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Chair

Mr. Anthony Housefather

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• (1140)

[English]

The Chair (Mr. Anthony Housefather (Mount Royal, Lib.)): I'd like to bring to order this meeting of the Standing Committee on Justice and Human Rights. It is a pleasure to be joined by our witnesses today as we resume our study of human trafficking in Canada.

[Translation]

With us today, we have representatives from Statistics Canada: Kathy AuCoin, chief of the Canadian Centre for Justice Statistics, and Yvan Clermont, director of that same centre.

Welcome to both of you.

[English]

We're joined by the Department of Citizenship and Immigration, represented by Ms. Natasha Kim, who is the director general of the immigration branch.

Welcome, Ms. Kim.

We also have Mr. Bruce Scoffield, who is the director general, Immigration program guidance branch.

Welcome, Mr. Scoffield.

[Translation]

We also have with us representatives from the Department of Employment and Social Development, including Philippe Massé, director general of the temporary foreign worker directorate in the skills employment branch.

Welcome, Mr. Massé.

[English]

We also have Ms. Kathleen Walford, Director General, Integrity Operations, Integrity Services Branch.

Welcome, Ms. Walford.

We will hear each of the witnesses. They all know they have somewhere between eight and ten minutes to present, and we will start with Statistics Canada.

[Translation]

Go ahead, Mr. Clermont.

Mr. Yvan Clermont (Director, Canadian Centre for Justice Statistics, Statistics Canada): Good morning, everyone.

Let me start by thanking the members of the committee for the invitation to present the most recent statistics on human trafficking in Canada.

Essentially, Statistics Canada has two main sources of data on human trafficking: the data provided by the police services, and the data provided by the courts. Today, I will give you an overview of the main indicators from these different sources.

Let's go now to the next slide.

Allow me to point out that, although we can provide the most recent human trafficking statistics, we acknowledge that collecting data on this type of offence presents some challenges for several reasons.

So far, research has shown that many victims of human trafficking are reluctant to report the offence to the authorities. It has also been recognized over time that some authorities have experienced difficulties in identifying trafficking offences. Because of these limitations, we believe there is some underreporting of human trafficking incidents in Canada.

That being said, as you will see later in this presentation, there has been a significant increase in the number of human trafficking cases reported to the police. What is unclear is whether it is a real increase or a mere indication that police services and authorities are better equipped to detect and report such incidents.

Let's move on to the third slide.

Let me first explain what we collected from our sources.

The offences that fall under the category of human trafficking under the Uniform Crime Reporting Survey include four elements: trafficking in persons, as described in section 279.01 of the Criminal Code of Canada; trafficking in persons under the age of 18; material benefit from trafficking in persons; and withholding or destroying documents to facilitate human trafficking.

I will begin by summarizing the main findings from our presentation this morning.

The number of police-reported incidents of human trafficking is on the rise. This rise in recent years has been driven by increases in trafficking across international borders, as well as increases in sex trafficking or forced labour.

This increase could be attributed to improved methods of reporting, detecting and investigating these crimes.

Overall, this offence is most often related to some form of sexual exploitation, such as prostitution, and most often reported in urban areas.

[English]

Now, if you turn to the next chart, chart number 4 highlights the increase in human trafficking rates. As you can see, in 2010 the rate of human trafficking per 100,000 people was only 0.08, while in 2016 the rate rose to 0.94.

Rates of human trafficking in 2016 are more than 11 times higher than in 2010, and the largest increases occurred between 2013 and 2015.

In comparison, during the same period, the overall crime rate decreased by 19%. It is also worth noting that, at close to one incident per 100,000 people, this offence represents rates of prevalence similar to certain other prostitution offences.

As I mentioned at the outset, we cannot be certain whether or not the increase observed here is the result of improved methods of reporting, detecting, and investigating incidents of human trafficking or of an actual increase in incidents. What we do know from our interactions with police services across the country is that there has been an increase in understanding of this offence type by the authorities.

For the past four years, each year, about 30% of incidents are related to cross-border trafficking, and the remaining 70% are related to sexual or labour trafficking. The manner in which we capture the data does not permit us to differentiate between labour or sexual trafficking. However, when we look at the characteristics around these incidents, we understand that they are predominantly sex trafficking.

• (1145)

On your next slide you can see this graph here shows the same trend but depicts them in numbers of incidents. You can see here, in terms of numbers of incidents, that human trafficking has gone from 41 offences in 2009 to 340 offences in 2016. What it's not showing on this chart, though, is that it is in Toronto, Ottawa, Montreal, and in Halifax that we observed the highest increases over the past years.

If you turn now to slide number 6, turning to the most recent data we have from police services, we know that in 2016 there were 340 criminal incidents where violation of human trafficking was the most serious offence. This represented 0.02% of all police reported incidents. It is important to note that any criminal incident that is brought to the attention of the police may encompass a number of other offences that are related to the same incident. That is, that other violations occur alongside incidents of human trafficking.

Between 2009-16 there were 1,099 police reported incidents that involved a violation of human trafficking; of these incidents more than half, or 555 if you wish, involved at least one other violation. In looking at the data further, among those incidents where there were more than one violation, we noted that in incidents where human trafficking was the most serious offence in the incident, almost 6 in 10 of these incidents also involved a prostitution offence. Further to

that, we also noted that in instances where there was a human trafficking offence but it was not the most serious offence, one-quarter of these involved kidnapping, and just over 1 in 5 involved the physical assault, and just over one in ten involved sexual assault.

On slide 7 this time, in looking at the data from a provincial perspective, we know that two-thirds of the incidents occurred in the province of Ontario, while just over 1 in 10 was in Quebec. Additionally, it is also clear that human trafficking shows to be a big-city crime: almost 9 in 10 of the human trafficking incidents occurred in the city. This should not be a surprise, as research to date acknowledges that victims are placed in cities where clients are located. In looking at the police reported data again, we can see that almost half of human trafficking incidents in the country occurred in Toronto, Ottawa, and Montreal.

