada at 18% and Thailand at 12% (p.11). 45% of participants migrated to Canada through the Temporary Foreign Worker Program (TFWP) and worked in agriculture. The next largest category was migrating to Canada without any government program at 32%. 44% of workers were employed under the TFWP or SAWP while holding a valid work permit. 23% reported that they lost their status and 16% were visitors (p.13). Most victims knew about human trafficking but less than half (48%) knew it existed in Canada. Some participants wanted to immigrate to Canada so they could leave the abuse in their home country. Participants were shocked to find out that this occurs in Canada too (p.20). Participants were asked about their struggles with working in Canada. The majority of respondents said family separation at 57%, followed by low wages at 51%. Another large category was discrimination at 48% and verbal abuse at 35%. Working without a permit was also at 35%.

Conroy S. (2022). Trafficking in persons in Canada, 2021. *Juristat Bulletin Quick Fact. Statistics Canada*. <https://www150.statcan.gc.ca/n1/pub/85-005-x/2022001/article/00001-eng.htm>

This source said that there were 3541 human trafficking cases reported to the police between 2011-2021. The average annual rate for human trafficking was 0.9 incidents/100 000. Between 2020-2021 there were 32 more incidents under IRPA compared to 33 fewer CCC incidents. Since

2011 there has been an increase in offences under IRPA. CCC reported crimes of human trafficking increased until 2019 where it was about the same until 2020 and then slightly decreased in 2021. The highest rates came from Saskatchewan, Ontario, and Nova Scotia. Between 2011-2021 83% of human trafficking incidents reported to the police came from census metropolitan regions. These census metropolitan regions included Montreal, Toronto, Ottawa, and Halifax. Most victims were girls and women and about 4/10 human trafficking violations also include sex trafficking. Between 2011-2021 81% of accusations were men between 18-34. 20% of the accused involved youth between 12-17. Between 2011-2021, 42% of human trafficking incidents faced criminal charges or even recommendations of some. 54% of cases did not have a suspect to accuse by the police. Most charges involved CCC charges instead of IRPA.

Statistics Canada also provided court statistics. This involved data from the Integrated Criminal Court Survey which includes adult and youth courts. The Statistics Canada report begins with adult criminal court data presented between 2010-2021. 948 cases were prosecuted in Canadian criminal courts, there were 2992 human trafficking charges that were completed in criminal court between 2010 & 2021. There were 13% fewer cases in the 2020 category compared to the 2019 category. A “completed” court case had 17 charges on average per human trafficking case in adult criminal court between 2010-2021. 81% of cases either resulted in a stay, acquittal, withdrawal, discharge, or dismissal. Of the human trafficking cases that resulted in a guilty verdict, 78% had a custodial sentence. 11% of guilty cases resulted in probation being the most severe punishment and 11% other sentences which included community service orders, conditional or absolute discharge. 6% of human trafficking cases between 2010-2021 were youth accused of human trafficking. 56 cases contained a charge of human trafficking with 124 overall cases. Of guilty cases, 47% were supervised or custody sentences, 24% were probation, 24%

were supervised and deferred sentences, and 6% had a different type of sentence. The average time to finish a case of human trafficking in court was 382 days. This source acknowledges the labour trafficking-specific limitations. Less is known about it and victims depend on labour human rights laws. Also, labour trafficking is more hidden from public spaces. Forced labour was only added recently by countries around the world within human trafficking discussions.

Public Safety Canada. (2022). *National strategy to combat human trafficking. Annual reports. 2019-2024.*

<https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2019-ntnl-strtg-y-hmnn-trffc/index-en.aspx>

This report will be discussed in greater detail below in the detection and investigation section.

Here are some statistics it provided about human trafficking in Canada. The definition provided is consistent with the labour trafficking webpage I mention in another section. Labour trafficking is “recruiting, transporting, transferring, receiving, holding, concealing, harbouring, or exercising control, direction or influence over that person, for the purpose of exploitation, generally for sexual exploitation or forced labour” (p.14). It describes methods of human trafficking which include “false work pretenses,” and intimidation. Control is maintained by threats, intimidation, assault, and force on the victims to name a few.

According to the Uniform Crime Reporting Survey between 2009-2016 95% of the victims identified were girls and women. 44% of victims were between 18-24 and 26% were under 18. In 2017 375 police-reported crimes contained trafficking in the crime. 291 people were accused of human trafficking. A pie chart shows Ontario which had the highest number of human trafficking offences between 2009-2016 but does not include a statistic. 44% is a significant part of the victim population in police-reported crime which means that many resources need to be allocated

to help victims between the 18-24 category for human trafficking. Since 95% of victims are females, most of the victim services should work on addressing other issues like violence against women, domestic abuse, and barriers that some women may face when accessing victim services. However, the statistics do not paint a clear picture since it provides statistics about human trafficking as a whole. The statistics section in this report does not specify labour or sex trafficking. The report makes multiple references to labour trafficking so it understands labour trafficking but the statistics do not reveal the entire picture. The statistics do not also provide statistics on which crimes were prosecuted in court so it does not say whether or not these reported cases went to court. In addition, it does not describe who the accused traffickers were. The statistics do not make that clear and it's vague.

Reported Cases of Labour Exploitation

Migrant Workers Alliance for Change. (2020). *Unheeded warnings. COVID-19 & migrant workers in Canada*. <https://migrantworkersalliance.org/wp-content/uploads/2020/06/Unheeded-Warnings-COVID19-and-Migrant-Workers.pdf>

If Canadians ignore labour exploitation then action cannot be taken to prevent it from a key industry related to hospitality industry: agriculture. There was a report which revealed some cases of exploited labour in Canada. In Migrant Workers Alliance for Change, there was a report done which examined some cases of reported labour trafficking in Canada. The work conditions were described by migrant workers. It was reported by a group of 100 migrant workers in 2018. Some highlights include working for 17 hours a day, getting paid \$5.00/hr (significantly less than the minimum wage), having unsanitary drinking water, no sleeping privacy, and windows blocking emergency exits (p. 6). It was also reported that concerns about this labour exploitation were ignored by the federal and provincial governments in this country during the global pandemic (p. 6). Before the pandemic, there was a hotline offered by this organization for farmers in Niagara ON. Between March and May 2020, there were 180 phone calls reported of labour exploitation, this was estimated to represent 1162 workers being exploited in the Niagara region of Canada (p.7). Most of the calls were cases of labour trafficking in the Ontario region of Canada. 1042 incident reports represented cases of men being labour trafficked, while 120 incidents represented females being labour trafficked. All of them were farm workers (p.8). Key trends found were \$57 369.46 unpaid wages stolen from workers where some of the deductions were illegal, and others were withholding agreements under threats of deportation. There were issues with gathering physical evidence. Many victims reported being afraid of developing

medical illnesses and losing income earnings to share with their families. Traffickers controlled housing conditions for victims and there were no protections for them under migrant worker status (p.8). Workers were also threatened with being handed over to the police by employers if orders were not followed (p.9). Intensive farm labour has grown significantly from labour trafficking due to cheap labour abuses which target migrant workers in Canada (p.9). The crop production industry relies on foreign workers who formed 27.4% of workers in 2017 (p.11).

Working towards fair labour practices that criminalize labour trafficking could prevent cases like this from happening in Canada. The signs of labour trafficking listed by the government website earlier are consistent with the working conditions reported in these cases.

This report is very good for understanding labour trafficking as the non-profit organization here describes many details that other sources have not provided. Multiple calls were made from the Ontario region which is consistent with the statistics section where one of the articles said that Ontario was the highest place where labour trafficking happened in Canada. The working conditions being, unsanitary drinking water, and being paid much less than the minimum wage to name a few, are present. Those fall under poor working conditions which are consistent with the signs and factors present in labour trafficking. This report is more generalizable because it had a much larger sample size and included reported calls where victims reported the crime. Not all of labour trafficking is reported to the police but from these reported incidents more can be revealed about labour trafficking in Canada. This is also an example of a key industry of labour trafficking in Canada, the agricultural sector. As I mentioned in the previous paragraph, fair labour practices can be made to prevent this. However, it is hard to say what that looks like just from this source and little data to work with.

Luis Gabriel Flores Flores v Scotlynn Sweetpac Growers, [2020] 88341 (OLRB).

<https://www.canlii.org/en/on/onlrb/doc/2020/2020canlii88341/2020canlii88341.html?searchUrlHash=AAAAQA3THVpcyBHYWJyaWVslEZsb3JlcyBGbG9yZXMgdiBTY290bHlubiBTd2VldHBhYyBHcm93ZXJzIAAAAAAB&resultIndex=1>

There was a court case reported where the victim was referred to Migrant Workers Alliance for change. (p.3). Every year Mr. Flores works in Canada as a seasonal migrant worker and in April 2020 he arrived at Scotlynn farm. The employer owns and runs a farm in southwestern Ontario. The company hires migrant workers from Mexico for seasonal work. Government authorities write the contract conditions without migrant workers' or employers' input. 190 Scotlynn workers tested positive for the Coronavirus. There was a mandatory quarantine in effect at that time for travellers coming outside of Canada. A professor, Susanna Caxaj, got him connected with the Migrant Workers Alliance for Change. The living conditions after the quarantine were described as bad inside the bunkhouse on the farm. On June 20 2020 a worker who personally knew Mr. Flores died. This was reported to be from catching the Coronavirus after hospitalization (p.4). Mr. Flores asked his boss for the day off to mourn his loss yet his boss was angry and said workers would have to wait until June 21. This is important because the living conditions and work conditions were poor. This makes victims like Mr. Flores vulnerable to being labour trafficked. Mr. Flores was fired from work after talking to his employer about the working conditions during the pandemic. Scotlynn was ordered by the judge to pay damages to Mr. Flores. (p.1). It was ruled that Scotlynn Farms breached the contract and owed Mr. Flores money for the damages to his health and lost wages (p.22). This case suggests that there was a conflict between the duties of the employer and the employee along with abuses of labour. This is not a clear case of labour trafficking but it shows similar signs in terms of illegal labour practices.

