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Friday May 14, 2021

Executive Committee  
City Hall, Committee Room 1  
100 Queen Street West  
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Dear Chair and Council Members,

**RE: Recommendations to Consult and Amend, “Bill 251, *Combating Human Trafficking Act*”**

In March 2020, the Ontario government announced a \$307 million investment into a five-year anti-trafficking strategy. On February 22, 2021, Bill 251, *Combating Human Trafficking Act*, 2021 was introduced by Solicitor General Sylvia Jones in the Legislative Assembly of Ontario. The stated purpose of the Act is to combat human trafficking and provide support for survivors by adopting a law enforcement model, increasing surveillance powers for police and Ministerially appointed inspectors, and imposing charges and hefty fines for violations.

Anti-trafficking experts are concerned about the Act’s reliance on a law enforcement model that has been ineffective and oftentimes counterproductive to efforts to tackle human trafficking.

These adverse impacts include the ongoing false conflation of sex work with human trafficking which incentivizes police and a whole new category of inspectors to surveil and interrogate Asian, Black and Indigenous communities and migrant communities.

There are serious privacy and human rights concerns with extending surveillance powers for police and Ministerially appointed inspectors. The Act authorizes the Minister to appoint inspectors for the purposes of this law, who “may, without a warrant or notice, and at any time, enter and inspect any place” to determine compliance with the Ministers’ regulations.

The Act authorizes the Minister to appoint inspectors for the purposes of this law, who “may, without a warrant or notice, and at any time, enter and inspect any place” to determine compliance with the Ministers’ regulations. Inspectors are also granted unfettered powers to examine, demand, remove or copy any “thing that is or may be relevant to the inspection” and to “question a person on any matter that is or may be relevant to the inspection, including questioning a person separate from others.” A person who is suspected of committing an offence is also compelled to answer questions in breach of their constitutionally protected right to silence.



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Non-compliance is a punishable offence, subject to a fine of \$50,000 or \$100,000 for an individual or corporation, respectively.

The Bill will likely impose requirements on municipal divisions and agencies to surveil/racially profile people suspected of being involved in human trafficking, alienating them from vital municipal supports that the City is mandated to provide and in some cases directly support. The City of Toronto is currently undertaking a review of police services, and proposing community led response units in four neighbourhoods. This outcome of this Bill may increase unbudgeted costs to city agencies and divisions and undermine the pending work, and other reform initiatives the City of Toronto has committed to undertaking.

While we share the Provincial government's concerns about the exploitation of vulnerable people, the Act would have multiple, adverse impacts on sex workers and particularly BIPOC, LGBTQ2S and migrant sex workers by increasing barriers to safe work and further alienating sex workers from health, social and legal supports, without meaningfully addressing human trafficking. Considering the role Toronto Police and By-law enforcement could be required to play, City Council should denounce Bill 251 in its current force and urge the Government of Ontario to work collaboratively with all parties and in deep consultation with those most vulnerable and likely to be impacted, including sex workers.

## **RECOMMENDATION:**

It is recommended that:

City Council forward a copy of this recommendation to the Government of Ontario and call of them to amend Bill 251 and immediately consult with sex workers and other affected vulnerable communities to ensure that any new legislation will include an anti-human trafficking strategy that is rooted in human rights, including labour rights and migrant rights, and that it addresses the numerous 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

Respectfully submitted,

**Kristyn Wong-Tam**  
City Councillor  
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