



**COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2008)<sup>1</sup>: CANADA**

***THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)***

<b>REPORTING</b>	<b>Fulfillment of Government's reporting obligations</b>	YES, since the start of the Annual Review (AR) in 2000. No change report under the 2004, 2005 and 2006 ARs.	
	<b>Involvement of Employers' and Workers' organizations in the reporting process</b>	YES, according to the Government: Involvement of the Canadian Employers' Council (CEC), the Canadian Labour Congress (CLC) and the Confédération des Syndicats Nationaux (CSN) through communication of the Government's reports.	
<b>OBSERVATIONS BY THE SOCIAL PARTNERS</b>	<b>Employers' organizations</b>	NIL	
	<b>Workers' organizations</b>	<b>2002 AR:</b> Observation by the International Confederation of Free Trade Unions (ICFTU).	
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Ratification</b>	<b>Ratification status</b>	<i>Canada ratified in 2000, the Worst Forms of Child Labour Convention, 1999 (No. 182) (C.182). However, it has not ratified the Minimum Age Convention, 1973 (No. 138) (C. 138).</i>
		<b>Ratification intention</b>	<p><b>Under consideration for C. 138.</b></p> <p><b>2008 AR:</b> According to the Government: The Government of Canada is pursuing discussions with provincial and territorial governments concerning ratification of C.138.</p> <p><b>2007 AR:</b> The Government indicated that it had ratified the <i>Optional Protocol to the Convention on the sale of children, child prostitution and child pornography</i> in 2005.</p> <p><b>2005 AR:</b> The Government stated that a Tripartite Workshop on Minimum Age for Admission to Employment in Canada and International Standard was held in February 2004. Discussions confirmed that while there is a high degree of conformity with the principles of C.138 in Canada, legislative changes would be required in all jurisdictions in order to meet the specific technical requirements of the instrument.</p> <p><b>2001 AR:</b> Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001), the Government would continue to examine the Convention in consultation with the provinces and territories, and the social partners.</p>

<sup>1</sup> Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: information provided by the Government under the Declaration Annual Review, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: [www.ilo.org/ilolex](http://www.ilo.org/ilolex)

	<b>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</b>	<b>Constitution</b>	NIL
		<b>Policy, legislation and/or regulations</b>	<ul style="list-style-type: none"> <li>▪ <b>Policy:</b> According to the Government: The principle and right (PR) is recognized in the national policy.</li> <li>▪ <b>Legislation:</b> According to the Government: The PR is recognized in national legislation but legislative changes would be required in all jurisdictions in order to meet the specific technical requirements of C.138.</li> </ul>
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</b>	<b>Policy, legislation, and/or regulations</b>	All Canadian jurisdictions have legislation for compulsory schooling and for regulating the employment of children. There are a variety of statutes that include restrictions on the employment of children and young persons. The most common are employment (or Labour) standards legislation, health and safety legislation and education acts. Restrictions are also found in various provisions regulating professions, in child welfare legislation, and in other statutes. Worst forms of child labour, such as the sale and/or trafficking of children, debt bondage, serfdom, child pornography and prostitution and forced or compulsory labour are subject to prosecution under the Criminal Code. In November 2005, significant changes were made to the <i>Criminal Code</i> to better protect children and other vulnerable persons from abuse, neglect and sexual exploitation: amendments created three new indictable offences to specifically prohibit trafficking in persons, a comprehensive protection scheme for children from all forms of sexual abuse and exploitation (including child pornography and prostitution), and enhanced the penalties for offences.
		<b>Basic legal provisions</b>	(i) The employment legislation; (ii) the health and safety legislation; (iii) the Education Acts; and (iv) the Criminal Code.
		<b>Judicial decisions</b>	NIL
	<b>Exercise of the principle and right</b>	<b>Compulsory education</b>	<b>YES: Free compulsory schooling up to the age of 16, at least.</b>
		<b>Worst Forms of Child Labour</b>	<b>C. 182 is ratified.</b>
		<b>Special attention to particular situations</b>	<b>2003 AR:</b> According to the Government: Canada's international development strategy targets the most marginalized girls and boys.
		<b>Information/Data collection and dissemination</b>	<b>2001-2002 ARs:</b> According to the Government: There are statistics and surveys that provide statistical information on the extent and/or nature of child work. Provinces and territories have also provided statistical information on issues such as child work permits.
	<b>Prevention/Monitoring, enforcement and sanctions mechanisms</b>	<p><b>2000-2005 ARs:</b> According to the Government:</p> <ul style="list-style-type: none"> <li>-<i>The Commission on labour standards:</i> There are government labour inspectors and appropriate enforcement mechanisms in all jurisdictions.</li> <li>-<i>The Labour Inspectorate to ensure law enforcement in every jurisdiction:</i> For instance in Ontario (Ontario Health and Safety Act) and in Quebec (sections 153,156 and 220 of the Civil Code);</li> <li>-<i>The possibility of investigation and enquiry by police and social welfare officers;</i> and</li> <li>-<i>Penal Sanctions:</i> from fines to imprisonment.</li> </ul>	