Hastie, B., & Yule, A. (2014). Milestone or missed opportunity? A critical analysis of the impact of Domotor on the future of human trafficking cases in Canada.

https://www.canlii.org/en/commentary/doc/2014CanLIIDocs71#!fragment/zoupio-_Tocpdfbk_1/BQCwhgziBcwMYgK4DsDWszIQewE4BUBTADwBdoAvbRABwEtsBaAfX2zhoBMAzZgI1TMAjAEoANMmylCEAIqJCuAJ7QA5KrERCYXAnmKV6zdt0gAynlIAhFQCUAogBI7ANQCCAOQDC9saTB80KTsIjJAA

There is a commentary on the case of R v. Domotor, the original case is not published on Canlii but the commentary is provided. More than 19 victims were labour trafficked through a criminal organization in Hamilton, ON in 2011. This was the first successful prosecution case of labour trafficking in Canada (p.83). This is the only labour trafficking case in Canada where prosecution was successful. Men were recruited from Hungary to work in Canada and traffickers promised these men a better life for their families. Banking documents were stolen from the traffickers when the victims arrived, often were not fed food, and often worked without pay for 13-14 hours each day, sometimes they would get paid a little bit. There were at least 2 examples of physical violence towards these men by the traffickers. The men were forced to deposit stolen cheques from Canada Post mailboxes and deposit the money into their bank accounts. Provinces in Canada lost about \$1 million dollars. Traffickers made money from the fraud scheme, stolen cheques in the mail, and unpaid labour for the victims. The first conviction had a previous record of a three-year sentence of sexually trafficking 2 minors. Another convicted trafficker previously had a record of human trafficking and assault serving a sentence of 2 years. Another sentence was 7 years which involved violence. The charges of the traffickers, in this case, were defrauding Hamilton City under the Ontario Works Act, receiving material benefits from unpaid labour, refusing to give the victims their immigration, travel, and Identity documents, human trafficking,

conspiracy in a criminal organization, and being part of a criminal organization. The sentence was 9 years before credit reductions are possible. Furthermore, the scholar suggests this case had “potential effects” on the pretrial detention process in human trafficking cases to come (p.86). This case set a new precedent and carried with it the strictest sentence in Canadian history according to the scholar. The accused, Domotor Jr. and Domotor Sr. pled guilty to the conspiracy of trafficking people, counselling misrepresentation in the Immigration and Refugee Protection Act, and participating in a criminal organization. Kolompar pled guilty to fraud exceeding \$5000 and counselling misrepresentation in the Immigration and Refugee Protection Act. Domotor Jr. received 5 years “before credits” for the guilty plea and pretrial custody (p.88). Kolompar was sentenced to fewer charges where legal counsel agreed. The scholar does not further elaborate on what that agreement specifically was. (p.89). The scholar suggests that since the victims were men in this case this shows that there need to be more community services that can be made available to men. It also references the National Action Plan to Combat Human Trafficking. The government's action plan mentions a border team but the scholar adds that this does not add projects or practices for victim services in the Protection section of the plan. The scholar discusses the Temporary Resident Program Canada offers. It gives “regularized” immigration status to trafficked people in Canada which gives survivors basic needs, recovery and reflection time. This scholar recommends that it extends up to three years. Considerations could include, victims’ willingness to participate and help investigations and proceedings for trafficking crimes and whether it is safe for victims to maintain permanent residence or start life again back in their country of origin.

R v Ladha [2013] 2437 BCSC.

<https://www.canlii.org/en/bc/bcsc/doc/2013/2013bcsc2437/2013bcsc2437.html>

The victim M.H. brought the accused, Mumtaz Ladha to court. Ms. M.H. said that she was tricked into taking a job as an esthetician in a hair salon. Mr. Ladha said she had planned to open a hair salon in Vancouver. Upon arrival, she said she was working as a maid for the Ladha family between 16-18 hours every day for 10 months. Mrs. Ladha said she befriended M.H. who already worked as a housemaid when she was 14-15 years old. M.H. became pregnant and left her job for a few years then got hired back as a cleaner for a hair salon. The judge noticed the inconsistencies between the stories of the parties involved. The judge claimed that the evidence of human trafficking was not beyond a reasonable doubt and the allegations were unlikely true. From here the judge said that M.H. “[showed] a callous disregard for her benefactor and the truth in the process.” This source works well because the judge highlights key charges and analysis of the charges which can be found in detail by reading the full case. It starts with a summary then followed by an analysis of the case. It is easy to follow and not as long to read as other cases. Furthermore, it quoted the judge which conveys that judges do not always understand the full picture. The judge said the victim was callous and does not recognize M.H. as a true victim. Rather the victim is recognized by the judge as someone trying to take advantage of the legal process. This highlights the bias and why cases do not always get a successful outcome. The Domotor case had a successful outcome but this one has not. It also shows the challenges of evidence being used in court for labour trafficking. The evidence in court will not always result in a prosecution for labour trafficking. This case makes that clear.

Lang, G. (2018). Human trafficking allegations against bc woman proven false. R v. Ladha

[2013] BCSC 2437. *Canlii Connects*. <https://canliiconnects.org/en/commentaires/63641>

In the Ladha case, it involved labour trafficking where a Tanzanian woman immigrated to Canada to work as a slave. Mutaz Ladha was acquitted of all charges involving labour trafficking. The charges under the Immigration and Refugee Protection Act included: organizing the arrival of foreign workers into Canada through fraud or deception, illegal employment of a foreign national, misrepresenting facts of the High Commission of Canada under a temporary resident visa, misrepresentation of facts to Citizenship and Immigration Canada to extend a foreign visitor. The judge dismissed the victim's story and saw it as a way to “take advantage of an opportunity she saw to remain in this country [...]” the judge dismissed the victim as not credible.

This case shows that there are some cases where injustice persists in our criminal justice system when judges fail to remain impartial. Furthermore, it describes the challenges with getting prosecutions as judges do not always give full consideration to victims who come forward with their stories about labour trafficking. It also highlights challenges when victims are not considered credible to the judges in the courthouse. The charges laid resulted in acquittal but the commentary review does not fully describe the case. Without enough information from the case then generalizations cannot be made nor can this case be an example of labour trafficking very well. It highlights a case where the victim lost the case. This source provides a direct quote from the judge and highlights the charges in the case. However, the information is brief and does explain in the same depth as the original case.

R v Orr, [2015] 88 (BC CA). <https://www.bccourts.ca/jdb-txt/CA/15/00/2015BCCA0088.htm>

There was a case involving labour trafficking. The victim was from the Philippines and left in 2000 to work in Saudi Arabia, Hong Kong, and Lebanon. After that, she worked for a family in

Hong Kong in August 2007. The family told her about moving to Canada and that she could come with them. The family promised to help her to establish permanent residence status in Canada after 2 years. She had a temporary work visa and was not required by law to get a work permit as a domestic caregiver. The police came to visit the house. She told the trial judge that she was exploited as she worked 16 hours a day for all 7 days of the week, she was banned from visiting people outside the Orr household and denied her religious freedom. The Orr family denied her freedom to attend church, her passport was stolen from her, her communications with her family in the Philippines were controlled by the Orr household, and she was banned from personal autonomy by not having the freedom to leave the house alone. The Vancouver Police constable kept notes of her investigation. A criminologist was brought to testify in court and he described domestic workers who experience learned helplessness when asking for help. He said victims perceive this to become pointless as done through the manipulation process of the criminals to the victims. He was asked to explain but was not asked about his research methods or his incorporation of the evidence to inform his expert opinion. The judge thought this was “prejudicial” and banned it from being used as evidence in a trial as “irrelevant.” The judge acknowledged the criminologist as an expert in victimology but thought he had no authority to express an expert opinion on human exploitation and the methods of criminal activity. His CV would only count if being proposed as victimology instead of criminal behaviour. The judge implied that the criminologist's testimony would hold the same weight as other witnesses without any expertise. The court report quoted the judge: “It is up to you to decide how much weight you will give to an expert opinion [...] You should consider carefully the testimony and opinion of an expert witness just as you should consider carefully the evidence of any other witness.” The jury acquitted Ms. Huen of all criminal charges on June 26, 2013. On October 15, 2013, Mr. Orr was

sentenced to 18 months in prison for the first count, 6 months concurrent to the 2nd count, plus an additional 6 months on a third count. The Court of Appeal judge ordered a new trial as the defence claimed that the expert testimony was “not qualified”. The appellant claimed that the hypothetical questions asked to the expert witness were an error of the trial judge. The court of appeal judge ruled that Ms. Huen’s acquittal was correct, the court of appeal judge also confirmed the consistency of case law compared with this case.

R v Harlens Trucking, 2018 BCSC 1171.

<https://www.canlii.org/en/bc/bcsc/doc/2018/2018bcsc1171/2018bcsc1171.html?searchUrlHash=AAAAAQApUi4gdi4gSGFybGVucyBUcnVja2luZyBMdGQuLDIwMTggQkNTQyAxMTcAA AAAAQ&resultIndex=1>

There was a court case where Harlens Trucking pled guilty to criminal charges of misrepresenting facts under the Immigration and Refugee Protection Act. Harlens Trucking was ordered to pay \$352 001.83. The second count was \$10 000.00. Mr. Harlens requested the first fine be reduced to \$50 000.00. The Harlens company provided a delivery service to dry goods to BC, AB, and the USA. Jatinder Kang was the businessman in charge of hiring people for the temporary foreign worker program as several workers were not from Canada. He does not have a criminal record. Some workers were Canadian citizens or had permanent resident status (p.3). Furthermore, workers were entitled to be paid between \$22.21/hr-\$23.08/hr. 39 work permits were granted to the workers under the temporary foreign worker program. Kang wrote in the contract that workers would get paid \$23.05/hr, 2 days off/week, and 50 hrs/week (p.5). The company had planned to pay the workers \$.40/mile which was different from the contract. If the

drivers got lost during the delivery they would only get paid for the distance travelling the right way (p.6). There was a forensic accounting report shown by the crown during the court trial.

What is even more ridiculous is what the defence made up. The defence claimed that even though facts were misrepresented to the government, Harlens and Kang still followed Canada's Temporary Foreign Worker Program laws. The defence denied financial losses of the workers and disadvantages towards the workers (p.7). At least the judge rejected the defence argument; the financial losses of workers were real. Both Harlens and Kang pleaded guilty to criminal charges. The judge said that Kang appeared to show remorse and commitment to community service. The judge also said that the moral culpability was lowered for the guilty parties as the truck driver workers got permanent resident status afterwards. The judge ordered a 2 year probation period as a sentence.

This case is not labour trafficking but it counts as labour abuse which can lead to labour trafficking. The workers were not forced to work as they agreed to a contract of work. This counts as labour abuse because of the financial harm caused by the employers. They stole workers' wages and failed to honour the employment contract. The consequence as ordered by the judge is probation and a huge fine. Justice is served in this case but unfortunately, that is not always the case in labour trafficking cases. In the previous case with the Orr family, the judge was biased and denied expert testimony as valid evidence. In the Harlens Trucking case, the judge not only believed the victims and the impact the crime had on victims but ordered stolen wages to be paid back through a huge fine.

News Article Cases

Alberga, H. (2023). Migrant workers sneak secret menus into Canadian restaurants to expose exploitation. *CTV News Toronto*.

<https://toronto.ctvnews.ca/migrant-workers-sneak-secret-menus-into-canadian-restaurants-to-expose-exploitation-1.6257199>

In the Caregiver program provided by the federal government, most migrant workers lost their employment status and did not receive an employment opportunity. Another criticism was raised by a speaker in a newspaper article. It stated that while the Prime Minister promised to increase tracks available for temporary foreign workers to become part of the permanent resident status. The speaker is disappointed with the lack of action from the federal government. This newspaper article stated that migrant workers have added QR codes to restaurant menus which link to labour exploitation abuses as a secret menu (Alberga, 2023).

