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Bill 251

(Chapter 21 of the Statutes of Ontario, 2021)

An Act to enact, amend and repeal various Acts in respect of human trafficking matters

The Hon. S. Jones
Solicitor General

1st Reading	February 22, 2021
2nd Reading	May 6, 2021
3rd Reading	June 3, 2021
Royal Assent	June 3, 2021



EXPLANATORY NOTE

*This Explanatory Note was written as a reader's aid to Bill 251 and does not form part of the law.
Bill 251 has been enacted as Chapter 21 of the Statutes of Ontario, 2021.*

SCHEDULE 1 ACCOMMODATION SECTOR REGISTRATION OF GUESTS ACT, 2021

The Schedule enacts the *Accommodation Sector Registration of Guests Act, 2021* and repeals the *Hotel Registration of Guests Act*.

The new Act requires hotels to keep a register of guests and record their names, residences and other prescribed information. Businesses in a prescribed class are also required to keep these registers.

Police officers and First Nations Constables may make an application to a justice for an order requiring the production of a specified portion of the register if there are reasonable grounds to believe that a person is currently a victim of human trafficking or is at imminent risk of being trafficked and that the information in the register will assist in locating or identifying them. They may make an urgent demand to view this information if there are reasonable grounds to believe the victim of human trafficking will suffer bodily harm or that the information recorded in the register will be destroyed within the time it would take to obtain an order.

A written report must be prepared when an urgent demand is made containing the reasons why the criteria for making the urgent demand were met. Chiefs of police must prepare annual reports on the total number of urgent demands made in the year and the number of human trafficking investigations to which they relate.

The Act sets out offences for failing to comply with these provisions and for making certain false statements.

The register provisions of the *Hotel Registration of Guests Act* continue to apply with respect to guests who were admitted in a hotel or business in a prescribed class before these new requirements came into force.

SCHEDULE 2 ANTI-HUMAN TRAFFICKING STRATEGY ACT, 2021

The Schedule enacts the *Anti-Human Trafficking Strategy Act, 2021*. The Act requires the Government of Ontario to maintain an anti-human trafficking strategy that aims to end human trafficking in Ontario and support persons who have experienced human trafficking. The Act requires that the strategy be reviewed at least every five years and that the Government of Ontario have regard to certain principles when reviewing the strategy.

The Act provides the Lieutenant Governor in Council with authority to make regulations relating to the dissemination of information about human trafficking, training on human trafficking and the reporting of instances of suspected human trafficking as well as relating to the collection and provision of information for specific purposes. The Act also provides the Lieutenant Governor in Council with authority to make certain regulations related to entities that post, publish or otherwise disseminate advertisements for sexual services and entities that operate platforms for such advertisements. Finally, the Act includes provisions for the enforcement of any regulatory requirements.

SCHEDULE 3 CHILD, YOUTH AND FAMILY SERVICES ACT, 2017

The Schedule makes various amendments to the *Child, Youth and Family Services Act, 2017*:

1. Subsection 74 (2) of the Act currently provides for circumstances in which a child may be in need of protection for the purposes of Part V (Child Protection) of the Act. This subsection is amended to provide for additional circumstances that relate to child sex trafficking. Analogous circumstances are added to subsection 125 (1) of the Act, which sets out when a person has a duty to report a child who may be in need of protection to a children's aid society.
2. The Act is amended to add a new section 77.1, which provides that a child protection worker or a peace officer may bring a child who is 16 or 17 to another location for the purposes of offering services and supports to the child where the worker or peace officer has reasonable and probable grounds to believe that the child has been sexually exploited as a result of being subjected to child sex trafficking and that another specified circumstance, related to the capacity of the child to make mature and independent judgements, exists.
3. Section 140 of the Act currently prohibits interference with a child who is subject to an order for society supervision, interim society care or extended society care. This section is amended to include a child who is subject to a temporary order for care and custody.
4. The penalties set out in the Act for contravening section 140 of the Act and for obstructing a child protection worker or a peace officer who is acting under various provisions of the Act, including the newly added section 77.1, are amended to increase the maximum fine as well as the maximum term of imprisonment.
5. Finally, the Act is amended with respect to procedures for prosecuting offences under Part V of the Act.