On the next slide, you see a graph here that shows the distribution of human trafficking victims by age group. First, let's note that over the eight years of data that we analyzed it was found that the vast majority of victims were women, 95%, and most often very young women. Close to half of human trafficking victims were between the ages of 18 and 24. Additionally, just over one-quarter of victims were under the age of 18. Also, the majority of victims knew the person accused of the crime. The most common relationships between the victim and the accused were casual acquaintance; intimate partner, which is non-spousal; business relationship; or criminal relationship.

On slide 9, this time you have a graph here that shows the distribution by age of the persons who are accused. I would now like to draw your attention to the fact that the vast majority of persons accused in human trafficking incidents are men, and that more than 4 in 10 incidents involve a young man between the ages of 18 and 24, while more than one-third are males between the ages of 15 and 24.

On this last slide here, slide 10, Statistics Canada collects information on court cases involving human trafficking through another survey, the other source that I was talking about at the beginning, which is the Integrated Criminal Court Survey. According to this survey, between 2005-06 and 2015-16 there were 84 completed adult criminal court cases where a human trafficking offence was the most serious offence.

• (1150)

Of these completed adult human trafficking cases, the majority, 60%, resulted in a finding of stayed or withdrawn, while close to one third, or 30%, resulted in a guilty finding. Over the same time period, 222 adult criminal court cases involved a human trafficking offence that was not the most serious criminal offence in the incident. These most often involved cases related to prostitution offences and deprivation of freedom offences. Of the 306 adult criminal court cases that have at least one charge related to human trafficking, two-thirds have more than one charge of human trafficking within the case.

In conclusion, we have mentioned during this presentation that many human trafficking victims are reluctant to report to authorities and that some authorities have encountered difficulties in identifying human trafficking crimes. As a result, there could be a degree of under-reporting of incidents of human trafficking in Canada.

Keeping in mind that the issue of human trafficking is critical to our partners, we strive to find ways to enhance our understanding of this offence. As such, we find ways to collect additional data to help inform policy. One such example is that enhanced questions that were recently added to one of our surveys on residential facilities for victims of abuse. The survey will be in the field in the spring of 2018 and will collect information from shelters. It will ask shelter managers to report on the number of residents who were seeking shelter for reasons of human trafficking, either labour exploitation or sexual exploitation. Results from this data collection activity will be released in the spring of 2019.

That concludes our presentation. Thank you.

[Translation]

The Chair: Thank you very much, Mr. Clermont.

[English]

We will now go to the Department of Citizenship and Immigration.

Ms. Kim.

[Translation]

Ms. Natasha Kim (Director General, Immigration Branch, Department of Citizenship and Immigration): Mr. Chair, thank you for the opportunity today to discuss the important issue of human trafficking.

As my colleagues from Public Safety Canada stated before this committee, the Government of Canada is committed to strengthening efforts to combat human trafficking and protecting its victims.

Immigration, Refugees and Citizenship Canada (IRCC), as a member of the federal human trafficking task force, plays a role in supporting national efforts to combat human trafficking, both on its own and in collaboration with other federal departments and agencies.

[English]

My colleagues from ESDC who are here will provide more detail on the temporary foreign worker program. For my part, I would like to focus my remarks on three things: first, the role of immigration in the context of human trafficking; second, what IRCC is doing to help prevent human trafficking; and, third, what actions we take to help protect victims of human trafficking.

Turning first to the context and the role of immigration in human trafficking, Canada's immigration policies are aimed at contributing to Canada's economic prosperity, our social and cultural fabric, and our humanitarian traditions and obligations. Each year, IRCC interacts with millions of clients in Canada and around the world. This includes the processing of visa applications and work and study permits, as well as applications for permanent residence.

As this committee knows, human trafficking is an offence under the Criminal Code, and it is also a federal immigration offence under the Immigration and Refugee Protection Act, otherwise known as IRPA. IRPA makes it an offence to use "abduction, fraud, deception or use or threat of force or coercion" to organize the bringing in of people to Canada, and this includes the recruitment, transportation, receipt, or harbouring of people by using those methods.

As our colleagues from Statistics Canada and the RCMP noted when they were here, there are challenges to accurately determining the scope of human trafficking in Canada. Thus far, the evidence shows that the vast majority of criminal charges have been domestic rather than transnational in nature, and also more related to sexual exploitation than to other types of labour exploitation.

In contrast, when we talk about labour trafficking, researchers have raised particular concerns with respect to those who have come to Canada as migrant workers. While migrant workers represented less than 1.5% of Canada's working population in 2016, it's true that they can face particular vulnerabilities that can contribute to an inability or an unwillingness to report or escape labour trafficking situations. For example, in addition to fear for their personal safety or the safety of family members that can be present in other cases of human trafficking, such vulnerabilities can include: language barriers that can lead to isolation; a lack of awareness of their rights in Canada; vulnerability to confiscation of identity documents such as passports, which could reduce their mobility; fear of deportation; and, false promises of permanent residence.

We recognize that these are vulnerabilities faced by migrant workers, and while some cases do reach authorities, NGOs, or the media, we know these factors can contribute to the under-reporting of these cases. That's why prevention and protection are key pillars of the government's national action plan and approach to human trafficking here.

Now I'd like to turn to IRCC's role in each of these areas.

First, before we turn to the tools to prevent and discover cases of labour trafficking, it's important to mention that we work closely with a wide variety of partners here along the immigration continuum. This includes ESDC, the Canada Border Services Agency, and, of course, provinces and territories.

We have a shared responsibility with ESDC to manage programs to facilitate the entry of migrant workers into Canada. It's important to note that temporary immigration supports Canada's economic growth, so the purpose of these programs is to support our economic growth by filling labour gaps. This also enhances trade and people-to-people ties across borders.

