



COUNTRY BASELINES UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2008)¹: CANADA

THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR (FL)

REPORTING	Fulfillment of Government's reporting obligations	YES, since the start of the Annual Review (AR) in 2000. But no change report for the 2001 and 2004 ARs.	
	Involvement of Employers' and Workers' organizations in the reporting process	YES, according to the Government: Involvement of the Canadian Employers' Council (CEC), the Canadian Labour Congress (CLC) and the Confederation of National Trade Unions (Confédération des syndicats nationaux- CSN), through communication of the Government's report.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	NIL	
	Workers' organizations	2001 AR: International Confederation of Free Trade Unions (ICFTU)'s observations.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Canada ratified in 1959 of the Abolition of Forced Labour Convention, 1957 (No. 105) (C.105). However, it has not yet ratified the Forced Labour Convention, 1930 (No. 29) (C.29).
		Ratification intention	<p>2008 AR: According to the Government: Canada's position on ratification of C.29 is being reviewed in the light of information concerning public-private partnerships in prison systems in the 2007 General Survey on Forced Labour.</p> <p>2006 AR: Unable to ratify C.29. Although there is only one privately managed prison in Canada, public-private partnerships that offer prisoners meaningful work experiences are considered an essential element of modern prison policies. As the ILO Committee of Experts has determined that work performed in privately managed prisons or in the context of public-private partnership arrangements constitutes forced labour, Canada is not in a position to ratify C.29 at this time.</p> <p>2004 AR: According to the Government: The Government is continuing to work with all Canadian jurisdictions with a view to completing the procedures for the ratification of C.29.</p> <p>2001-2002 ARs: The Government stated that significant progress had been made towards obtaining the</p>

¹ 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

			<p>formal agreement of the provinces and territories for ratification of C.29.</p> <p>2000 AR: According to the Government: Canada expresses a favourable opinion on the ratification of C.29 and is reviewing its legislation and practice in compliance with this Convention. Consultations leading towards ratification were being held.</p>
	Recognition of the principle and right (prospect(s), means of action, main legal provisions)	Constitution	<p>YES</p> <p>The Constitution in its Charter of Rights and Freedoms provides that traffic in human beings, slavery, serfdom or forced labour in any form is prohibited, with the exception of compulsory service required by the State for public benefit/purpose.</p>
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Recognition of the principle and right (prospect(s), means of action, main legal provisions)	Policy, legislation and/or regulations	<ul style="list-style-type: none"> • Policy <p>2003-2006 ARs: According to the Government: Since forced labour does not exist or is rare in Canada, the Government has not considered it necessary to adopt a national policy for realizing this PR.</p> <p>2005 AR: According to the Government: The federal Government has established an Interdepartmental Working Group (IWG) to coordinate initiatives to combat human trafficking (including for forced or compulsory labour) and for the development of a federal strategy.</p> <ul style="list-style-type: none"> • Legislation <p>2008 AR: According to the Government: The Bill C-57, introduced on 16th, 2007, proposes amendments to the <i>Immigration and Refugee Protection Act</i> to allow immigration officers to refuse to authorize foreign nationals to work in the country if they are judged to be at risk of exploitation. The Bill was introduced to preclude situations in which temporary workers, particularly exotic dancers, may be exploited or become victims of human trafficking. Ministerial instructions will aim to protect foreign nationals who are at risk of being subjected to humiliating or degrading treatment, including sexual exploitation.</p> <p>A summary of the Bill is available at: http://www.parl.gc.ca/LEGISINFO/index.asp?List=ls&Query=4968&Session=14&Language=e</p> <p>2007 AR: According to the Government: Bill C-49, which is an Act to amend the Criminal Code (trafficking in persons), received Royal Assent on November 25, 2005. The Bill creates new indictable offences related to trafficking in persons: trafficking in persons, the earning of financial or material benefit for the purpose of committing or facilitating the trafficking of a person, and the withholding or destruction of documents for the same above-mentioned purpose. «Exploiting a person» under the proposed amendments would mean to cause someone to provide, or offer to provide, labour or service by engaging in conduct that leads the victim to fear, on reasonable grounds, for their safety or that of someone known to them if they fail to comply.</p> <p>The Criminal Code and the Immigration and Refugee Protection Act (2002) relate to the principle and right (PR).</p> <p>2002 AR: In December 2002, Canada signed the UN Convention against Transnational Organized Crime and its Supplemental Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.</p>