SCHEDULE 4
PREVENTION OF AND REMEDIES FOR HUMAN TRAFFICKING ACT, 2017

The *Prevention of and Remedies for Human Trafficking Act, 2017* is amended in the following ways with respect to restraining orders that may be made under Part II of the Act:

1. Section 3 of the Act is amended to expressly provide that a person caring for a child victim under customary care as defined in the *Child, Youth and Family Services Act, 2017* may apply for a restraining order.
2. Section 4 of the Act is amended to specify that, in addition to the protection of a victim, the protection of any other person is a factor in the making of a restraining order under that section.
3. Section 5 of the Act is amended to provide that a restraining order may, in specified circumstances, be made or extended for a period of longer than three years.

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Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Contents of this Act

1 This Act consists of this section, sections 2 and 3 and the Schedules to this Act.

Commencement

2 (1) Subject to subsections (2) and (3), this Act comes into force on the day it receives Royal Assent.

(2) The Schedules to this Act come into force as provided in each Schedule.

(3) If a Schedule to this Act provides that any of its provisions are to come into force on a day to be named by proclamation of the Lieutenant Governor, a proclamation may apply to one or more of those provisions, and proclamations may be issued at different times with respect to any of those provisions.

Short title

3 The short title of this Act is the *Combating Human Trafficking Act, 2021*.

SCHEDULE 1
ACCOMMODATION SECTOR REGISTRATION OF GUESTS ACT, 2021

Definitions

1 In this Act,

“chief of police” means,

- (a) a chief of police as defined in subsection 2 (1) of the *Police Services Act*, or
- (b) a First Nations Constable who is in charge of a group of First Nations Constables described in clause (b) of the definition of “police force”; (“chef de police”)

“First Nations Constable” means a First Nations Constable appointed under the *Police Services Act*; (“agent des Premières Nations”)

“hotel” means a building, two or more connected buildings or a portion of a building or two or more connected buildings that,

- (a) is mainly used for the commercial purpose of providing the travelling public with transient accommodation,
- (b) contains at least six bedrooms or suites, and
- (c) is not a boarding house, apartment house or other prescribed type of building; (“hôtel”)

“human trafficking” has the same meaning as in the *Anti-Human Trafficking Strategy Act, 2021*; (“traite des personnes”)

“Minister” means the Minister of Heritage, Sport, Tourism and Culture Industries or such other member of the Executive Council as may be assigned the administration of this Act under the *Executive Council Act*; (“ministre”)

“officer” means,

- (a) a police officer as defined in subsection 2 (1) of the *Police Services Act*, or
- (b) a First Nations Constable; (“agent”)

“police force” means,

- (a) a police force as defined in subsection 2 (1) of the *Police Services Act*, or
- (b) a group of First Nations Constables who are employed by an entity that has an agreement with the Solicitor General; (“corps de police”)

“prescribed” means prescribed by the regulations; (“prescrit”)

“regulations” means the regulations made under this Act. (“règlements”)

Hotel register

2 (1) The owner and the manager of a hotel shall ensure that the hotel maintains a register.

Required information

(2) The owner and the manager of a hotel shall ensure that the following information is recorded in the register every time a guest or group of guests is admitted to occupy a bedroom or suite in the hotel:

1. The name of one of the guests who will occupy the bedroom or suite.
2. The primary residence of that guest or, if they have no primary residence, the municipality in which they usually reside.
3. Any other prescribed information.

Maintenance of information

(3) The owner and the manager of a hotel shall ensure that the information described in subsection (2) is maintained in the register for the prescribed period after it was recorded.

Prescribed businesses

3 (1) The owner or operator of a business in a prescribed class shall maintain a register.