ESDC is responsible for the temporary foreign worker program, which allows Canadian businesses to hire temporary foreign labour when there are no Canadians to fill the jobs. Once an employer has a labour market impact assessment issued by ESDC, they then come to IRCC in order to get a work permit or a visa, if necessary. In addition, IRCC manages the international mobility program, for which no labour market test is required, and it's designed to enable employers to hire temporary foreign workers to advance Canada's economic, cultural, or other competitive advantages.

Both programs here issue employer-specific work permits, which provide authorization to work only for the employer that's noted on the permit.

• (1155)

We have heard concerns raised that employer-specific work permits can exacerbate the vulnerability of migrant workers by tying their immigration status to an employer. However, it's important to note that employer-specific work permits are actually the basis of these two programs' employer-compliance regimes. It's how we hold employers accountable for their obligations to migrant workers. It's one of the government's main worker protection tools for migrant workers.

First, at the front end, the compliance regimes establish the program requirements to which employers must adhere. These are requirements such as being actively engaged in a genuine business; complying with federal and provincial laws; providing the same wages and occupation as identified in the offer of employment; providing a workplace free of abuse; and keeping documentation for six years.

Then, at the back end, the compliance regime allows the inspection of employers to ensure that they are complying with their obligations. The consequences for non-compliance can include warning letters, program bans, administrative monetary penalties, and publication of the names of non-compliant employers. In any case that we actually discover criminal activity or suspected criminal activity during inspections, those cases are certainly referred to law enforcement partners.

For the international mobility program, which IRCC administers, we inspect roughly 25% of employers hiring migrant workers each year. Currently, there is roughly a 15% non-compliance rate, with the vast majority of these being administrative or unintentional errors.

My colleagues from ESDC will explain a number of additional actions that are being taken to create better awareness amongst migrant workers of their rights and to enhance inspections under the temporary foreign worker program as well.

Finally, I would like to share what actions IRCC takes to help protect victims of human trafficking who are foreign nationals when they do come forward.

IRCC usually becomes involved when someone who's a potential victim is referred to the department by law enforcement or a non-governmental organization, or if someone self-identifies to us. Ultimately, our main interest here is to get the victim out of harm's way and ensure that they have status to remain in Canada and access to support. To do this, immigration officers can issue temporary resident permits to foreign nationals who are victims of human

trafficking. With the temporary resident permit, they also have access to interim federal health care and services for counselling, and victims may also apply for a work permit at the same time, if they don't already have one. Both of these can be obtained free of charge. In 2016, 66 temporary resident permits were issued by IRCC, of which 26 were new permits, and 40 were renewals.

By providing temporary resident permits, victims of human trafficking have the time to consider their options, escape the influence of traffickers, recover from physical or mental trauma, and receive assistance. They can also, potentially, assist authorities in the investigation or prosecution of an alleged offence, but they are not required to do so.

There are also options available for foreign nationals who are victims of human trafficking to apply to remain in Canada on a permanent basis. For example, they can apply for a humanitarian and compassionate consideration, although this is a discretionary ground for permanent residence. They can also apply through the permit holder class in cases where they have been in Canada on a temporary resident permit for three to five years.

• (1200)

[Translation]

In closing, through our partnerships with other departments and through the activities I have outlined today, IRCC is supporting the government's efforts to counter human trafficking.

I hope this information has been of assistance.

We are happy to answer any questions you may have.

Thank you.

[English]

The Chair: Thank you very much, Ms. Kim.

[Translation]

We will now turn to Philippe Massé, from the Department of Employment and Social Development.

Mr. Philippe Massé (Director General, Temporary Foreign Worker Directorate, Skills and Employment Branch, Department of Employment and Social Development): Thank you, Mr. Chair.

My thanks also go to the members of the Standing Committee on Justice and Human Rights for giving me the opportunity to share with you Employment and Social Development Canada efforts to protect migrant workers and ensure employer compliance within the temporary foreign worker program.

I would like to provide a broad overview of the program, then discuss some of the issues facing vulnerable foreign workers and finally outline some of the steps the department is taking to better protect foreign workers from any type of exploitation.

As mentioned by my colleague at IRCC, the program allows employers to hire a foreign worker in order to meet their labour needs when no Canadians or permanent residents are available.

The program is jointly administered by ESDC and IRCC with the support of the Canada Border Services Agency (CBSA).

[English]

ESDC is responsible for processing and issuing labour market impact assessments, LMIAs, at the request of employers who wish to hire TFWs. As part of that application process, employers agree to be bound by program requirements aimed at protecting migrant workers and the Canadian labour market. ESDC is also responsible for administering the program's employer compliance regime.

We know that workers coming into Canada under low-wage streams—caregivers and primary agriculture workers—are the most vulnerable to exploitation. As mentioned by my colleague, these groups are more vulnerable because of language barriers, isolation, and lack of access to accurate information on rights and protections. Some also fear retribution, including the threat of being returned to their home country if they speak out.

ESDC takes the protection of TFWs very seriously and is committed to ensuring that they all have the rights and protections of Canadians while working in Canada. We have a system of checks and balances in place to identify and prevent exploitation, and are continually working to improve it.

ESDC has the authority to conduct administrative inspections to ensure that employers meet certain requirements when they first apply for the program, and continue to meet them while the TFWs are here in Canada. However, ESDC has no jurisdiction over criminal matters such as human trafficking, and it refers such cases to the CBSA and to the RCMP.

•(1205)

[Translation]

Before requesting a labour market impact assessment, an employer must advertise positions to Canadians and permanent residents and must be registered on the Government of Canada's Job Bank service.

Job Bank has developed security and validation practices to assess the genuineness of employers and employment opportunities advertised on its platform.