Senoran, H., & Sharpe, K. (2022). Injured migrant farmworkers fight for fair compensation from WSIB. *CTV News Kitchener*. <https://kitchener.ctvnews.ca/injured-migrant-farmworkers-fight-for-fair-compensation-from-wsib-1.6094015>

It exposes the realities of the costs of foods eaten by customers. The Migrant worker's alliance for change was credited for this action. Below each menu item, there's a survivor's story from labour trafficking. Another newspaper article highlighted another activist group, Justice for Migrant Workers, in which migrant farm workers have been harmed coming from dangerous working conditions. There was a letter sent to the Workplace and Safety Insurance Board in Kitchener, ON. They want death and injury prevention, stop cutting wages, and a permanent immigration status option to name a few. The Ontario labour ministry disclosed to the news

reporters that over 100 new workplace inspectors were hired. The employment minister in Canada said that laws were amended in the Immigration Refugee Protection laws that came into effect in September last year. This suggests that there is a grey area between government intervention and activist groups advocating for fighting against labour trafficking in Canada.

Brach, B. (2015). Domino's workers in North Vancouver allege exploitation. *CBC News British Columbia*. <https://www.cbc.ca/news/canada/british-columbia/domino-s-workers-in-north-vancouver-allege-exploitation-1.2955648>

There was a BC case in the news a few years ago that reported about two former domino workers who were abused in the workplace and perceived the work to be similar to slavery. They reported that the employer never paid them for their work. They refused to work one time and one of the workers got violent against the victims. One of the victims, Dearman, submitted a complaint to the Employment Standards Branch and the worker's compensation board. It was also reported that the owners stole tip money from the tip jar which was supposed to be for the employees. The other victim, Brulhart, felt intimidated by the owners. He also said that employees got deducted from their pay every time a mistake was made. Both of the victims got fired. The news article states that the RCMP is in the investigation process. The owners refused to talk with the news reporters and deny the allegations against them. I also did a search of the victims on Canlii and no cases were found written here.

Comeau, T. (2022, Aug 11). Two charged with human trafficking: RCMP say they've identified five victims. *Chronicle Herald*.
<https://www.proquest.com/canadiannews/docview/2701079307/E828288724894602PQ/5?accountid=1343>

There was a case reported of the RCMP laying charges for labour trafficking and sex trafficking against two men. Last year on June 9, the Nova Scotia human trafficking unit received a tip about a woman being trafficked. Information identifying the accused was not released to the public as the police say this could link to the victims and risk victim information being exposed. The first man accused was charged with 33 offences which include 5 counts of human trafficking, assault, and uttering threats to name a few. The second man was charged with human trafficking and also uttering threats to name a few. As of August 2022, this investigation has been ongoing. So it is likely not reported in a CanLII case report yet if it does get published.

National Post & The Canadian Press. (2022, May 11). Mountie charged with human trafficking.

Toronto unit. *The Windsor Star*.

<https://www.proquest.com/docview/2662234852/431027EC9AFE402FPQ/13?accountid=1>

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Another case involved an RCMP officer charged with labour trafficking and animal cruelty. The constable was suspended with pay and arrested. The victim who reported this said that this officer brought the victim from Mexico to Georgina, Ontario. The work agreement was not honoured by the trafficker as the working conditions were poor for the victim who was recruited to work with animals. The police are currently investigating this. It is also believed by the police that there might be other victims out there besides the one who reported this incident. The article closes by listing the same factors as listed above in the government web pages examples which described signs of labour trafficking in Canada. Unfortunately, this newspaper article describes very limited information. It could be due to the limited information that the reporter found or a lack of information available. This case was also recent so the investigation might not be yet

complete. What is strange about this case is that a police officer was charged with labour trafficking. The accused in this case is different from the accused in other cases. This case is unique but continues to suggest that labour trafficking in Canada is widely not understood.

Juha, J. (2019, Dec 24). Rare human trafficking charges laid; Police allege three people created a scheme to traffic migrant workers. *The London Free Press*.

<http://libproxy.mtroyal.ca/login?url=https://www.proquest.com/newspapers/rare-human-trafficking-charges-laid-police-allege/docview/2330267733/se-2>

In another reported case from London Ontario, charges of human trafficking were laid by the police against three citizens in London, Ontario. After a year of investigation, which suggested that this happened between 2015-2017. The migrant workers were from Guatemala and the accused would pretend to be a lawyer and property owner who needed workers. The passports were seized after arrival in Canada. The working conditions would be poor and worked in multiple different private houses. The water and electricity were turned off in one of the houses. Workers were threatened by the traffickers that if they did not obey, then the police would be called and deported back to Guatemala. All three of the accused were released from custody and are supposed to appear in a court trial in February 2020. One of the people charged with the crime, Jose Callejas, was sentenced in 2018 for illegally employing 17 foreigners that were not allowed to work in Canada. He was ordered by the court to pay a fine of \$10 000.00. A social worker from Windsor Ontario commented that labour trafficking charges are rare in Canada. I did a search in CanLII for both of the accused names that were reported and labour exploitation, and human trafficking and the accused names; I found no results. This was likely not published in the court case reports.

I did a search in CanLII for both of the accused names that were reported and labour exploitation, and human trafficking and the accused names; I found no results. This was likely not published in the court case reports. This is a real case of labour trafficking presented in the news but it was not found on CanLII. This shows that not all cases reported in the news will be in court reports. Something to keep in mind is that not all cases presented in the courthouse will be published on CanLII so there could be cases that are just not known about. Conditions present in this case include, poor working conditions, recruiter who deceived workers, threats of calling police and deportation. Furthermore, I mentioned earlier that migrant workers were significantly impacted by labour trafficking in Canada. This case is an example of that. Lastly, the conditions of labour trafficking were present in this case example yet not much is known about it.

Overall Analysis of News Websites

Another part to remember is that the credibility of the newspaper reporter does not hold the same weight as peer-reviewed articles. Newspaper articles are published with different purposes and intentions behind it. The newspaper companies need to make a profit so the more attention grabbing the article the more likely citizens will consume it. Newspaper reporters do not have the same familiarity with legal terminology nor criminological concepts as scholars in criminal justice. Newspaper journalists also might not know much about the prosecution process so those details could be missing from the newspaper article. In addition the facts presented and the methods for presenting them are not the same as academic articles. Newspaper articles do not cite their sources in a scholarly manner nor do they provide sources which can be used to fact-check.

Legislation Section

Criminal Code. R.S.C., 1985, c. C-46. <https://laws-lois.justice.gc.ca/eng/acts/c-46/page-1.html>

Labor trafficking violates our laws in Canada as can be seen in our criminal code but also in the Charter of Rights and Freedoms. The Criminal Code of Canada (CCC) states that: **279.01 (1)** “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”.

Some punishments include: **279.0 (1a-b)** “to imprisonment for life and to a minimum punishment of imprisonment for a term of five years if they kidnap, commit an aggravated assault or aggravated sexual assault against, or cause death to, the victim during the commission of the offence”; (section b) “to imprisonment for a term of not more than 14 years and to a minimum punishment of imprisonment for a term of four years in any other case.”; **279.02 (2)** “Everyone who receives a financial or other material benefit, knowing that it is obtained by or derived directly or indirectly from the commission of an offence under subsection **279.01(1)**, is guilty of an indictable offence and liable to imprisonment for a term of not more than 14 years and to a minimum punishment of imprisonment for a term of two years.” This is the criminal code version of human trafficking but does not have a specific section dedicated to labour trafficking or even sex trafficking. The criminal code does not have a specific section indicating labour trafficking so there’s no specific legislation towards labour trafficking found in the CCC. It describes generally human trafficking but does not use labour trafficking-specific terminology. But doesn’t the section describe/include trafficking regardless of the type?

Canadian Charter of Rights and Freedoms. 1982. Part 1 of the *Constitution Act*, 1982, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11.

Labour trafficking infringes on the Charter right section 6. It states in **6(1)** “Every citizen of Canada has the right to enter, remain in and leave Canada”. Not all victims of labor trafficking will be citizens necessarily but victims who do will have their mobility rights infringed on in constitutional law. When victims of labour trafficking become victimized, the trafficker controls the movement of the victims. By controlling the movement of the victims, the traffickers take away the freedom of the victims to move freely in Canada. Labour trafficking as a crime also infringes on mobility rights in constitutional law. Understanding labour trafficking also means understanding how it infringes on mobility rights in Canada. However, since this charter right (mobility rights) applies to citizens and permanent residents only it cannot be used to explain labor trafficking crimes when the victim is not a citizen nor a permanent resident of Canada.

Immigration and Refugee Protection Act S.C. 2001, c. 27.

<https://laws-lois.justice.gc.ca/eng/acts/I-2.5/page-15.html?txthl=trafficking#s-118>

The *Immigration and Refugee Protection Act (IRPA)* has a section on human trafficking. Section 118-trafficking of persons (1) says that “no person shall knowingly organize the coming into Canada of one or more persons by means of abduction, fraud, deception or use or threat of force or coercion”. This is the only section in the *IRPA* that has a specific reference to human trafficking in Canada. It does not describe what human trafficking is in the same way that the *Criminal Code* does. *IRPA* describes human trafficking as deception, abduction, fraud and force which is all a part of exploitation but does not include the terms recruitment, harbouring, transporting, or controlling movements of people which are included in the *Criminal Code*. This

suggests that IRPA has different applications when compared to the Criminal Code. As discussed later in the prosecution section, there are different criteria for human trafficking in Canada. The definitions described in IRPA make this clear. It is also not clear in IRPA whether there is a specific punishment laid out for people found guilty of this crime. Finally, the offence under IRPA does not specify labour or sex trafficking so it cannot be clear how effective this law works to specifically combat labour trafficking in Canada.

The United Nations. (2021). *Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention Against Transnational Organized Crime*.

https://www.unodc.org/res/human-trafficking/2021the-protocol-tip_html/TIP.pdf

Article 6 of the United Nations trafficking laws says that it will help and protect victims of human trafficking (p.43). One of the ways to achieve this includes state parties of the United Nations will provide victims with legal information about the court administrative process, and help with the physical, psychological, social, and recovery process for victims of human trafficking, through counselling, medical help, housing support, employment training programs, acknowledge unique needs for children, age, help with physical safety and options for financial compensation (p.44). This legislation was designed to address human trafficking in general so there is no indication of targeting the response for labour trafficking in the world.