Applicable provisions

(2) Subsections 2 (2) and (3) apply to the owner or operator of a business in a prescribed class subject to any modifications that may be set out in the regulations.

Production of register**Order to produce portion of register**

4 (1) On application made in writing by an officer, a justice may make an order requiring the owner or manager of a hotel, or the owner or operator of a business in a prescribed class, to produce a copy of a specified portion of the register to the officer if the justice is satisfied on the basis of information provided under oath that there are reasonable grounds to believe that,

- (a) a person is currently a victim of human trafficking or is at imminent risk of being trafficked; and
- (b) information in the specified portion of the register will assist in locating or identifying that person.

Urgent demand to view register

(2) An officer may in writing make a demand to view information recorded in the register of a hotel or business in a prescribed class if the officer is satisfied that there are reasonable grounds to believe information recorded in the register will assist in locating or identifying a person who is currently a victim of human trafficking or is at imminent risk of being trafficked and,

- (a) there are reasonable grounds to suspect the victim of human trafficking will suffer bodily harm within the time it would take to obtain an order under subsection (1); or
- (b) there are reasonable grounds to believe information recorded in the register will be destroyed within the time it would take to obtain an order under subsection (1).

Copying information from register

(3) In exercising the power described in subsection (2), an officer may make a copy of any portion of the register that the officer has reasonable grounds to believe will assist in locating or identifying a person who is currently a victim of human trafficking or is at imminent risk of being trafficked.

Time for compliance

(4) The owner and the manager of a hotel and the owner or operator of a business in a prescribed class shall,

- (a) comply with an order made under subsection (1) within the time specified in the order; and
- (b) immediately comply with an urgent demand made under subsection (2).

Urgent demand report

(5) An officer who makes an urgent demand under subsection (2) shall, within the prescribed timeframe, provide a written report to the member of the police force that is designated by their chief of police to receive such reports.

Content of report

(6) The report shall contain,

- (a) the reasons that, in the view of the officer who made the urgent demand, the requirements under clauses (2) (a) and (b) were met in the circumstances; and
- (b) any other prescribed information.

Annual report

5 (1) On or before the prescribed date in each year, every chief of police shall prepare an annual report under this section and shall,

- (a) in the case of a municipal chief of police, provide a copy of the report to the board of the police force;
- (b) in the case of a chief of police who is in charge of a group of First Nations Constables, provide a copy of the report to the entity that employs them and that has an agreement with the Solicitor General; and
- (c) in the case of the Commissioner of the Ontario Provincial Police, provide a copy of the report to the Solicitor General.

Report public

(2) After receiving a report, a board or entity shall,

- (a) provide a copy of the report to the Solicitor General; and
- (b) make the report available to the public in the prescribed manner.

Same

(3) After receiving the report from the Commissioner of the Ontario Provincial Police, the Solicitor General shall make the report available to the public in the prescribed manner.

Content of report

(4) The annual report for a year shall contain,

- (a) the total number of urgent demands made by the officers under subsection 4 (2) in that year and the number of human trafficking investigations to which they relate; and
- (b) any other prescribed information.

Offences

6 (1) An owner or manager of a hotel, or an owner or operator of a business in a prescribed class, who fails to keep a register as required by section 2 or 3, knowingly and wilfully permits a false statement to be entered in the register or fails to comply with an order or urgent demand as required by subsection 4 (4) is guilty of an offence and on conviction is liable to a fine of not more than \$5,000.

Same

(2) A person who applies for admission as a guest in a hotel or business in a prescribed class who makes a false statement of information that is required to be in the register is guilty of an offence and on conviction is liable to a fine of not more than \$5,000.