[English]

In terms of the LMIA process itself, it includes the assessment of the genuine status and past compliance of employers. More specifically, Service Canada officers must consider four factors to confirm whether a job offer is legitimate. These include whether the employer is actively engaged in a business; whether the position being offered is a reasonable employment need; whether the employer can demonstrate that they are able to fulfill the conditions of the offer; and whether the employer was compliant in the past with federal, provincial, and territorial laws that regulate employment and recruitment.

One way of supporting worker protections is to provide information to TFWs about their rights, including human trafficking, through a number of channels. The government produces a pamphlet entitled "Temporary foreign workers: Your rights are protected" in the seven most used languages among TFWs. It contains information on their rights while in Canada. In the near future, Service Canada will provide information directly to TFWs when they apply for their

social insurance number, and we are developing a dedicated web page on TFW rights and protections.

Furthermore, we are facilitating informing TFWs of their rights by working more closely with migrant worker support organizations. For example, in December 2017, the Minister of ESDC announced that the Government of Canada provided a grant of \$93,000 to the Migrant Workers' Dignity Association in British Columbia to develop 17 different workshops, information tools, and materials aimed at informing TFWs on topics such as labour trafficking, access to benefits, job contracts, and other rights.

ESDC has a comprehensive compliance framework in place to ensure that employers are following program rules, which in turn helps to protect TFWs. Employers can be inspected on a number of criteria including wages, working conditions, and that the workplace is free of any type of abuse.

Stemming from the recommendations, both by the human resources committee and the Auditor General, we have taken a number of initiatives to improve the compliance regime. To better target our resources and efforts, we have launched a new risk-based predictive model to help identify which employers to inspect, prioritizing the highest-risk cases.

The department has significantly increased its on-site inspections, strategically focusing on employers of vulnerable workers. Since April 2017, the department has conducted approximately eight times more on-site inspections than in the last fiscal year.

For inspections completed since April 2017, approximately 50% resulted in employers needing to take some sort of corrective action measures to become compliant. Most employers are quick to address any issues identified during an inspection. However, when they cannot be brought into compliance, employers can be subject to an administrative monetary penalty, ranging from \$500 to \$100,000 per violation. They can also be subject to bans of various lengths, including one, two, five, and 10 years, and permanent bans for egregious cases.

Employer information, the violations, and the penalties are all posted on a public-facing website managed by IRCC. This is an important worker-protection tool for individuals who are looking at potential employers and job opportunities.

ESDC also operates an online fraud reporting tool and a 1-800 tip line. These tools provide TFWs and the general public with a vehicle to report potential program abuse. All allegations are reviewed, and the appropriate action is taken, including referring allegations where there are potential criminal activities to law enforcement agencies.

We continue to identify other ways to make the integrity regime stronger, including an ongoing focus to address the recommendations of the human resources committee and the OAG, such as accelerating our efforts to complete an analysis of the feasibility of conducting unannounced on-site inspections.

[Translation]

ESDC continues to work with partners and stakeholders on enhancing worker protections to better prevent abuse and exploitation of workers.

The program works closely with other federal departments such as IRCC, CBSA and RCMP to ensure that any findings that point to abuse or criminal wrongdoing are immediately directed to the attention of law enforcement agencies.

In addition, ESDC is a member of the federal human trafficking task force, which serves as the focal point and centre of expertise for the government's anti-trafficking efforts.

• (1210)

[English]

The program also works in close collaboration with provincial and territorial partners to enhance information-sharing agreements and promote formalization of support services to resolve employer-employee disputes, better prevent abuse, and support TFWs who need assistance. As mentioned previously, we've been working more with employers, unions, and community organizations devoted to the protection of vulnerable workers to better inform them of their rights while in Canada. We continue to work with foreign governments and international associations on worker protection issues.

In conclusion, the TFW program is working on a number of fronts to continually enhance worker protection and minimize risks of human trafficking.

[Translation]

Thank you for the opportunity to speak to you today.

We would welcome any questions you may have.

The Chair: My sincere thanks to all the witnesses.

[English]

We're going to move to question period now.

We'll start with Mr. Nicholson.

Hon. Rob Nicholson (Niagara Falls, CPC): Thank you very much.

Thank you to the witnesses for all the testimony we heard today. This has been very helpful to us as we start our study in this particular area.

I want to start with you, Mr. Massé. First of all, you said that the government produces a pamphlet entitled "Temporary foreign workers: Your rights are protected". Would it be possible for us to get a copy of that pamphlet?

Mr. Philippe Massé: Yes, absolutely.

It's also available on the website. I'd be happy to leave my copy with the clerk.

Hon. Rob Nicholson: Does that pamphlet, or the one that you are developing, in the near future you're going to provide key information directly to them when they apply for their social insurance number.

Is there any section in there or is there any heads up that they get about trying to protect themselves against sexual exploitation from you about traffickers or people who are trying to sexually exploit them?

Mr. Philippe Massé: There's a specific section on human trafficking and it provides some clues as to help workers identify when they may be in that situation. It also provides them with resources that they may access in the case that they are in harm's way. There is a specific section on human trafficking in which services are available. It's given out to foreign workers through a number of challenges. We work with consular representatives under the Seasonal Agricultural Workers Program and it will be available at SIN. When there are ongoing inspections the officers that conduct these on-site inspections also distribute them to the workers who are on-site.

Hon. Rob Nicholson: Thank you very much.

I'll address the next question to Ms. Kim.

In view of the fact that we do try to make an effort to tell these people that they cannot be sexually exploited and that there are consequences and there are protections for them.

In your presentation you said only 4.6% of the human trafficking cases involved foreign nationals. Does this surprise you because there are very few? We've anecdotally heard that this is a big international problem with people.

What are your thoughts on this?

Ms. Natasha Kim: That particular figure came from the statistics the RCMP brought forward to this committee on actual criminal charges laid. Along with our colleagues from Statistics Canada and our colleagues from Public Safety, we do think that under-reporting is happening just because of the challenges for victims to come forward. That's why, for example, for the victims of human trafficking who are accessing the temporary resident permit, they don't need to participate in an actual investigation or prosecution to get access to that.