Lemahieu, Me, & Ye. (2023). *UNODC, Global report on trafficking in persons 2022*.

https://www.unodc.org/documents/data-and-analysis/glotip/2022/GLOTiP_2022_web.pdf

The United Nations released a report highlighting a planned response to tackle human trafficking. Some highlighted findings included that war conflict areas are “hunting grounds” for traffickers, women and children are the most vulnerable to violence, the more organized the crime is the more violence and exploitation for extended periods of time, more impunity inside the home countries so then victims are trafficked to more places (p.2). During the global pandemic victims were less likely to be detected for the first time in 20 years, and law enforcement had fewer opportunities to intervene during the pandemic (p.3).

Commentaries on Legislation

Muchka, A. (2021). *Traffick stop. Addressing labour exploitation of migrant workers in Canada*.
<https://summit.sfu.ca/item/34462>

A student researcher conducted research comparing labour trafficking to sex trafficking (p. xiv). She specifically stated that the temporary foreign worker program had a strong influence on labour trafficking in Canada as Canada relies on temporary foreign workers when the labour market has shortages. Barriers to reporting this crime include accountability that is ineffective, poor incentives to report, and data that cannot be relied upon. Policy suggestions included reports being mandatory, directions for permanent residency, work permits designed for specific occupations, and employee connections. (p.xiv). The researcher examined protections for migrant workers in Canada and what legislative barriers could exist. This researcher conducted a literature review and used semi-structured interviews with labour trafficking experts to identify alternative approaches compared to the current ones used (p.24). Some of the results included jurisdictional issues, victim justice, understanding of human trafficking applied, criticisms of the Temporary Foreign Worker Program, and victims coming forward with their stories.

Jurisdictional issues include the decentralization of stakeholders who were in contact with the victims when they came forward.

This article is relevant because it compares labour and sex trafficking and helps to address the research gap in labour trafficking compared to sex trafficking. It mentions the Temporary Foreign Worker Program which appeared multiple times in the literature from other sections of this project. The researcher suggests that accountability needs to be improved, mandatory crime reporting of labour trafficking and more help with work permits and permanent residency for victims of labour trafficking.

Guilmain, L. M., & Hanley, J. (2020). Creative recourse in cases of forced labour: Using human trafficking, human rights and labour law to protect migrant workers. *International Migration*, 59(2), 126-139. <https://doi.org/10.1111/imig.12743>.

This article offers a commentary on current legislation involving labour trafficking in Canada. Legal scholars emphasize the need for legislation to broaden to include a specific section on labour trafficking. Right now the current laws rely on human trafficking as a whole. The researchers suggest that human trafficking laws do not specifically address the problem of labour trafficking in Canada. Researchers discussed Bill C-423 which would be the Modern Slavery Act in Canadian Parliament. This bill would mandate companies to report crime prevention of labour trafficking in supply chains. The bill was not successful in passing through the stages after in Parliament. It was narrow as it did not include sectors with large amounts of immigration examples being agriculture and domestic work. The authors, therefore, conclude that Canada depends on human trafficking laws when dealing with forced labour cases. This author refers to labour trafficking as forced labour and suggests that it is possible for foreign workers to be

forced labour in Canada due to the temporary foreign worker program. This article focuses on labour and human rights law for its sources (p.127). Canada signed the Palermo Protocol which began to come into force in 2002 and human trafficking was not added to the criminal code until 2005 (p.127). Between 2005-2019 there were 581 recorded cases of human trafficking accusations. 22/581 were international cases, and 559/581 were within Canada. Most Canadian cases involved sexual exploitation while most international cases involved forced labour. According to the Trafficking National Coordination Centre. This is all that is included in this research article. The researcher said that most human trafficking cases were sex trafficking-related and that convictions are rare (p.128).

This article references Canadian statistics and discusses specifically Canada's Temporary Foreign Program. It provides recommendations to improve it and make it better suited to meet worker protection needs. It discusses the supply chain as a core factor when preventing and intervening when this crime occurs in Canada. Although the proposed bill did not pass into law it did offer a solution to dealing with this problem. It said the bill could have been improved by not making it too narrow. This article is peer-reviewed so it can be trusted with accurate information about labour trafficking.

Rodgers A. (2018). *Envisioning justice for migrant workers. A legal needs assessment.*

https://mwcabc.ca/downloads/MWC_Envisioning_Justice_for_Migrant_Workers_Report.pdf

A report was done examining the legal needs of migrant workers in the temporary foreign worker program in Canada (p.2). This was focused on BC trying to understand the barriers that exist for foreign workers to access justice. This was examined through legal services and the

information that comes with it (p.2). The research study included semi-structured interviews and online surveys. The target population was lawyers, union workers in BC, and non-profit organizations to name a few.

The largest category was 30.8% of migrant workers who reported that they were unfamiliar with their obligations and rights during work under BC law (p.29). This shows that not all migrant workers know about their rights during work and could be at risk for labour trafficking in Canada. $\frac{1}{3}$ of respondents reported that they were unfamiliar with minimum wage laws and overtime pay. Only 10.3% of respondents were familiar with safety and health-based laws in BC (p.30). This suggests that there is a significant educational gap in labour rights for newcomers to Canada. Affirming the legal rights of the migrant worker is a challenge. One of the findings from one of the focus groups included a participant being afraid of what could be lost when filing a lawsuit against the organization for labour rights violations. This person was worried about not having a house and being forced to sleep on the streets by the employer if the lawsuit was filed. If this participant lost employment status then it could take months to find another job to replace the current one (p.37). This is important as this is one of the reasons why this crime is underreported. When victims fear the potential consequences of reporting the crime then they want to be able to survive financially. It takes a risk which the victim may believe is a worse outcome than leaving the exploited job. One of the labour lawyers explained that victims might not want to report the crime out of fear of being deported. This can happen with victims who are aware of their rights (p.37). This could prevent future employment of the victim where the traffickers throw victims into a trap where they control the choices of the victim.

This article explains the barriers which victims face when accessing justice. It compiled data from both surveys and interviews. Since it used a mixed methods approach it was able to combine quantitative and qualitative data. This is important because not all of the literature that I found used mixed methods to examine labour trafficking. By incorporating both approaches it could address limitations that one method would have. Along with statistics from the report it describes why some crimes are not reported. It mentioned that victims fear deportation and even victims who know their rights could be afraid. This article must be included to explore why labour trafficking is not widely understood. Without victims who reported the crime, it could go unnoticed and injustice persists. The organization that wrote the report is specifically involved in advocating for labour rights of previously trafficked victims so the organization is a reliable source. The legal barriers may differ by province so it cannot be said whether it is greater for some compared to others. However, these barriers could exist in other provinces of Canada too.

Drydyk, J. (2020). Human trafficking trends in Canada 2019-2020. *The Centre. Canadian Centre to End Human Trafficking*.

<https://www.canadiancentretoendhumantrafficking.ca/wp-content/uploads/2021/10/ENG-Human-Trafficking-Trends-in-Canada-%E2%80%93-2019-20-Report-Final-1.pdf>.

In 2019 a hotline number was released to the public for confidential information offering help in multiple languages about human trafficking. It has over 900 connections to social and legal services. It also reported that between 2019-2020 there were 415 cases of human trafficking but did not elaborate on details of those cases. This is part of a crime prevention strategy started by a non-profit that is active in the crime prevention process. However, only reported cases are recorded in that report. There could be other cases that are not known about right now.

The report said that 7% of cases which were identified by the hotline of human trafficking were reported to the police. The hotline will only report when the victim or survivor gives consent, minors are involved, or if there is an immediate danger to the survivor or victim on the phone line. If cases reported here outweigh the number of cases brought forward to the police, it means the data can provide insight into overall cases including ones not reported to the police. This can help fill a research gap when it comes to analyzing cases of human trafficking in Canada. 71% of cases were sexual trafficking and 7% were labour trafficking. 20% involved human trafficking where it was not reported under sexual or labour trafficking. The cases of labour trafficking represented a minority of reported cases to this hotline compared to sexual trafficking. That means that even this data cannot be used to generalize labour trafficking trends in Canada as the dataset is small. The report also stated that friends and family were a significant part of cases coming forward to the hotline centre. Between 2019-2020 26% of trafficking signals came from families and friends. This would be during the early luring stages and ongoing human trafficking. However, oftentimes essential details are missing from the family members that make it harder to determine whether the case is an example of human trafficking.

Detection, Investigation & Prosecution

Canada Border Services Agency. (2020). *Human trafficking at the border*.

<https://www.cbsa-asfc.gc.ca/security-securite/ht-tp-eng.html>

The criminal justice system is the main organization in charge of crime prevention. Here is some context for the current response toward labour trafficking. According to CBSA, they help combat trafficking by examining signs of trafficking across borders and supporting the prosecution of criminals and investigation of them. They also help determine potential victims and give them the referral they need to other public services. The government website includes actions such as conducting pre-screening for potential victims before arrival, sharing intelligence with data trends on trafficking, security checks, investigating individuals accused of organized crime, and being part of criminal investigations. This includes instructions for law enforcement employees to follow when detecting potential victims of labour trafficking but it does not provide examples. Without examples that gives more room for discretion and a response that may be less effective than it could be. This area of policy response could be improved.

Royal Mounted Canadian Police. (2022). *Recognizing human trafficking victims*.

<https://www.rcmp-grc.gc.ca/en/human-trafficking/recognizing-human-trafficking-victims>.

The RCMP website included more context on crime intervention which helps with understanding the context better. The Royal Mounted Canadian Police stated that the identities of traffickers include small family criminal groups, individuals working to make money from this crime, and transnational organized crime groups. Victims are deceived through control of money, living arrangements, relationships, passports and other identifying documents. It is isolating and manipulating and can be done through extortion.

Another concept to understand is the work environment, RCMP officers work in a different environment so they notice different suspicious activity than CBSA officers. RCMP are not confined to the airport so they can track crime between provincial borders and notice signs of human trafficking between provincial borders. CBSA officers work with people entering and leaving Canada so they can notice signs of labour trafficking that occurs between federal borders. RCMP officers are not limited to working in one place for their entire shift, whereas CBSA officers are.

Public Safety Canada. (2022). *National strategy to combat human trafficking. Annual reports. 2019-2024.*

<https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2019-ntnl-strtggy-hmnn-trffc/index-en.aspx>

The federal government reported on human trafficking. It states a plan to combat labour trafficking by determining the long-term methods to address forced labour and child labour within federal procurement supply chains. This involves collaborative work with international partners, the private sector, and civil society. developing an advisory committee to include the voices of human trafficking survivors. They will also increase funding for community programs designed with a trauma-informed lens to help survivors reintegrate into society. This report was very vague and did not include much beyond collaborative work. This suggests that nonprofits are more aware of how labour trafficking works within Canada. The government stresses working with multiple agencies to combat trafficking which is good but it lacks plans. A plan needs to include specific actions to prevent the crime from happening and how they plan to intervene when the crime takes place. One reason could be that the government is not as educated on the topic as academics or non-profit organizations. Perhaps the current government

departments overseeing the issue are working with other agencies to figure out the problem before allocating resources to address it. Regardless of the vagueness of the plan the government appears to be working on a solution or steps to arriving at a solution as a starting point.

