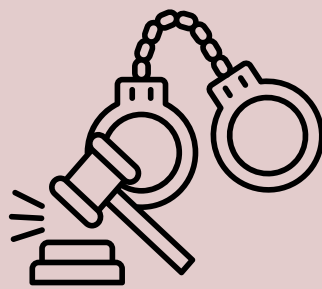


Human Trafficking Laws

We include human trafficking laws here because mainstream society, including the Canadian government, often combines human trafficking and sex work. This harms people who are employed in the sex work industry but especially massage workers because of racial prejudice. Human trafficking laws impact their work and safety, so it is important to know about them.

We acknowledge that **sex work is distinct from human trafficking.**

Human trafficking and related offences are found in the Criminal Code (s. 279.01-279.04), and in the Immigration and Refugee Protection Act (s. 118(1)).



Section 279.01 makes it an offence to recruit, transport, transfer, receive, hold, conceal, or harbour a person, or exercise control, direction or influence over the movements of a person for the purpose of exploiting them.

Actual exploitation does not need to be proved, only that a person knew about it. It is important to understand that a person cannot consent to be trafficked, meaning this is not a defence for a person charged with trafficking.

Under the Criminal Code, exploitation happens when someone causes a person to work or offer a service for fear that their safety or another person's safety is threatened if they don't (s. 279.04).

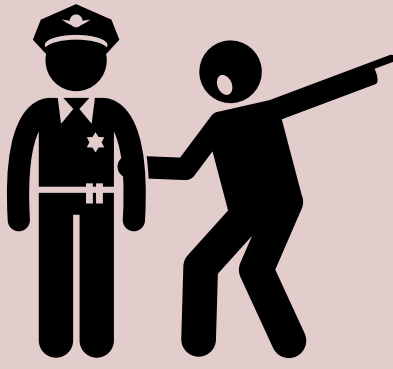


Courts can consider a number of things to decide if there is exploitation. This includes whether there are threats, violence, coercion, deception, or if a person is abusing a position of trust or authority.

Generally, if a person's actions are driven by fear of another person or controlled by someone with power over them, they are being exploited.

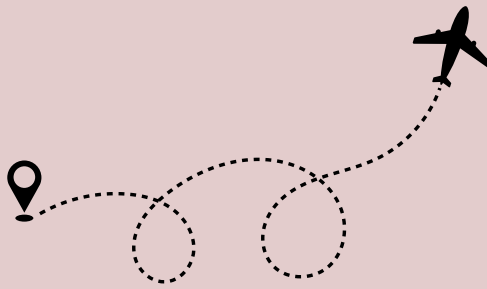


This legal definition of “exploitation” is narrower than what people in the community may see as exploitation. Many people believe that all sex work is exploitative no matter how or where it occurs. People don’t believe someone would choose sex work without being forced, or “exploited”.



This may impact how the police and the public see people who work in massage parlours. Police investigations and public complaints may be driven by “exploitation” concerns even if workers are not working due to fear.

Human trafficking can happen domestically or internationally if it is charged under the Criminal Code. The Immigration and Refugee Protection Act offence of trafficking, however, requires a person be trafficked across the Canadian border.



A person who is convicted of human trafficking under the Criminal Code will receive a jail sentence. If they are not a Canadian citizen, they may be deported after they serve their sentence.

There are other offences in the Criminal Code that relate to human trafficking:

- it is an offence to receive money or another material benefit like food, shelter, or clothing, if you know it was from human trafficking or paid for with money from human trafficking (s. 279.02)
- It is an offence to withhold or destroy a person’s travel, immigration or identity documents if it is done for the purpose of trafficking that person (s. 279.03(1)). This could put your manager or friend at risk of a criminal charge if they are holding your passport, even if you ask them to do it. The assumption is that they control your movements because they control your documents. It is better to keep your ID and documents in a locker or other safe place that you can access.
 - This law applies to both Canadian and foreign documents.
 - It also applies to fake travel documents.