Regulations

7 The Minister may make regulations,

- (a) respecting anything that, in this Act, may or must be prescribed or done by regulation;
- (b) prescribing additional information that must be recorded in a register, which may require recording the names, residence or other information of more than one person from a group of guests that occupies a bedroom or suite;
- (c) modifying the application of subsections 2 (2) and (3) to businesses in a prescribed class;
- (d) defining words and expressions used in this Act that are not otherwise defined in this Act;
- (e) respecting any matter that is necessary or advisable to implement this Act effectively.

Transition

8 Sections 2 and 3 of this Act do not apply with respect to guests who were admitted in a hotel or business in a prescribed class on or before the day section 2 of Schedule 1 to the *Combating Human Trafficking Act, 2021* came into force and instead the provisions of the *Hotel Registration of Guests Act*, as they read immediately before that day, continue to apply with respect to them.

Amendments to this Act

9 (1) The definitions of “chief of police”, “First Nations Constable”, “officer” and “police force” in section 1 of this Act are repealed.

(2) Section 1 of this Act is amended by adding the following definitions:

“chief of police” means,

- (a) a chief of police as defined in subsection 2 (1) of the *Community Safety and Policing Act, 2019*, or
- (b) a First Nation Officer who is in charge of a group of First Nation Officers described in clause (b) of the definition of “police service”; (“chef de police”)

“First Nation Officer” means a First Nation Officer appointed under the *Community Safety and Policing Act, 2019*; (“agent de Première Nation”)

“officer” means,

- (a) a police officer as defined in subsection 2 (1) of the *Community Safety and Policing Act, 2019*, or
- (b) a First Nation Officer; (“agent”)

“police service” means,

- (a) a police service as defined in subsection 2 (1) of the *Community Safety and Policing Act, 2019*, or
- (b) a group of First Nation Officers who are employed by an entity that has an agreement with the Solicitor General; (“service de police”)

(3) Subsection 4 (5) of this Act is amended by striking out “police force” and substituting “police service”.

(4) Clause 5 (1) (a) of this Act is repealed and the following substituted:

- (a) in the case of a chief of police of a police service maintained by a police service board, provide a copy of the report to the board;

(5) Clause 5 (1) (b) of this Act is amended by striking out “First Nations Constables” and substituting “First Nation Officers”.

Repeal

10 The *Hotel Registration of Guests Act* is repealed.

Commencement

11 The Act set out in this Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

12 The short title of the Act set out in this Schedule is the *Accommodation Sector Registration of Guests Act, 2021*.

SCHEDULE 2
ANTI-HUMAN TRAFFICKING STRATEGY ACT, 2021

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Preamble

Human trafficking is a human rights violation and a complex problem in Ontario that takes many forms.

Ontario recognizes that human trafficking impacts individuals and communities across the province, and that certain populations may be disproportionately impacted by human trafficking, such as women and girls and racialized groups including Indigenous and Black communities.

A survivor-centred, comprehensive and collaborative approach is required to protect those most vulnerable, to support survivors and to end human trafficking in Ontario.

DEFINITIONS

Definitions

1 In this Act,

“human trafficking” means conduct described in sections 279.01, 279.011, 279.02 and 279.03 of the *Criminal Code* (Canada), without regard to the interpretive rules set out in section 279.04 of that Act; (“traite des personnes”)

“Minister” means the Minister of Children, Community and Social Services or such other member of the Executive Council to whom the administration of this Act is assigned under the *Executive Council Act*. (“ministre”)

ANTI-HUMAN TRAFFICKING STRATEGY

Strategy

2 (1) The Government of Ontario shall maintain an anti-human trafficking strategy that aims to end human trafficking in Ontario and support persons who have experienced human trafficking.

Content of strategy

(2) The strategy shall include initiatives to achieve the aims referred to in subsection (1) and address any other related matters the Minister considers appropriate.

Periodic reporting

3 The Minister shall periodically publish reports on the actions taken as part of the strategy.

Review of the strategy

4 (1) The anti-human trafficking strategy shall be reviewed at least every five years.

Principles

(2) In reviewing the strategy, the Government of Ontario shall have regard to the paramount principles set out in subsection 5 (1) and the additional principles set out in subsection 5 (2).