<p><b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b></p>	<p><b>Involvement of the social partners</b></p>	<p><b>2005 AR:</b> According to the Government: At the Federal level, employers' and workers' organizations (and civil society) were involved in a tripartite workshop on «Minimum Age for Admission to Employment in Canada and International Standards», organized by the International Labour Affairs, in February 2004.</p> <p><b>2000-2005 ARs:</b> According to the Government: At the provincial/territorial level, social partners are involved in various activities, including awareness and advocacy programmes.</p>
<p><b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b></p>	<p><b>Promotional activities</b></p>	<p><b>2008 AR:</b> According to the Government: In Canada, governments continue to focus on initiatives aimed at protecting children from trafficking, sexual exploitation and other worst forms of child labour. Internationally, through the Canadian International Development Agency (CIDA) and the Labour Program's International Trade and Labour Program, the Government of Canada is supporting projects aimed at strengthening child protection and combating child labour. For example, in March 2007, UNICEF published <a href="#">Enhanced Protection for Children Affected by HIV and AIDS</a> that was the result of a significant international collaboration involving over 25 organisations led and funded by UNICEF and CIDA, and involving UNAIDS, the International HIV/AIDS Alliance, the International Labour Organization (ILO), Save the Children, CARE, World Vision, Plan International and the African Network for the Prevention and Protection Against Child Abuse and Neglect.</p> <p><b>2006 AR:</b> The Government indicated that the Department of Foreign Affairs and International Trade (DFAIT) in Canada continues to publish the brochure, «Bon Voyage, But...», warning travelers about the existence of extraterritorial legislation in Canada that allows for the Canadian prosecution of nationals believed to have engaged in sexual exploitation of children outside of Canada. The brochure is now available on their website at: <a href="http://voyage.gc.ca">http://voyage.gc.ca</a>. In June 2005, a Canadian was sentenced to ten years in prison for crimes involving children committed while he was visiting Cambodia. This is the first conviction obtained under Canada's child sex tourism legislation.</p> <p>In 2004, the Government of Canada continued to support the ILO International Programme for the Elimination of Child Labour (IPEC), contributing \$3 million to child labour projects in the Americas and in Africa. In 2005, an additional contribution of \$500,000 supported the continuation of projects in Costa Rica, Chile, Central America and the Dominican Republic and also in the Caribbean.</p> <p><b>2000-2005 ARs:</b> According to Government: It provides financial support to various international organizations such as the ILO International Programme for the Elimination of Child Labour (IPEC). Moreover, the Canadian International Development Agency (CIDA) provides financial support to UNICEF, the United Nations High Commissioner for Refugees (UNHCR), the World Food Programme (WFP) and to Canada's non-governmental and academic communities. CIDA has also launched bilateral programs worldwide.</p> <p>The Government indicates that on top of its multilateral and bilateral programs, many others have been launched in Canada at provincial/territorial level.</p> <p>-At provincial and territorial level, several awareness and action programs have been undertaken, including health and safety of underage workers, education and vocational training, targeted programmes to street youth, integrating education and employment, addressing sexual exploitation, tutoring for tuition programmes, awareness-raising on child and young persons rights; etc.</p>
	<p><b>Special initiatives/Progress</b></p>	<p><b>2006 AR:</b> On 14 September 2005, following extensive negotiations with the provinces and territories, Canada ratified the <i>Optional Protocol to the Convention on the sale of children, child prostitution and child pornography</i>.</p> <p>The 2005 Report on Implementation of the Canadian Strategy against the Commercial Sexual Exploitation of Children and Youth describes a wide range of domestic and international initiatives supported by Canadian governments to protect children from trafficking, forced labour, sexual exploitation and other worst forms of child labour.</p> <p><b>Examples of initiatives to promote the principle and right:</b></p> <ul style="list-style-type: none"> <li>- April 2004: Submission to the United Nations of «A Canada Fit for Children». Canada's national plan of action for implementation of the UN Convention on the Rights of the Child (CRC)»;</li> </ul>