Hon. Rob Nicholson: Are they afraid to?

Ms. Natasha Kim: They may very well be or they may be suffering from trauma. There may be various reasons where they may not want to participate but they have that option at least and they have the option to stay.

Hon. Rob Nicholson: I presume one of them is not that they would get deported out of the country. Is that made very clear to them that this is not going to be an excuse to deport them?

Ms. Natasha Kim: Absolutely. With the temporary resident permit, they have secured immigration status for that duration. They also have access to services and have access to a work permit as well.

Hon. Rob Nicholson: Thank you very much.

Monsieur Clermont, you gave us an overview of the statistics involving human trafficking and the charges and all that. You gave us statistics that show that many times it's not just human trafficking that these people are charged with. There are other many times more serious offences under the Criminal Code. You said, though, that in terms of the overall number of charges, the vast majority of the charges don't result in a conviction for human trafficking. Is that because these people are convicted of something else? I didn't see those statistics. You indicated that they've been charged with these other offences, and I'd be very interested to know if in fact they've been found guilty. Do you have those statistics?

• (1215)

Mr. Yvan Clermont: The information we have is that a very high number of cases are withdrawn and stayed—about 60%.

Hon. Rob Nicholson: Is that because there's a guilty plea on something else?

Mr. Yvan Clermont: We don't have the information about what happens to the case afterward. The only thing we know is that they were probably withdrawn because reasonable and probable grounds did not exist to lay a charge, or the probability of conviction was judged to be too low by the crown so it decided not to proceed but to withdraw the charge.

Interestingly, the only parallel we find is that there is also a higher number of withdrawn charges pertaining to prostitution cases, or in certain sexual assault cases as well. These types of cases also experience a relatively high number of withdrawn or stayed charges, but we don't know if the people involved are being prosecuted on other charges. We would have to do linkages of these cases, I guess.

Hon. Rob Nicholson: It might be kind of a worthwhile or interesting thing to do to see if there are linkages. Many times when a person is facing a number of charges, the crown will withdraw a number of them if they get a plea on one or more of them. It seems to me that would be a good idea.

Thank you, Mr. chair. Those are my questions.

The Chair: Thank you very much, Mr. Nicholson.

Ms. Khalid.

Ms. Iqra Khalid (Mississauga—Erin Mills, Lib.): Thank you very much to the panel today for all of your great testimony.

Mr. Clermont, I will start with you. You had mentioned there was no universal definition of human trafficking. How does that impact the data collection on human trafficking?

Mr. Yvan Clermont: The definition we use is the one in the Criminal Code, which I described in the four different offences. I would say this is the universal definition we use nationally. Of course, this could vary from one country to another.

Ms. Iqra Khalid: But there are different agencies that are using different definitions.

Mr. Yvan Clermont: Yes. The application of these codes from one jurisdiction or one police force to another may vary. It could be the case in some instances, for example, that a police force may decide they would use another Criminal Code offence to lay their charge, and the prosecutor as well. That we can't say. We don't know. We can only suppose.

Ms. Iqra Khalid: How do you collect the data? Where does the data come from?

Mr. Yvan Clermont: It's coming from two different sources, including the uniform crime reporting survey, which covers 99% of all police forces in the country. The uniform crime reporting survey collects detailed information about each criminal incident being reported to the police, and it collects information about the offenders when there is an identified offender or accused. It also collects some basic demographics information about the victims, when this is a violent offence such as human trafficking, for example.

Ms. Iqra Khalid: Do you think this mechanism of collecting data is efficient and accurate in painting a clear understanding of what human trafficking looks like?

Mr. Yvan Clermont: Like I mentioned at the outset of the presentation, we have reasons to believe that there could be under-reporting when we look only at police reported statistics. However, these police reported statistics represent a very accurate picture of what comes into the criminal justice system, and we need to keep track of that.

Ms. Iqra Khalid: Continuing with data collection is there a breakdown of ethnicities or minority groups in the data that is collected from people?

Ms. Kathy AuCoin (Chief, Canadian Centre for Justice Statistics, Statistics Canada): That's a wonderful question. From our datasets we have no idea of the ethnicity of either the victim or the accused. That data is not captured by police services. That being said, at Statistics Canada we're exploiting different means of mining our data through data linkages. One concept we're thinking about because this is a gap is conceptually how to link our datasets to other datasets that have indicators of ethnicity. This will be helpful for those victims who are domestic, but in instances where someone's coming from another country, there might be some challenges.

• (1220)

Ms. Iqra Khalid: I had a very good conversation with a local organization that is working on human trafficking within my community of Peel Region. This lady who has been working with victims of trafficking for the past decade now mentioned that the majority of victims she sees are white, middle-class people, although Peel Region is one that is a very diverse community.

Other than the one you just outlined, in what ways do you think more collaboration among these grassroots organizations could help in collecting that efficient data?

Ms. Kathy AuCoin: We need to think creatively. The other other reality we always have to remember is that these are victims. They're traumatized. From a victim-centric perspective, whether they would turn to authorities, whether they would divulge to an NGO what type of victim they are... Often with victims there's a pause period. They escape a situation, and it takes months or years before they turn to an authority. Perhaps moving forward, we could have a lagged data collection, but I think our efforts are limited by the ability of victims and the trauma they experience.

We work with NGOs. We work with victims services. As Yvan mentioned, with every new survey that we start developing with victims services, we often ask about human trafficking to try to find a way to increase our understanding by adding data to those vehicles.

Ms. Iqra Khalid: I think Monsieur Picard had a question.

Mr. Michel Picard (Montarville, Lib.): I'm going to ask my questions in French for those who need translation.