Canadian Council for Refugees. (n.d.). *Human trafficking and the law: How to protect trafficked persons. a guide for legal practitioners.*

<https://ccrweb.ca/sites/ccrweb.ca/files/human-trafficking-law-guide-web.pdf>

Canada's legislation on labour trafficking describes human trafficking charges. Under the *Immigration & Refugee Protection Act (IRPA)*, only human trafficking cases which cross Canadian borders can be prosecuted under this act. The survivor has to be the one who crosses the border for law enforcement to lay criminal charges. If prosecuted under the *Criminal Code*, each province prosecutes the charges (p.7). Other common charges under *IRPA* include human smuggling, charges involving officers, abetting, aiding, and counselling another person to breach *IRPA*. Part of the criteria to get a prosecution includes the victim claiming a fear of safety. This has been challenged suggesting that this is too narrow of an approach since traffickers don't always threaten safety. It can be deportation or even indirect threats to the victim's family, not just the victim. The author suggests that laying charges can be inaccessible from this current legislation (p.9). The author suggests that the BC model of an open work permit for migrant workers can help protect trafficked victims.

This source works very well in describing human trafficking and how legal practitioners can help. It describes the criteria for protection under the *Immigration and Refugee Protection Act* and the *Criminal Code* as each legislation works differently. That is important because in my case examples above not all are prosecuted under the same piece of legislation. In addition, it

describes common charges under the *Immigration and Refugee Protection Act* when prosecuting human trafficking in Canada. The scholar mentions that threats are not always directly pointed at the victim's safety; they can be threats to families too. This highlights something that appears to be missing within the scope of the prosecution criteria. If the criteria were expanded as the scholar suggested, this could help identify victims of human trafficking more clearly.

Furthermore, it makes specific references to labour trafficking under the *Temporary Foreign Worker Program* talking about how an open work permit can help protect migrant workers from labour trafficking.

Government of Canada (2012). *National action plan on trafficking*.

<https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/ntnl-ctn-pln-cmbt/ntnl-ctn-pln-cmbt-eng.pdf>.

This national action plan became Bill C-310 (*An Act to amend the Criminal Code (trafficking in persons)*) to include human trafficking as a criminal offence in the *Criminal Code* of Canada.

Police officers also have access to Canada's Financial Transaction and Report Analysis Centre which gives financial intelligence. This source provides potential links from money laundering to suspected human traffickers (p.17). Honourable Toews writes that a training module was designed for service providers and first responders to respond and become aware of human trafficking signs. He adds that law enforcement will also help with the crime prevention process (p.11). The report talks about a plan to address human trafficking but does not specify labour trafficking specifically and is vague. It mentions bringing agencies together to educate and train professionals yet does not describe how. It's a promise by the Canadian government to help address the crime yet no action plan.

Government of Alberta. (2020, April 7). Bill 8: Protecting Survivors of Human Trafficking Act.

<https://www.alberta.ca/release.cfm?xID=7002356624840-01AA-3C2B-B128FAB3D44461>

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There is also another Bill being introduced, Bill C-452. Lastly, legislation has been put into effect about the process of restraining orders in human trafficking. The provincial government is also working on providing training resources for Alberta employees (Alberta Government, n.d). The Alberta government has also released a report which stated that in 2018 there were 12 cases of reported human trafficking in Alberta. Some measures include standardized meaning for human trafficking, a warrant which allows police officer entry, and a statutory tort which allows victims to sue their traffickers.

This is an important source because it describes what Alberta is doing to tackle human trafficking. It is not specific to labour trafficking but it gives a statistic about the number of cases in Alberta. It describes specific measures while highlighting it is a starting point for the Alberta government which is trying to tackle this issue. A limitation of this webpage is that it does not describe in detail since it highlights the report and also the webpage is difficult to navigate. There is a link to the action plan and protection plans but the link is not easily accessible. The Protection Plans Act links to the Legislative Assembly of Alberta but does contain the actual piece of legislation. In addition, the action plan link just elaborates further describing the same point in the highlights on the webpage. The limitation of this webpage is that the quality of information made available is not as good as other reports from the Canadian government or non-profit organizations.

Larios, L., Hanley, J., Cardona, M. S., Henaway, M., Shaer, N. D., & Soltane, S. B. (2020).

Engaging migrant care workers. Examining cases of exploitation by recruitment agencies in Quebec, Canada. *International Journal of Migration and Border Studies*, 6(1-2), 138-157. <https://www.inderscienceonline.com/doi/epdf/10.1504/IJMBS.2020.108690>

There was a study done examining labour exploitation intervention measures by a non-profit organization. It measured the response the organization had toward providing support to migrant care workers (p. 141). There has been some provincial regulation across Canada for migrant workers but the report suggested that more is needed from the federal government. This study featured a longitudinal design with migrant workers in temporary employment organizations in Montreal. The data collection was via interviews and it took 3 years to complete. In addition, this study combined data from the Immigrant Workers Centre and PINAY. The later data focused on cases with complaints about recruitment practices in Montreal. (p. 146). Recruitment fees were a common finding in the data collected. A technique of labour trafficking included charging an expensive fee for workers to connect with employers despite violations of law in Canadian and international law (p. 148). Care workers were recruited by friends and family. The average cost was significantly higher for immigrants who have not settled in Canada yet. Foreigners who want to immigrate here already have to pay a fee for the application process and these recruitment organizations were adding a fee to pay. The case file report showed that in some instances immigrants did not receive the services promised and the employers refused to reimburse the fees. Employers pressured immigrants into working illegally without a permit. Cases reveal that workers were not getting paid for their work, did not show a contract, and workers were required to work in multiple different houses. This report also revealed that workers did not want to leave the abusive worker relationship because of fear of immigration

status loss. There was a fear of housing and income source loss. Workers had families to provide for and they stayed in the abusive employee relationship (p. 149).

Musto, J., Thakor, M., & Gerasimov, B. (2020). Special issue: Technology anti-trafficking and speculative futures. *Anti-trafficking review*, (14), 1-14.

<https://antitraffickingreview.org/index.php/atrjournal/issue/view/22>

This literature review report talks about the role technology plays in combating trafficking as it's suggested less is known about technology contributions to trafficking compared with policy and law responses (p.5). Unregulated technology platforms will likely result in more profit for big companies and protect user privacy. Some data entrepreneurs have made technology to “disrupt” suspected trafficking activity. Some say this is taking technology and presenting the trafficking responses as humanitarian rescuers. Some think that more data can have more prediction abilities but fewer explanatory abilities (p.7). Some suggest that companies and individual consumers can combat it rather than policies at the state level in the USA. This author suggests that technological interventions to tackle trafficking are ideologically based and lack evidence. Second, the author suggests that current technology interventions have little to no effect in combating trafficking. It is also suggested that technology-based anti-trafficking interventions overlook the deregulation of labour markets, “strict” migration policies, and discrimination based on gender.

This article discusses the role of technology in combating trafficking. It is new and has different perspectives on its effectiveness in tackling human trafficking. Some think it can be part of a humanitarian response to address human trafficking and others suggest the data's explanatory abilities are lacking. Others suggest that factors like discrimination based on gender or

deregulated labour markets can be overlooked. All of this points to the complexities of labour trafficking. Furthermore, this could be because the technology is new and without much knowledge about how it could help some may doubt its effectiveness. Finally, this was an American study so it cannot be generalized to the Canadian context.

Farrell, A., Dank, M., Vries, I., Kafafian, M., Hughes, A., & Lockwood, S. (2019). Failing victims? Challenges of the police response to human trafficking. *Criminology & Public Policy*, 18(3), 649–673. <https://doi.org/10.1111/1745-9133.12456>

This American article talks about the police response to human trafficking which includes labour trafficking incidents too. The challenges of detecting trafficking cases include the secretive nature of the crime and also police bias against victims who break the law like prostitution activity or undocumented immigrants. Police are less likely to recognize prostitutes or undocumented immigrants (p.652). Some victims might not report the crime since they have a negative perception of law enforcement or believe that the police will not understand their situation. The author says that complex trauma is related to distrust of the police. The researchers in this study based their findings on data of police-reported trafficking crime and interview information with service providers and police in American communities. It was found that it was rare for victims and their families to report the crime. In some cases of human trafficking, victims are at the pre-contemplative stage of leaving the trafficking scenario. One police detective said that victims are in the survival mentality so they are not thinking about telling the police. They want to figure their life out and “move on” (p.661). Labour trafficking victims wanted wage remedies instead of arrests by the police of the traffickers. Victims were not

satisfied with the prosecution as the sentence was perceived as too lenient. The outcomes of cases impact victims who are hesitant to request prosecution to intervene.

I think this goes to show that victims coming forward do not believe justice will be served when criminals are charged, prosecuted, and sentenced. Victims do not believe their voice is heard and even if it is, the intervention to address it does satisfy their expectations. Victims are frustrated with the current responses of the criminal justice system so that seems to suggest that the current response needs to change and improve. It also suggests that victims make their decisions of reporting crime based on their bad experiences. They do not trust criminal justice workers to handle it so they try to move on rather than face the problem. This is likely due to the lack of confidence in themselves after the trauma that occurred from their victimization. Oftentimes they want to survive and do not think the same way law enforcement does. This is the criticism the article gives when the response is not victim-oriented. This criticism is valid because

The issue with this article is that it is American, it does not provide Canadian context so comparisons cannot be made. However, it discusses victimization and why some crime does not get reported to the police. That is key for understanding labour trafficking responses.

Broad, R., & Muraszkiewicz, J. (2019). The investigation and prosecution of traffickers:

Challenges and opportunities. In Winterdyk J., & Jones J. (Eds.), *The Palgrave International Handbook of Human Trafficking* (pp.707-723). Springer International Publishing. https://doi.org/10.1007/978-3-319-63058-8_43

This entry discusses the prosecution processes during human trafficking in the Canadian context as well as in other countries. Canada was one of the first countries to ratify the Protocol, and the

2012 National Action Plan to Combat Human Trafficking (p.713). In 2012 the human trafficking minimum sentence increased from 2 years to 5 years. In 2017, traffickers needed to prove that their property was not obtained through criminal activity. Control had to be part of the criteria for evidence to prosecute traffickers. The CCC and National Action Plan to Combat Human Trafficking said there could be helpers to testimonies. This included a different location than the courtroom and support (ex. Victim representatives support workers). If victims wanted temporary or even permanent residence they did not need to give evidence in court. This entry referenced the Domotor case and talked about gaps in human trafficking case responses. Provincial versus federal level cases did not always have the same legal procedures for gathering evidence so sharing it was problematic. Between 2012-2016 there were 307 human trafficking cases yet only 45 convictions were for human trafficking-specific criminal charges. This entry highlighted that finding data on the prosecution process was difficult due to offences not consistently being reported under the same definitions, lack of accessible data, and lack of cooperation from victims with the police. Victims could risk being deported or losing their jobs when reporting to the police. The Canadian government has focused on sex trafficking crime intervention instead of labour exploitation. More collaborative work is suggested.