		Basic legal provisions	(i) Constitution (Charter of Rights and Freedoms); (ii) Criminal Code of Canada (iii) Immigration and Refugee Protection Act, 2002.
		Definition of forced or compulsory labour	According to the Government: Forced or compulsory labour (FCL) is not defined in national law, but such practices are prohibited under various Criminal Code provisions. Trafficking in persons, including for forced labour, is prohibited under Canada's Immigration and Refugee Protection Act.
		Judicial decisions	NIL
Exercise of the principle and right		Special attention to particular situations and human trafficking	2005 AR: According to the Government: Women and children, migrants, racialized or racial/ethnic minorities, Aboriginal communities.
		Information and data collection	2008 AR: According to the Government: In July 2006, the Library of Parliament released a report entitled «Trafficking in Persons» that analyses the current situation in the country. The report is available at: http://www.parl.gc.ca/information/library/PRBpubs/prb0624-f.htm 2004 AR: The Government mentioned that it does not collect statistics or other information on the elimination of all forms of forced or compulsory labour, but plans to enhance data collection on human trafficking in Canada, including trafficking for forced labour.
Monitoring, enforcement and sanctions mechanisms			2006 AR: According to the Government: Although there are no specific legislative prohibitions with respect to forced or compulsory labour, such practices, if they were to occur, would be subject to prosecution under the Criminal Code of Canada which prohibits crimes such as forcible confinement, kidnapping, assault, sexual assault, robbery, extortion, criminal interest rate, fraud, criminal breach of contract, intimidation uttering threats, and bribery. All Canadian jurisdictions have legislation establishing minimum labour standards and minimum wage rates. Trafficking in persons, including for forced labour, is prohibited under Canada's Immigration and Refugee Protection Act. 2003-2005 ARs: According to the Government: The following measures for the realization of the PR have been implemented: (i) legal reform (such as the enforcement of the New Immigration and Refugee Protection Act on 28 June 2002); (ii) international cooperation programmes or project.
Involvement of the social partners			2003-2005 ARs: According to the Government: Social partners have not been involved in the development and implementation of government measures.
Promotional activities			2008 AR: The Royal Canadian Mounted Police (RCMP) Human Trafficking National Coordination Center received increased staffing and resources in 2006, and in November 2006, the RCMP organized anti-trafficking training in Eastern Canada for law enforcement, victim service providers, and NGOs. In May 2006, victim protections were strengthened by providing foreign trafficking victims with temporary resident permits and immediate access to medical and social counselling assistance and other health service benefits. Canada funds anti-trafficking programs domestically and around the world, contributes funds to international organizations such as UNODC, and hosts and participates in international anti-trafficking conferences, where best practices are shared. 2007 AR: According to the Government: The Government of Canada's Interdepartmental Working Group on Trafficking in Persons (IWGTIP) is developing a broad-based prevention strategy focussing on public awareness activities, enhancing efforts to reduce the factors that make persons vulnerable to trafficking and enhancing the government's ability to respond to the factors that fuel the demand for exploitative labour/services. 2003-2006 ARs: According to the Government: (i) awareness raising/advocacy activities; (ii) international cooperation programmes/projects have been implemented. Such activities have included initiatives aimed at awareness-raising, research and