Consultation

- (3) As part of the review, the Minister shall,
- (a) inform the public that the strategy is being reviewed and solicit the views of the public with respect to the strategy; and
 - (b) consult, in the manner the Minister considers appropriate, with such community organizations, individuals, other levels of government and stakeholders as the Minister considers appropriate.

Same

- (4) The Minister shall ensure that persons who have experienced human trafficking and members and representatives of communities that are most adversely impacted by human trafficking are consulted as part of the review, including:
1. Racialized groups, including Indigenous and Black communities and organizations.
 2. Sex workers and sex worker advocates.
 3. Individuals and organizations involved in the protection of civil liberties.
 4. Individuals and organizations involved in public safety, health care provisions and other areas relevant to supporting persons with lived experience in human trafficking.

Amendment of the strategy

- (5) After a review is completed, the Government of Ontario shall do one of the following:
1. Amend the strategy.
 2. Replace the strategy with a new one.
 3. Continue the existing strategy.

Publication

- (6) The Minister shall publish on a Government of Ontario website the anti-human trafficking strategy, as amended, replaced or continued under subsection (5).

Principles

- 5 (1) The following are the paramount principles referred to in subsection 4 (2):

Human rights-based

1. Promoting and protecting human rights are foundational to an effective strategy.

Survivor-centred

2. It is foundational to the strategy's success that people with lived experiences of human trafficking be empowered and that their expertise be recognized.

Additional principles

- (2) The following are the additional principles referred to in subsection 4 (2):

Collective responsibility

1. All communities and all levels of government have a collective responsibility to take action and work collaboratively to end human trafficking and support survivors.

Intersectionality

2. Race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status and disability may intersect and may impact whether and how a person experiences and recovers from human trafficking.

Cultural responsiveness

3. Access to safe, culturally-responsive and respectful services, including for Indigenous individuals and communities, supports the strategy's success.

Prevention

4. To achieve the strategy's aims, efforts are required to address the root causes of human trafficking and the factors that result in children and other persons being at higher risk of being trafficked.

Trauma-informed

5. Supports provided across service systems over the course of survivors' lives should be informed by the complexity and pervasiveness of trauma and the risk of re-traumatization.

Informed by evidence

6. Decisions should be guided by diverse sources of evidence, including survivors' experiences, promising practices and traditional Indigenous knowledge.

Sustainability and agility

7. A sustainable and agile approach is necessary to adapt to the changing nature of human trafficking and to achieve the strategy's aims.

REGULATIONS RESPECTING ANTI-HUMAN TRAFFICKING MEASURES

Regulations, anti-human trafficking measures

- 6** (1) Subject to subsection (3), the Lieutenant Governor in Council may make regulations,
- (a) requiring specified persons or entities to disseminate information respecting human trafficking, including providing for the specific information to be disseminated as well as where it is to be disseminated and the manner in which it is to be disseminated;
 - (b) requiring specified employers to provide training on human trafficking or specified persons to undergo training on human trafficking, including providing for the content and means of delivery of any such training;
 - (c) imposing requirements on persons or entities to which a regulation made under clause (a) or (b) applies in order to facilitate the enforcement of the requirements of the regulation, including reporting requirements, requirements to make specified information available to the public and record-keeping requirements;
 - (d) requiring specified persons whose employers are required to provide them training or who are required to undergo training under a regulation made under clause (a) or (b) and who, in the course of their employment or professional duties, witness instances of suspected human trafficking to report such instances, including,
 - (i) specifying instances that must be reported and to whom the report must be made,
 - (ii) prescribing the information that must be reported as well as the manner in which the report must be made;
 - (e) with respect to entities that post, publish or otherwise disseminate advertisements for sexual services and entities that operate platforms for such advertisements,
 - (i) prescribing the entities and advertisements, including the types or categories of entities and advertisements, to which a regulation made under this clause applies or does not apply,
 - (ii) requiring such entities to make their contact information available to the public, including providing for the types of contact information to be included as well as the manner in which it is to be made available,
 - (iii) requiring such entities to respond to the police and other specified persons or entities and providing for the manner in which to respond, including the time period in which the response must be given,
 - (iv) imposing requirements on such entities in order to facilitate the enforcement of the requirements of the regulation, including reporting requirements, requirements to make specified information available to the public and record-keeping requirements;
 - (f) requiring specified persons or entities to collect and provide the Minister with information, except for personal information within the meaning of the *Freedom of Information and Protection of Privacy Act*, that the Minister determines is necessary in order to,
 - (i) conduct research and analysis to plan for the delivery of programs and services under the anti-human trafficking strategy,
 - (ii) evaluate those programs and services;
 - (g) for the purposes of clause (f), prescribing the type of information to be provided as well as the manner in which it is to be provided.