This entry is great as it describes legislation and law enforcement procedures. Although vague it explains why it is vague and the difficulties of finding data on police evidence gathering and arrest procedures. It acknowledges the imbalance between sex and labour trafficking in Canada. It examines other countries for comparison of crime intervention by law enforcement.

Sikka, A. (2013). *Labour trafficking in Canada: Indicators, stakeholders, and investigative methods*. Public Safety Canada. <https://publications.gc.ca/site/eng/442851/publication.html>

This archived report specifically separates detection from the investigation. The detection section of the report stated that in cases involving physical harm workers escaped and called the police. This was uncommon for victims since often victims were afraid of deportation. Sometimes law enforcement was called by the police to investigate fraudulent based recruitment procedures or accusations of workers for misconduct. The case data from this report came from NGOs that dealt with migrant worker problems. Parliaments and Legislatures in Canada received the reports. A few cases were detected through victims who wanted to have refugee status at Canada's Immigration and Refugee Board. Multiple cases did not indicate whether CBSA or police agencies were involved. In the investigation section, some victims of labour trafficking would be afraid of their safety of life but in a few cases, threats of the victim's families existed. Although victims were afraid of their traffickers, "Criminalization" or deportation threats were related. Investigators cannot assume that just because there is no physical fear, it does not mean that there is no exploitation, deception, or force. It's possible that recruiting, advertising, transporting, and renting premises to workers are legal. The work contract and what is advertised is the key part of the evidence. Sources of this data could come from interviews with victims but also other workers who are called "Canadian nationals" by the report. Standardized procedures might not be effective since the evidence is not clear whether organized crime "enterprises" are committing labour trafficking criminal offences. Documents that are fraudulent could give proof of labour trafficking. Some reports lacked evidence that the documents were fraudulent. The caregiving and domestic sector have dominated the reporting of illegal work entries.

This Canadian report discusses law enforcement intervention and the challenges of understanding its procedures. Even though this archived report does not describe specifics of law enforcement procedures it talks about the challenges where case reports did not mention law

enforcement's involvement. Most of the case data did not come from government sources, it was from NGOs and only sometimes from the Immigration and Refugee Board. Very little data exists or it just is not publicly available. It is clear that evidence gathering is unclear and what has happened to lead to labour trafficking criminal charges.

Department of Justice Canada. (2015). *A handbook for criminal justice practitioners on trafficking in persons.*

<https://www.justice.gc.ca/eng/rp-pr/cj-jp/tp/hcjpotp-gtpupjp/hcjpotp-gtpupjp.pdf>

There was a handbook made for criminal justice workers dealing with labour trafficking. There have been multiple ways to tackle human trafficking. Some include understanding labour and development, human rights, migration, violence against women, and organized crime (p.13). The source makes more references to sex trafficking than labour trafficking. The report handbook also recognized trauma. It listed symptoms including denial of being a victim of human trafficking, challenges explaining clear statements to the police, "Depersonalization of the abusive experience," coming up with reasonable parts to the traumatic situation in memory which has blanks, pieces of perception, memory, sense of time, consciousness, and feeling (p.37). A recommendation in the report is to help the victim feel secure and safe. It also acknowledges that some NGOs will know more about how to provide support compared with law enforcement resources. Under the collecting evidence section, it listed signs of labour trafficking combined with signs of sexual trafficking. It included bad living conditions, fear of safety and intimidation and control, and deception about the work contract in terms of its legality to name a few.

The benefit of this source is that it provides the multiple ways that labour trafficking is dealt with. It outlines how labour trafficking is investigated and prosecuted in Canada. It also talks about symptoms of labour trafficked victims which include memory challenges, denial of victimhood and explaining clear statements to the police to name a few. Victims with challenges communicating what happened to the police mean that it is difficult for police officers to report what they hear from victims. This is likely a part of the reason why the data available on labour trafficking is so scarce. Without clear statements, the police do not have much data to publish so the government can then make it accessible to the public. It acknowledges that NGOs will sometimes know more about resources to help victims than the police. This is consistent with findings from other government reports where the data does not always reveal the same kind of information as the non-profit reports.

Surtees R., & Johnson L.S. (2021). *Trafficking victim identification: A practitioner guide*.

Regional Support Office of the Bali Process. NEXUS Institute.

https://s3.ap-southeast-2.amazonaws.com/assets.baliprocess.net/app/uploads/2021/12/13140303/Trafficking-Victim-Identification_-A-Practitioner-Guide-NEXUS-and-RSO-2021.pdf

This source talks about how to identify victims of human trafficking. Some highlights include intimidation, how victims are afraid of becoming identified when traffickers use intimidation violence, threats, and control of their victims. It also highlights the psychological and physical impacts on victims who are trafficked. Sometimes victims do not think reporting the crime will lead to assistance so they do not report it. Furthermore, victims do not always want to be involved when helping the police investigate the crime. Also, some victims are independent or already have other supports so they have no incentive to report the crime to the police. The report

also highlighted that practitioners may hold bias based on misconceptions and stereotypes of victims leading to additional challenges in identifying victims of human trafficking. Victims can often have experiences with the police where screening is seen as an interrogation rather than an interview and some stakeholders are not trained well enough to help victims.

The benefit of this source is that it highlights a few challenges that were not specifically mentioned in other sources I found about the challenges of detecting victims in labour trafficking. It discusses victims who do not want to get involved with legal investigation aspects and that some victims are already independent so there is less incentive to report the crime. These challenges mentioned that were not mentioned in other research reports could help fill the research gap about labour trafficking in Canada. It shows something that was not previously well known from other research reports. Unfortunately, the signs police look for are broad and this guide itself presents many challenges with identifying victims of labour trafficking. This goes to show that even a well-done report has limitations. Furthermore, it does not make specific connections between sexual and labour trafficking. It is broad and cannot be used to generalize about labour trafficking.

Recruitment Process, Causes & Theories of Labour Trafficking

How Are Victims Recruited By Traffickers?

Royal Mounted Canadian Police. (2022). *Recognizing human trafficking victims*.

<https://www.rcmp-grc.gc.ca/en/human-trafficking/recognizing-human-trafficking-victims>

Recruitment tactics by the traffickers include making internet posts for jobs, kidnapping threats, social media contact and promises of education or work. People at risk include youth, Indigenous, living in poverty, substance abuse, and migrant workers to name a few. Traffickers will control living arrangements, relationships, locations of work, money, and Identification documents. Traffickers could be individuals working for profit, transnational criminal corporations, small family crime groups, or decentralized criminal groups who harbour, transport, and recruit victims. Unfortunately, this webpage is brief but this is what is available from the government. Other government reports as listed in previous sections focus on the crime response and current legislation surrounding it.

Dandurand, Y., Chin, V., Wilson, L. (2017). Improved response to labour trafficking.

International Centre for Criminal Law Reform and Criminal Justice Policy

https://www.researchgate.net/profile/Yvon-Dandurand/publication/315694809_Improved_Response_to_Labour_Trafficking/links/58dc5dc9458515152b4e4f0a/Improved-Response-to-Labour-Trafficking.pdf

Another report also stated that not many cases of labour trafficking have been prosecuted let alone reported in Canada and this crime is not often reported to authorities. This source also confirms that construction, agriculture, and hospitality industries are common industries for

labour trafficking in Canada. Some examples of labour trafficking conditions include undocumented work where employees are paid little to none, experiences of racial or sexual harassment and fear tactics. The recruitment process into domestic servitude involving labour trafficking includes dishonest promises, fraudulent job offers, and abusive cultural traditions. Cases of labour trafficking reported by service providers and community organizations do not always get investigated by legal authorities. Some challenges to detecting domestic servitude as a form of labour trafficking is that the crime itself is hidden as the victims are socially isolated during work. It is more common for the domestic worker to be a migrant worker. The work environment can then become the living place which forces them to always be available to provide work-based services. Furthermore, the work agreement is usually not written down in a contract format.

When work agreements are not written down in a contract format then employers can make up conditions of employment without consent of the victim. This denies the victim personal autonomy and can be controlling. With worker protection rights, employers can easily exploit workers. This report highlights the main challenges with detecting, investigating, and prosecuting cases of labour trafficking within Canada. This crime is not often reported to authorities. For example, it mentions domestic servitude in which victims are socially isolated. It cannot be easily known and sometimes the work contract is not written down. Without key documents, cases can go unnoticed and crime intervention cannot take place. In addition, it discusses signs which include fraudulent job offers, dishonest promises, and abusive cultural traditions. These are signs to be looking for but these signs themselves are not obvious. For example, there could be multiple fraud jobs existing but victims vulnerable to this will not

understand it being fraudulent. Traffickers exploit victim's vulnerabilities and this is not easy to detect.

Withers M. (2016). Psychological tactics used by human traffickers. A look at seven common manipulation tactics used by traffickers. *Psychology Today*.

<https://www.psychologytoday.com/us/blog/modern-day-slavery/201610/psychological-tactics-used-human-traffickers>

There was a public health academic who wrote about how human trafficking tactics work.

Traffickers will regularly tell their victims that they are commodities who are forgotten.

Psychological abuse and threats are common through the alienation process during trafficking.

They begin to believe they are helpless and lose a sense of self-worth. Traffickers will threaten victims by threatening to spread rumours about criminal activity if orders are not followed.

Traffickers will be on close watch of their victims and always be around victims everywhere they go. Psychological abuse being harder to detect is the type of abuse that traffickers use to avoid detection by authorities. Traffickers also make false promises of releasing victims when the debt is paid.

There is a major gap in the research about how human trafficking works and the process behind it. From a Google search, this article was the most relevant article discussing how human trafficking works. It is an American author but it focuses on the psychological aspects of trafficking so it can be used. In addition, the author is an academic in the psychology field which means that the source is reliable when describing the psychological parts of human trafficking. A limitation is that this does not describe labour trafficking specifically it is more broad. This is evidence that labour trafficking is not understood very well and relies much on human trafficking

in general. These signs of human trafficking are also similar to signs of labour trafficking described on the Canadian government webpage. Unfortunately, Psychology Today does not provide a reference list to compare sources so it cannot hold the same weight as a peer-reviewed source. However, this source can describe psychological factors associated with signs of human trafficking.

Hopper, E.K. & Gonzalez, L. D. (2018). A comparison of psychological symptoms in survivors of sex and labour trafficking. *Behavioral Medicine*, 44(3), 177–188.