		<ul style="list-style-type: none"> <li>- November 2001: Launching of labour cooperation, as an adjunct to the Canada-Costa Rica Free Trade Agreement, which includes a commitment to eliminate the worst forms of child labour;</li> <li>- June 2001: Launching of the Canadian International Development Agency's (CIDA) Social Development Priorities: A Framework for Action, which includes an Action Plan on Child Protection, specifically the most marginalized girls and boys, often victims of exploitation, abuse, and discrimination;</li> <li>- April and October 2001: Canada's initiative to include in the Youth Summit and the XIIth Inter-American Conference of Ministers of Labour commitments to work towards the elimination of child labour and, as a priority, to promote hemisphere-wide ratification and implementation of the Worst Forms of Child Labour Convention, 1999 (No. 182);</li> <li>- March 2001: Introduction in Parliament of proposed legislation, including provisions to better protect children from sexual exploitation. The proposed legislation would prohibit the use of the Internet for sexual exploitation and child pornography purposes, and would also give judges additional remedial power and simplify the process for prosecuting Canadians who sexually assault children in other countries;</li> <li>- December 2000: Canada's commitment to international agreements to protect the rights of children and to eradicate all the forms of exploitation of children and establishment of a national plan of action, consistent with the Social Union Framework Agreement, to support parents and families as to early childhood development. Signing of the Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons and Children under the new United Nations Convention Against Transnational Organized Crime; and</li> <li>- June 2000: Prohibition of the deployment of persons under 18 to operations involving hostilities by the Canadian Forces, under a Bill in the National Defense Act.</li> </ul>	
<b>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>According to the social partners</b>	<b>Employers' organizations</b>	NIL
		<b>Workers' organizations</b>	<b>2002 AR:</b> The ICFTU raised the following challenges: (i) compulsory education until the age of 15, (ii) practice of child labour in the migrant farm labour force in the vegetable and fruit fields of Manitoba, Ontario and British Columbia.
	<b>According to the Government</b>	<b>2002 AR:</b> In response to the ICFTU's observations, the Government stated that (i) school attendance is compulsory until at least the age of 16, not 15, in all Canadian jurisdictions; (ii) under the Caribbean and Mexican Seasonal Agricultural Worker Programme, which allows for the recruitment of seasonal agricultural workers, prearranged employment is required and there are no provisions for workers' dependants to accompany them to Canada.	

<b>TECHNICAL COOPERATION</b>	<b>Request</b>	NIL
	<b>Offer</b>	<b>2007 AR:</b> The Government reported its continued participation in international initiatives aimed at combating trafficking and the sexual exploitation of children; and its funding of funding of IPEC, UNICEF and other agencies combating child labour and exploitation (for further information see: <a href="http://es.acdi-cida.gc.ca/servlet/JKMSearchController">http://es.acdi-cida.gc.ca/servlet/JKMSearchController</a> ).
<b>EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS</b>	<p><b>2007 AR:</b> The IDEAs noted the paucity of practical information of several reports, including the one of Canada (as concerns child labour in general), which complicated their task of assessing the extent to which the PR is realized in the countries concerned. They drew the attention of governments to the possibility of requesting technical assistance from the Office to facilitate fuller and more comprehensive reporting (Cf. Paragraph 52 of the 2007 Annual Review Introduction – ILO: GB.298/3).</p> <p><b>2005 AR:</b> The ILO Declaration Expert-Advisers listed Canada among the countries where some efforts are being made in terms of research, advocacy, activities, social dialogue, national policy formulation, labour law reform, preventive, enforcement and sanctions mechanisms and/or ratification (paragraph 13 of the 2005 Annual Review Introduction). Furthermore, the Expert-Advisers noted with interest that even though child labour appears to be rare in the country, the Government is taking active steps to eradicate child labour, including the organization of various sensitization activities.</p>	
<b>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</b>	NIL	