[*Translation*]

Mr. Clermont, you talked about statistics, but there is much discussion about our own situation. To develop a more effective strategy, I think we should put our figures into perspective. By comparison with other countries, how can we describe Canada as a market for human trafficking? Is Canada a market of suppliers or consumers? That assessment would help us to adopt a more consistent strategy.

Mr. Yvan Clermont: That is an excellent suggestion. That said, it is quite difficult to make international comparisons with regard to human trafficking, in particular because definitions can differ among jurisdictions. We have not conducted a specific study to see how countries compare with respect to human trafficking. It is something we could look into, however.

Since the statistics reported to us by police are not detailed enough, it is quite difficult to determine whether Canada is a market for suppliers or consumers, to use your terminology. As you mentioned, there are gaps in the statistics. We are not able to gather that data for the time being.

Mr. Michel Picard: Do I have any speaking time left, Mr. Chair?

The Chair: No, but you can say something later on when we go around the table.

Mr. MacGregor, you have the floor.

[*English*]

Mr. Alistair MacGregor (Cowichan—Malahat—Langford, NDP): Thank you, Chair, and it's good to be back at this committee.

The Chair: It's a pleasure to have you back.

Mr. Alistair MacGregor: Mr. Clermont, I want to continue along the lines of your conversation with Mr. Nicholson about charges that are stayed and dropped. I believe about 60% or so are. You touched on it a little, but does the Department of Justice collect data on the reasons for charges being stayed or withdrawn? It seems to me that if this committee is to make a recommendation on how well our justice system functions, we need to know if that kind of data is retained, so that we can understand whether the Criminal Code is working as it should or whether some prosecution strategies are more successful than others and so on.

Mr. Yvan Clermont: This is a very good question. The reasons a prosecutor would withdraw a charge are those I mentioned. They either saw that the probability of conviction was very low, or they lacked information to go on and pursue the case. It could even be that it's not in the public interest. For example, these are documented reasons why a case could be withdrawn.

In this particular case, and in other cases that are going through the criminal courts in each province, we don't have the information specifically as to why the case was withdrawn. The only thing we

could do, as Mr. Nicholson suggested, is to try and see if these cases are coming back in the system under another type of charge, for example. It remains something we could look at, and certainly it's an avenue we could explore.

• (1225)

Mr. Alistair MacGregor: In terms of some of the gaps that exist in data collection, we want to make a recommendation to the government, but you also know from your best practices.... Is there a particular department in the federal government, such as Statistics Canada, that could maybe take on a broader role? Do you have any suggestions in that regard, about maybe increasing your mandate in this particular area? Are there any recommendations that you could pass on to us in that regard?

Mr. Yvan Clermont: Making a recommendation as such to increase the scope, for example, of the integrated criminal court survey could be made through Statistics Canada, because we have interactions with all departments of justice in the country, and we have a committee of liaison officers reporting to the deputy minister responsible for the administration of justice and public safety. This is how we function, and we govern the justice statistics area.

If a suggestion or a recommendation is made in that regard, then it can be put towards Statistics Canada, which would connect with the appropriate departments.

Mr. Alistair MacGregor: Thank you.

Mr. Massé, I want to talk to you about trafficking specifically with regard to labour. In the cases that have been prosecuted, is there a trend towards the employer being complicit, or did they unknowingly hire people through a third party? Generally, how is the system working for those who were convicted of the crime? Where are some of the areas we need to address? Is it the complicity of specific bad employers, or is there a third party involved in providing a worker pool to these employers, and they just unwittingly hire them?

Mr. Philippe Massé: In terms of specific cases, they're not something that is part of our mandate. We look at the employers. I don't have any specific information around the outcome of specific cases and how those were dealt with through the justice system.

We know that part of the vulnerabilities are around the use of third parties. You mentioned that in your question, and there really are two aspects to that system, one that third parties based domestically use, and one for those who are being hired who are based in foreign countries. For those who are here, those are subject principally to provincial and territorial legislation around the regulation of recruiting activities, and in many provinces, there are specific rules and laws that govern the use of foreign recruiters.

In our TFW program, we ensure that the employers who apply respect the provincial laws with respect to recruiters. We also have a regulation that prohibits any fees being charged to workers by third parties, so those are rules we apply.

With regard to the foreign recruiters, that's something that's a bit more challenging because we're not directly responsible for that, but there are a couple of areas that we are exploring. The first is work that we're doing with the International Organization for Migration. This is an international organization that's very active in the area of the migration of workers, and they are developing what's called IRIS, an international registration and information system for foreign recruiters. The idea is to establish an international standard and code of practice that would allow foreign recruiters to be registered and to follow that standard. We're working with them and supporting the development of that, and it's expected that it will be piloted in a couple of provinces this year, in Saskatchewan and Alberta, where any employer wanting to use a foreign recruiter would need to use one who's registered with IRIS. That's something we're going to be monitoring to see how we can maybe incorporate that into the broader TFW program.

We're also thinking about strengthening our regulations and trying to identify ways that maybe we can strengthen our own regulatory authorities to deal with this, but that's all under development, and there's nothing specific at this point.

• (1230)

The Chair: Thank you.

Mr. McKinnon.

Mr. Ron McKinnon (Coquitlam—Port Coquitlam, Lib.): Thank you, Chair.

I think I have one question, and then I will share my time with my colleagues.

Ms. Kim and Mr. Massé, you spoke a lot about things that could be done to ensure compliance, to detect breaches, and so forth, but these all seem to depend on the employer or the worker somehow intersecting with the system in some way. I'm wondering if there is a mechanism or if there are any kind of tools available to detect situations that are purely clandestine, people who have come in the country, and we don't know about them, or employers who are trafficking or making people work who haven't gone through the LMIA process or anything like that. Is there any mechanism or any investigative approach used to be able to detect these cases and find them?

