

Forced Labour

The International Labour Organization:

Forced Labour is defined as “work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself/herself voluntarily”¹

Unpacking the Definition of Forced Labour²

- | | |
|-----------------------|---|
| All work or service | • All types of work or employment |
| | • Regardless of industry, sector or occupation |
| | • Includes legal and illegal/informal work |
| Any person | • Adults and children |
| | • Regardless of nationality, including migrants |
| Menace of any penalty | • Threats, sanctions, violence, etc. |
| Voluntary offer | • Worker consent to enter employment |
| | • Freedom to leave employment at any time |

When the following elements are seen together in a single case, it is a good indicator that it's a case of forced labour³:

- It covers any type of work, service or employment;
- It applies to any person, irrespective of age, gender, nationality;
- It involves some form of menace of penalty, which can range from threats to sanctions to physical and sexual violence;
- It is NOT voluntary – meaning the worker did not consent to enter the employment and they do not have the freedom to leave the employment at any time.



Even though someone may consent to the employment in the beginning, that consent can become irrelevant if it is obtained through fraudulent means, such as deception, false promises, threats or physical force.

In Ontario, there have been very few cases where traffickers have been charged and prosecuted for labour trafficking. Labour trafficking cases are generally international, and usually involve temporary migrant workers who are recruited through false promises and fake contacts. Persons from countries such as South-East Asia, Latin American and Eastern Europe are particularly at-risk for labour trafficking⁴.

¹ International Labour Organization, 1930, *Convention C029 – Forced Labour Convention (No. 29)*. URL: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312174:NO

² <http://fcjrefugeecentre.org/wp-content/uploads/2013/05/The-situation-of-forced-labour-trafficking-internationally-and-the-work-of-the-ILO.pdf>

³ MCIS Language Services, 2014, “Overview of Human Trafficking.” In, *Helping Trafficked Persons: A Resource Handbook for Service Providers*, 10-11. URL: www.helpingtraffickedpersons.org

⁴ MCIS Language Services, 2014, “Overview of Human Trafficking.” In, *Helping Trafficked Persons: A Resource Handbook for Service Providers*. URL: www.helpingtraffickedpersons.org

Forced Labour

<http://aurafreedom.org/reports-view/human-trafficking-awareness-for-canadian-youth/>

http://vawlearningnetwork.ca/sites/vawlearningnetwork.ca/files/LN_Newsletter_September_2012_Issue_2_0.pdf

<http://www.vawlearningnetwork.ca/issue-2-issue-human-trafficking>