<https://doi.org/10.1080/08964289.2018.1432551>

There was an American study completed on the mental health effects of human trafficking on survivors. Survivors were both labour and sex trafficking. There was a high rate of PTSD and Depression reported by the participants. Survivors of labour trafficking had lower rates of previous abuse during childhood than survivors of sex trafficking. Researchers indicated that coercion by human traffickers often includes spoken threats, physical assault, emotional abuse, and trauma toward the victims (p.177). The interview-based data from the study revealed that 50% of sex-trafficked youth experienced sexual and physical violence during the trafficking process (p.177). These coercion tactics as mentioned by the researcher are important to understand so that criminal justice agencies can respond to signs of criminal activity. Although the focus of my research project is not mental health, this is an important article to explore labour trafficking within the Canadian context. Unfortunately, I used a library search to find similar articles that also talk about recruitment tactics of labour trafficking but I did not find anything.

Theories & Explanations Of Labour Trafficking In Canada

Sikka, A. (2010). Trafficking of Aboriginal women and girls in Canada. *Aboriginal Policy Research Consortium International* (APRCi), 57. R.

<https://ir.lib.uwo.ca/cgi/viewcontent.cgi?article=1387&context=aprci>

This author suggested that early settlers had a bias towards Indigenous women suggesting sexism directed against women of Indigenous background. The report suggests that this could be colonial violence due to bias. Indigenous people were sold into chattel slavery by the British Empire just before 1834 when this practice was abolished (p.207). Since the statistics suggest an overwhelming percentage of victims of human trafficking are Indigenous, this discussion needs to be included. Although this article references sex trafficking, it adds to the current context of labour trafficking in Canada. It shows the limitations of current research in labour exploitation since this study focuses on sex trafficking instead of labour trafficking. This source mentions a barrier to understanding why human trafficking persists. The sense of community has been lost once it has been broken down as a part of overrepresentation as victims of this crime. One of the harms the Indigenous nations face from this victimization is that some Indigenous have internalized human trafficking as part of their daily lives and they have not been taught about the harms this crime brings (p. 201). Adding on to the historical context colonialism has impacted Indigenous victims of crime. During the colonial period, poverty became more common among Indigenous people and they relied more on the colonial state to provide for their needs. Some statistics suggest that there was a lack of crime prevention aimed at protecting Indigenous women from violence.

This perspective is important because there could be a bias when understanding labour trafficking cases involving Indigenous people. It highlights the focus of sexual trafficking but acknowledges the gap in labour trafficking. The community sense of belonging can often be missing within Indigenous communities making them vulnerable to becoming victims of labour trafficking. Another part highlights the internalized belief that some Indigenous people have while being trafficked. The final part discusses poverty and how Indigenous communities have relied on the government during colonialism to provide for their needs. This is important because while Indigenous people experience these barriers the internalized belief discussed above can highlight why some crimes might not be reported to the police. If the victims within the Indigenous communities do not understand the harm of labour trafficking then they will not report it to the police. Part of the gap in cases of labour trafficking might be because some Indigenous victims do not come forward with cases of suspected labour trafficking. The last part about violence is relevant because without proper protections against violence then violence like labour trafficking of women the crime can persist.

Meshelemiah, J.C.A., & Lynch, R.E. (2019). The cause and consequence of human trafficking.

Human rights violations. *The Ohio State University Pressbook*.

<https://ohiostate.pressbooks.pub/humantrafficking/chapter/chapter-3-theories-and-human-trafficking/>

This chapter discusses human trafficking and adds theoretical explanations to human trafficking. Conflict theory is defined as the study of power dynamics and oppression via structural conflicts. The original theory had its roots in Marxism from the original 19th-century context. Conflict theorists ask how does the structure contribute to social inequalities? It assumes that conflict

creates competitiveness in which people are forced to compete for wealth and resources and are self-interested. This theory is a part of social work practice. This theory suggests that the main contributors to human rights violations are classist, sexist, and racist which allow oppression to continue. The Structural-Functionalism theory states that understanding the purpose behind roles in society will explain society. Cheap labour maximizes profits from a functionalist perspective. Human rights violations happen for a purpose. Social work practice suggests that crime prevention through social work practice is required to stop the demand for labour exploitation. Labelling theory suggests that crime is understood through labels. Criminal behaviour exists through labelling criminal activity. Labelling theory also allows law enforcement agencies to identify and refer victims to the correct services.

These theories would be supportive of legislation changes as suggested previously by the article on RCMP-reported cases of human trafficking. Why do labour traffickers exploit their victims? Cheap labour will maximize their self-interested criminal goals. Without laws to protect labour rights and advocate for victims, they will continue to be silenced. That's why it matters to talk about this and use evidence-informed research.

Maslow's Hierarchy of Needs is identified as a relevant theory to human trafficking according to this book reference. The bottom needs are safety and psychological needs as basic needs with self-actualization at the top. The chapter states that people have criticized this for being reductionist and ignorant of cultural factors. However, since my research is in the Canadian context that criticism is not very strong. The author suggests that understanding Maslow's hierarchy of needs can inform the understanding of human trafficking. Traffickers provide needs which are missing for victims and use them to lure victims in. This theory suggests that survivors

of human trafficking cannot fully heal from trauma until all needs are met from the basic needs on the bottom to the top reaching self-actualization. Crime intervention must be effective, but helping survivors recover from the traumas endured during the trafficking will not work unless Maslow's hierarchy of needs is addressed. This author offers a reasonable explanation.

Enrile, A. & Aquino, G. (2018). *Survivor advocate model: Ending human trafficking and modern-day slavery*. SAGE. <https://doi.org/10.4135/9781506316789>

This source refers to Maslow's Hierarchy of Needs. It explains why victims' physiological needs must be met as the first step towards helping victims and advocating for them. The perceived sense of safety among victims is different from survivors of human trafficking. People intervening in this crime need to understand that victims need to have their safety needs met. They may have not been physically threatened but the safety of their families could have been. The next level of Maslow's Hierarchy includes belonging. This can be developed through trust and being vulnerable with others. This also goes with the fourth level of building confidence. This research entry suggests that survivors will become self-advocates and empowered to do so when they become self-actualized. Being able to change society cannot happen if the victims are not self-actualized according to this research entry. Furthermore, the author concludes by saying that there is no universal path to self-actualization. Each individual has a unique experience.

This encyclopedia entry works great because it applies Maslow's hierarchy of needs directly to victims of human trafficking. It takes theory and applies it so legal officials can work with it. It explains the basic needs of victims and how that needs to be identified first before helping the victims become self-advocates as the source mentions. It highlights the different stages of Maslow's hierarchy of needs and how that impacts labour trafficking intervention measures. Not

all sources describing labour trafficking make references to Maslow's Hierarchy of Needs. This source does it effectively.

Smith, A. (2021). *Does Economic Development Have an Influence on Human Labor Trafficking?*

Thesis. Georgia State University. <https://doi.org/10.57709/22642566>

A thesis project talked about labour trafficking from an economic development perspective. This author suggested that poverty causes labour trafficking and that economic development will determine the amount of labour trafficking within a country (p.1). Further on it is suggested that if policy changes are made to improve life qualities to lower the number of victims of labour trafficking (p.2). The author continues to explain the economic conditions of labour trafficking by referencing Adam Smith. Smith suggested that compensating workers with pay would increase the incentive to work compared to enslaved populations. The author suggests that since the 18th-19th century, workers were more productive as the abolition movement spread. She predicts that measures to end labour trafficking will lead to increased economic development (p.3). She further goes on to say that some countries will have a high GDP rate because economic inequality persists. Poor conditions increase the chances that people will become victims of labour trafficking. The author concludes by mentioning the Human Development Index Score which was used in the study. The HDI Score was found to influence the amount of labour-trafficked victims. The author said this could help with policy changes. She suggested that an area of improvement includes the structural aspects of labour trafficking. This includes scarce job opportunities, poor education, and poor healthcare. She said that policy needs to tackle labour trafficking within their supply chains. She acknowledges that there has been legislation on

labour trafficking but concludes with economic development increases from crime prevention. She emphasizes the controlling aspects of traffickers rather than the profit generated.

The study focuses on cases in India and China. A limitation of this source is that it only explains poverty, economic development, and labour trafficking within countries with very different socio-cultural aspects than Canada. The Canadian context cannot be explained using this source because Canada has a very different economic, political, and legal system. A benefit of using this source is that it mentions economic aspects of labour trafficking which was not discussed in the same depth as other sources. The conclusion is very generic and she suggests that her case studies from India and China can be generalized to other countries. However, as mentioned above I disagree with this. The reason is that the cultural and legal context is different. Both China and India are at different development stages compared with Canada. Poverty could have different impacts in Canada as there are different laws in place. For example, Canada has social services available to help people in poverty but those same social services might not exist in China or India. They could be run differently since the government operates differently there. Furthermore, the laws are not the same so the economic impacts from laws around labour will have different impacts here in Canada. The Canadian context is not explored in her thesis work. However, despite the limitations in this data, this provides a perspective about labour trafficking that was not explored to the same extent as this study. Without this thesis source, the economic aspects of labour trafficking might be less well understood. It also mentions the HDI Score which was not mentioned in the other sources reviewed in this annotated bibliography. This source is unique and reveals something that was not previously considered by other labour trafficking sources. Furthermore, this author is peer reviewed and provides an exhaustive overview of the economic development features of labour trafficking.

Ontario Women's Justice Network. (n.d.). *What is Human trafficking?*

<https://owjn.org/2018/06/12/what-is-human-trafficking-2/#:~:text=Interrelated%20%E2%80%9Cpush%E2%80%9D%20and%20%E2%80%9Cpull,instability%2C%20war%20and%20conflict%20situations.>

This website talks about push and pull factors which increase the risk of being trafficked. Push factors include gender inequity, political instability, war & conflict, unemployment, poverty, and lack of access to social programs. The pull factors include promises of money, demand for cheap labour, and promises of a “better life.” This source also states that most human trafficking reported cases are sexual exploitation. It goes on to explain specific factors related to sexual exploitation. It does not have a specific section on labour trafficking. However, these push and pull factors can be compared with the previous article on economic development. A lack of economic development within a country suggests that there is unemployment, poverty, and sometimes political instability or war. If the economic development of one country is low then labour trafficking can continue to occur within structures. However, as mentioned above this does not explain the cultural aspects and this website does not explain cultural factors related to push and pull factors.

