



Background: *Bill 251, Combating Human Trafficking Act, 2021*

In March 2020, the Ontario government announced a \$307 million investment into a five-year anti-human trafficking strategy. In February 2021, Bill 251, *Combating Human Trafficking Act, 2021* was introduced. The Bill aims to combat human trafficking by further extending the powers of law enforcement — which is not only ineffective, but counterproductive to efforts to tackle human trafficking.

The Conflation of Human Trafficking with Sex Work

Anti-trafficking investigations have been found to negatively affect sex workers, and particularly racialized and migrant sex workers, who are wrongly perceived as being involved in trafficking. Without distinguishing sex work from human trafficking, the Bill will authorize law enforcement to further surveil, harass, detain and potentially deport sex workers, making it more difficult for sex workers to work safely and perversely contributing to situations of exploitation and abuse.

The Bill Would Give Inspectors Unchecked Power

“Inspectors” can enter any place at any time without a warrant or notice to investigate human trafficking. They have the power to examine, demand, remove or copy anything they think is or may be relevant for the inspection, at any time and without a warrant. They can also question people on any matter that they think is relevant to the inspection; an individual or corporation that does not comply could be fined \$50,000 or \$100,000, respectively. This will have a disproportionate impact on migrant Asian workers who may not communicate in English. This also presents serious human rights and Charter concerns.

The Bill Would Lead to Sweeping Surveillance

Regulations could be made requiring an array of people and businesses including hotels and advertisers of sexual services to report suspected human trafficking. Hotels and other rentals are also required to record guest information that could be shared with the police. While seemingly uncontroversial, the pervasive conflation of sex work with human trafficking means law enforcement will further surveil, detain and interrogate sex workers in numerous settings. The threat of having their identity shared with police will push sex workers to work on the street, in their homes, at clients’ homes, or other spaces that offer fewer protections, putting sex workers’ health and safety at risk.

Recommendations

- We urge the government to take a human rights-based approach that centers labour rights, migrant rights, and sex workers’ rights and addresses structural barriers, including poverty, precarious immigration status, and lack of access to affordable housing, health and social services that contribute to the risks of human trafficking.
- We urge the government to reject the Bill and engage in meaningful community engagement sessions, including with Butterfly and HIV Legal Network, *before* the legislation is passed.