Mr. Philippe Massé: I would say from the ESDC's perspective, we are mandated to assess the genuineness of employers and verify their ongoing compliance. I think one thing we're assessing the feasibility of in the future is through unannounced inspections. That's something that is still in development. This would provide an opportunity to perhaps uncover some situations that we weren't aware of, but it's still within the realm of our authorities to inspect employers applying for the LMIA in terms of those not subject.

Ms. Natasha Kim: In terms of those who wouldn't be in the system—who hadn't applied for a work permit or an LMIA—they wouldn't fall under the compliance regime. If they're in an underground economy of some kind, that would generally fall either to provinces and territories responsible for workplaces or potentially law enforcement responsible for illegal activity. Really the importance of the work permit and the LMIA approach is that we're able to actually track and hold employers accountable for what they've said they would do when they bring in migrant workers. If

they're really outside of the system, that doesn't necessarily fall within our mandate.

Mr. Ron McKinnon: Thank you.

The Chair: You have about two to three minutes.

Mr. Boissonnault.

[*Translation*]

Mr. Randy Boissonnault (Edmonton Centre, Lib.): Thank you, Mr. Chair.

[*English*]

I have a quick question for Statistics Canada: how creative can we be and how can you advise us to keep our eyes open with NGOs? We'll be meeting them across the country. We faced this in the LGBTQ2 community. We face this as it pertains to indigenous communities and as it pertains to people of colour. How can StatsCan best plug and play with existing datasets and what should we be looking at as we're crossing the country for creative pieces that can plug and play with the systems you have and that you're thinking of developing? That's the first question.

Ms. Kathy AuCoin: It's a great question.

Creatively, we like to exploit existing datasets that others might have, which we can link to other datasets to answer some of those research questions. Ideally, as Mr. Clermont has noted, with regard to one of the questions about court cases and police cases and how they are being dealt with in the courts, what we've done periodically through a lot of work is link our police data with our court data so we can follow those cases, those victims and accused, through the justice system. The datasets aren't created for those linkages, but we do the job manually. What we would like to do perhaps is to look at offenders and where they are in the systems. Do we see them in hospital data? Are they filing taxes? They are likely not. With regard to victims, if they are domestic, can we find out who they are through ethnicities if NGOs have large datasets? Generally speaking, my understanding is that an NGO is focusing on services to their people as opposed to data collection. That being said, within Statistics Canada we are working with directors of victim services, provincial and territorial, and we often ask about human trafficking cases. Currently, they don't collect that data, but we often ask about it. It's a balancing act.

• (1235)

Mr. Randy Boissonnault: Do we have a sense of the percentage of people who report to the police? This is 350 people in the latest number, but if that's one percent of people who report then we have a really big problem. If it's 80%, we still have a problem, but the quantum is a different order.

Ms. Kathy AuCoin: Again, a great question.

As has been alluded to across the board, victims aren't willing to report for language issues, not understanding that they are a victim, they've been manipulated. Again, is it a retrospective questionnaire that we put out to people asking if in their past they've been a victim of these types of behaviour? Even to ask the term "a victim of human trafficking", many people wouldn't understand. Conceptually, there are many barriers.

Mr. Randy Boissonnault: There might be some onus on us to break it down and define it as opposed to putting a label on it. Did this happen to you? And then you can self-identify.

I have a quick question for IRCC. What is the threshold that somebody has to get past when they self-identify as having been a victim of one of these offences related to human trafficking so that they can get the TRP? How do you know? How do you vet? How do you decide? How do we know that we're in the high 90s in terms of being right about who we give the visas to?

Mr. Bruce Scoffield (Director General, Immigration Program Guidance Branch, Department of Citizenship and Immigration): In terms of how we operationalize the issuance of these temporary resident permits, as you've noted, people can self-identify; they can be referred to us by NGOs; or, as is the case for many of the people who come forward, they tend to be referred to us by law enforcement.

In all of these situations, the applicant needs to show us that there are at least indications that they have come to Canada through coercion or through fraud, or that once in Canada they have experienced exploitation, coercion, fraud, forced labour, etc. This initial application is not a very onerous application. We have to have reasonable grounds to believe that there is at least an indication that they meet one of these criteria. In that situation, we will issue—it's non-discretionary—a temporary resident permit, which comes along with access to the interim federal health program and the possibility of an employment offer.

Mr. Randy Boissonnault: So that gets people out of harm's way, and then you can investigate and pursue from their working with authorities.

Mr. Bruce Scoffield: That's right, and these permits are valid for 180 days.

[Translation]

Mr. Randy Boissonnault: Thank you.

[English]

The Chair: Thank you very much.

We'll go to short questions now from members of the committee. Can I just ask that to follow up on Mr. Boissonnault's question, Mr. Scoffield, what percentage of people have been applying for the TRP under these grounds receive the TRP?

Mr. Bruce Scoffield: Generally speaking, it's a very, very high approval rate. Most years, in fact, since this program was instituted, it has been a 100% approval rate.

In 2016, the numbers were a little different. We had a number of people whose applications were withdrawn, and two were rejected for failing to meet that test, so it was a 92% approval rate.

The Chair: Who has some short questions?

Monsieur Picard.

[Translation]

Mr. Michel Picard: Thank you, Mr. Chair.

I have a question about the huge increase in the number of cases. We heard there are 11 times more cases.

Will we collapse under this growing number of cases? To begin, how do you determine if a case has been resolved? On that basis, do you also see that the number of cases being resolved is increasing at the same rate? We need to know if we are keeping pace or are completely overwhelmed. If we are overwhelmed, we will have to take a different approach.

Mr. Yvan Clermont: Once again, that is an excellent question.

Although the number of cases of human trafficking is 11 times higher, the number is still not high as for other types of crimes.

As to determining whether a crime has been resolved, according to police definitions, there are two categories: either the case has resulted in charges, which is the rate of filing, or the charges have been heard in court.

The fact remains, however, that the number of cases of human trafficking is not very high compared to other offences, even though it is 11 times higher than before. It is difficult to conclude that this increase is overloading the justice system owing to police investigations, or that it is overloading the courts. We cannot say that because we do not have enough information. However...