Protection from liability

- (2) No action for making a report as required by a regulation made under clause (1) (d) or for providing information in connection with such a report shall be commenced against a person who made the report or provided the information unless the person acts maliciously or without reasonable grounds for making the report or providing the information.

Consultation

- (3) Before a regulation may be made under subsection (1), the Minister shall consult, in the manner that the Minister considers appropriate, with the persons or bodies that the Minister considers appropriate given the content of the proposed regulation.

Other information

(4) A regulation made under subsection (1) shall not permit or require the collection, use or disclosure of personal information if other information will serve the purpose of the collection, use or disclosure, as the case may be.

Extent of information

(5) A regulation made under subsection (1) shall not permit or require the collection, use or disclosure of more personal information than is reasonably necessary to meet the purposes of the collection, use or disclosure, as the case may be.

ENFORCEMENT

Inspectors

7 (1) The Minister may appoint inspectors for the purposes of this Act.

Restricted appointments

(2) The Minister may specify, in an appointment, conditions or restrictions to which the appointment is subject.

Inspection

(3) Subject to subsection (4), for the purpose of determining whether the regulations made under subsection 6 (1) are being complied with, an inspector may, without a warrant or notice, and at any time, enter and inspect any place.

Dwellings

(4) An inspector shall not enter into a place or part of a place that is a dwelling, without the consent of the occupant.

Use of force

(5) An inspector is not entitled to use force to enter and inspect a place.

Identification

(6) An inspector conducting an inspection shall produce, on request, evidence of the inspector's appointment.

Powers of inspector

(7) An inspector conducting an inspection may,

- (a) examine a record or other thing that is or may be relevant to the inspection;
- (b) demand the production for inspection of a record, in a readable format, or other thing that is or may be relevant to the inspection;
- (c) remove for review and copying a record or other thing that is or may be relevant to the inspection;
- (d) require that a copy of any record retained in an electronic form be provided on paper or electronically, or both; and
- (e) question a person on any matter that is or may be relevant to the inspection, including questioning a person separate from others.

Written demand

(8) A demand that a record or other thing be produced for inspection must be in writing and include a statement of the nature of the record or thing required, and may include a date and time for the record or other thing to be produced.

Records and things removed from place

(9) An inspector who removes a record or other thing shall provide a receipt and return the record or thing within a reasonable time.

Copy admissible in evidence

(10) A copy of a record that purports to be certified by an inspector as being a true copy of the original is admissible in evidence to the same extent as the original and has the same evidentiary value, without proof of the signature or official character of the person appearing to have certified the copy.

Obstruction

(11) No person shall,

- (a) obstruct an inspector who is conducting an inspection;
- (b) conceal, destroy or refuse to furnish any record or thing required by the inspector for the purposes of the inspection;
- (c) provide the inspector with information that the person knows to be false or misleading; or
- (d) refuse to answer questions on any matter that is or may be relevant to the inspection.

Offences

- 8** (1) A person is guilty of an offence if the person contravenes,
- (a) a provision of a regulation made under subsection 6 (1); or
 - (b) clause 7 (11) (a), (b), (c) or (d).