Catholic Relief Services. (2016). *Trafficking in persons.*

https://www.crs.org/sites/default/files/crs_tip_policy_paper_lr.pdf

This report includes references to the causes of labour trafficking. Poverty combined with other factors including political, economic, and social factors contributes to human trafficking. Addressing the supply and demand is required to fight against human trafficking. The economic factors are explained. It is more common in places where people live across regions where there

are different economic development levels or where the poor and rich live close by. Without legalized movement, many victims travel without documentation and cannot be protected. People are more vulnerable to exploitation under these conditions. Other factors include political corruption. Some governments in the world have corrupt law enforcement accepting bribes for trafficking. Traffickers will also target refugee camps and exploit refugees who lost their jobs (p.6). Sometimes if the traffickers or smugglers do not get immediately paid, the victim could end up in debt bondage. Specific factors listed include gender stratification, dysfunctional families which come from families involved in alcohol and violence, prejudice against women by devaluing them, poor labour market regulation, criminalization of victims of crime, domestic violence, poverty, and weak rule of law. (p.16). This source lists more factors related to human trafficking compared with the thesis project source which focused on economic development. A limitation of this source is that it does not cover much depth of those specific factors. This could be because charities do not necessarily have the same access to research resources as the government or universities. This study makes policy suggestions but in the American context so it will not address the Canadian context.

Sarrica, F. (2022). The use of human trafficking detection data for modelling static and dynamic determinants of human trafficking flows. *European Journal on Criminal Policy and Research*, 28(4), 483–501. <https://doi.org/10.1007/s10610-020-09460-5>

This source talks about the challenges of measuring human trafficking. The author suggests that this is part of the reason why quantitative studies are new in human trafficking research and cannot be used to generate research in the international context. The author takes statistical flow analysis from official statistics of detected victims to understand why specific countries match

more relevant factors than others. Relevant factors include population size, organized crime levels, and distance to chosen destinations. Key factors that stood out include national wealth generated from the country of origin and unemployment (p.483). Researchers predicted that economic changes inside the country of origin can impact the flows between places.

Understanding the economic changes will be able to predict how intense the flow is (p.486). The researchers suggested that better economic development in the country of origin would likely result in more careful choices which reduce the risk for exploitation. Their data confirms this.

Victims in Eastern Europe have dropped slowly inside Western Europe for the past 15-20 years. The Russian GDP/Capita was found to be correlated with fewer Russian victims inside Germany. The same result of Russian victims is from the Netherlands region.

The limitation of this study is that this focuses on European countries, and human trafficking in the Canadian context could be different. An advantage of this study is that it does not only focus on sexual exploitation, it acknowledges the lack of research in labour trafficking. The research article compares unemployment rates with understanding flow but it talks about European countries, not Canada or the USA. This research suggests that unemployment is a significant factor in labour trafficking but only describes it within the European context. Results from this study cannot be generalized to Canada because the laws and policies work differently there.

Winterdyk, J. (2019). Explaining human trafficking: modern-day slavery. In Winterdyk J., & Jones, J. (Eds.), *The Palgrave International Handbook of Human Trafficking* (pp.1257-1274). https://doi.org/10.1007/978-3-319-63058-8_68

This source talks about theoretical explanations for human trafficking along with the causes of criminal activity. The push and pull factors are the leading explanation for human trafficking.

The push factors include civil conflict, globalization, political instability, poverty, limited education, social inequalities, and an environment where improved quality of life is unlikely to happen. Traffickers take advantage of these risk factors and exploit their victims. These factors are consistent with the source from Ontario's Women's Justice Network in terms of the push and pull factors as they list similar ones. This suggests that the push and pull factors are not merely made-up ideas but are backed by other research saying the same thing.

The next theory referenced is capitalism theory where Marx discussed the economic changes from the feudal system to the capitalist system. Private ownership was the new means of production. Another explanation is that an unequal distribution of resources while economic greed violates human labour rights. Maximizing profit means that businesses will secure cheap labour costs. A globalized free market economy offers a competitive environment to fuel greed. Some people exploit this system of economics toward vulnerable populations. The countries that suffer the worst from human trafficking have the worst human rights protections for workers. They become the main targets for traffickers. This explanation is strong for explaining the economic perspective of labour trafficking and why it continues to persist. It adds a human rights approach whereas the push and pull factors are more descriptive. The Marxist view explains labour trafficking well which makes sense considering the time that Marx was writing in. It also explains the damaging effects of unregulated capitalism and how free market economics can be taken advantage of by traffickers.

Duque, R. B. (2021). Applying classical theory in a comparative study of the information revolution in the less developed world. *Space and Culture*, 24(2), 240–262.

<https://doi.org/10.1177/1206331218807087>

This article explains what functionalism is. Functionalism assumes that modernity develops when cultures and structures change themselves. The Industrial Revolution is an example of this shift. These changes include new technologies, globalized markets, increased populations, liberal economics, economic developments, urbanization and more factory work as opposed to domestic work. Social displacement results when modern interactions begin. Social environments become more narrow, social contacts increase, multiple social roles develop, and social reforms continue. In the past decade, Ghana child slavery has been reported mostly coming from the Cocoa Plantation sector yet according to this source the primary school enrolment there is near 100%. Most of Ghana's population is urbanized and the literacy rate is 76% among adults. Ghanaians have one of the highest rates of mobile phone subscriptions in Africa so their social contacts have increased. Society has changed in Ghana and technology there too.

The downside of this source is that it does not apply this theory to crime, it focuses on technological developments but also in Ghana specifically. It does not explain the Canadian context or countries which may have similar economic systems and growth rates as Canada does. This suggests that not much research has been done explaining social theories and applying them to specific crimes. However, it does explain the environments which could contextualize the issue of labour trafficking with further research.

Bowersox, Z. (2022). Union density and human trafficking: Can organized labour discourage trafficking? *Journal of Human Trafficking*, 1–14.

<https://doi.org/10.1080/23322705.2022.2073095>

This research article suggests that there are two primary factors which make labour trafficking possible. Lack of bargaining power and lack of information. Researchers predicted that a

stronger labour union presence is suspected to reduce the likelihood of forced labour occurring by the researchers. Researchers did logistic regression tests and the hypothesis was true (p.1). This study was done in the American context. The article suggests that without a reduction in the supply of labour and demand for it labour exploitation will be encouraged. The researchers also say that labour unions or this research will explain if labour unions will factor in the political, social, and economic variables that increase victim vulnerabilities (p.9). Within the international context, more competition in domestic industries can encourage the movement of labour across borders. This author says that private industry attempts to regulate conditions and practices for labour make unequal results (p.10). However, the author does not provide further context for what is meant by “unequal results.”

This research is a good explanation of labour trafficking. It focuses on 2 factors. Lack of information and lack of bargaining power; both of these factors are available when workers are unionized. Researchers completed quantitative tests to see if their hypothesis was correct. Results suggest that it was correct. The researchers also acknowledged limitations about the economic, social, and political variables that are not answered by the research hypothesis. It discusses supply and demand which were not discussed by other articles above examining causes of labour trafficking.

Conclusion

This research aimed to answer the question, what is the context of labour trafficking in Canada? This included understanding appropriate legislation, statistics, relevant cases of labour trafficking in Canada, the recruitment process of victims into trafficking, and the detection, investigation, and prosecution of labour trafficking in Canada. Causes and theories of why and how labour trafficking occurs were examined too. The methodology to explore this topic was an annotated bibliography. It summarized and analyzed each source briefly answering each section relevant to the research question. The search strategies included recommendations from librarians at Mount Royal University and some search terms included, “labour trafficking”, “forced labour”, “labour exploitation”, “conflict theory and labour trafficking”, and “Maslow's hierarchy of needs and labour trafficking”. The legislation and cases were Canadian examples, but the theories were not specific to the Canadian labour context. Nevertheless, I pulled apart core concepts from sources and emphasized why more research is needed in this area of criminology.

The benefit of this type of research is that exploratory designs work great for researchers who do not know much about the topic. The research question was generic because the current literature on labour trafficking is not yet robust. This research also highlights research that already exists before suggesting new directions for further research. Another benefit is that there is no main theoretical paradigm to frame the methodology. It considers both sources from the qualitative and quantitative approaches while acknowledging the limitations of each source.

The biggest challenge during research on labour trafficking is that very little research has been done. Most studies are relying on existing legislation around labour trafficking and

especially in the international context. There are also very few cases involving labour trafficking that have been reported to the police in Canada. They do not always result in a conviction and most of the cases from the news have not appeared in CanLII. Therefore, it is not certain that those cases went to court. Unfortunately, research gaps continue to exist, and this method of research cannot address all the research gaps. The limitations of this research method are that it surveys multiple sources but does not provide an exhaustive list of all the relevant data. It analyzes multiple sources and tries to find themes in the literature. The research scope broadened from my original research proposal and had less information than I originally anticipated.

Another limitation of this study is that criminological research is naturally interdisciplinary and does not have a specific focus when researching specific crimes. Multiple theories from both psychological and sociological perspectives have been used to explain the criminality behind human trafficking in general. However, most research does not have a specific angle from which to examine crime in Canada. It does not limit itself to using one method as it has that flexibility for examining criminological concepts. A final limitation to my research is that I am not an expert on this subject and have not worked in this field before. I do not know all the factors involved in labour trafficking and hold my biases about the subject. Despite this, this research is a first step towards understanding labour trafficking in Canada.

For example, future researchers could try to understand the risk factors and test which ones are the strongest. Researchers would need to rely on secondary or primary research data that could measure those specific factors amongst multiple populations of interest, then compare the results. Push and pull factors could test specific variables like poverty and supply and demand. A question could include: How does poverty affect victimization in labour markets? How does it

impact exploitation? To what extent is the pull factor of poverty impacted by the supply of labour and the demand for continued exploitation? Another example is theory testing. If researchers wanted to test which theory is the best for labour trafficking explanations, then researchers could design a survey and experimental design to test which theory is the most plausible. Researchers can test for specific variables and control for factors to ensure the relationship between them is not spurious. Theories could include Marxist conflict theory and Functionalist theory. Theories could also include the push and pull factors studies which are not merely descriptive but test the variables, and economic development within the Canadian context like the study conducted in the thesis article mentioned in an earlier source. Marxist conflict theory could be tested by examining inequalities and this could be done by measuring wealth gaps in sectors which impact labour markets the most. For example, restaurants and hotels. Secondary data from labour unions could be used since they are already advocating for worker rights. They might have reported on labour and factors which could impact inequality.

If researchers completed a case study review comparing multiple cases, they could examine core themes amongst the case studies and try to understand which legal practices seem to be the most effective for getting a conviction. If researchers completed qualitative research involving focus groups or interviews, they could understand the experience of each victim from labour trafficking and get them involved in advocating for this cause. Another research question could include to what extent are police resources effective in combating labour exploitation. If not, what are ways to improve the criminal justice response and how can the government help?

The key takeaway from my research project is that labour trafficking in Canada happens. There are cases and statistics to describe its existence, but the current criminal justice response

can improve. A significant way to get involved in this cause is to understand the current situation, what the research says about labour trafficking, and what can be done to make a more effective criminal justice system for dealing with crime, in this case, labour trafficking.

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<https://doi.org/10.1080/23322705.2022.2073095>

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