FORCED LABOUR CONVENTION (1930)
(A&P 2018, p. 368-69, 14)

OVERTURE NO. 6, 2018 (p. 490–91)
Re: Adopting protocol of 2014 re Forced Labour Convention 1930

This overture is in response to persons trafficked for the purposes of forced labour. Canadian citizens and foreign workers are affected.

An especially evil dimension of trafficking is human trafficking for the purposes of sexual exploitation. According to reports from Statistics Canada, 93% of victims of human trafficking are females and of these 50% are between the ages of 18 to 24.

This report focuses on forced labour and the Protocol of 2014 (P029). Forced labour generally occurs in service, manufacturing, agricultural or construction sectors, through domestic work and in the sex industry.

The Protocol of 2014 (P029) to the Forced Labour Convention 1930 is intended to strengthen the protection and restitution for victims of forced labour. Under Canada’s British North America Act, labour legislation is a shared responsibility of the federal and provincial and territorial governments.

Increasingly restrictive immigration rules worldwide are making it more difficult for people to migrate safely. Men and women who become victims of trafficking and forced labour are in desperate need of work. Traffickers take advantage of these situations by exploiting the limited options and lack of legal and social protections available to migrants.

Trafficking occurs in different ways. An individual may be deceived through promises of a good job or educational opportunities and discover that the promises were lies. An individual may be deliberately isolated in order to control his or her freedom of movement. The individual is constantly monitored. Intimidation by threats of being underpaid, or not being paid at all, or by physical violence is common. If an individual is not in Canada legally or the individual’s visa has expired, those committing forced labour may threaten to inform authorities. The individual may have his/her passport and other identity documents taken away from them. The individual may be forced to participate in illegal activities and threatened with being turned over to the police.

There are limited statistics on forced labour and human trafficking in Canada. In 2014, Canadian police services reported 206 violations of human trafficking. (Karam)

While the Government of Canada is committed to ratifying P029, a number of steps need to occur beforehand. The following is a summary of these steps. (MLA-GOC)

The Canadian Association of Administrators of Labour Legislation (CAALL) sets the priorities for the issues it will focus on in a given period of time. Consultations take place with employer and labour organizations. This process has begun.

The federal government consults with provincial and territorial governments. This process has started. It may be necessary for provinces and territories to amend their legislation and policies to be consistent with P029.

All provinces and territories must agree with P029. Once this happens, the Government of Canada will be able to ratify P029. Senior civil servants in Employment and Social Development Canada indicated in an interview with Justice Ministries that ratification will not occur in 2018. (MLA-GOC)

Ratifying P029 will strengthen measures to protect victims of forced labour. The following highlights some of the protocol’s key features. Upon ratification, the following measures will have to be implemented:

- Develop a national policy and plan of action to eliminate forced labour.
- Educate and inform those considered to be at risk as well as employers to prevent them from participating in exploitative practices.
- Ensure all laws relevant to preventing forced labour extend to all workers and economic sectors.
- Improve labour inspections of work places in sectors likely to be using forced labour.
- Protect individuals, especially migrant workers from exploitative and fraudulent practices during the recruitment and placement process.
- Have policies in place to identify, release, protect and provide assistance and support to those subjected to forced labour, including measures to support their recovery and rehabilitation.
- Ensure those subjected to forced labour are compensated for their work regardless of their immigration status.
- Ensure authorities have discretion not to prosecute those who have been subjected to forced labour and who were forced to participate in criminal activities.
- Cooperate internationally to prevent and eliminate all forms of forced and compulsory labour.

Many other countries have larger numbers of people in forced labour. Nonetheless, it is important for Canada to ratify P029. Firstly, even one person in forced labour violates God’s expectation that all human beings are to be treated with dignity. Secondly, as the number of countries that ratify P029 grows, so does the capacity of the international community to work together in order to eliminate the sin of forced labour. Once Canada ratifies P029, it is legally obligated to enforce the protocol.

P029 complements and strengthens existing international law. This protocol is a benchmark in which all governments can be measured for their commitment to tackle forced labour or to tolerate it.