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Assembly  
of Ontario



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# Bill 41

## **An Act to amend the Consumer Reporting Act and the Prevention of and Remedies for Human Trafficking Act, 2017 with respect to certain debts incurred in relation to human trafficking**

### **Co-sponsors:**

Mrs. L. Collard  
Mr. C. Glover  
Mr. M. Schreiner  
Ms L. Scott

### **Private Members' Bill**

1st Reading      November 16, 2022  
2nd Reading     February 23, 2023  
3rd Reading  
Royal Assent

*(Reprinted as amended by the Standing Committee on Justice Policy  
and as reported to the Legislative Assembly September 25, 2023)*

*(The provisions in this bill will be renumbered after 3rd Reading)*



This reprint of the Bill is marked to indicate the changes that were made in Committee.

The changes are indicated by underlines for new text and a ~~striketrough~~ for deleted text.

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#### EXPLANATORY NOTE

The Bill amends the *Consumer Reporting Act* and the *Prevention of and Remedies for Human Trafficking Act, 2017*. The *Consumer Reporting Act* is amended to prohibit the inclusion in consumer reports of ~~unfavourable information about a consumer that resulted from human trafficking~~ information respecting any coerced debt. The *Prevention of and Remedies for Human Trafficking Act, 2017* is amended to add a new Part IV, which provides for the concept of a coerced debt, that being a debt incurred ~~under a credit facility while the debtor was~~ as a result of the debtor being subjected to human trafficking. The provisions of this new Part prohibit the collection of coerced debts and prohibit persons or entities from taking them into consideration when determining whether to provide credit services or products to the debtor. In the case of a dispute between a creditor and a debtor as to whether a debt is a coerced debt, either may apply to a ~~Tribunal~~ prescribed individual or group of individuals for a determination.

**An Act to amend the Consumer Reporting Act and the  
Prevention of and Remedies for Human Trafficking Act, 2017  
with respect to certain debts incurred in relation to human trafficking**

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

***Consumer Reporting Act***

**1** Subsection 9 (3) of the *Consumer Reporting Act* is amended by adding the following clause:

~~(b.1) any unfavourable personal information about a consumer having resulted from human trafficking as defined in section 1 of the *Prevention of, Remedies for and Measures to Support Recovery from Human Trafficking Act, 2017*;~~

(b.1) information respecting any coerced debt within the meaning of section 18 of the *Prevention of, Remedies for and Measures to Support Recovery from Human Trafficking Act, 2017*;

***Prevention of and Remedies for Human Trafficking Act, 2017***

**2** (1) The title of the *Prevention of and Remedies for Human Trafficking Act, 2017* is repealed and the following substituted:

**Prevention of, Remedies for and Measures to Support Recovery from Human Trafficking Act, 2017**

(2) Section 1 of the Act is amended by striking out “this Act” in the portion before the definition of “human trafficking” and substituting “Parts II and III”.

(3) Part IV of the Act is repealed and the following substituted:

**PART IV  
COERCED DEBTS INCURRED IN RELATION TO HUMAN TRAFFICKING**

**Interpretation**

~~18 A debt is a coerced debt for the purposes of this Part if,~~

~~— (a) the debt was incurred under a credit facility; and~~

~~— (b) the debt was incurred while the debtor was being subjected to human trafficking.~~

**Interpretation, “coerced debt”**

18 Subject to the regulations, a debt is a coerced debt for the purposes of this Part if the debt was incurred as a result of the debtor being subjected to human trafficking.

**Prohibition on collection of debts**

~~19 Despite any other Act, no person or entity shall, through any means whatsoever, collect or attempt to collect a coerced debt.~~

**Prohibition on collection of debts**

19 Despite any other Act, no person or entity shall, through any means whatsoever, knowingly collect or attempt to collect a coerced debt.

**Debt not to be considered by creditor or others**

~~20 No person or entity, including a creditor who is owed a coerced debt, shall take the existence of a coerced debt into consideration when determining whether to provide the debtor with any services or products offered by the person or entity.~~

**Debt not to be considered**

20 Where the existence of a coerced debt has been established, no person or entity who is determining whether to provide a debtor who has been subjected to human trafficking with credit services or products shall take the existence of the coerced debt into consideration when making that determination.

**Application to Tribunal**

~~21 (1) In the case of a disagreement as to the application of this Part to a debt, the debtor or creditor may apply to the Tribunal for a determination as to whether the debt is a coerced debt.~~

**Determination of Tribunal**

~~(2) After affording the debtor and creditor an opportunity to be heard, the Tribunal shall,~~

- ~~— (a) make a determination as to whether the debt, or some part of it, is a coerced debt and, if applicable, the amount of the coerced debt; and~~
- ~~— (b) notify the debtor and creditor of its determination.~~

**Definition**

~~(3) In this section,~~

~~“Tribunal” means the tribunal prescribed for the purposes of this section by the regulations made under this Part.~~

**Regulations**

~~22 The Minister responsible for the administration of this Act may make regulations respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Part and, without limiting the generality of the foregoing, may make regulations,~~

- ~~— (a) prescribing a tribunal for the purposes of section 21;~~
- ~~— (b) governing applications made to the Tribunal, including governing the application of the *Statutory Powers Procedure Act* or any of its provisions.~~

**Application to prescribed individual or group of individuals**

~~21 (1) Subject to subsection (2), in the case of a disagreement as to the application of this Part to a debt, the debtor or creditor may apply to a prescribed individual or group of individuals for a determination as to whether the debt is a coerced debt.~~

**Same**

~~(2) An application by a debtor must be accompanied by a letter from an organization that satisfies the prescribed criteria, setting out prescribed information in support of the application.~~

**Determination**

~~(3) After affording the debtor and creditor an opportunity to be heard, the prescribed individual or group of individuals shall,~~

- ~~— (a) make a determination as to whether the debt, or some part of it, is a coerced debt and, if applicable, the amount of the coerced debt; and~~
- ~~— (b) notify the debtor and creditor of the determination in writing.~~

**Regulations**

~~22 The Minister responsible for the administration of this Act may make regulations respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Part and, without limiting the generality of the foregoing, may make regulations,~~

- ~~— (a) respecting anything that, under this Part, may or must be prescribed or done by regulation;~~
- ~~— (b) prescribing types of debts that are not coerced debts for the purposes of this Part;~~
- ~~— (c) prescribing criteria that must be satisfied in order for a coerced debt to be established;~~
- ~~— (d) governing applications made under section 21, including governing the application of the *Statutory Powers Procedure Act* or any of its provisions.~~

**Crown bound**

23 This Part binds the Crown.

**Commencement**

3 This Act comes into force on ~~the day it receives Royal Assent~~ a day to be named by proclamation of the Lieutenant Governor.

**Short title**

4 The short title of this Act is the *Protection from Coerced Debts Incurred in relation to Human Trafficking Act, 2023.*