Mr. Michel Picard: Let us stick with the administrative aspects; that is what I would like to discuss.

I am referring to evaluating the matter from a purely administrative point of view. For the purposes of my question, if the person is removed from their employer and the employer is fined, I would consider that case resolved since we have removed the person from potential human trafficking and have put them in a more positive situation.

From that point of view, do we see things the same way?

• (1240)

Mr. Yvan Clermont: We cannot measure that kind of results. The only results we can measure are those related to the criminal justice system, that is, those provided by the police, the courts and correctional services. Outside that system, we cannot determine what percentage of victims of human trafficking are placed elsewhere.

Mr. Michel Picard: Has Citizenship and Immigration seen a similar increase in the number of cases?

[English]

Mr. Bruce Scoffield: One of the challenges we face when people come forward asking for a temporary resident permit is that there is not a direct correlation with law enforcement cases. In fact, we see relatively few new applications each year. There were only 26 new applications in 2017.

The simple answer is no, we're not seeing any particular pattern of increase in the number of applicants seeking a temporary resident permit.

[Translation]

Mr. Michel Picard: Would the Canada Border Service Agency's entry/exit initiative, which we could use to better control persons entering the country, be a potential solution? In the case of temporary workers, for instance, that would be a way of keeping track of them. If the system says that those people have to leave the country by a certain date, at least we have much more specific information to help us find them.

[English]

Mr. Bruce Scofield: When entry/exit is in place, which will be in the future, in a few years, it will give us better information about who is coming into the country and who is leaving.

On what happens to those people once they're in the country, entry/exit won't give us—

Mr. Michel Picard: No, no.

Mr. Bruce Scofield: —any information about that, but it will give us better information about people who, for example, overstay their status.

[Translation]

Mr. Michel Picard: Thank you.

[English]

The Chair: Thank you.

Ms. Iqra Khalid: I have a quick question.

Ms. Kim, you mentioned that you sit on the national task force combatting human trafficking.

You said that 4.6% of human trafficking involves foreign nationals. Do you think that the work of the national task force corresponded with that data? Was the majority of its focus on domestic human trafficking as opposed to international trafficking, or do you think it was a bit skewed with there being more of a focus on the foreign instead of domestic issue?

Ms. Natasha Kim: IRCC is a member of the federal task force on human trafficking along with many other departments including ESDC and law enforcement agencies. I think given our participation in that task force, it would not be skewed only to domestic cases. Our perspective would bring the transnational or international aspect of that as would I think the ESDC from the Temporary Foreign Worker program perspective.

Ms. Iqra Khalid: Was more focus given to foreign nationals as opposed to domestic within the task force, that's what I'm trying to understand.

Ms. Natasha Kim: The task force was charged with the national action plan on human trafficking, which is looking at the full picture on human trafficking, whether it's domestic or transnational. Sexual exploitation or labour exploitation, we'd be looking at the broad picture.

The Chair: Thank you very much.

Mr. MacGregor.

Mr. Alistair MacGregor: Ms. Kim, while this question is probably best directed to Public Safety Canada, because you work so closely with them, I will direct it to you.

With respect to sex trafficking and the staggering statistics we have, mostly young women are involved and we have a very low rate of reporting. A criminal element is attached to it, and all the social stigmatization that comes from that. As a starting point this very isolated group of people usually is greatly distressed by law enforcement.

I realize that efforts are being made to inform the people who are in that situation of their rights, but in your discussions and in your close partnership with Public Safety, what are our front-line officers and CBSA or our police doing themselves to meet them halfway? Are any strategies being employed to try to actively form those relationships with people who are affected to encourage them to come forward? I think there's a role for agencies to meet them halfway. Can you elaborate on those efforts?

• (1245)

Ms. Natasha Kim: Sure. I can begin, and my colleague may wish to step in.

Certainly, all members of the federal task force are engaged in trying to do more outreach on this issue. For example, our missions abroad are engaged in doing some awareness activities. Mr. Massé has explained some of the activities ESDC does. IRCC and ESDC do consult quite broadly with migrant worker support organizations on the temporary foreign worker program, temporary immigration generally, and how those programs might be impacting certain communities. There's a lot of outreach done in partnership that we try to be involved in, including at the international levels, with the International Organization for Migration and the International Labour Organization. These are organizations that we like to be engaged with to see how things are happening and what kind of solutions are being talked about that we may be able to be involved in.

Mr. Alistair MacGregor: As a supplementary question to what Mr. Boissonnault was touching on—and maybe this is a question for Statistics Canada—because of stigmatization and fear of reprisals among this particular group, can we ever really assume that the reporting will be anywhere close to the accurate? I'm just trying to search for better ways of collecting data with this very particular vulnerable group.

Mr. Yvan Clermont: It is very hard to have a good measure of what is really happening versus what is being reported to the police. We do have a survey on victimization that asks about the victimization experiences of all Canadians. We find that only five per cent of victims of sexual assaults report their victimization to the police. When you think about robbery or assault or any other type, the proportion is much higher, and especially if the harm is more serious. However, for a sexual assault, it's much lower and there are all sorts of reasons for that, which my colleague can speak about.

As a result, there's only one step or inference we can make when looking at the victims of human trafficking using those results. But it's hard to survey people about this type of event in a general population survey to know the prevalence of victimization and compare it to what is reported to the police. I could see this as being a very huge statistical challenge, if I could put it this way.

The Chair: Thank you very much.

Are there any other questions from any member of the panel?

If not, I'd like to thank all of our witnesses today.

You've all been very helpful.

[*Translation*]

Greatly appreciated.

[*English*]

We'd also appreciate receiving, if you wouldn't mind, Mr. Massé, a copy of the pamphlet you use.

Thank you so much. Have a wonderful day.

The meeting is adjourned.

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