Penalty, individual

- (2) An individual who is convicted of an offence under subsection (1) is liable to a fine of not more than \$50,000.

Penalty, corporation

- (3) A corporation that is convicted of an offence under subsection (1) is liable to a fine of not more than \$100,000.

No limitation

- (4) Section 76 of the *Provincial Offences Act* does not apply to a prosecution under this Act.

Protection of information

(5) In a prosecution for an offence under subsection (1) that relates to the reporting of instances of suspected human trafficking or where documents or materials are filed with a court under sections 158 to 160 of the *Provincial Offences Act* in relation to an investigation into such an offence under this Act, the court may, at any time, take precautions to avoid the disclosure by the court or any person of any personal information, within the meaning of the *Freedom of Information and Protection of Privacy Act*, including, where appropriate,

- (a) removing the identifying information of any person whose personal information is referred to in any documents or materials;
- (b) receiving representations without notice;
- (c) conducting hearings or parts of hearings in private; or
- (d) sealing all or part of the court files.

Public record

9 The Minister may publish or otherwise make available to the public information, including personal information within the meaning of the *Freedom of Information and Protection of Privacy Act*, respecting a person or entity's compliance with the regulations made under subsection 6 (1), including information about convictions and penalties imposed on conviction.

GENERAL REGULATIONS AND MISCELLANEOUS

General regulations

- 10** The Lieutenant Governor in Council may make regulations,
- (a) defining any term that is used in this Act and that is not defined in this Act;
 - (b) providing for how elements of an offence under this Act may be proved in a prosecution, including providing for presumptions that apply or inferences that may be made in the absence of evidence to the contrary.

Crown bound

- 11** This Act binds the Crown.

COMMENCEMENT AND SHORT TITLE

Commencement

12 (1) Subject to subsection (2), the Act set out in this Schedule comes into force on the day the *Combating Human Trafficking Act, 2021* receives Royal Assent.

- (2) Sections 6 to 10 come into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

- 13** The short title of the Act set out in this Schedule is the *Anti-Human Trafficking Strategy Act, 2021*.

**SCHEDULE 3
CHILD, YOUTH AND FAMILY SERVICES ACT, 2017**

1 (1) Section 74 of the *Child, Youth and Family Services Act, 2017* is amended by adding the following subsection:

Child sex trafficking

(1.1) A child is subjected to child sex trafficking for the purposes of this Part where another person does any of the following for the purposes of sexually exploiting the child:

1. Recruits, transports, transfers, receives, holds, conceals or harbours the child.
2. Exercises control, direction or influence over the movements of the child.

(2) Subsection 74 (2) of the Act is amended by adding the following clauses:

- (d.1) the child has been sexually exploited as a result of being subjected to child sex trafficking;
- (d.2) there is a risk that the child is likely to be sexually exploited as a result of being subjected to child sex trafficking;

2 The Act is amended by adding the following section before the heading “Legal Representation”:

REMOVAL TO OFFER VOLUNTARY SERVICES

Removal to offer services, children 16 or 17

77.1 (1) A child protection worker or a peace officer may bring a child who is 16 or 17 to another location for up to 12 hours for the purpose of offering services and supports to the child, including the possibility of entering into an agreement under section 77, if the child protection worker or the peace officer has reasonable and probable grounds to believe that the child is in need of protection within the meaning of clause 74 (2) (d.1) and that,