		development of good practices, and law enforcement training, and a number of them were specifically targeted at women and aboriginal communities. This includes for example in 2005 the launching of a national plan of action for children including to combat trafficking in persons and other forms of exploitation; the commitment, at various conferences, to work domestically and internationally to combat trafficking in persons; the organization by the Royal Canadian Mounted Police of a training seminar on international human trafficking and the release of a guide book for law enforcement officials; the support of action by women's organizations working with sex trade workers or working with live-in caregivers and on the issue of trafficking in women; and the funding of various counter-trafficking in persons projects.	
	Special initiatives/Progress	<p>2007 AR: According to the Government: One of Canada's privately managed prisons will be returned to the public sector when the current contract expires in the fall of 2006. The Canadian International Development Agency is continuing to support global cooperation in combating the trafficking of persons through the funding of specific projects and initiatives.</p> <p>2006 AR: According to the Government: Bill C-49, An Act to amend the Criminal Code (trafficking in persons), was introduced in parliament in May 2005. The Bill would create new indictable offences related to trafficking in persons: trafficking in persons, the earning of financial or material benefit for the purpose of committing or facilitating the trafficking of a person, and the withholding or destruction of documents for the same above-mentioned purpose. «Exploiting a person» under the proposed amendments would mean to cause someone to provide, or offer to provide, labour or service by engaging in conduct that leads the victim to fear, on reasonable grounds, for their safety or that of someone known to them if they fail to comply.</p> <p>2003 AR: According to the Government: The major change regarding the PR concerns Bill C-11, the Immigration and Refugee Protection Act, which entered into force on 28 June 2002. This Act creates a new offence covering «trafficking in persons». Penalties against human traffickers include fines of up to Canadian \$1 million and imprisonment up to life sentence.</p>	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	NIL
		Workers' organizations	2001 AR: The ICFTU stated that forced labour was against the law in Canada and there was no known case of forced labour. It raised the following challenge: under the Canada Shipping Act, imprisonment, including forced labour, may be imposed for breaches of discipline, even when the safety of the ship is not endangered.
	According to the Government	<p>2003-2005 ARs: The most difficult aspect of combating trafficking for forced labour is that organized crime is international. Recipient and transit countries like Canada must work with other countries, in particular those of origin, to stop what is a global problem.</p> <p>2002 AR: In response to the ICFTU's observations, the Government stated that the provisions of the Canada Shipping Act, which had been commented on by the ILO Committee of Experts over the years, are archaic and not applied and that several amendments have already been made that respond to the Committee's concerns. The Canada Shipping Act is being overhauled and proposed legislation does not include the provisions referred to by the ICFTU.</p>	
TECHNICAL COOPERATION	Request	NIL	
	Offer	NIL	

<p>EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS</p>	<p>2008 AR: The ILO Declaration Experts-Advisers (IDEAs) noted that some reporting States had developed programmes and mechanisms to combat forced labour in their countries, whether it took the form of classic slavery or bonded labour, trafficking, forced child labour, serfdom, or others. In this respect, they considered, in particular, that Canada and another State had taken certain positive measures, and encouraged them to engage in the ratification process of C. 29 (Cf. Paragraph 49 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2007 AR: The IDEAs welcomed the significant increase in the reports of action to combat forced labour in several countries, including Canada, and noted that an increasing number of States were recognizing that forced labour does exist in their country [...]. For the IDEAs, such recognition was indispensable to combating forced or compulsory labour, as it was undoubtedly the first step in what is a daunting but essential task (Cf. Paragraph 41 of the 2007 Annual Review Introduction – ILO: GB.298/3).</p> <p>2005 AR: The IDEAs listed Canada among the countries where some efforts were being made in terms of research, advocacy, activities, social dialogue, national policy formulation, labour law reform, preventive, enforcement and sanctions mechanisms and/or ratification. Furthermore, they noted with interest that even though forced labour appeared to be rare in the country, the Government was taking active steps to eradicate forced labour, including the organization of various sensitisation activities (Cf. Paragraphs 13 and 187 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p>
<p>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</p>	<p>NIL</p>