- (a) the child has suffered physical harm inflicted by a person involved in subjecting the child to child sex trafficking or received threats of physical harm by such a person;
- (b) the child is dependent on alcohol or controlled substances as defined in the *Controlled Drugs and Substances Act* (Canada) or is being provided with alcohol or such controlled substances by another person in order to facilitate the sexual exploitation of the child;
- (c) the child has a disorder of emotional processes, thought or cognition, a developmental disability or a brain injury and the disorder, disability or injury significantly impairs the child’s capacity to make reasoned judgements regarding the circumstances surrounding their sexual exploitation;
- (d) the child does not have access to housing other than as provided by a person involved in subjecting the child to child sex trafficking;
- (e) the child’s finances are being controlled by a person involved in subjecting the child to child sex trafficking or such a person is threatening to control their finances;
- (f) the child’s personal effects or identification documents are under the control of a person involved in subjecting the child to child sex trafficking;
- (g) the child does not have Canadian citizenship and information about their immigration status is being used by another person in order to coerce the child into being sexually exploited; or
- (h) the child is otherwise unable to exercise mature and independent judgement regarding the circumstances of their sexual exploitation because the child is being coerced, manipulated or unduly influenced by a person involved in subjecting the child to child sex trafficking.

Police assistance

(2) A child protection worker acting under this section may call for the assistance of a peace officer.

Use of mechanical restraints prohibited

(3) A child protection worker or a peace officer shall not use or permit the use of mechanical restraints on a child when acting under this section.

3 Subsection 125 (1) of the Act is amended by adding the following paragraphs:

- 4.1 The child has been sexually exploited as a result of being subjected to child sex trafficking.
- 4.2 There is a risk that the child is likely to be sexually exploited as a result of being subjected to child sex trafficking.

4 Section 140 of the Act is amended by adding “a temporary order for care and custody made under clause 94 (2) (b), (c) or (d) or” after “If a child is the subject of” in the portion before clause (a).

5 Clause 141 (b) of the Act is amended by adding “77.1” before “81”.

6 (1) Subsection 142 (1) of the Act is amended by adding “or” at the end of clause (g) and by repealing clauses (h) and (i) and substituting the following:

(h) clause 141 (a) (false information).

(2) Section 142 of the Act is amended by adding the following subsection:

Same

(1.1) A person who contravenes,

(a) any provision of section 140 (interference with child, etc.); or

(b) clause 141 (b) (obstruction, etc.),

and a director, officer or employee of a corporation who authorizes, permits or concurs in such a contravention by the corporation is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 or to imprisonment for a term of not more than two years, or to both.

7 The Act is amended by adding the following section:

Offences, procedure

142.1 (1) The Crown may, by notice to the clerk of the Ontario Court of Justice, require that a provincial judge preside over a proceeding in respect of an offence under section 142.

No limitation

(2) Section 76 of the *Provincial Offences Act* does not apply to a prosecution under this Part.

Commencement

8 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE 4
PREVENTION OF AND REMEDIES FOR HUMAN TRAFFICKING ACT, 2017

1 Section 3 of the *Prevention of and Remedies for Human Trafficking Act, 2017* is amended by adding the following subsection:

Same, customary care

(1.1) For the purposes of this Part, paragraph 2 of subsection (1) applies with respect to a person caring for a child under customary care as defined in the *Child, Youth and Family Services Act, 2017*, regardless of whether the customary care constitutes lawful custody of the child.

2 (1) Subsection 4 (4) of the Act is amended by striking out “for the protection of the victim” in the portion before clause (a) and substituting “for the protection of the victim and, if applicable, any other person”.

(2) Subsection 4 (5) of the Act is amended by striking out “for the protection of the victim” in the portion before clause (a) and substituting “for the protection of the victim or any other person”.

3 Section 5 of the Act is amended by adding the following subsections:

Longer periods of application

(6) Despite subsections (1) and (2), a restraining order may be made or extended for a period of longer than three years, as specified by the court, if the court is satisfied that the longer period is necessary for the protection of any person that the order is intended to protect.

Transition

(7) For greater certainty, subsection (6) applies with respect to the extension of a restraining order even if the order was made before the day section 3 of Schedule 4 to the *Combating Human Trafficking Act, 2021* came into force.

Commencement

4 This Schedule comes into force on the day the *Combating Human Trafficking Act, 2021* receives Royal Assent.